

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



CITY COUNCIL
Peter Svarzbein, District 1
Alexsandra Annello, 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

**Final
AGENDA FOR THE REGULAR COUNCIL MEETING**

February 02, 2021

3:30 PM

Teleconference phone number 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 707-592-504#

AND

AGENDA REVIEW MEETING

February 1, 2021

3:30 PM

Teleconference phone number 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 400-439-280#

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 an Agenda Review Meeting will be conducted on February 1, 2021 at 3:30 P.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on February 2, 2021 at 3:30 P.M. Members of the public may view the meeting via the following means:

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

Via television on City15,

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

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

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

At the prompt please enter the corresponding Conference ID:

**Agenda Review, February 1, 2021 Conference ID: 400-439-280#
Regular Council Meeting, February 2, 2021 Conference ID: 707-592-504#**

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**

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

Mayor Oscar Leeser and Representatives Peter Svarzbein, Alexsandra Anello, 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

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of Minutes of the Regular City Council Meeting of January 19, 2021.

[21-140](#)

All Districts

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

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

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

CONSENT AGENDA - RESOLUTIONS:

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

3. Approve budget transfer to increase FY2021 Confiscated Funds and appropriations as follows: State Confiscated Funds Budget by \$1,092,167; Federal Confiscated Funds Budget by \$447,468. [21-103](#)

All Districts

Police, Chief Gregory K. Allen, (915) 212-4302

4. The El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3952702, for the City of El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2021" to provide financial assistance to the City of El Paso. Requesting \$86,701.04, no cash match is required. Grant period will be from October 1, 2021 - September 30, 2022. [21-108](#)

All Districts

Police, Assistant Chief Zina Silva, (915) 212-4306

5. That the City Manager, or designee, is authorized to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This addendum extends the lease for an additional two years ending on February 28, 2023 with a monthly base rent of \$6,500. Further, that City Manager or designee is authorized to exercise all rights under the lease including termination of the lease. The City Manager or designee is also authorized to sign any amendments to the lease. [21-109](#)

All Districts

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

6. A Resolution authorizing the City Manager or designee to submit a grant application number 2950607 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021- LETPA Project " through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$148,455.00, no cash match required. Grant period will be from September 1, 2021 - August 31, 2022. [21-111](#)

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

7. A Resolution authorizing the City Manager or designee to submit grant application number 3967902 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021- Sustainment of First Responders" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$160,000.00 no cash match required. Grant period will be from September 1, 2021 - August 31, 2022. [21-112](#)

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

8. Authorize the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3550602, for the City of El Paso Police Department project identified as " Crime Scene Investigation, FY 2022" to provide financial assistance to the City of El Paso. Requesting \$53,875.00, no cash match is required. Grant period will be from October 1, 2021 - September 30, 2022. [21-133](#)

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

10. A Resolution authorizing the City Manager or designee to submit a grant application number 2950707 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021 - MATRIX El Paso Fusion Center Sustainment and Enhancement" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$489,173.32, no cash match required. Grant period will be from September 1, 2021 - August 31, 2022. [21-136](#)

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

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

11. Authorizing a dedication for use of the public as public right-of-way portions of the following property: Portions of Lot 1, Block 4, Riverside International Industrial Center recorded in Volume 74 Page 3, Plat Records of El Paso County Texas; A portion of Lot 1, Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; A portion of Tract 5, Block 53, Ysleta Grant Survey; a portion of Tract 5A, Block 53, Ysleta Grant Survey; a portion of Tract 6A, Block 53, Ysleta Grant Survey [21-166](#)

as shown on Map dated July 1928; a portion of Tract 6A, Block 53, Ysleta Grant Survey, as shown on Map dated July 1928; Lot 1, Block 5, Riverside International Industrial Central, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; a portion of Lot 1, Block 3, Riverside International Industrial Center, recorded in Volume 74, Page 3, Plat Records of El Paso County Texas.

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

12. A Resolution authorizing the Mayor of the City of El Paso, Texas to sign a resolution of no objection for a 2021 4% Non-Competitive, Low Income Housing Tax Credit (LIHTC) application submitted by CDV 34, LLC to the Texas Department of Housing and Community Affairs (TDHCA) for the rehabilitation of 101 affordable housing units at Corona del Valle, 5453 Ridge St, El Paso, TX 79932. [21-124](#)

District 1

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

13. That the Mayor of the City of El Paso, Texas be authorized to sign a Resolution providing that the City of El Paso acknowledges that the proposed Sun Pointe Apartment project by the Housing Authority of the City of El Paso is located in a census tract that has a poverty rate above 55% for developments and that the City authorizes the development to move forward consistent with prior action taken by City Council on December 15, 2020. [21-125](#)

All Districts

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

Community & Human Development, Mark Weber, (915) 212-1682

14. A Resolution authorizing the City Manager to sign an amendment to a Local Cash Match Agreement between the City of El Paso and Workforce Solutions Borderplex, Inc., reducing the amount of match certification of 45th Year (2020) Community Development Block Grant (CDBG) funds and Parks and Recreation Department General Funds from \$90,000.00 to \$43,327.08, to reflect actual expenditures. [21-151](#)

All Districts

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

CONSENT AGENDA - SPECIAL APPOINTMENT:

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

15. A Resolution that District 6 Representative, Claudia L. Rodriguez, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval. [21-126](#)

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

16. A Resolution that the Mayor elects to appoint District 1 Representative Peter Svarzbein to serve on the Texas Mayors of Military Communities committee.

[21-164](#)

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

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

17. Ivan Lopez to the Historic Landmark Commission by Representative Henry Rivera, District 7.

[21-137](#)

Mayor and Council, Representative Henry Rivera, (915) 212-0007

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

18. Holly Wright to the Civil Service Commission by Representative Joe Molinar, District 4.

[21-105](#)

Mayor and Council, Representative Joe Molinar, (915) 212-0004

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

19. Evi Marisa Licona to the Zoning Board of Adjustment in the Alternate Position by Representative Cissy Lizarraga, District 8.

[21-155](#)

Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

CONSENT AGENDA - BOARD APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

20. Mark Wancho to the Open Space Advisory Board by Representative Aleksandra Anello, District 2.

[21-143](#)

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

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

21. Fernando Delgado to the Parks and Recreation Advisory Board by Representative Claudia L. Rodriguez, District 6.

[21-152](#)

Mayor and Council, Representative Claudia L. Rodriguez, (915) 212-0006

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

- 22.** Mark-Thomas Bray to the Ethics Review Commission by Representative Joe Molinar, District 4. [21-114](#)
Mayor and Council, Representative Joe Molinar, (915) 212-0004
- 23.** Danny Perea to the El Paso Bond Overview Advisory Committee by Representative Cassandra Hernandez, District 3. [21-117](#)
Mayor and Council, Representative Cassandra Hernandez, (915) 212-0003
- 24.** Emma Acosta to the El Paso Bond Overview Advisory Committee by Representative Henry Rivera, District 7. [21-159](#)
Mayor and Council, Representative Henry Rivera, (915) 212-0007
- 25.** Representative Cassandra Hernandez to the Financial Oversight Audit Committee by Mayor Oscar Leeser. [21-160](#)
Mayor and Council, Mayor Oscar Leeser, (915) 212-0021
- 26.** Representative Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser. [21-150](#)
Mayor and Council, Mayor Oscar Leeser, (915) 212-0021
- 27.** Luis Yañez to the Civil Service Commission by Representative Cissy Lizarraga, District 8. [21-163](#)
Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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

- 28.** Martina Lorey to the City Plan Commission by Representative Aleksandra Anello, District 2. [21-153](#)
Mayor and Council, Representative Aleksandra Anello, (915) 212-0002
- 29.** Daniel Carey-Whalen to the City Plan Commission by Representative Joe Molinar, District 4. [21-156](#)
Mayor and Council, Representative Joe Molinar, (915) 212-0004
- 30.** William J. Ellis to the City Accessibility Advisory Committee by Representative Cissy Lizarraga, District 8. [21-154](#)
Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008
- 31.** Kate Felzer to the Building and Standards Commission by Representative Aleksandra Anello, District 2. [21-161](#)
Mayor and Council, Representative Aleksandra Anello, (915) 212-0002

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

32. 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 A) [21-115](#)

All Districts

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

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

33. For notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contributions by Mayor Oscar Leeser: \$2,500 from Randall J. Bowling and \$2,500 from Robert L. Bowling IV. [21-119](#)

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

34. For notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez: \$2,500 from Woody and Gayle Hunt. [21-157](#)

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

CONSENT AGENDA - REQUEST FOR PROPOSAL:

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

35. The linkage to Strategic Plan is subsection 2.1 - Maintain standing as one of the nation's top safest cities. This contract will support the Police Department's efforts to comply with S.B. 944 which requires law enforcement to preserve public information stored on an electronic device and forward that information to a governmental body server to be preserved based on standard governmental document storage guidelines. This service provides group messaging, person-to-person communication and the capability to send and receive photos and documents in real time situation. [21-135](#)

Award Summary:

The award of Solicitation No. 2020-975R Secure Messaging for First Responders to Infinite Convergence Solutions, Inc. for an initial three (3) year term estimated award of \$202,500.00.00. The award is to include two (2) one-year options in amount of \$135,000 for a total five (5) year award of

\$337,500.00.

Contract Variance:
N/A

Department: Police Department
Award to: Infinite Convergence Solutions, Inc.
Rockville, MD
Annual Estimated Award: \$67,500.00
Initial Term Estimated Award: \$202,500.00 (3 years)
Total Estimated Award: \$337,500.00 (5 years)
Account No.: 321-21280-2811-522150
Funding Source: Confiscated Fund
Districts: All

This is a Request for Proposal, service contract.

The Purchasing and Strategic Sourcing and Police Departments recommend award as indicated to Infinite Convergence Solutions, Inc. the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

All Districts

Police, Chief Gregory Allen, (915) 212-4302
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

36. The linkage to Strategic Plan is subsection 6.3 - Implement programs to reduce organizational risk. This contract will continue to provide plans offered as a supplement to the City's defined benefit pension plan.

[21-131](#)

Award Summary:

The award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

Contract Variance:
No cost to the City.

Department: Human Resources
Award to: Empower Retirement, LLC
Greenwood Village, CO
Items: ALL
Initial Term: 5 years
Option to Extend: Two, two (2) years
Annual Estimated Award: NA
Initial Term Estimated Award: NA
Total Estimated Award: NA

Account No.: NA
Funding Source: Employee Voluntary Contributions Only
Districts: All

This is a Request for Proposal, service contract.

The Purchasing and Strategic Sourcing and Human Resources Departments recommend award as indicated to Empower Retirement, LLC the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

All Districts

Human Resources, Mary L. Michel, (915) 212- 1267
Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

37. Budget Update.

[21-110](#)

All Districts

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

CALL TO THE PUBLIC – PUBLIC COMMENT:

Call to the Public will begin at 5:30 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: 707-592-504#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: http://legacy.elpasotexas.gov/muni_clerk/signup_form.asp

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

3:30 p.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 3: Promote the Visual Image of El Paso

38. **An Ordinance changing the zoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., City of El Paso, El Paso County, Texas from C-1/C/SC (Commercial/condition/special contract) to C-4/C/SC (Commercial/condition/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.** [21-127](#)

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: 1351 and 1355 Zaragoza Rd.

Applicant: Palo Verde Business Park, LLC; PZRZ20-00017

District 7

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

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2021

39. **An Ordinance releasing all conditions placed on the property by Ordinance No. 7313 and 17870 which changed the zoning of Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.** [21-130](#)

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

Subject Property: 1351 and 1355 Zaragoza Rd.

Applicant: Palo Verde Business Park, LLC; PZCR20-00002

District 7

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

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2021

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

40. **An Ordinance amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code in its entirety to clarify the rules and procedures related to the ethical requirements of City officers and employees by reorganizing the structure to create three articles: Code of Ethics; Standards of Conduct; and Ethics Review Commission; to amend,** [21-165](#)

clarify and add definitions, to define the jurisdiction of the Ethics Review Commission, and to streamline the complaint process. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is provided 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

PUBLIC HEARING WILL BE HELD ON FEBRUARY 16, 2021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

- 41.** The linkage to the Strategic Plan is subsection 4.2 - Create innovative, recreational, and cultural programs.

[21-120](#)

Award Summary:

Discussion and action on the award of Solicitation 2021-0260 Modesto Gomez Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated award of \$1,986,506.88. Park Improvements are to include stabilization and reconstruction of the walking/jogging path, rehabilitation of the two baseball and two soccer fields, installation of a desert garden. In addition, picnic tables, trash receptacles, accessible park benches, entry plaza, trees in raised planters and berms, a pet waste station, and exercise stations will also be installed.

Department: Capital Improvement
Award to: MARTINEZ BROS. CONTRACTORS, LLC
El Paso, TX
Item(s): All
Initial Term: 350 Consecutive Calendar Days
Base Bid: \$1,986,506.88
Total Estimated Award: \$1,986,506.88
Account No.: 190-29010-4800-580220- PCP13PRKA14
Funding Source: 2012 Quality of Life
District(s): 8

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC 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 8

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

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

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

[21-121](#)

Award Summary:

Discussion and action on the award of Solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated award of \$1,662,906.55. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

Department: Capital Improvement
Award to: International Eagle Enterprises, Inc.
El Paso, TX
Item(s): All
Initial Term: 180 Standard Workweek Days
Base Bid I: \$1,592,578.55
Base Bid II: \$58,800.00
Base Bid III: \$11,528.00
Total Estimated Award: \$1,662,906.55
Account No.: 190-580270-4743-38290-PCP18TRAN04
190-580270-4950-38170-PCP18TRAN04
Funding Source: 2018 Certificates of Obligation and Federal Highway
Administration
District(s): 3

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. The award is contingent upon Texas Department of Transportation (TXDOT) concurrence of award.

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, contingent upon concurrence

of award from TXDOT.

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 3

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

- 43.** 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

20-42

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.
[POSTPONED FROM 01-05-2021]

All Districts

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

44. An Ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.

[21-62](#)

All Districts

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

REGULAR AGENDA - OTHER BUSINESS:

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

45. Discussion and action on a Resolution adopting the 2019 City of El Paso Eastside Growth Management Plan and directing City Manager to create a cross functional team to report recommendations to City Council regarding the implementation of the plan.

[21-122](#)

All Districts

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

MEMBERS OF THE CITY COUNCIL

46. Discussion and action on amending the City Council's adopted Rules of Order, including but not limited to the rules governing debate.

[21-162](#)

All Districts

Mayor and Council, Representative Isabel Salcido, (915) 212-0005
Mayor and Council, Representative Henry Rivera, (915) 212-0007
Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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, Aleksandra Annello, 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

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 #: 21-140, 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 January 19, 2021.

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

OSCAR LEESER
MAYOR

TOMMY GONZALEZ
CITY MANAGER



CITY COUNCIL
PETER SVARZBEIN, DISTRICT 1
ALEXSANDRA ANNELLO, 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

MINUTES FOR REGULAR COUNCIL MEETING

January 19, 2021
3:30 PM

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

ROLL CALL

The City Council of the City Council met on the above time and date. Meeting was called to order at 3:34 p.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.

NOTICE TO THE PUBLIC

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

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Anello

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. *Motion made, seconded, and unanimously carried to **APPROVE** the Minutes of the Regular City Council Meeting of January 5, 2021.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

REGULAR CITY COUNCIL MEETING MINUTES JANUARY 19, 2021 1

NO ACTION was taken on this item.

.....
CONSENT AGENDA - RESOLUTIONS:
.....

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

3. *RESOLUTION

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

That the City Manager is authorized to sign a Lessor's Approval of Assignment of Southern Industrial Site Lease, by and between the City of El Paso ("Lessor"), Lomeli Investments, LLC ("Assignor"), and Americas Compliance Training & Drug Testing, LLC ("Assignee") for the following described property:

Lot 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, commonly known as 7501 Lockheed, El Paso, Texas.

.....
4. *RESOLUTION

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

That the City Council hereby acknowledges and ratifies the Assignment and that the City Manager is authorized to sign a Lessor's Approval of Assignment of Industrial Water Plant Lease, by and between the City of El Paso ("Lessor"), EWM PI, LLC ("Assignor"), and UW CMC LLC ("Assignee") for the following described property:

A portion of Butterfield Trail Aviation Park, Unit Two, Replat "A", an addition to the City of El Paso, El Paso County, Texas, containing approximately 273,830.0 square feet of land or 6.2863 acres, more or less.

.....
5. *RESOLUTION

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

That the City Manager is authorized to sign a Lessor's Approval Assignment of Butterfield Trail Industrial Park Lease by and between the City of El Paso ("Lessor"), TV6-W, LLC ("Assignor"), and TV6 Holdings, LLC ("Assignee") for the following described property:

Lot I, Block 11, Butterfield Trail Industrial Park Unit Two, Foreign Trade Zone No. 68, City of El Paso, El Paso County, Texas, municipally known and numbered as 25 Butterfield Trail Blvd., El Paso, Texas.

.....
6. *RESOLUTION

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

That the City Manager be authorized to sign a First Amendment to September 1, 1972 Lease by and between the City of El Paso ("Lessor") and the El Paso Independent School District ("Lessee") regarding the following described property:

Lots 8 and 9, Block 2-C; Lots 1, 2, 13, the north 77 feet of Lot 12 and the South½ of Lot 14, all of Block 3, El Paso International Airport Tracts, El Paso International Airport, El Paso, Texas.

7.

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

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

That the City Manager be authorized to sign a First Amendment to May 1, 1980 Lease by and between the City of El Paso ("Lessor") and the El Paso Independent School District ("Lessee") regarding the following described property:

A portion of Lot 10 and all of 11, Block 2-C, El Paso International Airport Tracts, Unit 4, El Paso International Airport, El Paso, Texas.

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

8.

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

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

That the City Manager be authorized to execute a Contract with Maria Ramirez, Judge of the Municipal Court of Appeals, to provide reasonable compensation to the Judge to cover her own clerical support and other administrative requirements for the administration of the court. The contract is for \$ 2,000 per month (\$ 24,000 per year), totaling \$ 96,000 over the 4-year term of the contract.

Goal 3: Promote the Visual Image of El Paso

9.

R E S O L U T I O N

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 with the following condition:

Any changes to the approved detailed site development plan will require a new detailed site development plan be reviewed and approved by City Council.

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.

Mr. Raul Garcia, Project Manager, presented a PowerPoint Presentation (on file in the City Clerk's Office) and responded to questions from Members of the City Council.

Representatives Svarzbein and Rivera commented.

Mr. Philip Etiwe, Planning and Inspections Director, commented.

1ST MOTION

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

NOT PRESENT FOR THE VOTE: Representative Annello

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to **AMEND** the Resolution to add a condition that all changes done to the property must come back to City Council for approval.

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

NAYS: None

3RD AND FINAL MOTION

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

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

10.

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

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

THAT the City Manager be authorized to sign Consent to Assignment of Contract No. 2016-1241 from Stericycle Environmental Solutions, Inc. ("Assignor") to Clean Earth Environmental Solutions, Inc. ("Assignee") for Household Hazardous Waste Disposal Services.

11.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing to issue a Purchase Order to Wagner Equipment Company dba Wagner Power System, referencing contract 2020-1086 CAT Certified Rebuild on 836 Compactor Unit 08051. This will be a change order to increase the contract by \$65,372.56 for a total not to exceed \$654,929.96 for the initial term.

Department:	Environmental Services
Award to	Wagner Equipment Company dba Wagner Power System
	Denver, CO
Items:	All
Term:	1 year

Total Estimated Award: \$65,372.56
Account No.: 334-34130-3150-P3470-580290-PESD00200
Funding Source: ESD Capital Funds
Reference No.: 2020-1086

This is a Change Order for a Sole Source, service contract.

CONSENT AGENDA – SPECIAL APPOINTMENTS:

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

12. *RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization's Transportation Policy Board (TPB) provide that the City of El Paso's representation on the TPB includes the mayor or appointee; and

WHEREAS, the TPB bylaws provide that representatives of local units of government shall be appointed by and serve at the pleasure of the City Councils for the entity they represent.

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

That the City confirms that Mayor Oscar Leeser is the designated appointee at the TPB as described in the TPB bylaws.

Unless otherwise provided by a formal action of City Council, the Mayor of El Paso is designated to serve on the TPB as a representative of the City of El Paso as provided in the TPB bylaws. Unless otherwise provided in a subsequent resolution by City Council, no further action is necessary to allow a serving Mayor of the City of El Paso to represent the City at the TPB.

13. *RESOLUTION

WHEREAS, the By-laws and Procedures for the Metropolitan Planning Organization's Transportation Policy Board (TPB) provide that the City of El Paso's representation on the TPB shall be equal to the number of unincorporated Texas municipalities who have representation on the TPB; and

WHEREAS, the TPB bylaws provide that representatives of local units of government shall be appointed by and serve at the pleasure of the appointing local units of government they represent; and

WHEREAS, there has become a vacancy regarding a city representative on the TPB; and

WHEREAS, the City of El Paso now desires to appoint District 3, Cassandra Hernandez,

as a City representative to the TPB replacing former District 4 Representative, Sam Morgan.

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

That District 3 Representative, Cassandra Hernandez, be appointed as a City Representative to the Transportation Policy Board for the Metropolitan Planning Organization to replace former District 4 Representative, Sam Morgan, effective immediately.

CONSENT AGENDA - BOARD RE-APPOINTMENTS:

Goal 3: Promote the Visual Image of El Paso

14. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Stephen Mercer to the Capital Improvements Advisory Committee by Representative Peter Svarzbein, District 1.

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

15. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Luis Antonio Sandoval to the Civil Service Commission by Representative Henry Rivera, District 7.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

16. *Motion made, seconded, and unanimously carried to **RE-APPOINT** Manuela "Mannys" Rodriguez to the Community Development Steering Committee by Representative Cissy Lizarraga, District 8.

CONSENT AGENDA - BOARD APPOINTMENTS:

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

17. *Motion made, seconded, and unanimously carried to **APPOINT** David Ortwein to the El Paso Bond Overview Advisory Committee by Representative Cissy Lizarraga, District 8.

Goal 8: Nurture and Promote a Healthy, Sustainable Community

18. *Motion made, seconded, and unanimously carried to **APPOINT** Lee Chayes to the Foster Grandparent Program Advisory Council by Representative Peter Svarzbein, District 1.
19. *Motion made, seconded, and unanimously carried to **APPOINT** Karen Polanco to the Animal Shelter Advisory Committee by Representative Isabel Salcido, District 5.

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

REGULAR CITY COUNCIL MEETING MINUTES JANUARY 19, 2021

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20.

***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, Hilda Morales ("Taxpayer") has applied for a refund with the tax assessor for their 2015 property taxes that were overpaid on February 29, 2016 in the amount of \$39.98 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2015 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:

1. THAT THE City finds that Hilda Morales showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2015 taxes and the tax refund in the amount of \$39.98 is approved.

21.

*Motion made, seconded, and unanimously carried to **APPROVE** the tax refunds listed below and posted on the attachment with this agenda:

1. Accumatch, in the amount of \$5,685.26, made an overpayment on December 14, 2020 of 2020 taxes. (Geo. #V854-003-0180-1600)
2. Accumatch, in the amount of \$ 6,530.22, made an overpayment on December 14, 2020 of 2020 taxes. (Geo. # H762-000-0050-0700)
3. Accumatch, in the amount of \$ 4,339.21, made an overpayment on December 11, 2020 of 2020 taxes. (Geo. # T287-999-2740-3400)
4. Thomas and Esther Cunningham, in the amount of \$ 9,340.16, made an overpayment on December 18, 2020 of 2020 taxes. (Geo. # M344-999-0030-1300)
5. Lower Valley Housing Corp., in the amount of \$ 2,635.62, made an overpayment on May 27, 2020 of 2019 taxes. (Geo. # D457-000-0170-1800)
6. Corelogic, in the amount of \$ 8,205.83, made an overpayment on November 30, 2019 of 2019 taxes. (Geo. # T287-999-4010-5200)

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

REGULAR CITY COUNCIL MEETING MINUTES JANUARY 19, 2021

8

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

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22. *Motion made, seconded, and unanimously carried to **ACCEPT** the notation pursuant to Section 2.92.110 of the City Code, receipt of the following campaign contribution by Representative Henry Rivera, District 7: \$500.00 from Frank Martinez.
-

CONSENT AGENDA – REQUEST TO ISSUE PURCHASE ORDERS:

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

.....

23. *Motion made, seconded, and unanimously carried to **AUTHORIZE** the Director of Purchasing and Strategic Sourcing to issue a Purchase Order to Duncan Parking Technologies, Inc., referencing Contract 2019-794 Single Space Parking Meters. This will be a change order to increase the contract by \$154,500.00 for a total amount not to exceed \$772,500.00 for the initial term. The change order will cover current expenses and future projects until the end of the term January 19, 2021 to April 29, 2022.

Contract Variance: The unit cost for this change order remains the same. There is no variance.

Department:	International Bridges
Award to:	Duncan Parking Technologies, Inc. Milwaukee, WI
Total Estimated Amount:	\$154,500.00
Account No.:	Parking Meter Fund
Funding Source	532290-564-3300-64850
District(s):	1, 3 & 8

This is a Change Order for a Sole Source, service contract.

.....

CONSENT AGENDA – BIDS:

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

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24. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2021-0006 Industrial Firearm Metal Shredder to BESA Equipment LLC, for an estimated total award of \$82,820.00. The award of this contract allows the Police Department to safely and effectively dispose of abandoned or seized property items.

Contract Variance:
N/A

Department:	Police
Award to:	BESA Equipment LLC Souderton, PA
Items:	All
Total Estimated Award:	\$82,820.00

Account No.: 321-21270-2812-580070
Funding Source: Confiscated Funds
Districts: All

This is a Formal Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Police Departments recommend award to BESA Equipment LLC the lowest responsive and responsible bidder.

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

25. *Motion made, seconded, and unanimously carried to **AWARD** Solicitation 2021-0376 Cleveland Clark Pocket Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated total award of \$121,759.29. The projects consist of parkway, landscape and irrigation improvements. Some of the improvements will include new bike racks, new receptacles, benches, and installation of landscape rock, trees and vegetation, and placement of geotextile fabric and rock mulch.

Department: Capital Improvement
Award to: MARTINEZ BROS. CONTRACTORS, LLC
El Paso, TX
Item(s): All
Initial Term: 150 Consecutive Calendar Days
Base Bid: \$121,751.29
Total Estimated Award: \$121,751.29
Account No.: 471-71240-2400-580270- G7145CD68
Funding Source: Community Development Block Grant
District: 3

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC 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.

REGULAR AGENDA – OPERATIONAL FOCUS UPDATES:

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

26. 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. CFT Operations (Chief Mario D'Agostino)
3. City Attorney Overview (Karla Nieman)
 - a) State Disaster Declarations
 - b) City Attorney's Office COVID-19 Support
4. Team Lead Reports:
 1. Health Focus (Hector Ocaranza, M.D.)
 - a) Community Task Force Recommendations Update
 2. Vaccination Update (Angela Mora)
 3. Testing Recap and Update (Tracey Jerome)
 4. Data Analysis (David Coronado)
 5. Planning + Infrastructure (Facilities) (Alex Hoffman)
 6. Education, Communication and Compliance (Laura Cruz-Acosta, Ellen Smyth, Dionne Mack)
 7. Financial Focus (Robert Cortinas)
 8. Community Vulnerabilities + Human Services (Nicole Ferrini)
 9. Economic Recovery (Jessica Herrera)
 10. Operations Focus (Cary Westin)

Mayor Leeser and Representatives Svarzbein, Anello, Hernandez, and Rivera posed questions and the following City staff presented information and responded to inquiries:

1. Mr. Tommy Gonzalez, City Manager
2. Fire Chief Mario D'Agostino
3. Ms. Karla Nieman, City Attorney
4. Dr. Hector Ocaranza, El Paso Health Authority
5. Ms. Dionne Mack, Deputy City Manager for Public Safety
6. Ms. Angela Mora, Public Health Director
7. Ms. Araceli Guerra, Managing Director of Internal Services
8. Ms. Laura Cruz Acosta, Strategic Communications Director
9. Ms. Tracey Jerome, Deputy City Manager of Quality of Life
10. Mr. David Coronado, International Bridges Director
11. Mr. Alex Hoffman, Assistant Director, Capital Improvement Department
12. Mr. Michael Vonasek, Assistant Director, Capital Improvement Department
13. Mr. Robert Cortinas, Chief Financial Officer
14. Ms. Nicole Ferrini, Community and Human Development Director
15. Ms. Miranda Diaz, Business Services Coordinator
16. Mr. Cary Westin, Senior Deputy City Manager

NO ACTION was taken on this item.

27. Budget Update - 1st Quarter Financial Report.

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

Mayor Leaser and Representatives Svarzbein and Annello commented.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

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

28. Update on the Cite and Release as requested by the City Manager to provide quarterly reports to City Council regarding the cite and release program for the purposes of transparency and to provide data regarding citations being issued and when discretionary arrests are used in lieu of citation. Said reports must be submitted within 45 days after the end of the quarter for 24 months after the implementation of the program. The report should not include any information that would jeopardize any ongoing criminal investigation or prosecution, or include any sensitive, witness, or crime tip information. The report should include the following data for each instance:

1. The documented reason for the stop or arrest;
2. The reason for the discretionary use of arrest (including but not limited to: outstanding warrants, intoxicated individual, uncooperative Individual, not a resident of the County of El Paso, habitual offender);
3. The race and ethnicity of the person; and
4. The general location, such as the region or zip code of the incident

Assistant Police Chief Zina Silva presented a PowerPoint Presentation (on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Molinar, and Rivera commented.

Ms. Karla Nieman, City Attorney commented.

NO ACTION was taken on this item.

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

CALL TO THE PUBLIC – PUBLIC COMMENT

Mr. Richard Genera, Citizen, commented.

REGULAR AGENDA - FIRST READING OF ORDINANCES

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

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

29. An Ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 2, 2021

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS

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

30. Motion made by Representative Hernandez, seconded by Representative Rivera, and unanimously to **AWARD** Solicitation 2021-0252 Metro 31 Flood Zone Mitigation to ZTEX CONSTRUCTION, INC. for an estimated total award of \$1,176,885.77. This award will support the improvements to the commercial development known as Northgate, located at the intersection of Diana and Dyer Street.

Department:	Capital Improvement
Award to:	ZTEX CONSTRUCTION, INC. El Paso, TX
Item(s):	All
Initial Term:	300 Consecutive Calendar Days
Base Bid I:	\$1,176,885.77
Total Estimated Award:	\$1,176,885.77
Account No.:	580010 - 480 - 4930 - 48000 - PEDFY18012 522360 - 480 - 2323 - 48040 - PEDFY18012 580170 - 480 - 4741 - 48040 - PEDFY18012 580160 - 480 - 4741 - 48040 - PEDFY18012 580270 - 480 - 4741 - 48040 - PEDFY18012
Funding Source:	2017 Certificates of Obligation and Economic Development Incentives
District(s):	4

This is a Low Bid procurement, unit price contract. The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to ZTEX CONSTRUCTION, 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,

REGULAR CITY COUNCIL MEETING MINUTES JANUARY 19, 2021 13

which are in accordance with applicable law, do not make changes to the prices and are within the appropriate budget.

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

NAYS: None

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES

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

31. ORDINANCE 019132

The City Clerk read an Ordinance entitled: **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.**

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

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

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

NAYS: None

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

Goal 3: Promote the Visual Image of El Paso

32. ORDINANCE 019133

The City Clerk read an Ordinance entitled: **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

Motion duly made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Hernandez, and carried that the Ordinance be **ADOPTED**.

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

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

NAYS: None

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

.....
33.

ORDINANCE 019134

The City Clerk read an Ordinance entitled: **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.**

Mr. Kevin Smith, Planning and Inspections Deputy Director, read a floor amendment into the record.

Mr. Jonathan Lopez, citizen, commented.

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **AMEND** the Ordinance to incorporate the floor amendments read into the record.

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

NAYS: None

2ND AND FINAL MOTION

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

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

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

NAYS: None

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

REGULAR AGENDA – OTHER BUSINESS

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

34.

RESOLUTION AMENDING SCHEDULE C FOR THE CITY OF EL PASO FY2021 FEE SCHEDULE

WHEREAS, the City Council adopted the Budget Resolution for FY 2021 on August 18, 2020; and

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

WHEREAS, the City Council desires that the Airport can charge a daily cargo parking and building use fee as allowed under City Code Section 14.24.130; and

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

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

That Schedule C, attached to the FY 2021 Budget Resolution and effective September 1, 2020, shall be amended as set forth in Attachment A, to establish the daily cargo parking and building use fee under Section 14.24.130 of the City Code effective January 19, 2021.

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

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

NAYS: None

35.

Presentation and discussion by El Paso Electric to introduce Chief Executive Officer, Kelly Tomblin, and present an overview of El Paso Electric planned activities and goals moving into 2021.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, introduced Ms. Kelly Tomblin.

The following representatives from El Paso Electric presented a PowerPoint Presentation (copy on file in the City Clerk's Office).

1. Ms. Kelly Tomblin, Chief Executive Officer
2. Ms. Jessica Christianson, Director of Sustainability
3. Mr. James Schichtl, Vice President of Regulatory Affairs
4. Mr. Steven Buraczyk, Senior Vice President of Operations
5. Mr. Eddie Gutierrez, Vice President of Strategic Communications

Mayor Leeser and Representatives Svarzbein and Annello commented.

The following members of the business community commented:

1. Mr. Jon Barela, Borderplex Alliance Chief Executive Officer
2. Mr. David Jerome, El Paso Chamber of Commerce President and Chief Executive Officer

NO ACTION was taken on this item.

-
- 36.** Discussion of a Business Assistance and Recovery program implemented by the Economic and International Development Department. The program provides continued assistance to the local business community.

Ms. Mirella Craigo, Economic and International Development Special District Program Manager and Ms. Aimee Olivas, Purchasing and Strategic Sourcing Socioeconomic Compliance Officer, presented a PowerPoint Presentation (on file in the City Clerk's Office).

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

37. RESOLUTION

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

That the City of El Paso Incentives Policy – Guidelines & Criteria 2021 attached hereto as Exhibit "A" be adopted as the City of El Paso Incentives Policy.

Mr. Rafael Arellano, Business Services Coordinator, presented a PowerPoint Presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein and Hernandez commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Jessica Herrera, Economic and International Development Director
3. Mr. Cary Westin, Senior Deputy City Manager

1ST MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **AMEND** the Downtown Plan Area to expand the boundaries to North to Schuster, West to El Paso St. and East to Virginia St.

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

NAYS: None

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried to **APPROVE, AS REVISED**, the Resolution.

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

NAYS: None

38.

R E S O L U T I O N

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

That the Texas Economic Development Incentive Program – Policy and Guidelines attached hereto as Exhibit A be adopted as the Economic Development Fund contemplated in the January 28, 2020 order issued by the Public Utility Commission of Texas Docket No. 29849.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, presented a PowerPoint Presentation (on file in the City Clerk's Office) and read a floor amendment into the record.

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

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Mr. Cary Westin, Senior Deputy City Manager
3. Ms. Jessica Herrera, Economic and International Development Director

1ST MOTION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** on January 20, 2021 at 12:07 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 to discuss the item.

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session on January 20, 2021 at 1:25 p.m. and **RECONVENE** the meeting of the City Council during which time the following motion was made.

3RD AND FINAL MOTION

Motion made by Representative Lizarraga, seconded by Representative Rivera, and carried to **APPROVE, AS REVISED**, the Resolution.

AYES: Representatives Svarzbein, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: Representative Annello

.....
The City Council Meeting was **RECESSED** at 1:26 a.m. on Wednesday, January 20, 2021.

The City Council Meeting was **RECONVENED** at 10:02 a.m. on Wednesday, January 20, 2021.
.....

39.

R E S O L U T I O N

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

That the City Manager is authorized to sign an Infill 380 Economic Development Program Agreement in a form substantially similar to the attached document by and between **CITY OF EL PASO, TEXAS** and **GREAT RIVER COMMERCIAL, LLC.** and **EPPX PROPERTY MANAGEMENT, LLC.** in support of the redevelopment of the property located at **1101-1125 TEXAS AVENUE, EL PASO, TEXAS 79901.**

Motion made by Representative Lizarraga, seconded by Representative Svarzbein, and unanimously carried to **APPROVE** the Resolution.

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

NAYS: None

.....
40.

R E S O L U T I O N

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

That the City Manager be authorized to sign an Agreement for Professional Services by and between the **CITY OF EL PASO** and **GARVER, LLC**, an Arkansas Limited Liability Company, for a project known as **“EL PASO INTERNATIONAL AIRPORT TAXIWAY K, K1, K2 AND J RECONFIGURATION”**, for an amount not to exceed \$786,583.50; and

That the City Manager or Designee be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$836,583.50; 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 execution of the Agreement.

Ms. Elizabeth Triggs, Strategic Partnerships Officer, introduced the item.

The following representatives from Texas Gas Service presented a PowerPoint Presentation (copy on file in the City Clerk’s Office).

1. Ms. Elizabeth O’Hara, Community Relations Manager
2. Ms. Jasmine King-Bush, Energy Efficiency Program Supervisor

Mayor Leeser and Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga commented.

The following members of City staff commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Nicole Ferrini, Chief Resilience Officer commented.

1ST MOTION

Motion made by Representative Annello, seconded by Representative Salcido, to **POSTPONE** the item indefinitely and have staff return to City Council with recommendations for the use of future funds to subsidize the program.

AYES: Representatives Svarzbein, Annello, and Salcido

NAYS: Representatives Hernandez, Molinar, Rodriguez, Rivera, and Lizarraga

THE MOTION FAILED.

2ND AND FINAL MOTION

Motion made by Representative Annello, seconded by Representative Salcido, and unanimously carried to **POSTPONE** the item for **FOUR WEEKS** and have staff return to City Council with recommendations for the use of future funds to subsidize the program.

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

NAYS: None

.....
41.

RESOLUTION

WHEREAS, on October 15, 2020, the Texas Gas Service Company ("TGS") filed an Application to Implement Initial Rates for a Conservation Adjustment tariff ("Energy Efficiency Program") which would take effect on November 25, 2020; and

WHEREAS, during the November 23, 2020 Council Meeting for the City of El Paso ("City"), Texas, the City suspended the proposed Energy Efficiency Program for 90 days after the effective day specified in the filing; and

WHEREAS, the City and TGS desire to enter into a revised Energy Efficiency Program.

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

That the City Council of the City of El Paso approves of the implementation of the Texas Gas Service Company ("TGS") Application to Implement Initial Rates for a Conservation Adjustment tariff; that the implementation occur on February 23, 2021; the tariff will be filed once every 3 years on October 15th; and that two full time employees based in El Paso be hired by TGS to administer the program.

That the City Manager or Designee be authorized to approve up to \$50,000.00 in additional services for a total contract amount not to exceed \$836,583.50; 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 execution of the Agreement.

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

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

NAYS: None

Goal 3: Promote the Visual Image of El Paso

- 42.** Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and carried to **GRANT** an exception from the prohibition of the sale of alcoholic beverages within 300 feet of a public or private school requested from Kinective Fitness Club, LLC for the property located at 1020 Belvidere Street, and legally described as a portion of Lot 1, Block 67-A, Chaparral Park #22, City of El Paso, El Paso County, Texas.

City Council grants this exception after notice and public hearing and makes the following determination that the enforcement of the prohibition in this particular instance:

1. Is not in the best interest of the public;
2. Constitutes waste or the inefficient use of land or other resources;
3. Creates an undue hardship on an applicant;
4. Does not serve its intended purpose;
5. Is not effective or necessary; or
6. After consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

Representatives Svarzbein and Rodriguez commented.

Mr. Blake Downey, citizen, commented.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rodriguez, and carried to **APPROVE** the request.

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

NAYS: Representatives Annello and Molinar

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

43. RESOLUTION

WHEREAS, by way of a Resolution on April 12, 2005, City Council adopted the 2014-2024 Public Art Master Plan dated October 28, 2014, as the primary guideline in determining and appropriating expenditures from the public art fund; and

WHEREAS, under the provisions of the City Code Chapter 2.40 (Department of Museums and Cultural Affairs) Section 2.40.70 (Art in Municipal Places) and Section

2.40.80 (Administration of the Public Art Program and Establishment of the Public Art Committee) the City of El Paso provided for art in municipal places, established a means of funding acquisition or commissioning of art for municipal places and established that the Public Art committee and the Museums and Cultural Affairs Advisory Board shall submit an annual Public Art Plan to the City Council; and

WHEREAS, the 2021 Public Art Plan (the "Plan") attached hereto as Exhibit "A" has been approved by the Public Art Committee ("PAC") and the Museums and Cultural Affairs Advisory Board ("MCAAB"), and is being recommended to Council; and

WHEREAS, the City Council may accept or reject any portion of this Plan; and

WHEREAS, the City Council, having taken into consideration the recommendation of the PAC and MCAAB, determines that the Plan is reasonable and appropriately adopted and that said Plan serves the public purpose of enhancing the quality of life of the citizens of El Paso through the development of fine arts and cultural properties and by encouraging the integration of art in the architecture of municipal structures.

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

1. That the Plan, attached hereto, be and is hereby officially adopted.
2. That Plan includes new projects to be initiated in the 2021 fiscal year, and describes the planned location, proposed budget, timetable, and artist selection process for each project, and contains updates on public art projects in progress.
3. That adoption of the Plan is fully funded through 2010, 2011, 2012, 2013, 2017, 2018, and 2019 Certificates of Obligation; the 2012 Infrastructure and Quality of Life Bonds; and the 2019 Public Safety Bonds.
4. That the City Manager or a designee is authorized to enter into contracts and amendments to contracts to carry out the Plan as described in Exhibit "A". If an artist identified in the Plan is unable or unwilling to finalize a contract with the City, then the City Manager is authorized to execute a contract and contract amendments with a new artist as selected by the Museum and Cultural Affairs Department approved by the Public Art Committee.

Mr. Ben Fyffe, Managing Director of Museums and Cultural Affairs and Ms. Miriam Garcia, Public Arts Supervisor, presented a PowerPoint Presentation (on file in the City Clerk's Office).

Mayor Pro Tempore Svarzbein and Representative Rodriguez commented

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

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

NAYS: None

Goal 8: Nurture and Promote a Healthy, Sustainable Community

44.

R E S O L U T I O N

WHEREAS, in late 2020, funding for the Texas Emergency Rental Assistance Program (TERAP), a program administered by the Texas Department of Housing and Community Affairs (TDHCA), was made available to provide rental assistance for households experiencing financial hardship due to the ongoing COVID-19 pandemic; and

WHEREAS, TDHCA appropriated Community Development Block Grant – Coronavirus (CDBG-CV) funds in the amount of \$1,977,081.66 to award to the City of El Paso under a contract, the period of which is to run through January 14, 2022; and

WHEREAS, through this Resolution, the City of El Paso has authorization to enter into a Contract for TERAP funds; and that the City Manager and the Director of the Department of Community and Human Development (DCHD) also have authority to execute contracts, contract amendments and related documents.

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

1. That the City Manager, or designee, is authorized to sign all contracts, contract amendments and related documents between the City of El Paso and the State of Texas for TERAP funds; and

2. That the City Manager, or designee, is authorized to sign all contracts, amendments and related documents between the City of El Paso and agencies receiving sub-awards from the City (Sub-Grantee Agencies) for TERAP funds, as well as all certifications, performance reports, and related documents for TDHCA and Sub-Grantee Agencies. Further, that the City Manager or designee, is authorized to exercise all rights under the signed agreements including termination and reallocation of funds.

Motion made by Representative Rivera, seconded by Representative Lizarraga, and unanimously carried to **AUTHORIZE** the Resolution.

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

NAYS: None

MEMBERS OF THE CITY COUNCIL

45. Update and discussion from staff on the El Paso Electric Newman 6 Project and the recent ruling from all interveners to include the New Mexico Public Regulation Commission and the impact it will have on the City of El Paso and residents.

Mayor Leeser and Representatives Svarzbein, Annello, and Molinar commented.

Ms. Karla Nieman, City Attorney, commented.

The following representatives from El Paso Electric commented.

1. Ms. Kelly Tomblin, Chief Executive Officer
2. Mr. James Schichtl, Vice President of Regulatory Affairs

The following members of the public commented:

1. Mr. Miguel Escoto
2. Mr. Angel Ulloa
3. Ms. Cindy Ramos Davidson
4. Ms. Rachel Ortega
5. Ms. Ana Reza
6. Ms. Graciela Blandon
7. Ms. Alyssa Garza
8. Ms. Ana Fuentes
9. Ms. Desiree Miller
10. Ms. Samantha Cooney
11. Ms. Adriana Montoya
12. Mr. Jean Carlo Tirado
13. Ms. Joseline Avila
14. Ms. Catherine Sotelo
15. Mr. Mario Holguin
16. Mr. Josh Simmons
17. Mr. Juan Pablo Flores Vasquez

NO ACTION was taken on this item.

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EXECUTIVE SESSION

Motion made by Representative Rivera, seconded by Representative Salcido, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:07 p.m. on Wednesday, January 20, 2021 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, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

Motion made by Representative Hernandez, seconded by Representative Salcido, and unanimously carried to adjourn the Executive Session at 1:25 p.m. on Wednesday, January 20, 2021 and **RECONVENE** the meeting of the City Council during which time the following motions were made.

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

NAYS: None

.....
EX1. Tovar, Daniel vs. City of El Paso; Matter: 19-1005-1751; (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney be **AUTHORIZED** to reject Plaintiffs' settlement demand in the case entitled, Tovar, Daniel vs. City of El Paso pending in 327th District Court under Cause No. 2019DCV1249 in Matter No. 19-1005-1751.

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

NAYS: None

.....
EX2. Birds N Beasts Inc. c/o Krathwohl, President; Matter No. 19-1045-096; (551.071)

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Rivera, and unanimously carried that the City Attorney's Office be **AUTHORIZED** to any and all actions necessary to pursue a lawsuit against Defendant, Birds N Beasts Inc. c/o Krathwohl, President, in order to recover the property pending in Matter No. 19-1045-096. This includes the signing of correspondence, execution of agreements, filing of legal papers, and any other actions reasonably necessary to recover the City's property.

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

NAYS: None

.....
EX3. Economic Incentives for a Telecommunications Company located in the City of El Paso. (21-1007-2674) (551.071) (551.087)

NO ACTION was taken on this item.

.....
EX4. Status of pending negotiations for several Economic and International Development Department Projects in the City of El Paso. (20-1007-2670)

*Motion made, seconded, and unanimously carried to **DELETE** this item.

.....
ADJOURN

.....
Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 1:48 p.m. on Wednesday, January 20, 2021.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



Legislation Text

File #: 21-103, Version: 2

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

All Districts

Police, Chief Gregory K. Allen, (915) 212-4302

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

STRATEGIC GOAL:

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

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.

Approve budget transfer to increase FY2021 Confiscated Funds and appropriations as follows: State Confiscated Funds Budget by \$1,092,167; Federal Confiscated Funds Budget by \$447,468.

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: Police Department

AGENDA DATE: January 19, 2021

CONTACT PERSON NAME/PHONE: Gregory Allen, Police Chief, 915-212-4302

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL NO.2: Set the Standard for a Safe and Secure City

SUBJECT:

Approve budget transfer to increase FY2021 Confiscated Funds and appropriations as follows: State Confiscated Funds Budget by \$1,092,167; Federal Confiscated Funds Budget by \$447,468.

BACKGROUND/ DISCUSSION:

Funds are received through awards made by the Asset Forfeiture Program and must be used to further law enforcement activities. The proposed FY2021 Confiscated Funds Budget will allow the Police Department to purchase public safety equipment, providing training to employees, and fund substance abuse and prevention programs. The major planned purchases are detailed in the attached document.

SELECTION SUMMARY:

N/A

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

CONTRACT VARIANCE:

N/A

PRIOR COUNCIL ACTION:

City Council approved FY20 Confiscated Funds Budget Transfer December 17, 2019

AMOUNT AND SOURCE OF FUNDING:

Funding from State, and Federal Confiscated Fund awards
321-21270-2812
321-21270-2814

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Gregory K. Allen



El Paso Police Department

MAYOR

Oscar Leaser

CITY COUNCIL

District 1

Peter Svarzbein

District 2

Alexsandra Anello

District 3

Cassandra Hernandez

District 4

Joe Molinar

District 5

Isabel Salcido

District 6

Claudia L. Rodriguez

District 7

Henry Rivera

District 8

Cissy Lizarraga

CITY MANAGER

Tommy Gonzalez

TO: Katherine N. Cote, Chief Budget Officer

FROM: Gregory K. Allen, Chief of Police

DATE: 1/04/21

RE: FY 2021 Confiscated Fund Budget Transfer

The Guide to Equitable Sharing for State and Local Law Enforcement Agencies published by the U.S. Department of Justice states that funds received from state and federal agencies derived from forfeited assets shall only be used by law enforcement agencies for law enforcement purposes. The proposed FY 2021 Confiscated Fund budget will allow the El Paso Police Department to provide public safety equipment to employees, replace computes, purchase capital equipment, and fund substance abuse and prevention programs.

The FY 2021 confiscated fund program totals \$1,539,635. Summarized below are the major purchases for the FY 2021 Confiscated Fund program:

- A. Contractual Services -\$223,800
Includes leased vehicles for the Internal Affairs Division, explorers program for each regional command center, first responder secure messaging system, and outside consultants.
- B. Aviation Fuel and Maintenance - \$5,000
- C. Travel and mileage reimbursement- \$25,000
Travel for uniform and non-uniform personnel to attend various training and certification courses; mileage reimbursement for Chaplains and volunteers.
- D. Computer Equipment and Software- \$314,420
Fund the police department's annual computer replacement plan. Purchase laptops, online reporting software, reporting management system analytic software and inventory management system.
- E. Substance Abuse and Prevention- \$109,217
Per City Council policy 10% of state confiscated funds must be allocated to drug prevention programs. The funds are to be disbursed to non-profit agencies in collaboration with Community Development.



El Paso Police Department

MAYOR

Oscar Leaser

CITY COUNCIL

District 1

Peter Svarzbein

District 2

Alexandra Anello

District 3

Cassandra Hernandez

District 4

Joe Molinar

District 5

Isabel Salcido

District 6

Claudia L. Rodriguez

District 7

Henry Rivera

District 8

Cissy Lizarraga

CITY MANAGER

Tommy Gonzalez

F. Capital Purchases and Equipment- \$68,739

Purchase office furniture, lockers, gym equipment, polygraph chair, utility vehicle and backup generator for various units and regional command centers.

G. Minor Equipment and Supplies - \$70,797

Replace end of life cameras, camcorders and tripod in the Special Traffic Investigation, Crime Scene and Crimes Against Persons units. Replace rappel harness for COMSAR. Purchase bike lights for the Metro unit and Regional Command Centers.

H. Public Safety Equipment- \$717,271 PDA devices, Motorola earpieces, plate carrier and body armor, fuming chamber, photo lab printer, forensic duplicator, drone and drone supplies, breaching tools, rifle optics, riot shields, batons and vehicle bait system.

I. K-9 Supplies- \$5,391

If you have any questions, you can reach me at 212-4311.

-

Gregory K. Allen – Chief of Police

El Paso Police Department | 911 N. Raynor | El Paso, TX 79903

O: (915) 212-4300



EI PASO POLICE DEPARTMENT

Confiscated Fund FY 2021 Budget Requests

Section	Item Description	Estimated Cost
Admin	Internal Affairs leased vehicles	85,800
Admin	Explorers	11,000
Admin	Travel and Training	25,000
Admin	Outside Contracts	50,000
Admin	Community Development Substance Abuse and Prevention	109,217
Department wide	Replace riot shields (125)	16,875
Department wide	Replace short riot batons (126)	3,906
Department wide	Computer replacement	200,000
Department wide	PDA devices including printer, charger and extra battery (182) includes configuration/conversion fee	427,900
Regional command centers	Bike lights	2,200
Regional command centers	Water filtration systems	20,400
Internal Affairs	Purchase 10 laptops for virtual discipline review board meetings.	10,116
Planning	First responder secured messaging system	72,000
Patrol K9	Collapsible dog crate (9)	5,391
Records	On Call Records RMS Analytic Software	35,000
Records	COPLOGIC Online Reporting Software	52,872
Auto Theft	Replace vehicle bait system	6,995
Academy	Kawasaki Mule Pro-Fxt utility vehicle	15,000
STI	Replace camcorders (14)	5,572
STI	Replace camera kits (14)	11,886
STI	Replace Tripod Kit (16)	1,120
DWI	Purchase extra wide single tier locker (9)	6,390
HR	Purchase adjustable arm polygraph chair.	875
HR	Laptops, scanners and monitors	5,000
MVSF	Back up generator	30,000
Communications	Purchase Motorola ear pieces (435)	22,000
Narcotics	Aviation Fuel, Maintenance and Supplies	5,000
Supply	Inventory management software	10,000
Bomb Squad	Imaging panel for Smart Ray Vision x-ray kit	36,000
Bomb Squad	Diagnostic Kit (3), electronic diagnostics of blasting caps in devices	14,000
Comsar	Replace rappel harness (14)	5,586
SWAT	Replace rifle optics (20)	15,525
SWAT	Kinetic Breaching Tools (2)	24,000



EI PASO POLICE DEPARTMENT

Confiscated Fund FY 2021 Budget Requests

Section	Item Description	Estimated Cost
CRCC	Portable Thermal Foggers (2)	3,910
CRCC	Red man instructor suits (2)	3,680
CRCC	Pepper Ball Launchers (2)	2,400
CRCC	Star Helmet Bags (50)	1,000
CRCC	Gym Equipment- indoor bike	1,995
MVRCC	Replace chairs in Ofc. Angel Garcia Community Room	6,000
MVRCC	Replace office chairs for conference table (6).	2,100
NERCC	Replace office chairs (15)	1,279
NERCC	Motorola Apex charging station	1,600
NERCC	Binocular (10)	1,560
PHRCC	Gym Equipment - cross cable trainer	2,800
PHRCC	TV monitors for EOC area (2)	1,400
PHRCC	Gym Equipment pec/rear delt weight machine	2,300
SIU	Drone	28,000
SIU	Drone parachute (2)	9,000
SIU	Drone supplies and equipment (IPADS, drone batteries, propellers, etc.)	5,000
HQ	Gym equipment maintenance	5,000
Gang/Narcotics	Plate Carrier and Body Armor (54)	27,000
CAP	Megapixel Digital Camera (2)	520
CAP	CoolPix B600 Digital Cameras (2)	653
CAP	Motorola APX 6000 Single Bay In-Vehicle Rapid Charger (20)	980
Dignitary Protection	Purchase ankle strap individual first aid kit/trauma kit (22)	3,300
CSU	Mystaire CA-6000 Cyanoacrylate Fuming Chamber	14,500
CSU	EPPD Photo Lab Printer	50,000
CSU	Metal Detector	1,500
CSU	Replacement cameras (7)	12,500
FCU	27" Computer monitors (8)	1,432
FCU	Standing desk converters (20)	2,000
FCU	Desktop scanners (3)	600
FCU	Purchase Forensic Duplicator	3,000

Total \$ 1,539,635



Legislation Text

File #: 21-108, **Version:** 1

CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM

All Districts

Police, Assistant Chief Zina Silva, (915) 212-4306

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

STRATEGIC GOAL:

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

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.

The El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3952702, for the City of El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2021" to provide financial assistance to the City of El Paso. Requesting \$86,701.04, no cash match is required. Grant period will be from October 1, 2021 - September 30, 2022.

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: Police

AGENDA DATE: February 2, 2021

CONTACT PERSON/PHONE: Assistant Chief Zina Silva, 212-4306

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

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

The El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3952702, for the City of El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2021" to provide financial assistance to the City of El Paso. Requesting \$86,701.04, no cash match is required. Grant period will be from October 1, 2021 – September 30, 2022.

BACKGROUND / DISCUSSION:

The Safe Neighborhoods Grant project will purchase additional gunshot detection sensors for a different part of the city.

SELECTION SUMMARY:

N/A

PROTEST

☐ No protest received for this requirement.

☐ Protest received.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? ☐ Yes or ☒ No 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 Safe Neighborhoods Grant application FY21 was approved by City Council March 3, 2020.

AMOUNT AND SOURCE OF FUNDING:

Account No:
Funding Source:
Amount:

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:


A/C Victor Zarur #1515 for Chief Allen

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 3952702 for the El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program , FY 2022" (the "Grant"); and

WHEREAS, the Grant does not require matching funds by the City;

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant/application number 3952702, for the City of El Paso Police Department project identified as "Project Safe Neighborhoods Grant Program, FY 2022" to provide financial assistance to the City of El Paso.
2. That, the Grant does not require matching funds by the City.
3. That, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said Grant.
4. That, the City Council agrees that in the event of loss or misuse of said Grant funds, the City of El Paso will return all funds for said Grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. That the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual Grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any Grant amendments, corrections or extensions of the Grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

APPROVED this 2nd day of February, 2021.


CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory K. Allen
Chief of Police

[Print This Page](#)

Agency Name: El Paso, City of
Grant/App: 3952702 **Start Date:** 10/1/2021 **End Date:** 9/30/2022

Project Title: Safe Neighborhoods
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460007499014

Application Eligibility Certify:

Created on:12/21/2020 3:15:31 PM By:Adriana Romero

Profile Information

Applicant Agency Name: El Paso, City of
Project Title: Safe Neighborhoods
Division or Unit to Administer the Project: Police Department
Address Line 1: 300 N, Campbell
Address Line 2:
City/State/Zip: El Paso Texas 79901-1402
Start Date: 10/1/2021
End Date: 9/30/2022

Regional Council of Governments(COG) within the Project's Impact Area: Rio Grande Council of Governments

Headquarter County: El Paso
Counties within Project's Impact Area: El Paso

Grant Officials:

Authorized Official

Name: Elda Hefner
Email: rodriguez-hefnere@elpasotexas.gov
Address 1: 300 N. Campbell
Address 1:
City: El Paso, Texas 79901
Phone: 915-212-1795 Other Phone: 915-212-1162
Fax:
Title: Ms.
Salutation: Ms.
Position: Grants Administrator

Financial Official

Name: Margarita Munoz
Email: munozmm@elpasotexas.gov
Address 1: 300 N. Campbell st
Address 1:
City: City of El Paso, Texas 79901
Phone: 915-212-1174 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Comptroller

Project Director

Name: Robert Zavala
Email: 2056@elpasotexas.gov
Address 1: 911 N. Raynor

Address 1:**City:** El Paso, Texas 79903**Phone:** 915-212-4003 Other Phone: 915-241-9147**Fax:****Title:** Mr.**Salutation:** Lieutenant**Position:** Auxiliary Support Services**Grant Writer****Name:** Adriana Romero**Email:** romeroax1@elpasotexas.gov**Address 1:** 911 Raynor**Address 1:****City:** El Paso TX, Texas 79903**Phone:** 915-212-4296 Other Phone:**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Grant Writer**Grant Vendor Information****Organization Type:** Unit of Local Government (City, Town, or Village)**Organization Option:** applying to provide juvenile prevention and / or intervention services**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI)****Number or Vendor ID):** 17460007499014**Data Universal Numbering System (DUNS):** 058873019**Narrative Information****Introduction**

The purpose of the Project Safe Neighborhoods Program is to create and foster safer neighborhoods through a sustained reduction in violent crime, including, but not limited to, addressing criminal gangs and felonious possession and use of firearms.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Program-Specific Questions

What is the project's main Project Safe Neighborhoods (PSN) design feature?

☐ Targeted Enforcement

☒ Prevention

☐ Accountability

Indicate the percentage of your PSN project allocated for each of the following categories:

Police Agency (%):

100

Prevention (%):

0

All Other Partner Agencies (%):

0

Project will support the operations and coordination activities of a gang task force.

Select the appropriate response:

☒ Yes

☐ No

If you answered '**YES**' above, enter the name of the gang task force. If you selected '**No**', enter '**N/A**'.

El Paso Police TAG Center

If you answered '**YES**' above, enter the agencies or organizations that participate in the above-named task force. If you selected '**No**', enter '**N/A**'.

Law enforcement agencies that are currently constituents to the TAG are El Paso Police Department, Texas Department of Public Safety, El Paso County Sheriff's Office, 34th Judicial District Attorney's Office, Federal Bureau of Investigation, Alcohol Tobacco and Firearms, Drug Enforcement Administration, and Homeland Security Investigations. Agencies that will be participating with the constituents are the El Paso Intelligence Center, West Texas High Intensity Drug Trafficking Area-ISC, United States Probation Office-El Paso, El Paso Independent School District, Texas Alcoholic Beverage Commission, United States Probation Office-New Mexico, US Army CID and DES, El Paso County District Attorney's Office. Additional agencies participating with partnerships of two Task Forces assigned to the TAG include Texas Department of Criminal Justice-OIG, Socorro Police Department, and ICE Enforcement Removal Operations (ERO).

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

Information Systems

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to PSO and is active until August 31, 2022 or the end of the grant period, whichever is later.

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Please explain and describe any policies or practices your jurisdiction may have related to whether, when, or how employees may communicate with DHS or ICE. Include information on how each policy or practice complies with 8 U.S.C. 1373. Upload a copy of any written policies onto the Upload.Files Tab. Enter "N/A" below if your agency does NOT have any policies or practices regarding communication with DHS or ICE.

N/A

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with PSO and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Claudia Luján

Enter the Address for the Civil Rights Liaison:

300 N. Campbell El Paso, Texas 79901

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

(915) 212-1241

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content & requirements.

Project Abstract :

The El Paso Police Department (EPPD) serves approximately 683,000 residents within the city limits of El Paso and thousands more who travel through El Paso to visit and work in the city on a daily basis. Estimated numbers indicate that El Paso swells to approximately one million people per day. The EPPD is jurisdictionally responsible for approximately 256.38 square miles. The patrol units are assigned to one of five Regional Commands, which serve eight El Paso representative district jurisdictions. In addition to the patrol units, the EPPD has a myriad of specialized units to include, but not limited to Gang Unit, SWAT, Auto Theft, Narcotics, Crimes Against Persons, Crime Scene Unit and more. The El Paso Police Department currently employs over 1,100 sworn personnel which results in approximately 2 officers per 1,000 residents and has over 260 civilian support staff. The City of El Paso, during the year of 2020 reported a total of 706 Part 1 Crimes relating to gun crime. In addition, the EPPD made 154 gun related arrests for the year 2020. Although great strides have been made towards reducing violent crime in El Paso through units like the Gang Task Force, challenges have been identified, consistent with the crime triangle, with respect to People, Places, and Problems. The El Paso Police Department seeks to utilize evidence and intelligence-based practices through the deployment of technological

innovations, in order to identify and arrest active criminals who are using firearms while carrying out aggravated offenses. Deploying this type of innovation will assist in detecting and reducing gun-related crime in El Paso, Texas.

Problem Statement :

The El Paso Police Department, in recent years, has taken great steps in addressing crime. However, the EPPD is still lacking technological resources that would aid law enforcement in properly addressing gun crime within the city. Gun-related crime, for the most part, is usually addressed when officers are dispatched to the scene. Unfortunately, this is a reactive component of law enforcement. In order to keep up with the ever-changing criminal landscape law enforcement needs to approach the problem by being strategically and tactically intelligent in their responses. The El Paso Police Department has taken steps in addressing gun crime by most recently forming the department's first National Integrated Ballistic Information Network (NIBIN) program. By utilizing a gun detection system it would provide an instantaneous notification to the officers. As opposed to the usual route of the call taker answering the call, then routing the call to the appropriate dispatcher, and finally dispatching a unit. This would be an innovative approach to responding to gun crime and it will also enable officers to recover and preserve valuable evidence. In order to properly address gun-related crime, the El Paso Police Department will be focusing on preventive, proactive and enforcement components. The El Paso Police Department will continue to implement preventative measures which consist of community and school presentations. The presentations will focus on gang and gun awareness. This component will be a collaboration between the El Paso Police Gang Unit and Police Area Representatives (PAR). These presentations will be in the combination of in-person sessions and via online depending on health restrictions.

Supporting Data :

The City of El Paso, over the past 5 years has seen an average increase of 9% in gun-related crime calls. From 1,172 calls in 2015 to 2,058 calls in 2020, the El Paso Police Department saw a 75% increase in gun-related calls for service. In the year of 2015, 266 cases were documented related to gun crimes being committed citywide, in 2020 that number has increased to 994 cases. A request for data was made to our Fusion Center (crime analysis) regarding all calls for services, documented reports, and physical arrests cases from the years of 2015 to 2019. By using the following data both Pebble Hills Regional Command (PHRC) and the Northeast Regional Command (NERC) are consistent active areas of gun-related crime citywide. Between the years of 2015 and 2019, PHRC had 32% of citywide calls for services, 31% of citywide documented reports, and 28% of city-wide physical arrests. In the same respective years, NERC had 29% of citywide calls for services, 25% of citywide documented reports, and 23% of city-wide physical arrests. Thus making those two regional commands the initial focus of this initiative. The El Paso Police Department Gang unit has historically played an integral role in handling gun/gang-related crime. As of 2019, the EPPD Gang unit has identified 131 Texas gangs, as well as 1,559 El Paso gang members. Having up to date knowledge of Active Street gangs will only enable investigators to effectively and efficiently identify potential suspects.

Project Approach & Activities:

The El Paso Police Department would like to purchase additional gunshot detection system which would be an asset to the EPPD and City of El Paso. EPPD requires a system that provides a live feed of active "gunshots". Various sensors will be strategically placed throughout the PHRC and NERC area along with Pole Cameras whose sole function will be to capture surveillance video, which the Officers may utilize in an undercover capacity or in full uniform while using a marked unit. EPPD will have the flexibility by providing these Officers with access to the system which will alert them instantaneously of gunshots and its location. Personnel could be comprised of a combination of the gang task force and/or tactical officer(s) from the affected regions as well as Ballistic Intelligence Unit Officers. As the Gang Unit receives a call-out related to gun crimes involving gang activity supervisors on the scene will addition notify the Ballistic Intelligence Unit who will respond and collect all casings (evidence) that were left at the scene. In addition, this system may be monitored by the dispatchers or the Fusion Center where information can be relayed to officers on the ground. The Fusion Center could be assigned to monitor the video feed and sensor detection. The Gun detection system sensors will need to be portable so that they may be moved at any given time to address shifting crime trends and patterns. Officers will respond to citywide calls that related to firearms in order to collect casings that will further aid in linking investigations.

Capacity & Capabilities:

The El Paso Police Department has the substantial capacity to implement the proposed project and possess a wide variety of critical infrastructure elements, including fiscal management, reporting, and budgeting. Although

the focus of the grant will fall primarily on gun crime, many internal and external partners who will have an invested interest in the program will be called upon to contribute to the success of the focused areas. Internal partners may include the El Paso Police Area Representative, El Paso Police Gang Unit, and the El Paso Police Ballistic Intelligence Unit. While external partners will include the District Attorney's office, the El Paso County Sheriffs' Office, Texas Department of Public Safety, Hudspeth County, Dona Ana County, Otero County, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The El Paso Police Department currently has 2 full time Officers who are dedicated and certified in the Integrated Ballistics Identification System Data Acquisitions. The B.I.U is regionally certified and is now able to conduct acquisitions and test fire (firearms). Since going operational as of November 2019 the B.I.U has successfully obtained 75 leads which directly link to ongoing investigations. Each Regional Command Center already has an established Police Area Representative (PAR) program. This enables the El Paso Police Department to effectively reach out to various community organizations and schools for preventative crime/gang presentations. This program will be a city-wide initiative between PAR officers and the EPPD Gang Unit. The El Paso Police Gang Unit is currently housed at the Texas Anti-Gang Center (TAG) along with several federal, state and local law enforcement agencies. A Board composed of executive staff from the constituent law enforcement agencies manage the overall operations of the TAG center. Collocating the participating agencies ensures agencies have access to information in a timely manner, create force multipliers, and concentrate operations. This allows the participating law enforcement agencies to split their focus among multiple priorities on a routine basis while permitting flexible surges during moments of crisis or operational need. The Ballistic Intelligence Unit (B.I.U) is organized through the use of sworn personnel to both quickly respond to the scenes and process ballistic evidence for investigations. Casings that have an immediate need for actionable intelligence can be quickly processed and entered into the National Integrated Ballistic Information Network (NIBIN) system for ballistic comparison. This tiered evidence collection policy allows the B.I.U to act as a call out unit while addressing prolific firearm offenders. The B.I.U will serve as a resource to other investigative units, tying investigations together and identifying suspects. The B.I.U currently consists of two supervisors and two sworn police officers who are responsible for responding to gun-related calls. As well as entering acquisitions to the (NIBIN) system and verifying firearm data into the Electronic Tracing System – (E-Trace system). The B.I.U will also assist in coordinating inter-departmental efforts to respond to gun crimes. To keep the information up to date B.I.U will meet with first-line officers by attending shift meetings on a monthly basis, as well as on shift training days. These collaborative meetings bring together detectives, tactical support units, and other specialty units to foster communication, troubleshoot challenges and increase operational efficiency.

Performance Management :

The El Paso Police Department will document the implementation of the intelligence lead policing operational activities facilitated through the deployment of innovative technology. The El Paso Police Department will review current gun crime trends by recording and planning meetings for the outreach initiatives; discuss the use of the technology; review of officer log sheets for documented frequency and volume of use of technology. Finally, records of the actual deployment of the technology will be collected and examined. Expected data elements will include: days of the week, time of day, the number of times technology is deployed, activated, and used, as well as the number of personnel utilizing the technology. Data on outreach presentations will also be collected and accounted for pertaining to the number of attendees, age group, and their location. The EPPD Strategic Planning Auxiliary Services supervisors will be responsible for collecting all data related to arrests, officer deployments technology placements, and outreach initiatives. This will include, 911 calls resulting in a confirmed shootings compared to gunshot detection system alerts. B.I.U will track the number of casings entered in the NIBIN system that are subsequently linked to other gun crimes in NIBIN. The number of Firearms will be tracked in the E-Trace system.

Target Group :

The City of El Paso is divided up by regions: Northeast, West Side, Central, Pebble Hills (Eastside) and Mission Valley Regional Command Centers. The two regions that statistically show a higher amount of gun crime are the Northeast Regional Command and Pebble Hills Regional Command Center.

Evidence-Based Practices:

The El Paso Police Department B.I.U. visited the Phoenix Police Department (PPD) to review their current NIBIN system and their team. It was learned that the PPD had a gun detection system that provided them with real-time notification of a gunshot thus enabling them to respond immediately to the scene. The El Paso Police Department personally witnessed where their investigative team was attempting to locate casings at a crime scene. Officers were able to locate casings within 20 feet of the actual geo-mapping which was displayed on a

laptop per their gun detection system. PPD on separate occasions provided details in which the gun detection system alerted of a shooting. PPD investigators were able to respond quickly and were able to successfully locate an offender fleeing from a scene where a gunshot activation was detected. The suspect was successfully captured with the weapon in hand by responding investigators while utilizing the gun detection system. Other agencies who currently use similar gun detection systems include Colorado, Springs, Denver, Colorado and Selma, Alabama. The city of El Paso and its citizens would greatly benefit from this innovation. This would only add another tool for EPPD to serve its community effectively.

Project Activities Information

Introduction

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Law Enforcement	100.00	The El Paso Police Department will continue outreach to local High Schools and Middle schools citywide by utilizing El Paso Police Officers. EPPD will be educating schools and general public in aiding to recognize signs of dangers of gun crime and gang crime. Ballistics Intelligence Unit (B.I.U) will respond whenever the Gang Unit is called out for gun/gang related offenses.

CJD Purpose Areas

PERCENT DEDICATED	PURPOSE AREA	PURPOSE AREA DESCRIPTION
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Equipment or technology: Individuals/operators equipped	40
General Law Enforcement or Public Safety: Arrests resulting from grant.	0
Targeted Investigation: Criminal cases resulting in arrest.	0
Targeted Investigation: Grant-funded investigations carried out by the unit/division	0
Training or professional development: Individuals provided	0
Training or professional development: Individuals received	0
Training, professional development, or technical assistance: Hours provided	0
Training, professional development, or	0

technical assistance: Hours received	
--------------------------------------	--

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
-----------------------	--------------

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☐ Yes

☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

In reference to the contract compliance: The El Paso Police department will monitor and assure that all contracts are executed in compliance with all applicable federal and state statutes, regulations, policies, guidelines and requirements, including, but not limited to, 2 CFR 200; the Uniform Grant Management Standards (UGMS); and Title 1, Part 1, Chapter 3 of the Texas Administrative Code, that govern the application, acceptance and use of Federal and State funds for this project. – The project manager will monitor and review the work and/or services performed by these grant funds.

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

9/1/2021

Enter the End Date [mm/dd/yyyy]:

8/31/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

59293711

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

4117764

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes
☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2019

Equal Employment Opportunity Plan

Compliance

EEOP certification information must be submitted to the Office of Civil Rights, Office of Justice Programs through their on-line [EEOP Reporting Tool](#) within 120 days of the grant award date. For more information and guidance on how to complete and submit the federal EEOP certification information, please visit the US Department of Justice, Office of Justice Programs website at <https://ojp.gov/about/ocr/eeop.htm>.

Type I Entity

Defined as an applicant that meets one or more of the following criteria:

- has less than 50 employees;
- is a non-profit organization;
- is a medical institution;
- is an Indian tribe;
- is an educational institution, or
- is receiving a single award of less than \$25,000.

Requirements

- The applicant agency is exempt from the requirement to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42, subpart E;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP Certification information the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP.

Type II Entity

Defined as an applicant that meets the following criteria:

- has 50 or more employees, and
- is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of OOG, OOG's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services;
- the applicant must submit EEOP information to the Office for Civil Rights (OCR) to claim the exemption from submitting an EEOP to OCR; and
- the EEOP is required to be on file with the applicant agency.

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Linda Thomas 300 N. Campbell El Paso Texas, 79901 (915) 212-1240

Type III Entity

Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP information to the Office for Civil Rights (OCR).

Certification

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

- ☐ Type I Entity
☐ Type II Entity
☒ Type III Entity

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- ☒ I Certify
☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

FFATA Certification**Certification of Recipient Highly Compensated Officers**

The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (CJD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

- ☐ Yes
☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

☐ Yes
☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Fiscal Capability Information

Section 1: Organizational Information

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

☐ Yes
☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

☐ Yes
☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- ☐ Yes
☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- ☐ Yes
☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Specialized Audio-Visual System and Accessories	National Integrated Ballistic Information Unit will include 6 gun shot detection sensors for detection of gun shots installed in a dedicated area at approximately \$60,507.04	\$60,507.04	\$0.00	\$0.00	\$0.00	\$60,507.04	1
Equipment	Receiver / Transmitter Unit	IMPRES Smart Multi-Unit Charger, 220volts. 26 units at approximately \$26,194.00 for all. This equipment will be utilized to support gang operations by having continuous communications amongst all involved during the operations.	\$26,194.00	\$0.00	\$0.00	\$0.00	\$26,194.00	26

		This piece of equipment is vital to all Regional Command Centers and the gang task force. Each section will receive 5 base chargers.						
--	--	--------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--	--	--

Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$86,701.04	\$0.00	\$0.00	\$0.00	\$86,701.04

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$86,701.04	\$0.00	\$0.00	\$0.00	\$86,701.04

Condition Of Fundings Information

Condition of Funding / Project	Date	Date	Hold	Hold Line Item
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You are logged in as **User Name:** romeroax1



Legislation Text

File #: 21-109, **Version:** 1

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:

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, or designee, is authorized to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This addendum extends the lease for an additional two years ending on February 28, 2023 with a monthly base rent of \$6,500. Further, that City Manager or designee is authorized to exercise all rights under the lease including termination of the lease. The City Manager or designee is also authorized to sign any amendments to the lease.

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 Department

AGENDA DATE: February 2nd, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: No. # 2: Set the Standard for a Safe and Secure City

SUBJECT: Resolution authorizing City Manager or designee to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This agreement sets the term from March 1, 2021 to February 28, 2023 with a monthly base rent of \$6,500.

BACKGROUND / DISCUSSION:

This is a renewal of a lease agreement for office space which the El Paso Police Department has been utilizing since 1999.

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:

January 26, 2016

AMOUNT AND SOURCE OF FUNDING:

Funding String: 524000 – 321 – 21240 – 2710 – P2104 – G2120SW055

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



RESOLUTION

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

That the City Manager, or designee, is authorized to sign a Commercial Lease Addendum for Extension of Term between the City of El Paso and Cyndi Boaz for the lease of office space for the El Paso Police Department. This addendum extends the lease for an additional two years ending on February 28, 2023 with a monthly base rent of \$6,500. Further, that City Manager or designee is authorized to exercise all rights under the lease including termination of the lease. The City Manager or designee is also authorized to sign any amendments to the lease.

ADOPTED this _____ day of _____, 2021

CITY OF EL PASO


Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Omar De La Rosa
Assistant City Attorney



Samuel Rodriguez,
City Engineer



COMMERCIAL LEASE ADDENDUM FOR EXTENSION OF TERM

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS®, INC. IS NOT AUTHORIZED.
©Texas Association of REALTORS®, Inc. 2010

ADDENDUM TO THE COMMERCIAL LEASE BETWEEN THE UNDERSIGNED PARTIES CONCERNING THE LEASED PREMISES AT [REDACTED]

- A. At Tenant's option, Tenant may extend the term of above-referenced lease for 2 additional term(s) of 12 months each. The first additional term commences upon the expiration of the term stated in the lease and any subsequent additional term commences upon the expiration of the then applicable extended term.
- B. Tenant may exercise Tenant's option(s) to extend under Paragraph A only by providing written notice to Landlord at least 30 days before the end of the then current term of the lease.
- C. Tenant may not exercise Tenant's option(s) to extend under Paragraph A if the lease is terminated before Tenant exercises its option to extend or Tenant is in breach of the lease at the time Tenant exercises its option to extend.
- D. During the additional term(s), all provisions of the lease will continue as in effect immediately before the extension(s) commences except the base monthly rent during the additional term(s) will be:
(Check (1), (2) or (3) only.)

X (1)	Dates		Rate per rentable square foot (optional)		Base Monthly Rent \$
	From	To	\$ Monthly Rate	\$ Annual Rate	
	03/01/2021	02/28/2023	/rsf/month	/rsf/year	6,500.00
			/rsf/month	/rsf/year	
			/rsf/month	/rsf/year	
			/rsf/month	/rsf/year	
			/rsf/month	/rsf/year	

- ☐ (2) adjusted to reflect increases in the Consumer Price Index for "All Urban Consumers, U.S. City Average, All Items", issued by the Bureau of Labor Statistics of the U.S. Department of Labor. The adjustment will be determined by multiplying the base monthly rent for the last month of the lease by the following fraction: (i) the numerator will be the published index number for January in the year the additional term commences; and (ii) the denominator will be the published index number for January in the year in which the original lease term commences.
- ☐ (3) the prevailing rental rate on the 45th day before the additional term commences for premises of comparable size, quality, condition, improvements, utility, location, and length of term for tenant's of similar credit standing as Tenant.
- E. If Paragraph D(3) applies and the parties do not agree on the amount of the prevailing rental rate for the additional term before the 30th day before the additional term commences, each party will employ a state-certified appraiser and deliver the appraiser's written opinion of the prevailing rental rate to the other

party not later than the 15th day before the additional term commences. If the appraisers' opinions do not vary by more than 10%, the prevailing rental rate will be the average of the two opinions. If the appraisers' opinions vary by more than 10%, the appraisers will jointly select a third appraiser whose fees will be shared equally by the parties. If a third appraiser is engaged, the prevailing rental rate will be the average of the two opinions that are closest in amount. If either party fails to employ or timely deliver an appraiser's opinion as required by this paragraph, the opinion rendered by the appraiser employed by the other party will determine the prevailing rental rate.

F. Special Provisions:

n/a

Landlord: Cynthia BoazBy: The Agency REPM

By (signature): _____

Printed Name: Ana OlagueTitle: Property Manager

By: _____

By (signature): _____

Printed Name: _____

Title: _____

Tenant: _____

By: _____

By (signature): _____

Printed Name: _____

Title: _____

By: _____

By (signature): _____

Printed Name: _____

Title: _____



Legislation Text

File #: 21-111, **Version:** 1

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

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

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

STRATEGIC GOAL:

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

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.

A Resolution authorizing the City Manager or designee to submit a grant application number 2950607 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021- LETPA Project" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$148,455.00, no cash match required. Grant period will be from September 1, 2021 - August 31, 2022.

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: Police

AGENDA DATE: February 2, 2020

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Patrick Maloney, 212-4309

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

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

SUBJECT:

A resolution authorizing the City Manager or designee to submit a grant application number 2950607 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021- LETPA Project " through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$148,455.00, no cash match required. Grant period will be from September 1, 2021 – August 31, 2022.

BACKGROUND / DISCUSSION:

The State Homeland Security Grant Program (SHGP) Law Enforcement Terrorism Prevention Activities (LETPA) assists local efforts to prevent terrorism and other catastrophic events and prepare for the threats and hazards that pose a risk to security in the El Paso community and Rio Grande Council of Government area.

PRIOR COUNCIL ACTION:

The application for the Law Enforcement Terrorism Prevention Activities FY20 grant was approved by city council February 18, 2020. Grant application for FY2019 was approved on February 26, 2019 for the amount of \$576,788.00. Grant application for FY2018 was approved on February 20, 2018 for \$62,550.19. Grant application for FY2017 was approved on March 31, 2017 for \$574,950.00.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: *Victor Lopez #1515 For Chief P. Maloney*

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the City of El Paso (Governing Body) agrees to provide applicable matching funds for the said project as required by Homeland Security Program FY 2021- LETPA Project (Funding Source) grant application; and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950607 for the El Paso Police Department project identified as "State Homeland Security Program, FY2021" Law Enforcement Terrorism Prevention Activities ("LETPA") Project; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, grant application number 2950607, for the City of El Paso Police Department project identified as "Homeland Security Program FY 2021- LETPA Project " to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

APPROVED this 2nd day of February, 2021


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory K. Allen
Chief of Police

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Agency Name: El Paso, City of
Grant/App: 2950607 **Start Date:** 9/1/2021 **End Date:** 8/31/2022

Project Title: Sustainment of Specialized Teams
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460007499014

Application Eligibility Certify:

Created on:12/14/2020 4:06:59 PM By:Adriana Romero

Profile Information

Applicant Agency Name: El Paso, City of
Project Title: Sustainment of Specialized Teams
Division or Unit to Administer the Project: El Paso Police Department HLS
Address Line 1: 911 N Raynor ST
Address Line 2:
City/State/Zip: El Paso Texas 79903-4136
Start Date: 9/1/2021
End Date: 8/31/2022

Regional Council of Governments(COG) within the Project's Impact Area: Rio Grande Council of Governments
Headquarter County: El Paso
Counties within Project's Impact Area: Brewster,Culberson,El Paso,Hudspeth,Jeff Davis,Presidio

Grant Officials:**Authorized Official**

Name: Elda Hefner
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Address 1: 300 N. Campbell
Address 1:
City: El Paso, Texas 79901
Phone: 915-212-1795 Other Phone: 915-212-1162
Fax:
Title: Ms.
Salutation: Ms.
Position: Grants Administrator

Financial Official

Name: Margarita Munoz
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Salutation: Ms.
Position: Comptroller

Project Director

Name: Eduardo Lopez
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Salutation: Officer
Position: Police Officer

Grant Writer**Name:** Adriana Romero**Email:** romeroax1@elpasotexas.gov**Address 1:** 911 Raynor**Address 1:****City:** El Paso TX, Texas 79903**Phone:** 915-212-4296 Other Phone:**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Grant Writer**Grant Vendor Information****Organization Type:** Unit of Local Government (City, Town, or Village)**Organization Option:** applying to provide homeland security services**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):** 17460007499014**Data Universal Numbering System (DUNS):** 058873019**Narrative Information****Overview**

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Primary Mission and Purpose**State Homeland Security Program (SHSP) - Law Enforcement Terrorism Prevention Activities**

(LETPA): Supports state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and support critical prevention and protection activities. All LETPA investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP-LETPA projects must assist grantees in achieving target capabilities related to preventing, preparing for, or protecting against acts of terrorism.**

Eligibility Requirements

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

National Incident Management System (NIMS) Implementation

Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

Emergency Management Plans

Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Department of Public Safety, Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period and must be at least at the Intermediate Level. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Eligibility Requirements**Program Income**

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Program Requirements

Building and Sustaining Core Capabilities

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and recovery from terrorism.
3. Funding should be used to sustain core capabilities. New capabilities should not be built at the expense of maintaining current and critically needed core capabilities. New capabilities must be aligned with capability targets and gaps identified through the THIRA/SPR process.

Mission Areas

The National Preparedness Goal organizes the core capabilities into the five mission areas:

- Prevention. Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- Protection. Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.
- Mitigation. Reduce the loss of life and property by lessening the impact of future disasters.
- Response. Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.
- Recovery. Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

Nationwide Cyber Security Review

Grantees will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

LETPA

Law Enforcement Terrorism Prevention Activities (LETPA)

The state is responsible for ensuring that at least 25 percent (25%) of the combined HSGP funds allocated under SHSP and UASI are dedicated towards law enforcement terrorism prevention activities, as defined in 6 U.S.C. 607.

Grant projects must be consistent with the [Federal Emergency Management Agency \(FEMA\) Information Bulletin \(IB\) 412](#) which discusses eligible activities outlined in:

- a. The [National Prevention Framework](#);
- b. The [National Protection Framework](#) where capabilities are shared with the prevention mission area;
- c. Section 2006 of the [Homeland Security Act of 2002](#), as amended; and
- d. The [FY 2007 Homeland Security Grant Program Guidance and Application Kit](#).

Activities eligible for use of LETPA focused funds include but are not limited to: Maturation and enhancement of designated state and major Urban Area fusion centers, including information sharing and analysis, threat recognition, terrorist interdiction, and training/hiring of intelligence analysts. Coordination between fusion centers and other analytical and investigative efforts. Implementation and maintenance of the Nationwide Suspicious Activity Reporting (SAR) Initiative. Implementation of the "If You See Something, Say Something" campaign to raise public awareness of indicators of terrorism and terrorism-related crime and associated efforts to increase the sharing of information with public and private sector partners. Increased physical security, through law enforcement personnel and other protective measures, by implementing preventative and protective measures at critical infrastructure sites or at-risk nonprofit organizations.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

Funding for this project will provide and sustain critical safety gear and specialized equipment to enhance the protection of the El Paso Police Departments' Special Operations Group in the form of: one 6 seat UTV, 4 hand entry render safe bomb tool kits, 20 backpacks for gear storage, 10 tactical ballistic vests, 23 tactical hearing protection headsets, 42 Ballistic helmets. The Special Operations Group will use the equipment to safely and efficiently mitigate threats, for acts of terrorism, and natural disasters in the region.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

The City of El Paso and its international geographical location increases the region for potential terrorist activity. Its population, close proximity to the international border, the major military installation, high volume of international trade, and the remote location make for a high volume coordinated targeting from foreign and domestic terrorism. These type of terrorist threats have transpired in recent events; El Paso, Texas, Las Vegas, Nevada, Dayton, Ohio, Odessa, Texas, continue to represent a real threat to the region (2020 THIRA pg. 9 Active Shooter incident, Pg. 10 & 11 Chemical attack incident and radiological incident).

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

The El Paso Police Department currently has 115 officers assigned to the Special Operations Teams. SWAT consist of 42 officers, Crisis Negotiation team has 20 officers, Combined Search and Rescue consist of 13 officers, K-9 has 9 full time officers, Dignitary Protection team has 16 officers, Bomb Squad has 13 officers and 2 Tactical Flight Officers (TFO's). All special operations teams can operate separately or in conjunction with one another depending on the incident. Some teams such as SWAT and BOMB have the capability to operate two incidents at the same time. All special operations teams have basic personal protection equipment (PPE) and specialized equipment to mitigate, disrupt, and/or interdict an incident of terrorism or natural disaster. Special operation teams are also available to respond and assist within the Rio Grande Council of Governments (RGCOG) region in mitigating an incident of terrorism and/or natural disaster.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

The capability gaps addressed by this project are in inter-operable equipment, under the Interdiction and Disruption core capability (page 13 of the 2020 SPR). Page 13 and 14 identify capability gaps in the POETE under Organization-Growing Teams, to reach and allocated 40 personnel and Equipment. Sustainment is required due to expired, and/or obsolete equipment. Interdiction and Disruption was rated second of the top 3 core capabilities to sustain in 2020. The equipment requested will allow the special operation group to maintain and expand its level of response locally and in the region.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

The proposed project will reduce the capability gaps by increasing officer safety for the special operations group. It will increase Personal Protection Equipment (PPE) and specialized equipment for the officers to mitigate and tactically improve responses to the critical incidents related to active shooter, coordinated terrorist attacks and natural disasters.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g.

1.2.3 Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.)

4.1.1 Develop a regionally focused multi-discipline, all hazards response system that ensures each region statewide has the necessary response teams and resources.

Target Group :

Identify the target group and population expected to benefit from this project.

The 115 members from the El Paso Police Departments Special Operations Group (SWAT, Bomb Squad, CMT, COMSAR, Dig-Pro and K-9 units) will be the direct beneficiaries. The listed equipment will enhance the special operations group's ability to respond, mitigate, and protect the residents of the city and region from potential terrorism from active shooter, coordinated terrorist attack and natural disasters.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

The El Paso Police Department will seek to sustain the capabilities with local funding in an effort to safely and efficiently maintain a regional response level. In event that local funding is not available to sustain the capabilities, grant funding will be sought for assistance to maintain this capability

Project Activities Information**HSGP Instructions for Project Activity Selection**

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Support of First Responder Capabilities	100.00	Purchase Personal Protection Equipment (PPE), and disruption/mitigation equipment.

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Number of exercises conducted.	0
Number of First Responder or EMC personnel provided with new or updated equipment.	115
Number of individuals participating in exercises.	0
Number of people trained.	0
Number of Special Response Teams created, maintained or enhanced.	5
Number of trainings conducted.	0

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
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Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by going to the **Upload.Files** tab and following the instructions on Uploading eGrants Files.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- ☐ Yes
☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

- ☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

- ☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

9/1/2021

Enter the End Date [mm/dd/yyyy]:

8/31/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

59293711

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

4117764

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes

☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2019

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify

☐ Unable to Certify

Enter the debarment justification:

FFATA Certification

Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

☐ Yes

☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

☐ Yes

☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:
Position 1 - Total Compensation (\$):
0
Position 2 - Name:
Position 2 - Total Compensation (\$):
0
Position 3 - Name:
Position 3 - Total Compensation (\$):
0
Position 4 - Name:
Position 4 - Total Compensation (\$):
0
Position 5 - Name:
Position 5 - Total Compensation (\$):
0

Homeland Security Information

FUND SOURCE INFORMATION AND REQUIREMENTS

DHS Project Type: Establish/enhance regional response teams

Capabilities

Core Capability: Interdiction and Disruption

Identify if this investment focuses on building new capabilities or sustaining existing capabilities. : Existing Capabilities (Sustain)

Are the assets or activities Deployable or Shareable: Deployable

☐ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures

☒ Check if these funds will support a project that was previously funded with HSGP funding

Project Management Step Involved:

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

Step: Execute

Description: The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.

Process: Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.

Milestones

Milestone: Research equipment and vendors; **Completion Date:** 12-31-2021

Milestone: Submit approved purchase order to vendor upon completion of City purchasing process; **Completion Date:** 04-30-2022

Milestone: Verify equipment and invoices for grant funding; **Completion Date:** 08-31-2022

NIMS Resources

☐ Check if this project supports a NIMS typed resource

Enter the name of the typed resources from the Resource Type Library Tool: Special Operations Teams (Bomb, SWAT, COMSAR, K-9, CMT)

Enter the ID of the typed resources from the Resource Type Library Tool: 6-508-1176, 6-508-1231, 8-508-1160, 6-508-1245, 8-508-1020

Fiscal Capability Information**Section 1: Organizational Information**

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

☐ Yes☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

☐ Yes☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

☐ Yes☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

☐ Yes☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

☐ Yes☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- ☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	12VE-00-MISS Vehicle, Specialized Mission	One 6 seat UTV for Search and Rescue Team for multiple personnel deployment and equipment, which also allows for transportation of multiple victims at an approximate cost of	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00	1

		\$20,000.00 each for an approximate grand total of \$20,000.00.						
Supplies and Direct Operating Expenses	01ZA-04-HEAR Protection, Hearing	23 tactical hearing protection headsets for Bomb and SWAT team at approximately \$1,025.00 each (23 x \$1,025.00 approximate total \$23,575.00). Integrated digital hearing protection and TCI Tactical PTT) and gel ear seal kit.	\$23,575.00	\$0.00	\$0.00	\$0.00	\$23,575.00	0
Supplies and Direct Operating Expenses	01LE-01-ARMR Armor, Body	10 Tactical ballistic vests to include two ballistic plates each for the SWAT Team at approximately \$4,200.00 each (10 x \$4,200.00 each for approximate total of \$42,000.00).	\$42,000.00	\$0.00	\$0.00	\$0.00	\$42,000.00	0
Supplies and Direct Operating Expenses	01LE-01-HLMT Helmet, Ballistic	42 Ballistic helmets for the SWAT Team at approximately \$1,221.43 each (42 x \$1,221.43 each total approximately \$51,300.00).	\$51,300.00	\$0.00	\$0.00	\$0.00	\$51,300.00	0
Supplies and Direct Operating Expenses	02EX-02-TLRO Tools, Remote Opening, Examination, Handling	4 Hand entry render safe bomb tool kits at approximately \$2,000.00 each (4 x \$2,000.00 approximate total of \$8,000.00) Equipment will be used by the Bomb Squad.	\$8,000.00	\$0.00	\$0.00	\$0.00	\$8,000.00	0
Supplies and Direct Operating Expenses	19GN-00-BGPK Bags / Packs	20 backpacks for Negotiator team member gear storage at approximately \$179.00 each (20 x \$179.00 approximate total of \$3,580.00)	\$3,580.00	\$0.00	\$0.00	\$0.00	\$3,580.00	0

Source of Match Information**Detail Source of Match/GPI:**

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information**Budget Summary Information by Budget Category:**

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00
Supplies and Direct Operating Expenses	\$128,455.00	\$0.00	\$0.00	\$0.00	\$128,455.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$148,455.00	\$0.00	\$0.00	\$0.00	\$148,455.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--------------------------------------------	--------------	----------	------------	----------------------

You are logged in as **User Name:** romeroax1



Legislation Text

File #: 21-112, **Version:** 1

CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

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

STRATEGIC GOAL:

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

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.

A Resolution authorizing the City Manager or designee to submit grant application number 3967902 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021-Sustainment of First Responders" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$160,000.00 no cash match required. Grant period will be from September 1, 2021 - August 31, 2022.

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: Police

AGENDA DATE: February 2, 2021

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Patrick Maloney, 212-4309

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

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

SUBJECT:

A resolution authorizing the City Manager or designee to submit grant application number 3967902 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021-Sustainment of First Responders" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$160,000.00 no cash match required. Grant period will be from September 1, 2021 – August 31, 2022.

BACKGROUND / DISCUSSION:

The Homeland Security Grant Program assists local efforts to prevent terrorism and other catastrophic events and prepare for the threats and hazards that pose a risk to security in the El Paso community and Rio Grande Council of Government area.

PRIOR COUNCIL ACTION:

The grant application for FY2020 Homeland Security Program was approved by city council on February 18, 2020. Grant application for FY2019 was approved on February 26, 2019 for the amount of \$225,700.00. Grant application for FY2018 was approved on February 20, 2018 for \$300,000.00. Grant application for FY2017 was approved on March 31, 2017 for \$545,000.00.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: *Atty. Gen. V. Zorut #1515 for Chief Allen*

RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas ("HSGD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 3967902 for the El Paso Police Department project identified as "State Homeland Security Program , FY 2021 Sustainment of First Responders" and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. **THAT**, the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Homeland Security Grant Division, by and through the Public Safety Office (PSO), grant application number 3967902, for the City of El Paso Police Department project identified as "Homeland Security Program FY 2021- Sustainment of First Responders" to provide financial assistance to the City of El Paso.
2. **THAT**, the City of El Paso shall provide all applicable matching funds for said grant if applicable;
3. **THAT**, the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. **THAT**, the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Homeland Security Grant Division, by and through the PSO.
5. **BE IT FURTHER RESOLVED THAT**, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

[Signatures on the following page]

ADOPTED this 2nd day of February, 2021


CITY OF EL PASO

Oscar Leeser
Mayor


ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:


Ana Schumacher
Assistant City Attorney

APPROVED AS TO CONTENT:


Gregory K. Allen
Chief of Police

[Print This Page](#)

Agency Name: El Paso, City of
Grant/App: 3967902 **Start Date:** 9/1/2021 **End Date:** 8/31/2022

Project Title: SHSP Sustainment of First Responders
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460007499014

Application Eligibility Certify:

Created on:12/14/2020 4:10:04 PM By:Adriana Romero

Profile Information

Applicant Agency Name: El Paso, City of
Project Title: SHSP Sustainment of First Responders
Division or Unit to Administer the Project: El Paso Police Department
Address Line 1: 300 N. Campbell
Address Line 2:
City/State/Zip: El Paso Texas 79901-4136
Start Date: 9/1/2021
End Date: 8/31/2022

Regional Council of Governments(COG) within the Project's Impact Area: Rio Grande Council of Governments
Headquarter County: El Paso
Counties within Project's Impact Area: El Paso

Grant Officials:**Authorized Official**

Name: Elda Hefner
Email: rodriguez-hefnere@elpasotexas.gov
Address 1: 300 N. Campbell
Address 1:
City: El Paso, Texas 79901
Phone: 915-212-1795 Other Phone: 915-212-1162
Fax:
Title: Ms.
Salutation: Ms.
Position: Grants Administrator

Financial Official

Name: Margarita Munoz
Email: munozmm@elpasotexas.gov
Address 1: 300 N. Campbell st
Address 1:
City: City of El Paso, Texas 79901
Phone: 915-212-1174 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Comptroller

Project Director

Name: Oscar Giron
Email: 2075@elpasotexas.gov
Address 1: 911 N. Raynor
Address 1:
City: El Paso, Texas 79903
Phone: 915-212-4153 Other Phone: 915-212-4151
Fax:
Title: Mr.
Salutation: Officer
Position: Police Officer

Grant Writer**Name:** Adriana Romero**Email:** romeroax1@elpasotexas.gov**Address 1:** 911 Raynor**Address 1:****City:** El Paso TX, Texas 79903**Phone:** 915-212-4296 Other Phone:**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Grant Writer**Grant Vendor Information****Organization Type:** Unit of Local Government (City, Town, or Village)**Organization Option:** applying to provide homeland security services**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):** 17460007499014**Data Universal Numbering System (DUNS):** 058873019**Narrative Information****Overview**

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Primary Mission and Purpose

State Homeland Security Program (SHSP): Supports state, Tribal and local preparedness activities that address high-priority preparedness gaps across all core capabilities where a nexus to terrorism exists. All investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP projects must assist grantees in achieving target capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism.**

Eligibility Requirements

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

National Incident Management System (NIMS) Implementation

Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

Emergency Management Plans

Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Department of Public Safety, Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period and must be at least at the Intermediate Level. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Eligibility Requirements

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Program Requirements

Building and Sustaining Core Capabilities

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and recovery from terrorism.
3. Funding should be used to sustain core capabilities. New capabilities should not be built at the expense of maintaining current and critically needed core capabilities. New capabilities must be aligned with capability targets and gaps identified through the THIRA/SPR process.

Mission Areas

The National Preparedness Goal organizes the core capabilities into the five mission areas:

- **Prevention.** Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- **Protection.** Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.
- **Mitigation.** Reduce the loss of life and property by lessening the impact of future disasters.
- **Response.** Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.
- **Recovery.** Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

Nationwide Cyber Security Review

Grantees will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

☒ I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

This project will enhance first responder preparedness and will strengthen critical infrastructure by providing equipment and supplies, to prevent and respond to acts of terrorism, natural disasters, and other calls for service. This project will supply CBRNE equipment for first responders, police facilities with updated equipment for the HIRSCH Velocity access control system, and camera upgrades to the regional mobile command post.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

El Paso County with an estimated population of 840,000, its proximity to Mexico, and it serving as the headquarters for Fort Bliss, make El Paso a prime target for terrorism and similar types of attacks. El Paso also consists of numerous Critical Infrastructure facilities, assets, and networks. These include but are not limited to commercial facilities, communications structures, International dams, emergency services, and transportation services. All of the listed infrastructure sectors are potential targets for terrorism to include threats of active shooter attacks, hazardous chemical releases and natural disasters, which would require a major response from El Paso Police personnel both locally and regionally. This project will improve Law Enforcement response to mass casualty incidents and terrorism related incidents identified in the regional THIRA. The THIRA identifies threats to include active shooter attacks as well as the intentional, accidental, and technological release of hazardous chemicals in the region (THIRA Pg. 7,9,10 and 11).

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

The department currently issues CBRNE PPE to all sworn personnel to mitigate, disrupt and or interdict an act of terrorism or a natural disaster. PPE is essential equipment for the response to major incidents and events for the El Paso Police Department. The department also utilized the Hirsch Velocity Access Control and Milestone CCTV systems at all police facilities. The systems manage access control and assists in security operations of police facilities, which are critical infrastructure.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

The capability gap addressed by this project is "interdiction and disruption" on pages 13-14 of the 2020 SPR. Sustainment and replacement of outdated and obsolete equipment is addressed in the POETE section of the same core capability. Although all El Paso Police facilities and mobile command post are currently equipped with the Hirsch Velocity access control and camera systems, the current components are failing and are becoming obsolete. Additionally, new sworn personnel are not being issued the requested chemical suits. The requested equipment projects are essential in preventing, mitigating and responding to acts of terrorism and natural disasters.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps. This project will reduce gaps in preparedness and response by providing first responders with personal protection and lifesaving equipment. Law enforcement officers deploying with this equipment will have an opportunity to provide lifesaving measures to themselves and victims of terror attacks and mass casualty incidents. Additionally, this project will enhance infrastructure security at police facilities and on the mobile command post. In totality, these projects will enhance the El Paso Police Departments ability to prepare, mitigate and respond to acts of terrorism and natural disasters.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. *1.2.3 Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.*)

4.1.1 Develop a regionally focused multi-discipline, all hazards response system that ensures each region statewide has the necessary response teams and resources.

Target Group :

Identify the target group and population expected to benefit from this project.

This project will target all members of the El Paso Police Department and will benefit the entire community and regional partners.

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

With this funding, The El Paso Police Department will be able to maintain a more efficient and effective regional response level. With funding, the El Paso Police Department will continue to improve response capabilities and quality of service to the citizens of El Paso and RGCOG area of responsibility. Without federal funding, the capabilities of the El Paso Police Department are diminished. Other funding sources would need to be explored to maintain the current capability levels of the department. Federal and State grants enable the department to maintain its current level of response.

Project Activities Information**HSGP Instructions for Project Activity Selection**

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Addressing Emerging Threats	100.00	This project will provide El Paso Police First responders with equipment for use in responding to acts of terrorism and natural disasters as well enhancing critical infrastructure protection. This project is for the purchase of CBRNE PPE, and access control and CCTV upgrades..

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Number of exercises conducted.	0
Number of First Responder or EMC personnel provided with new or updated equipment.	200
Number of individuals participating in exercises.	0
Number of people trained.	0
Number of risk assessment technical assistance sessions conducted.	0
Number of Special Response Teams created, maintained or enhanced.	0
Number of trainings conducted.	0

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
-----------------------	--------------

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by going to the Upload.Files tab and following the instructions on Uploading eGrants Files.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☐ Yes
☒ No

For applicant agencies that selected Yes above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either No or N/A above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

9/1/2021

Enter the End Date [mm/dd/yyyy]:

8/31/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

59293711

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

4117764

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes
☐ No

Applicant agencies that selected Yes above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2019

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify
☐ Unable to Certify

Enter the debarment justification:

FFATA Certification

Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers YES to the FIRST statement but NO to the SECOND statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

☐ Yes
☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

☐ Yes
☒ No

If you answered YES to the FIRST statement and NO to the SECOND statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Homeland Security Information

FUND SOURCE INFORMATION AND REQUIREMENTS

DHS Project Type: Establish/enhance regional response teams

Capabilities

Core Capability: Interdiction and Disruption

Identify if this investment focuses on building new capabilities or sustaining existing capabilities. : Existing Capabilities (Sustain)

Are the assets or activities Deployable or Shareable: Deployable

☐ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures

☒ Check if these funds will support a project that was previously funded with HSGP funding

Project Management Step Involved:

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

Step: Execute

Description: The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.

Process: Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.

Milestones

Milestone: Research equipment and vendors; Completion Date: 12-30-2021

Milestone: Receive quotes and prepare purchase packets according city purchasing process; Completion Date: 02-28-2022

Milestone: Submit packets with approved purchase orders upon completion of city purchasing process.; Completion Date: 05-31-2022

NIMS Resources

☐ Check if this project supports a NIMS typed resource

Enter the name of the typed resources from the Resource Type Library Tool:

Enter the ID of the typed resources from the Resource Type Library Tool:

Fiscal Capability Information**Section 1: Organizational Information**

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

☐ Yes

☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

☐ Yes

☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

☐ Yes

☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

☐ Yes

☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts.

Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- ☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information**Budget Information by Budget Line Item:**

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	14SW-01-VIDA Systems, Video	The El Paso Police	\$35,000.00	\$0.00	\$0.00	\$0.00	\$35,000.00	100

	Assessment, Security	Department is requesting the upgrade of the onboard camera and recording system of the Regional Mobile Command Post. The upgrade would include new cameras, monitors, licensing, and installation.						
Supplies and Direct Operating Expenses	01CL-01-ENSM Ensemble, Law Enforcement CBRN Protective, NIJ Standard 0116.00 (LERL-1)	The El Paso Police Department is requesting the purchase of CBRNE chemical protective suits for sworn personnel. This is for the purchase of 200 suits at approximately \$400.00 each for a total cost of \$80,000.00	\$80,000.00	\$0.00	\$0.00	\$0.00	\$80,000.00	0
Supplies and Direct Operating Expenses	14SW-01-PACS - System, Physical Access Control	The El Paso Police Department is requesting the upgrade of the access control systems at all El Paso Police facilities. The upgrade would include new control boards and back up batteries at 10 facilities.	\$45,000.00	\$0.00	\$0.00	\$0.00	\$45,000.00	0

Source of Match Information**Detail Source of Match/GPI:**

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information**Budget Summary Information by Budget Category:**

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$35,000.00	\$0.00	\$0.00	\$0.00	\$35,000.00
Supplies and Direct Operating Expenses	\$125,000.00	\$0.00	\$0.00	\$0.00	\$125,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$160,000.00	\$0.00	\$0.00	\$0.00	\$160,000.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--------------------------------------------	--------------	----------	------------	----------------------

You are logged in as User Name: romeroax1



Legislation Text

File #: 21-133, **Version:** 1

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

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

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

STRATEGIC GOAL:

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

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.

Authorize the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3550602, for the City of El Paso Police Department project identified as " Crime Scene Investigation, FY 2022" to provide financial assistance to the City of El Paso. Requesting \$53,875.00, no cash match is required. Grant period will be from October 1, 2021 - September 30, 2022.

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: Police

AGENDA DATE: February 2, 2021

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Patrick Maloney, 212-4309

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

SUBGOAL:

SUBJECT:

Authorize the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3550602, for the City of El Paso Police Department project identified as "Crime Scene Investigation, FY 2022" to provide financial assistance to the City of El Paso. Requesting \$53,875.00, no cash match is required. Grant period will be from October 1, 2021 – September 30, 2022.

BACKGROUND / DISCUSSION:

The Criminal Justice Grant Program will purchase 3D laser scanner equipment and software for crime scene investigations.

PRIOR COUNCIL ACTION:

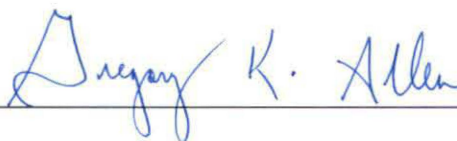
Special Traffic Investigation unit grant application FY21 was approved by City Council February 18, 2020. Justice Assistance Grant FY2020 was approved February 26, 2019.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



RESOLUTION

WHEREAS, the City of El Paso (the "City") is eligible to apply for grants through the Criminal Justice Division of the Office of the Governor of the State of Texas ("CJD"); and

WHEREAS, the El Paso City Council seeks to receive grant funding through the CJD grant/application number 3550602 for the El Paso Police Department project identified as "Crime Scene Investigation, FY 2022"; and

WHEREAS, the Grant requires no matching funds by the City; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City's authorized official.

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

1. That the El Paso City Council authorizes the submission to the Office of the Governor of the State of Texas, Criminal Justice Division, grant application number 3550602, for the City of El Paso Police Department project identified as "Crime Scene Investigation, FY 2022" to provide financial assistance to the City of El Paso.
2. That grant requirements for grant #3550602 require no matching funds for said grant; and
3. That the City Manager or designee is authorized to apply for, accept, reject, alter and/or terminate said grant; and
4. That the City Council agrees that in the event of loss or misuse of said grant funds, the City of El Paso will return all funds for said grant to the State of Texas Office of the Governor, Criminal Justice Division.
5. Further, the City Manager or designee is authorized to sign any related paperwork, including but not limited to, the actual grant contract, the authorization of budget transfers, and/or revisions to the operation plan, as well as any grant amendments, corrections or extensions of the grant agreement which increase, decrease or de-obligate program funds, provided that no additional City funds are required.

(Signatures on the following page)

APPROVED this 2 day of February, 2021.


CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory K. Allen
Chief of Police

[Print This Page](#)

Agency Name: El Paso, City of
Grant/App: 3550602 **Start Date:** 10/1/2020 **End Date:** 9/30/2021

Project Title: Crime Scene Investigations
Status: Application Pending Submission

Eligibility Information

Your organization's Texas Payee/Taxpayer ID Number:
17460007499049

Application Eligibility Certify:

Created on:12/21/2020 3:12:07 PM By:Adriana Romero

Profile Information

Applicant Agency Name: El Paso, City of
Project Title: Crime Scene Investigations
Division or Unit to Administer the Project: Police Department
Address Line 1: 300 N Campbell
Address Line 2:
City/State/Zip: El Paso Texas 79901-1402
Start Date: 10/1/2020
End Date: 9/30/2021

Regional Council of Governments(COG) within the Project's Impact Area: Rio Grande Council of Governments

Headquarter County: El Paso

Counties within Project's Impact Area: El Paso

Grant Officials:

Authorized Official

Name: Elda Hefner
Email: rodriguez-hefnere@elpasotexas.gov
Address 1: 300 N. Campbell
Address 1:
City: El Paso, Texas 79901
Phone: 915-212-1795 Other Phone: 915-212-1162
Fax:
Title: Ms.
Salutation: Ms.
Position: Grants Administrator

Financial Official

Name: Margarita Munoz
Email: munozmm@elpasotexas.gov
Address 1: 300 N. Campbell st
Address 1:
City: City of El Paso, Texas 79901
Phone: 915-212-1174 Other Phone:
Fax:
Title: Ms.
Salutation: Ms.
Position: Comptroller

Project Director

Name: John Surface
Email: 2430@elpasotexas.gov
Address 1: 911 N. Raynor

Address 1:**City:** El Paso, Texas 79925**Phone:** 915-212-4227 Other Phone:**Fax:****Title:** Mr.**Salutation:** Lieutenant**Position:** Police Lieutenant**Grant Writer****Name:** Adriana Romero**Email:** romeroax1@elpasotexas.gov**Address 1:** 911 Raynor**Address 1:****City:** El Paso TX, Texas 79903**Phone:** 915-212-4296 Other Phone:**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Grant Writer**Grant Vendor Information****Organization Type:** Council of Government (COG)**Organization Option:** applying to provide all other services**Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID):** 17460007499049**Data Universal Numbering System (DUNS):** 058873019**Narrative Information****Introduction**

The purpose of this funding is to support projects that promote public safety, reduce crime, and improve the criminal justice system.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Certifications

In addition to the requirements found in existing statute, regulation, and the funding announcement, this program requires applicant organizations to certify compliance with the following:

Constitutional Compliance

Applicant assures that it will not engage in any activity that violates Constitutional law including profiling based upon race.

Information Systems

Applicant assures that any new criminal justice information systems will comply with data sharing standards for the Global Justice XML Data Model and the National Information Exchange Model.

Bulletproof Vests

Applicant assures that if it plans to purchase body armor with grant funds, that it has adopted a mandatory wear policy and that all vests purchased have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. Additionally, vests purchased must be American-made.

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for <https://egrants.gov.texas.gov/project/GrantPrintableSummary.aspx?PrintCode=0&gh=23-96-2C-83-EC-DD-D9-0A-B1-59-74-4D-0C-FA-BB-AA&Print...> 2/14

disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

DNA Testing of Evidentiary Materials

When funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS) by a government DNA lab with access to CODIS.

Interoperable Communications

Funds to support emergency communications activities must ensure compliance with the FY 2018 SAFECOM Guidance on Emergency Communications Grants; adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band; and are fully coordinated with the full-time [Statewide Interoperability Coordinator \(SWIC\)](#) for Texas.

Twelve-Step Programs

Grant funds may not be used to support or directly fund programs such as the Twelve Step Program which courts have ruled are inherently religious. PSO grant funds cannot be used to support these programs, conduct meetings, or purchase related materials.

Program Income

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

National Instant Background Check System (NICS)

Entities receiving funds under this solicitation that are to generate or upgrade court dispositions or other records that are relevant to National Instant Background Check System (NICS) determinations must have a system in place to ensure that all such NICS-relevant dispositions or records that are generated or upgraded are made available in timely fashion to state repositories/databases that are accessed by NICS.

Body-Worn Cameras (BWCs)

Applicant assures that if it plans to purchase body-worn cameras with grant funds, that it has adopted adequate policies and procedures related to BWC equipment usage, data storage and access, privacy considerations and training. The certification form related to BWC policies and procedures can be found [here](#).

considerations and training. The certification form related to BWC policies and procedures can be found [here](#).

Certification of Compliance with 8 U.S.C 1373 and 1644

Applicant assures that it complies with 8 U.S.C. § 1373 & 1644. Applicant may be required to submit written assurances and/or certifications to this effect prior to award issuance. The Public Safety Office (PSO) will notify applicants if this becomes a requirement and provide the federally required form(s) and/or template(s).

Compliance with State and Federal Laws, Programs and Procedures

Local units of government, including cities, counties and other general purpose political subdivisions, as appropriate, and institutions of higher education that operate a law enforcement agency, must comply with all aspects of the programs and procedures utilized by the U.S. Department of Homeland Security ("DHS") to: (1) notify DHS of all information requested by DHS related to illegal aliens in Agency's custody; and (2) detain such illegal aliens in accordance with requests by DHS. Additionally, counties and municipalities may NOT have in effect, purport to have in effect, or make themselves subject to or bound by, any law, rule, policy, or practice (written or unwritten) that would: (1) require or authorize the public disclosure of federal law enforcement information in order to conceal, harbor, or shield from detection fugitives from justice or aliens illegally in the United States; or (2) impede federal officers from exercising authority under 8 U.S.C. § 1226(a), § 1226(c), § 1231(a), § 1357(a), § 1366(1), or § 1366(3). Lastly, eligible applicants must comply with all provisions, policies, and penalties found in Chapter 752, Subchapter C of the Texas Government Code.

Each local unit of government, and institution of higher education that operates a law enforcement agency, must download, complete and then upload into eGrants the [CEO/Law Enforcement Certifications and Assurances Form](#) certifying compliance with federal and state immigration enforcement requirements. This Form is required for each application submitted to OOG and is active until August 31, 2022 or the end of the grant period, whichever is later.

Information regarding Communication with the Department of Homeland Security (DHS) and/or Immigration and Customs Enforcement (ICE)

Please explain and describe any policies or practices your jurisdiction may have related to whether, when, or how employees may communicate with DHS or ICE. Include information on how each policy or practice complies with 8 U.S.C. 1373. Upload a copy of any written policies onto the Upload.Files Tab. Enter "N/A" below if your agency does NOT have any policies or practices regarding communication with DHS or ICE. Officers of the El Paso Police Department may not arrest an individual based on their citizenship status. Probable cause for arrest must exist. When officers determined through legal means that a person is an undocumented immigrant, he or she will be turned over to the US Border Patrol. Those immigrants who request asylum in the United States will be referred to the US Department of Immigration and Naturalization.

Civil Rights Liaison

A civil rights liaison who will serve as the grantee's civil rights point of contact and who will be responsible for ensuring that the grantee meets all applicable civil rights requirements must be designated. The designee will act as the grantee's liaison in civil rights matters with PSO and with the federal Office of Justice Programs.

Enter the Name of the Civil Rights Liaison:

Claudia Luján

Enter the Address for the Civil Rights Liaison:

300 N. Campbell 1st Floor El Paso, TX 79901

Enter the Phone Number for the Civil Rights Liaison [(999) 999-9999 x9999]:

915-212-1241

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

☒ **I certify to all of the application content & requirements.**

Project Abstract :

The El Paso Police Department (EPPD) is the largest law enforcement entity in the City of El Paso and serves approximately 680,000 residents. The Crime Scene Unit of the El Paso Police Department (EPPD) is responsible for the investigation of crime scenes, which include major crime scenes such as homicide scenes, officer involved shootings, and sexual assaults. The investigations that the Crime Scene Unit (CSU) conducts often lead to the identification of an offender, provides important evidence used in the successful prosecution of an offender, or even exonerates a person that was initially suspected of a criminal offense. It is extremely

important to conduct a thorough investigation, backed by current scientific and legal standards, which will allow for a successful investigation and prosecution of offenders. The EPPD-CSU unit currently uses the FARO 3D Scanning System. This system is a state of the art system which can scan anything and render the scan in 3D quality. The goal of the grant request is to purchase an additional 3D scanner which will allow for the Department to conduct more efficient 3D scans, increase the capabilities of the Department, and provide even more transparency in what we do. In addition, the EPPD-CSU unit also assists many other smaller agencies within West Texas. In the past, we have assisted the Texas Department of Public Safety - Texas Rangers - with homicide scenes in Alpine, and areas near Van Horn, Fabens, and other desert areas of El Paso County.

Problem Statement :

The El Paso Police Department currently uses the FARO 3D Scanner as the primary means of documentation for a crime scene, officer involved shooting, or any other major incident that the Department might investigate. These scanners have allowed for the EPPD Crime Scene Unit to evolve into a modern unit capable of handling any scene with the utmost of detail while respecting the current laws. These scanners are used nationwide by many agencies to document scenes. On August 3rd, 2019, the EPPD Crime Scene Unit was assigned to process the mass-murder active shooter at the Walmart, located at 7101 Gateway West. The Crime Scene Unit was designated as the lead agency. The unit used the existing FARO 3D scanner to process the scene, however the scene was too large for our equipment capabilities. Due to the existing relationship we had with FARO, the manufacturer of the scanner, they offered to send additional scanners to El Paso, along with an in-house expert to assist. We successfully completed a full 3D diagram of the scene with all of the extra equipment they provided. Unfortunately, this will not happen on 99.9% of other cases, as the Walmart shooting was a national incident - therefore it is important that the Department prepare itself with the purchase of the proper equipment before the need arises. This grant will allow us to purchase an additional scanner. This scanner will be of a slightly different model than what we currently have, which will allow us to scan much longer distances than we are currently able to. The longer distances will allow our unit to be much more efficient, as we will be able to take fewer scans, therefore reducing the time on scene and the impact to the community with a more expedient investigation. The El Paso Police Department - Crime Scene Unit - also has the only instructors (2) in the west portion of Texas and New Mexico. The unit will continue to provide any training to Agencies that are switching over to FARO in the future, and will continue to provide on-going training to the EPPD Crime Scene Unit.

Supporting Data :

There have been numerous studies that have shown that 3D crime scene scanners have vastly improved the efficiency of crime scene investigations, while taking out the subjective nature of doing a diagram using the total stations and prisms, which was the old way of diagraming. The 3D crime scene scanner and related software takes the subjective nature of diagrams away from the officers and incorporates it into the device itself. It will scan millions of points in a matter of minutes - which generates a much more precise diagram and investigation, but also includes all possible evidence - not just what the officer at the time felt was important. In addition, recent laws, such as the Michael Morton Act, require that all evidence be turned over to the prosecutor and defense. In a traditional diagram, all of the evidence is not being captured, and therefore, is not being turned over, as it was never collected. A 3D Scanner will allow the capability of every single bit of evidence to be diagramed, and then, turned over to the attorneys. This is a much better way of collecting evidence and ensures complete transparency with the investigations. Crime Scene Reconstruction is critical in cases where there is not a clear pattern of events. Accurate diagrams help investigators measure distances and piece together what actually happened. This may mean the difference in determining whether a death was a suicide, or a carefully planned murder. This may also allow investigators to show that a person was acting in self-defense or whether it was an intentional act. These differences can literally mean the difference between life and death for someone accused of such an offense. EPPD strives to conduct the best possible investigation when such important determinations are being made. During the investigation into the August 3, 2019, Walmart shooting, the Federal Bureau of Investigation was asked to assist, which included their forensic teams. Their Critical Incident Response Team, which has handled investigations such as the Boston Marathon Bombing, the Las Vegas mass shooting, and the Orlando Pulse Nightclub shooting, uses Faro 3D Scanners to process their scenes. This compatibility between the EPPD Crime Scene Unit and the FBI allowed data to be combined between the agencies. This will allow for a much better courtroom presentation to be presented to the jury and community about what occurred that day. The El Paso Community has always fully supported its law enforcement agencies. The agencies in return, have always strived to be as professional as possible while serving the community. This community partnership is what makes El Paso different from almost every other city in the county. This scanner will help support this community partnership by making everything the EPPD Crime Scene Unit does transparent, thereby continuing to build the trust of those we serve.

Project Approach & Activities:

The approach and activities of this project is to purchase the new 3D crime scene scanning equipment and software. If this grant is approved, the goal is to start using the equipment immediately. This will allow for quicker diagrams of scenes which capture far more data than ever possible using our current method of diagramming. Training is not needed as the EPPD Crime Scene Unit currently has (2) FARO instructors in the unit. These are the only (2) FARO instructors in the region.

Capacity & Capabilities:

This scanner is very similar to what we currently use in our department, however is better suited towards outdoor scenes. It has about a 350 meter scanning range, which equates to roughly 370 yards (3+ football fields). This is very different than our current scanners, which only have a range of about 70 meters, or about 75 yards. This added functionality will improve the processing of outside scenes and aid the efficiency of our unit. The EPPD Crime Scene Unit has already been trained on this device and no further training or qualifications are necessary.

Performance Management :

The performance management of this grant will be based on purchasing the equipment and implementing the equipment upon arrival. Since there is no training involved, we can immediately use this equipment without delay. The EPPD-CSU unit will also continue to provide training to any outside agency or Departmental unit that switches over to the FARO system. There are plans in place to assist the Special Traffic Investigation unit with training on their scanners, as well as the El Paso County Sheriff's Office, who is looking to upgrade to a FARO scanner. This scanner will also be used on homicide and officer involved shooting scenes through El Paso. Currently, we average 20+ scenes a year, sometimes many more. This scanner will be used on those scenes to generate a 3D diagram.

Target Group :

The target group of this purchase will be the El Paso Police Department - Crime Scene Unit. The officers which comprise the unit, will be trained and will be operating this equipment during the investigation of major police incidents and crime scenes. These cases include, but are not limited to: homicides, officer involved shootings, sexual assaults, or any other major police incident as determined by an El Paso Police Department supervisor. The data that this unit gathers will be managed by the EPPD-CSU unit. The diagrams, once successfully generated, will be used in court proceedings to show juries, witnesses, and offenders, as determined by prosecuting authorities.

Evidence-Based Practices:

All existing evidence-based practices are in place and will continue to be followed. The data gathered by this equipment are subject to numerous local, state, and federal regulations, including additional restrictions imposed due to the Michael Morton Act, which requires evidence to be handed over to prosecutors and defense attorneys.

Project Activities Information

Introduction

This section contains questions about your project. It is very important for applicants to review their funding announcement for guidance on how to fill out this section. Unless otherwise specified, answers should be about the EXPECTED activities to occur during the project period.

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Law Enforcement	100.00	The purpose of the S350 FARO 3D Scanner will be the process all homicide scenes, as well as other critical incidents, such as officer involved shootings.

CJD Purpose Areas

PERCENT DEDICATED	PURPOSE AREA	PURPOSE AREA DESCRIPTION
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Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Equipment or technology: Individuals/operators equipped	25
General Law Enforcement or Public Safety: Arrests resulting from grant.	0
Targeted Investigation: Criminal cases resulting in arrest.	0
Targeted Investigation: Grant-funded investigations carried out by the unit/division	0
Training or professional development: Individuals provided	0
Training or professional development: Individuals received	0
Training, professional development, or technical assistance: Hours provided	0
Training, professional development, or technical assistance: Hours received	0

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
-----------------	--------------

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
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Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the [approved](#) resolution to eGrants by clicking on the **Upload Files** sub-tab located in the **Summary** tab.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

- ☐ Yes
☒ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

- ☐ Yes
☒ No
☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

Select the appropriate response:

- ☐ Yes
☒ No
☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

9/1/2021

Enter the End Date [mm/dd/yyyy]:

8/31/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

59293711

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

4117764

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes

☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2019

Equal Employment Opportunity Plan**Compliance**

EEOP certification information must be submitted to the Office of Civil Rights, Office of Justice Programs through their on-line [EEOP Reporting Tool](#) within 120 days of the grant award date. For more information and guidance on how to complete and submit the federal EEOP certification information, please visit the US Department of Justice, Office of Justice Programs website at <https://ojp.gov/about/ocr/eeop.htm>.

Type I Entity

Defined as an applicant that meets one or more of the following criteria:

- has less than 50 employees;
- is a non-profit organization;
- is a medical institution;
- is an Indian tribe;
- is an educational institution, or
- is receiving a single award of less than \$25,000.

Requirements

- The applicant agency is exempt from the requirement to prepare an EEOP because it is a Type I Entity as defined above, pursuant to 28 CFR 42, subpart E;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP Certification information the Office for Civil Rights (OCR) to claim the exemption from developing an EEOP.

Type II Entity

Defined as an applicant that meets the following criteria:

- has 50 or more employees, and
- is receiving a single award of \$25,000 or more, but less than \$500,000.

Requirements

- The applicant agency is required to formulate an EEOP in accordance with 28 CFR 42.301, subpart E;
- the EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP is available for review by the public and employees or for review or audit by officials of OOG, OOG's designee, or the Office of Civil Rights, Office of Justice Programs, U.S. Department of Justice, as required by relevant laws and regulations;
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services;
- the applicant must submit EEOP information to the Office for Civil Rights (OCR) to claim the exemption from submitting an EEOP to OCR; and
- the EEOP is required to be on file with the applicant agency.

Enter the name of the person responsible for the EEOP and the address of the office where the EEOP is filed:

Type III Entity

Defined as an applicant that is NOT a Type I or Type II Entity.

Requirements

- The EEOP is required to be formulated and signed into effect within the past two years by the proper authority;
- the EEOP has been submitted to the Office of Civil Rights (OCR), Office of Justice Programs, U.S. Department of Justice and has been approved by the OCR, or it will be submitted to the OCR for approval upon award of the grant, as required by relevant laws and regulations; and
- the applicant will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services; and
- the applicant must submit EEOP information to the Office for Civil Rights (OCR).

Certification

Based on the definitions and requirements above, the applicant agency certifies to the following entity type:

- ☐ Type I Entity
☐ Type II Entity
☒ Type III Entity

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

- ☒ I Certify
☐ Unable to Certify

If you selected **Unable to Certify** above, please provide an explanation as to why the applicant agency cannot certify the statements.

FFATA Certification**Certification of Recipient Highly Compensated Officers**

The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (CJD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

Select the appropriate response:

☐ Yes
☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

Select the appropriate response:

☐ Yes
☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Fiscal Capability Information**Section 1: Organizational Information**

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

- ☐ Yes
☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

- ☐ Yes
☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

- ☐ Yes
☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

- ☐ Yes
☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

- ☐ Yes
☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits.

Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information**Budget Information by Budget Line Item:**

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Equipment	Crime Scene Equipment	This will be for the purchase of the FARO 3D Scanner Focus S350.	\$49,500.00	\$0.00	\$0.00	\$0.00	\$49,500.00	1
Equipment	Crime Scene Equipment	FARO 3D Scanner Focus 350 required accessories, including additional batteries, power	\$4,375.00	\$0.00	\$0.00	\$0.00	\$4,375.00	1

		cables, tripod, and thermal protection.						
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Source of Match Information

Detail Source of Match/GPI:

DESCRIPTION	MATCH TYPE	AMOUNT
-------------	------------	--------

Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information

Budget Summary Information by Budget Category:

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Equipment	\$53,875.00	\$0.00	\$0.00	\$0.00	\$53,875.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$53,875.00	\$0.00	\$0.00	\$0.00	\$53,875.00

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--------------------------------------------	--------------	----------	------------	----------------------

You are logged in as **User Name:** romeroax1



Legislation Text

File #: 21-136, **Version:** 1

CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM

All Districts

Police, Assistant Chief Patrick Maloney, (915) 212-4309

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

STRATEGIC GOAL:

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

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.

A Resolution authorizing the City Manager or designee to submit a grant application number 2950707 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021 - MATRIX El Paso Fusion Center Sustainment and Enhancement" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$489,173.32, no cash match required. Grant period will be from September 1, 2021 - August 31, 2022.

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: Police

AGENDA DATE: February 2, 2021

PUBLIC HEARING DATE:

CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Patrick Maloney, 212-4309

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2: Set the Standard for a Safe and Secure City

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

SUBJECT:

A resolution authorizing the City Manager or designee to submit a grant application number 2950707 for the City of El Paso Police Department project identified as the "Homeland Security Program FY 2021 - MATRIX El Paso Fusion Center Sustainment and Enhancement" through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, and/or terminate the grant which will provide financial assistance to the City of El Paso. In the event of loss or misuse of the grant funds, the City of El Paso assures that it will return the funds to the Office of the Governor in full. Requesting \$489,173.32, no cash match required. Grant period will be from September 1, 2021 – August 31, 2022.

BACKGROUND / DISCUSSION:

The Police Department's Fusion Center (MATRIX) was officially recognized by the State of Texas and the U.S. Department of Homeland Security in November 2010. Since 2008, the Police Department has been financially supporting the center's operation through Urban Area Security Initiative (UASI) and, more recently, State Homeland Security Program (SHSP) grant funding. Grant funds will be used to pay the salaries of the contract crime analysts, training and maintenance of the Fusion Center's software and hardware solutions.

PRIOR COUNCIL ACTION:


The grant application for FY2020 SHSP MATRIX Fusion Center was approved by city council on February 18, 2020.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:



RESOLUTION

WHEREAS, the City of El Paso (the “City”) is eligible to apply for grants through the Homeland Security Grant Division of the Office of the Governor of the State of Texas (“HSGD”); and

WHEREAS, the City of El Paso agrees to provide applicable matching funds for the said project as required by HSGD grant/application; and

WHEREAS, the City of El Paso agrees that in the event of loss or misuse of the Office of the Governor funds, the City of El Paso assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the El Paso City Council seeks to receive grant funding through the HSGD grant/application number 2950707 for the El Paso Police Department project identified as “State Homeland Security Program, FY2021 MATRIX El Paso Fusion Center Sustainment and Enhancement”; and

WHEREAS, the El Paso City Council designates the City Manager or his designee as the City’s authorized official.

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

1. That the City Manager or designee is authorized to submit grant application number 2950707, for the City of El Paso Police Department project identified as “Homeland Security Program FY2021, MATRIX El Paso Fusion Center Sustainment and Enhancement” through the Office of the Governor of the State of Texas, Homeland Security Grant Division, including all related paperwork, including but not limited to, authorization of budget transfers, and/or revisions to the operation plan, and to accept, reject, amend, correct, and/or terminate the grant; and
2. That the City of El Paso commits to provide all applicable matching funds for said grant; and
3. That in the event of loss or misuse of said grant funds, the City of El Paso assures it will return all funds for said grant to the State of Texas, Office of the Governor, Homeland Security Grant Division.

APPROVED this 2nd day of February, 2021.

(Signatures on the following page)


CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory K. Allen
Chief of Police

[Print This Page](#)**Agency Name:** El Paso, City of**Grant/App:** 2950707 **Start Date:** 9/1/2021 **End Date:** 8/31/2022**Project Title:** MATRIX El Paso Fusion Center Sustainment and Enhancement**Status:** Application Pending Submission**Eligibility Information****Your organization's Texas Payee/Taxpayer ID Number:**

17460007499014

Application Eligibility Certify:

Created on:12/14/2020 4:08:22 PM By:Adriana Romero

Profile Information**Applicant Agency Name:** El Paso, City of**Project Title:** MATRIX El Paso Fusion Center Sustainment and Enhancement**Division or Unit to Administer the Project:** El Paso Police Department: Fusion Center**Address Line 1:** 911 Raynor St.**Address Line 2:****City/State/Zip:** El Paso Texas 79903-4136**Start Date:** 9/1/2021**End Date:** 8/31/2022**Regional Council of Governments(COG) within the Project's Impact Area:** Rio Grande Council of Governments**Headquarter County:** El Paso**Counties within Project's Impact Area:** Brewster,Culberson,El Paso,Jeff Davis,Presidio**Grant Officials:****Authorized Official****Name:** Elda Hefner**Email:** rodriguez-hefnere@elpasotexas.gov**Address 1:** 300 N. Campbell**Address 1:****City:** El Paso, Texas 79901**Phone:** 915-212-1795 Other Phone: 915-212-1162**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Grants Administrator**Financial Official****Name:** Margarita Munoz**Email:** munozmm@elpasotexas.gov**Address 1:** 300 N. Campbell st**Address 1:****City:** City of El Paso, Texas 79901**Phone:** 915-212-1174 Other Phone:**Fax:****Title:** Ms.**Salutation:** Ms.**Position:** Comptroller**Project Director****Name:** Ricardo Medina**Email:** 2014@elpasotexas.gov**Address 1:** 911 Raynor**Address 1:****City:** El Paso, Texas 79903**Phone:** 915-212-4003 Other Phone:**Fax:****Title:** Mr.

Salutation: Lieutenant

Position: Lieutenant

Grant Writer

Name: Adriana Romero

Email: romeroax1@elpasotexas.gov

Address 1: 911 Raynor

Address 1:

City: El Paso TX, Texas 79903

Phone: 915-212-4296 Other Phone:

Fax:

Title: Ms.

Salutation: Ms.

Position: Grant Writer

Grant Vendor Information

Organization Type: Unit of Local Government (City, Town, or Village)

Organization Option: applying to provide homeland security services

Applicant Agency's State Payee Identification Number (e.g., Federal Employer's Identification (FEI) Number or Vendor ID): 17460007499014

Data Universal Numbering System (DUNS): 058873019

Narrative Information

Overview

The purpose of the Homeland Security Grant Program (HSGP) is to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the Nation for the threats and hazards that pose the greatest risk to the security of the United States. HSGP provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving the National Preparedness Goal (the Goal) of a secure and resilient Nation. The building, sustainment, and delivery of these core capabilities are not exclusive to any single level of government, organization, or community, but rather, require the combined effort of the whole community. HSGP supports core capabilities across the five mission areas of Prevention, Protection, Mitigation, Response, and Recovery based on allowable costs.

The funding announcement, located on the [eGrants Calendar](#) page, describes the organization types, activities, and costs that are eligible under the announcement. The PSO's [eGrants User Guide to Creating an Application](#) guides applicants through the process of creating and submitting an application in eGrants. Information and guidance related to the management and use of grant funds can be found in the The PSO's Guide to Grants, located on the [PSO Resource for Applicants and Grantees webpage](#).

Primary Mission and Purpose

State Homeland Security Program (SHSP) - Law Enforcement Terrorism Prevention Activities

(LETPA): Supports state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and support critical prevention and protection activities. All LETPA investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP-LETPA projects must assist grantees in achieving target capabilities related to preventing, preparing for, or protecting against acts of terrorism.**

Eligibility Requirements

Criminal History Reporting

Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the *Texas Code of Criminal Procedure, Chapter 66*. The disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety. Click [here](#) for additional information from DPS on this new reporting requirement.

Uniform Crime Reporting (UCR)

Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.

National Incident Management System (NIMS) Implementation

Grantees are required to implement NIMS. The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.

Emergency Management Plans

Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Department of Public Safety, Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period and must be at least at the Intermediate Level. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.

Eligibility Requirements**Program Income**

Applicant agrees to comply with all federal and state rules and regulations for program income and agrees to report all program income that is generated as a result of the project's activities. Applicant agrees to report program income through a formal grant adjustment and to secure PSO approval prior to use of the program income. Applicant agrees to use program income for allowable costs and agrees to expend program income immediately after PSO's approval of a grant adjustment and prior to requesting reimbursement of funds.

Deduction Method - Program income shall be deducted from total allowable costs to determine the net allowable costs. Program income shall be used for current costs unless PSO authorizes otherwise. Program income which the grantee did not anticipate at the time of the award shall be used to reduce the PSO award and grantee match rather than to increase the funds committed to the project.

Asset Seizures and Forfeitures - Program income from asset seizures and forfeitures is considered earned when the property has been adjudicated to the benefit of the plaintiff (e.g., law enforcement entity).

Program Requirements

Building and Sustaining Core Capabilities

1. All capabilities being built or sustained must have a clear link to one or more Core Capabilities in the National Preparedness Goal.
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of, protection from, mitigation of, response to, and recovery from terrorism.
3. Funding should be used to sustain core capabilities. New capabilities should not be built at the expense of maintaining current and critically needed core capabilities. New capabilities must be aligned with capability targets and gaps identified through the THIRA/SPR process.

Mission Areas

The National Preparedness Goal organizes the core capabilities into the five mission areas:

- Prevention. Prevent, avoid or stop an imminent, threatened or actual act of terrorism.
- Protection. Protect our citizens, residents, visitors, and assets against the greatest threats and hazards in a manner that allows our interests, aspirations, and way of life to thrive.
- Mitigation. Reduce the loss of life and property by lessening the impact of future disasters.
- Response. Respond quickly to save lives, protect property and the environment, and meet basic human needs in the aftermath of a catastrophic incident.
- Recovery. Recover through a focus on the timely restoration, strengthening and revitalization of infrastructure, housing and a sustainable economy, as well as the health, social, cultural, historic and environmental fabric of communities affected by a catastrophic incident.

Nationwide Cyber Security Review

Grantees will be required to complete the Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture. The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

LETPA

Law Enforcement Terrorism Prevention Activities (LETPA)

The state is responsible for ensuring that at least 25 percent (25%) of the combined HSGP funds allocated under SHSP and UASI are dedicated towards law enforcement terrorism prevention activities, as defined in 6 U.S.C. 607.

Grant projects must be consistent with the [Federal Emergency Management Agency \(FEMA\) Information Bulletin \(IB\) 412](#) which discusses eligible activities outlined in:

- a. The [National Prevention Framework](#);
- b. The [National Protection Framework](#) where capabilities are shared with the prevention mission area;
- c. Section 2006 of the [Homeland Security Act of 2002](#), as amended; and
- d. The [FY 2007 Homeland Security Grant Program Guidance and Application Kit](#).

Activities eligible for use of LETPA focused funds include but are not limited to: Maturation and enhancement of designated state and major Urban Area fusion centers, including information sharing and analysis, threat recognition, terrorist interdiction, and training/hiring of intelligence analysts. Coordination between fusion centers and other analytical and investigative efforts. Implementation and maintenance of the Nationwide Suspicious Activity Reporting (SAR) Initiative. Implementation of the "If You See Something, Say Something" campaign to raise public awareness of indicators of terrorism and terrorism-related crime and associated efforts to increase the sharing of information with public and private sector partners. Increased physical security, through law enforcement personnel and other protective measures, by implementing preventative and protective measures at critical infrastructure sites or at-risk nonprofit organizations.

Overall Certification

Each applicant agency must certify to the specific requirements detailed above as well as to comply with all requirements within the PSO Funding Announcement, the *Guide to Grants*, the *Grantee Conditions and Responsibilities*, any authorizing or applicable state and federal statutes and regulations to be eligible for this program.

X I certify to all of the application content and requirements.

Project Summary :

Briefly summarize the project, including proposed activities and intended impact.

The Multi-Agency Tactical Response Information eXchange (MATRIX), El Paso Fusion Center's project submission for the FY21 State Homeland Security Program will focus on the sustainment, maintenance, and enhancement of the Center's Critical Operational Capabilities (COCs), Enabling Capabilities (ECs), and the mitigation of capability gaps in Region VIII's THIRA. With this focus, the project will further support the augmentation of the Fusion Center's infrastructure and its relationship with the US DHS, the National Network of Fusion Centers, and the Texas Joint Crime Information Center. The project will directly support the Texas Homeland Security Strategic Plan's (2015-2020) Goal 1 to prevent terrorist attacks and organized criminal activity in Texas and the National Preparedness Goals' (Second Edition, September 2015) core capabilities of Prevention and Mitigation. The project will directly maintain the Center's achieved abilities by sustainment of its current staff and systems and work to close the gap on capability deficiencies and target capabilities.

Problem Statement :

Provide a detailed account of the issues, threats or hazards that your project will target. For federal Homeland Security Grants, include specific references to the regional or state *Threat and Hazard Identification and Risk Assessment (THIRA)*, as applicable.

Pages 14 through 46 of the 2019 RGCOG Region VIII THIRA list threats and hazards to the region: (1) Flood, (2) Hazmat Release-Chemical, (3) Wildfire, (4) Active-Shooter, (5) Chemical Attack, and (6) Radiological. The project targets these through its mission focus of prevention and protection, which are also the key component of 12 of the center's 32 Core Capabilities. Intrinsically this focus spans all mission areas facilitating the ability to deliver actionable intelligence that mitigates the impact of these threats and hazards. The specific focus of this project is to prevent the degradation of the center's standing capabilities and provide enhancements to support the achievement of the Region's capability targets delineated on page 14 - 46 of the THIRA. The project will accomplish this through sustainment of the center's key attributes that mitigate regional threats and deliver an increase in capabilities to achieve the THIRA's directed capability targets within the core capability areas of "Public Information and Warning," "Forensics and Attribution," "Intelligence and Information Sharing," "Interdiction and Disruption," and "Operational Communications." Moreover, an increase in capabilities that will expand the center's coverage and its ability to maintain situational acuity and provide timely and accurate information in all areas.

Existing Capability Levels :

Describe the existing capability levels, including resources that are currently in place to support this project prior to the use of grant funds.

The MATRIX Fusion Center is a federal and state-recognized fusion center and an integral part of the National Fusion Center Network. The Center is an essential resource in Region VIII's attainment of its capability targets and mitigation of its threats and hazards. The MATRIX Fusion Center is a continuing project and has been since FY2007 receiving UASI or SHSP funding each year. As of the last published assessment, the center's existing capability levels met or exceeded the US DHS's prescribe baseline capabilities.

Capability Gaps:

Describe the capability gaps which will be addressed by the project. For federal Homeland Security Grants, include specific references to the regional or statewide State Preparedness Report (SPR).

The project's activities will directly mitigate the 2019 RGCOG SPR capability gaps and provide the enhancements necessary to achieve the 2019 RGCOG Region VIII THIRA's capability targets. The project will accomplish this by increasing and sustaining funding in three areas: (1) Maintain topic coverage as identified in the THIRA's capability targets and SPR's capability gaps; and, sustain funding of the existing four analysts to maintain current capabilities; (2) provide additional funding for crucial training for the analytical staff and leadership to augment capabilities and achieve the THIRA targets and close identified SPR gaps; and, (3) provide support for existing systems that will enhance the center's ability to gather intelligence and information, assess continuously, and develop reports and products for dissemination across Region VIII, the state, and the entire national fusion center network and intelligence community.

Impact Statement :

Describe the project goals/objectives and how this project will maintain capabilities or reduce capability gaps.

Strategy: This project supports the Information and Intelligence Sharing/Cooperation investment area, and will aid in preventing, preparing for, protecting against, and responding to acts of terrorism; help the State to meet its target capabilities; and otherwise reduce overall risk to the State by enhancing intelligence collection, integration, analysis, and information sharing capabilities and supporting cooperation among state, federal and local partners in all aspects of homeland security, such as counterterrorism, cybersecurity border security, immigration enforcement, and other areas critical to homeland security operations. Budget: The cost effectiveness of this project will be maximized through the use of competitive bidding processes, compliance with organizational procurement policies, continued promotion of mutual aid, and the sharing and use of statewide or regional assets when possible/appropriate. Impact: This project will close Intelligence and Information Sharing capability gaps identified in the State's Stakeholder Preparedness Review (SPR) and address national priorities as outlined in the FY 2021 NOFO by helping to ensure effective execution of the intelligence cycle and sharing threat information with priority intelligence stakeholder agencies in accordance with the intelligence cycle and all dissemination protocols. Improvement of this capability / progress towards the Capability

Target identified in the SPR will be measured and evaluated through the SPR quantitative review process, which assesses capabilities built, sustained, or lost over time. Collaboration: The recipient is not aware of any existing logistical, technological, legal, policy, or other impediments to collaborating, networking, sharing information, cooperating, and fostering a culture of national preparedness. In the event that such an impediment should be identified, the recipient will actively coordinate with relevant partners to alleviate and/or eliminate the impediment. The recipient will continue to collaborate with all partners to prevent, prepare for, protect against, and respond to acts of terrorism; meet target capabilities; support the national security mission of DHS and other federal agencies; and otherwise reduce the overall risk to the high-risk urban area, the State, or the Nation. Performance: This project will directly sustain the Fusion Center's current capabilities and performance and directly aligns with performance measures [2020.1-10, 2020.16-23]. We anticipate continued improvement in the quality and quantity of analytic production and responses to requests for information as a direct result of funding for this project.

Homeland Security Priority Actions:

Identify the Texas Homeland Security Priority Action most closely aligned with this project. Each Priority Action is linked with an *Objective from the Texas Homeland Security Strategic Plan (HSSP)*. List the Priority Action by number and text (e.g. 1.2.3 Expand and enhance the network of human sources that can provide detailed and relevant information on known or suspected terrorist and criminal enterprises.)

1.1.1 Establish technical and relationship networks to enhance and manage the statewide intelligence capability, to include threat identification and prioritization, collection requirements development and management, resource allocation, distributed analytical production, and product dissemination.

Target Group :

Identify the target group and population expected to benefit from this project.

Local, State, Tribal and Federal Law Enforcement Agencies in RGCOG Region VIII

Long-Term Approach:

Describe how the applicant agency will maintain the capabilities supported by this project without additional federal or state funds. If sustainment is dependent upon federal or state grants, describe the ongoing need for future grants, as applicable.

The MATRIX – El Paso Fusion Center and the City of El Paso are unable to sustain and mature this project without adequate grant funding.

Project Activities Information

HSGP Instructions for Project Activity Selection

Homeland Security Grant Program (HSGP) applicants should only select one project activity. The eGrants system will allow multiple selections, but each HSGP subrecipient project must fit into one and only one of the Investment Categories that are listed as project activities under the "Activity List".

Selected Project Activities:

ACTIVITY	PERCENTAGE:	DESCRIPTION
Information and Intelligence Sharing/Cooperation	100.00	The project's activities will consist of funding the salaries and benefits of the center's three analysts (Personnel), the re-title one analyst to senior analysts (Personnel) maintenance and support of the applications listed in this project's Contractual and Professional Services section of the budget. The activities also include funding for equipment to operate applications and travel funding to enhance analysts capabilities.

Measures Information

Objective Output Measures

OUTPUT MEASURE	TARGET LEVEL
Number of exercises conducted.	1
Number of individuals participating in exercises.	7
Number of intelligence and information sharing systems created, maintained or enhanced.	1

Number of intelligence products created.	1000
Number of people trained.	7
Number of trainings conducted.	1

Objective Outcome Measures

OUTCOME MEASURE	TARGET LEVEL
Number of agencies actively participating in the Intelligence and Information Sharing program.	15
Number of agencies served by the interoperable communication system.	0
Number of intelligence products distributed/shared.	2500
Percent (%) of population that can be reached by emergency public information technologies.	0

Custom Output Measures

CUSTOM OUTPUT MEASURE	TARGET LEVEL
-----------------------	--------------

Custom Outcome Measures

CUSTOM OUTCOME MEASURE	TARGET LEVEL
------------------------	--------------

Resolution from Governing Body

Applications from nonprofit corporations, local units of governments, and other political subdivisions must include a [resolution](#) that contains the following:

1. Authorization by your governing body for the submission of the application to the Public Safety Office (PSO) that clearly identifies the name of the project for which funding is requested;
2. A commitment to provide all applicable matching funds;
3. A designation of the name and/or title of an authorized official who is given the authority to apply for, accept, reject, alter, or terminate a grant (Note: If a name is provided, you must update the PSO should the official change during the grant period.); and
4. A written assurance that, in the event of loss or misuse of grant funds, the governing body will return all funds to PSO.

Upon approval from your agency's governing body, upload the approved resolution to eGrants by going to the **Upload.Files** tab and following the instructions on Uploading eGrants Files.

Contract Compliance

Will PSO grant funds be used to support any contracts for professional services?

Select the appropriate response:

☒ Yes

☐ No

For applicant agencies that selected **Yes** above, describe how you will monitor the activities of the sub-contractor(s) for compliance with the contract provisions (including equipment purchases), deliverables, and all applicable statutes, rules, regulations, and guidelines governing this project.

Enter a description for monitoring contract compliance:

The City of El Paso, MATRIX – El Paso Fusion Center will monitor and assure that all contracts are executed in compliance with all applicable federal and state statutes, regulations, policies, guidelines and requirements, including, but not limited to, 2 CFR 200; the Uniform Grant Management Standards (UGMS); and Title 1, Part 1, Chapter 3 of the Texas Administrative Code, that govern the application, acceptance and use of Federal and State funds for this project. The MATRIX - El Paso Fusion Center shall assign a project manager and information technology specialist to monitor and review the work and/or services performed by contract funded by these grant funds.

Lobbying

For applicant agencies requesting grant funds in excess of \$100,000, have any federally appropriated funds 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 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?

Select the appropriate response:

☐ Yes

☒ No

☐ N/A

For applicant agencies that selected either **No** or **N/A** above, have any non-federal funds 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 in connection with this federal contract, loan, or cooperative agreement?

☐ Yes

☒ No

☐ N/A

Fiscal Year

Provide the begin and end date for the applicant agency's fiscal year (e.g., 09/01/20xx to 08/31/20xx).

Enter the Begin Date [mm/dd/yyyy]:

8/31/2021

Enter the End Date [mm/dd/yyyy]:

9/1/2022

Sources of Financial Support

Each applicant must provide the amount of grant funds expended during the most recently completed fiscal year for the following sources:

Enter the amount (in Whole Dollars \$) of Federal Grant Funds expended:

59293711

Enter the amount (in Whole Dollars \$) of State Grant Funds expended:

4117764

Single Audit

Applicants who expend less than \$750,000 in federal grant funding or less than \$750,000 in state grant funding are exempt from the Single Audit Act and cannot charge audit costs to a PSO grant. However, PSO may require a limited scope audit as defined in 2 CFR Part 200, Subpart F - Audit Requirements.

Has the applicant agency expended federal grant funding of \$750,000 or more, or state grant funding of \$750,000 or more during the most recently completed fiscal year?

Select the appropriate response:

☒ Yes

☐ No

Applicant agencies that selected **Yes** above, provide the date of your organization's last annual single audit, performed by an independent auditor in accordance with the State of Texas Single Audit Circular; or CFR Part 200, Subpart F - Audit Requirements.

Enter the date of your last annual single audit:

8/31/2019

Debarment

Each applicant agency will certify that it and its principals (as defined in 2 CFR Part 180.995):

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal Court, or voluntarily excluded from participation in this transaction by any federal department or agency;
- Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
- Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in the above bullet; and have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Select the appropriate response:

☒ I Certify

☐ Unable to Certify

Enter the debarment justification:

FFATA Certification

Certification of Recipient Highly Compensated Officers – The Federal Funding Accountability and Transparency Act (FFATA) requires Prime Recipients (HSGD) to report the names and total compensation of each of the five most highly compensated officers (a.k.a. positions) of each sub recipient organization for the most recently completed fiscal year preceding the year in which the grant is awarded if the subrecipient answers **YES** to the **FIRST** statement but **NO** to the **SECOND** statement listed below.

In the sub recipient's preceding completed fiscal year, did the sub recipient receive: (1) 80 percent or more of its annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements; AND (2) \$25,000,000 or more in annual gross revenue from Federal contracts (and subcontracts), loans, grants (and subgrants) and cooperative agreements?

☐ Yes

☒ No

Does the public have access to information about the compensation of the senior executives through periodic reports filed under Section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

☐ Yes

☒ No

If you answered **YES** to the **FIRST** statement and **NO** to the **SECOND** statement, please provide the name and total compensation amount of each of the five most highly compensated officers (a.k.a. positions) within your agency for the current calendar year. If you answered NO to the first statement you are NOT required to provide the name and compensation amounts. NOTE: "Total compensation" means the complete pay package of each of the sub recipient's compensated officers, including all forms of money, benefits, services, and in-kind payments (see SEC Regulations: 17 CCR 229.402).

Position 1 - Name:

Position 1 - Total Compensation (\$):

0

Position 2 - Name:

Position 2 - Total Compensation (\$):

0

Position 3 - Name:

Position 3 - Total Compensation (\$):

0

Position 4 - Name:

Position 4 - Total Compensation (\$):

0

Position 5 - Name:

Position 5 - Total Compensation (\$):

0

Homeland Security Information**FUND SOURCE INFORMATION AND REQUIREMENTS****DHS Project Type:** Establish/enhance a terrorism intelligence/early warning system, center, or task force**Capabilities****Core Capability:** Intelligence and Information Sharing**Identify if this investment focuses on building new capabilities or sustaining existing capabilities. :** New Capabilities (Build)**Are the assets or activities Deployable or Shareable:** Shareable☐ Check if this Investment requires new construction or renovation, retrofitting, or modification of existing structures☒ Check if these funds will support a project that was previously funded with HSGP funding**Project Management Step Involved:**

Check the step that most closely resembles the phase of the project activities to be completed during the grant period.

Step: Execute**Description:** The period within the project lifecycle during which the actual work of creating the project's deliverables is carried out.**Process:** Involves directing, accomplishing, managing, and completing all phases and aspects of work for a given project.**Milestones****Milestone:** Complete Travel to National Fusion Center Training Conference; **Completion Date:** 08-31-2022**Milestone:** Analysts will produce a variety of products to include but not limited to a daily executive summary, weekly auto theft summary, monthly firearms, gang booking and narcotics reports. Case support for investigative units, threat assessments for major events in the AOR. Trends and analysis for crimes; **Completion Date:** 08-31-2022**Milestone:** Police Specialist will be hired and trained; **Completion Date:** 08-31-2022**NIMS Resources**☐ Check if this project supports a NIMS typed resource**Enter the name of the typed resources from the Resource Type Library Tool:****Enter the ID of the typed resources from the Resource Type Library Tool:**

Fiscal Capability Information**Section 1: Organizational Information**

*** FOR PROFIT CORPORATIONS ONLY ***

Enter the following values in order to submit the application

Enter the Year in which the Corporation was Founded: 0

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status: 01/01/1900

Enter the Employer Identification Number Assigned by the IRS: 0

Enter the Charter Number assigned by the Texas Secretary of State: 0

Enter the Year in which the Corporation was Founded:

Enter the Date that the IRS Letter Granted 501(c)(3) Tax Exemption Status:

Enter the Employer Identification Number Assigned by the IRS:

Enter the Charter Number assigned by the Texas Secretary of State:

Section 2: Accounting System

The grantee organization must incorporate an accounting system that will track direct and indirect costs for the organization (general ledger) as well as direct and indirect costs by project (project ledger). The grantee must establish a time and effort system to track personnel costs by project. This should be reported on an hourly basis, or in increments of an hour.

Is there a list of your organization's accounts identified by a specific number (i.e., a general ledger of accounts)?

Select the appropriate response:

☐ Yes

☐ No

Does the accounting system include a project ledger to record expenditures for each Program by required budget cost categories?

Select the appropriate response:

☐ Yes

☐ No

Is there a timekeeping system that allows for grant personnel to identify activity and requires signatures by the employee and his or her supervisor?

Select the appropriate response:

☐ Yes

☐ No

If you answered 'No' to any question above in the Accounting System section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 3: Financial Capability

Grant agencies should prepare annual financial statements. At a minimum, current internal balance sheet and income statements are required. A balance sheet is a statement of financial position for a grant agency disclosing assets, liabilities, and retained earnings at a given point in time. An income statement is a summary of revenue and expenses for a grant agency during a fiscal year.

Has the grant agency undergone an independent audit?

Select the appropriate response:

☐ Yes

☐ No

Does the organization prepare financial statements at least annually?

Select the appropriate response:

☐ Yes

☐ No

According to the organization's most recent Audit or Balance Sheet, are the current total assets greater than the liabilities?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Financial Capability section, in the space provided below explain what action will be taken to ensure accountability.

Enter your explanation:

Section 4: Budgetary Controls

Grant agencies should establish a system to track expenditures against budget and / or funded amounts. Are there budgetary controls in effect (e.g., comparison of budget with actual expenditures on a monthly basis) to include drawing down grant funds in excess of:

a) Total funds authorized on the Statement of Grant Award?

- ☐ Yes
☐ No

b) Total funds available for any budget category as stipulated on the Statement of Grant Award?

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Budgetary Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Section 5: Internal Controls

Grant agencies must safeguard cash receipts, disbursements, and ensure a segregation of duties exist. For example, one person should not have authorization to sign checks and make deposits. Are accounting entries supported by appropriate documentation (e.g., purchase orders, vouchers, receipts, invoices)?

Select the appropriate response:

- ☐ Yes
☐ No

Is there separation of responsibility in the receipt, payment, and recording of costs?

Select the appropriate response:

- ☐ Yes
☐ No

If you selected 'No' to any question above under the Internal Controls section, in the space provided below please explain what action will be taken to ensure accountability.

Enter your explanation:

Budget Details Information

Budget Information by Budget Line Item:

CATEGORY	SUB CATEGORY	DESCRIPTION	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL	UNIT/%
Personnel	Analyst (Organization)	Crime Analyst Moreno is a full-time employee who provides specialized analytical support and	\$55,232.46	\$0.00	\$0.00	\$0.00	\$55,232.46	100

		expertise to the fusion center's gathering, continuous assessment, and development of intelligence and information reports and products to attain and mitigate capability gaps identified in both Region VIII THIRA and State Preparedness Report (SPR). Salary period is 09/01/2021 thru 08/31/2022						
Personnel	Analyst (Organization)	Crime Analyst Emerick is a full-time employee who provides specialized analytical support and expertise to the fusion center's gathering, continuous assessment, and development of intelligence and information reports and products to attain and mitigate capability gaps identified in both the Region VIII THIRA and State Preparedness Report (SPR). Salary period is 09/01/2021 thru 08/31/2022.	\$73,403.06	\$0.00	\$0.00	\$0.00	\$73,403.06	100
Personnel	Analyst (Organization)	Crime Analyst Davis is a full-time employee who provides specialized analytical support and expertise to the fusion center's gathering, continuous	\$60,879.19	\$0.00	\$0.00	\$0.00	\$60,879.19	100

		assessment, and development of intelligence and information reports and products to attain and mitigate capability gaps identified in both the Region VIII THIRA and State Preparedness Report (SPR). Salary period is 09/01/2021 thru 08/31/2022.						
Personnel	Analyst (Organization)	Crime Analyst Alvarez is a full-time employee who provides specialized analytical support and expertise to the fusion center's gathering, continuous assessment, and development of intelligence and information reports and products to attain and mitigate capability gaps identified in both the Region VIII THIRA and State Preparedness Report (SPR). Salary period is 09/01/2021 thru 08/31/2022.	\$61,695.71	\$0.00	\$0.00	\$0.00	\$61,695.71	100
Contractual and Professional Services	21GN-00-MAIN Maintenance	Forensic Logic CopLink- LE information sharing cloud-based subscription and support renewal, period: 09/01/2021 to 08/31/2020	\$27,619.09	\$0.00	\$0.00	\$0.00	\$27,619.09	0
Contractual and Professional Services	21GN-00-MAIN Maintenance	ESRI - ArcGIS Server Advanced Enterprise Edition	\$10,884.70	\$0.00	\$0.00	\$0.00	\$10,884.70	0

		Maintenance Agreement, period: 09/01/2021 to 08/31/2022						
Contractual and Professional Services	21GN-00-MAIN Maintenance	Vigilant - subscription to cloud-based private, license plate data collection, period: 09/01/2021 to 08/31/2022	\$51,990.00	\$0.00	\$0.00	\$0.00	\$51,990.00	0
Contractual and Professional Services	21GN-00-MAIN Maintenance	Citizen Observer - TIP411 subscription and support for a web-based community notification systems including crime alerts, anonymous tips, smartphone apps, and social media publishing, period: 09/01/2021 to 08/31/2022	\$43,260.00	\$0.00	\$0.00	\$0.00	\$43,260.00	0
Contractual and Professional Services	21GN-00-MAIN Maintenance	WEST - CLEAR For Law Enforcement. Through CLEAR's live gateways and easy-to-use interface, you are able to quickly identify victims and persons of interest to ensure your officers on the street are protected. Because you are able to see all the information available, you can better plan and prepare for any situation you may face. Access to live phone records, Real-Time	\$34,373.41	\$0.00	\$0.00	\$0.00	\$34,373.41	0

		Incarceration and Arrest Gateway, On demand fixed rate batch, Source Transparency, and customizable preferences. Period: 09/01/2021 to 08/31/2022.						
Contractual and Professional Services	04AP-05-CRED System, Credentialing	Media Sonor - Software as a subscription that will assist in discovering dark, deep, and surface web data the center needs to mitigate and safeguard against physical and online threats. Period: 09/01/21 to 08/31/22.	\$29,835.70	\$0.00	\$0.00	\$0.00	\$29,835.70	0
Travel and Training	In-State Incidentals and/or Mileage (Exercises)	Director and Deputy Director to attend Western Region Fusion Center training event. Travel between Mar-May 2022 TBD	\$6,000.00	\$0.00	\$0.00	\$0.00	\$6,000.00	0
Travel and Training	Out-of-State Incidentals and/or Mileage (Planning)	Director and Deputy Director to travel to Austin Texas for the Texas Fusion Center Council policy meeting. Part of the statewide effort to coordinate Fusion Centers within the state of Texas. Travel between Jun-Aug 2022. TBD	\$4,000.00	\$0.00	\$0.00	\$0.00	\$4,000.00	0
Travel and Training	Out-of-State Registration Fees (Training)	Director, Deputy Director and Two analysts to attend National Fusion Center Training Conference in Alexandria Virginia October	\$13,000.00	\$0.00	\$0.00	\$0.00	\$13,000.00	0

		26-29, 2021. This is the main fusion center conference each year.						
Equipment	04HW-01-INHW Hardware, Computer, Integrated	monitors for analytic staff, (4) Printer (4)	\$5,700.00	\$0.00	\$0.00	\$0.00	\$5,700.00	4
Equipment	04HW-01-INHW Hardware, Computer, Integrated	Tuners for Current television (6)	\$500.00	\$0.00	\$0.00	\$0.00	\$500.00	6
Equipment	04HW-01-INHW Hardware, Computer, Integrated (M&A)	Veridesk (4) @ \$500.00 each	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	4
Supplies and Direct Operating Expenses	10PE-01-PCHG Chargers, Phone and Radio	Phones and service(4 phones @ approximately \$1000.00 each) Service @ \$2000.00 per year. Funds are for FUSION Analyst to assist them in day to day work in the grant and Fusion Center.	\$6,000.00	\$0.00	\$0.00	\$0.00	\$6,000.00	0
Supplies and Direct Operating Expenses	Computer Software and Media (Organization)	headphones (4) @ approximately \$75.00	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00	0
Supplies and Direct Operating Expenses	Office Supplies (Organization)	office supplies @ 2500.00	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	0

Source of Match Information**Detail Source of Match/GPI:**

DESCRIPTION	MATCH TYPE	AMOUNT
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Summary Source of Match/GPI:

Total Report	Cash Match	In Kind	GPI Federal Share	GPI State Share
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Budget Summary Information**Budget Summary Information by Budget Category:**

CATEGORY	OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
Contractual and Professional Services	\$197,962.90	\$0.00	\$0.00	\$0.00	\$197,962.90
Equipment	\$8,200.00	\$0.00	\$0.00	\$0.00	\$8,200.00
Personnel	\$251,210.42	\$0.00	\$0.00	\$0.00	\$251,210.42
Supplies and Direct Operating Expenses	\$8,800.00	\$0.00	\$0.00	\$0.00	\$8,800.00
Travel and Training	\$23,000.00	\$0.00	\$0.00	\$0.00	\$23,000.00

Budget Grand Total Information:

OOG	CASH MATCH	IN-KIND MATCH	GPI	TOTAL
\$489,173.32	\$0.00	\$0.00	\$0.00	\$489,173.32

Condition Of Fundings Information

Condition of Funding / Project Requirement	Date Created	Date Met	Hold Funds	Hold Line Item Funds
--------------------------------------------	--------------	----------	------------	----------------------

You are logged in as **User Name:** romeroax1



Legislation Text

File #: 21-166, **Version:** 1

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:

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.

Authorizing a dedication for use of the public as public right-of-way portions of the following property: Portions of Lot 1, Block 4, Riverside International Industrial Center recorded in Volume 74 Page 3, Plat Records of El Paso County Texas; A portion of Lot 1, Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; A portion of Tract 5, Block 53, Ysleta Grant Survey; a portion of Tract 5A, Block 53, Ysleta Grant Survey; a portion of Tract 6A, Block 53, Ysleta Grant Survey as shown on Map dated July 1928; a portion of Tract 6A, Block 53, Ysleta Grant Survey, as shown on Map dated July 1928; Lot 1, Block 5, Riverside International Industrial Central, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; a portion of Lot 1, Block 3, Riverside International Industrial Center, recorded in Volume 74, Page 3, Plat Records of El Paso County Texas.

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 Department

AGENDA DATE: February 2, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: No. #7: Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

At the request of EPWater, City of El Paso will dedicate transferred land as Right-of-Way, thereby allowing potential future minor re-plat if needed by EPWater for the development within the industrial park. The expansion of the public right-of-way along Winn Road will provide better access to and will accommodate increased traffic to the nearby EPWater Riverside International Industrial Park and its tenants.

BACKGROUND / DISCUSSION:

On October 29, 2018 the EPWater transferred approximately 2.355 acres from the EPWater's land inventory to the City's land inventory under the Joint Resolution to allow the City to widen the public right-of-way to 90 foot along Winn Road and at the intersection of Winn Road and Pan American Drive.

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:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:



RESOLUTION

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

That the City Manager or designee is authorized to dedicate for use of the public as public right-of-way portions of the following property: Portions of Lot 1, Block 4, Riverside International Industrial Center recorded in Volume 74 Page 3, Plat Records of El Paso County Texas; A portion of Lot 1, Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; A portion of Tract 5, Block 53, Ysleta Grant Survey; a portion of Tract 5A, Block 53, Ysleta Grant Survey; a portion of Tract 6A, Block 53, Ysleta Grant Survey as shown on Map dated July 1928; a portion of Tract 6A, Block 53, Ysleta Grant Survey, as shown on Map dated July 1928; Lot 1, Block 5, Riverside International Industrial Central, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; a portion of Lot 1, Block 3, Riverside International Industrial Center, recorded in Volume 74, Page 3, Plat Records of El Paso County Texas.

Further, the City Manager or designee is authorized to execute a dedication deed and to record such deed in the El Paso County records.

APPROVED this _____ day of _____, 2021.


THE CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



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

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

DEDICATION DEED

STATE OF TEXAS §
COUNTY OF EL PASO §

KNOW ALL MEN BY THESE PRESENTS:

Date: _____, 2021

Grantor: The City of El Paso, a Municipal Corporation

Grantor's Mailing Address (including county):

300 N. Campbell
El Paso County, Texas
El Paso, Texas 79901

Grantee: The City of El Paso, a Municipal Corporation

Grantee's Mailing Address (including county):

300 N. Campbell
El Paso County, Texas
El Paso, Texas 79901

Consideration: TEN AND NO/100THS DOLLARS (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged.

Property (including any improvements):

Portions of Lot 1, Block 4, Riverside International Industrial Center recorded in Volume 74 Page 3, Plat Records of El Paso County Texas; A portion of Lot 1, Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; A portion of Tract 5, Block 53, Ysleta Grant Survey; a portion of Tract 5A, Block 53, Ysleta Grant Survey; a portion of Tract 6A, Block 53, Ysleta Grant Survey as shown on Map dated July 1928; a portion of Tract 6A, Block 53, Ysleta Grant Survey, as shown on Map dated July 1928; Lot 1, Block 5, Riverside International Industrial Central, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas; a portion of Lot 1, Block 3, Riverside International Industrial Center, recorded in Volume 74, Page 3, Plat Records of El Paso County Texas. All parcels more particularly described by

metes and bounds in Exhibit A attached hereto and made part hereof for all purposes (the “Property”).

Reservations from Conveyance:

None

Exceptions to Conveyance:

All encumbrances of record and all other encroachments whether recorded or not.

Exceptions to Warranty:

This deed is without warranty, express or implied, whether made by this instrument or by law.

Conveyance:

Notwithstanding anything to the contrary, this conveyance is made as Deed of Dedication for the Property to be used as public right of way and all related uses including but not limited to traffic fixtures, utilities, and all other uses allowed under federal, state, or local law. This property may be used solely by the City of El Paso for public purposes as a City dedicated street and related uses. Should the Property cease to be used as public right of way, the Property will automatically revert back to the Grantor. GRANTOR, for the consideration and subject to the reservations from and exceptions to conveyance, and warranty, GRANTS, SELLS, and CONVEYS to GRANTEE the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to GRANTEE, GRANTEE’S heirs, executors, administrators, successors or assigns forever.

When the context of this instrument requires, singular nouns and pronouns will include the plural.

GRANTOR: City of El Paso, Texas

Tomás González,
City Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

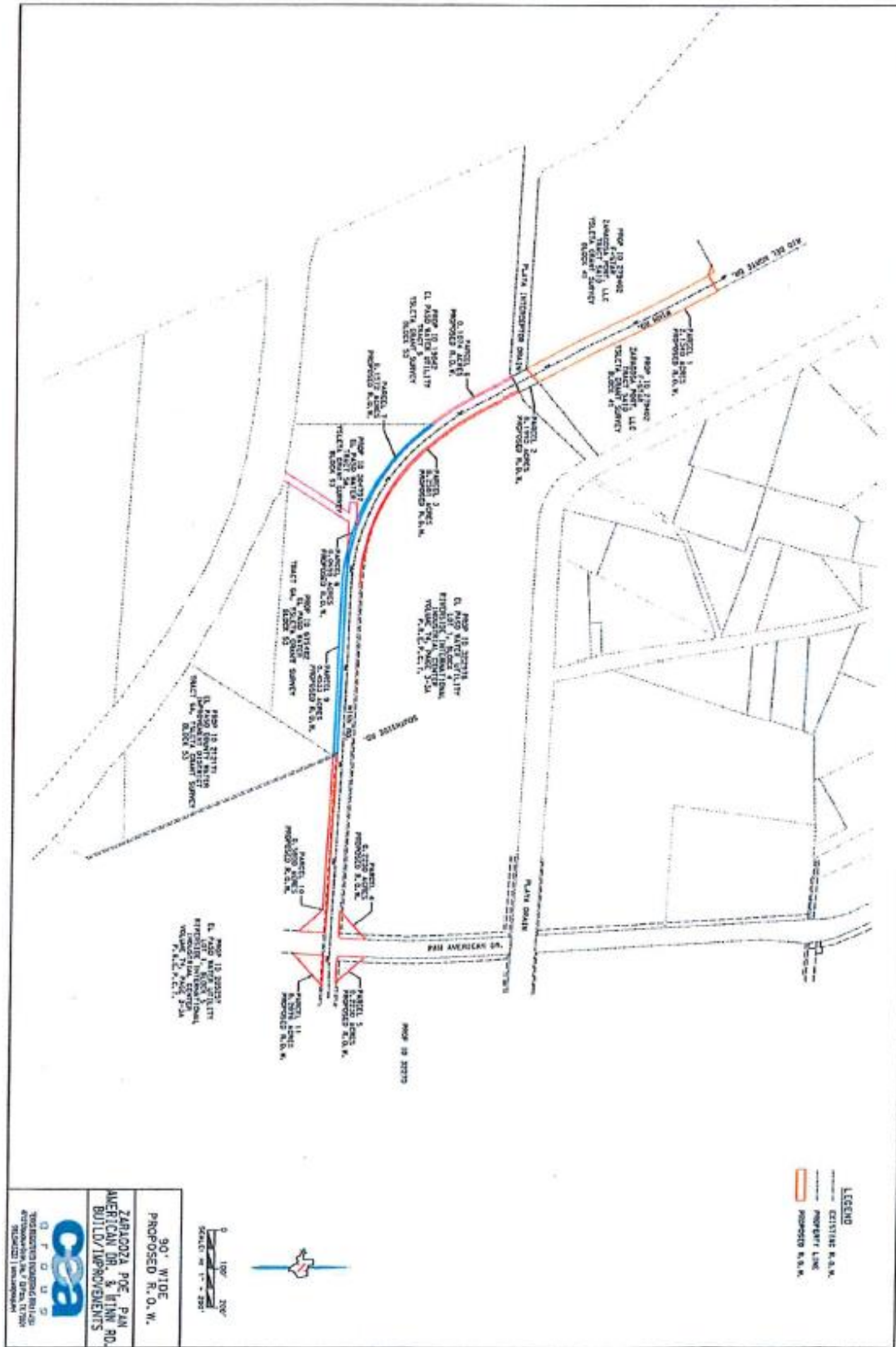
This instrument was acknowledged before me on the _____ day of _____, 2021, by Tomás González as City Manager of the City of El Paso, Texas.

Notary Public, in and for the State of Texas

My Commission Expires:

AFTER RECORDING RETURN TO:
City of El Paso
P.O. Box 1890
El Paso County, Texas 79950-1890

Exhibit "A"



METES AND BOUNDS DESCRIPTION

Parcel 3

Page 9 of 16
12/13/2017

County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description Proposed Right of Way

Being a 0.258 acre (11,241 Sq. Ft.) tract of land, situated in Lot 1 Block 4, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas, being more particularly described by Metes and Bounds as follows:

COMMENCING at a 1/2 inch diameter rebar with yellow plastic cap stamped "TX4297" found for the common corner in the Southeasterly line of a Playa Intercepting Drain Tract and the Northwesterly line of Lot 1 Block 4, Riverside International Industrial Center;

THENCE, South 64°00'34" West, along the common line of said Playa Intercepting Drain Tract and Lot 1 Block 4, Riverside International Industrial Center for a distance of 54.58 feet, to a 5/8 inch diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set for the North corner of this Easement (hereinafter referred to as "with cap"), and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 28°14'49" East, for a distance of 216.30 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner, and the beginning of a tangent curve to the left having a Central Angle of 11°07'34" and a Radius of 1,165.00 feet;

THENCE, along said curve to the left a distance of 226.23 feet to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement;

THENCE, South 39°22'23" East, for a distance of 74.82 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement and the beginning of a tangent curve to the left having a Central Angle of 48°17'26" and a Radius of 1,005.00 feet;

THENCE, along said curve to the left a distance of 847.04 feet to a 5/8 inch diameter Rebar with cap set for the East corner of this Easement;

THENCE, North 87°39'49" West, for a distance of 26.84 feet, to a 5/8 inch diameter Rebar with cap set for the South corner of this Easement, and the beginning of a tangent curve to the right having a Central Angle of 48°17'26" and a Radius of 975.00 feet;

THENCE, along said curve to the right a distance of 821.76 feet to a 5/8 inch diameter Rebar with cap set for the an angle corner of this Easement;

Parcel 3

Page 10 of 16
12/13/2017

THENCE, North 39°22'23" West, for a distance of 79.36 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement and the beginning of a tangent curve to the right having a Central Angle of 11°07'34" and a Radius of 1,175.00 feet;

THENCE, along said curve to the right a distance of 228.17 feet to a 5/8 inch diameter Rebar with cap set for corner;

THENCE, North 28°14'49" West, a distance of 216.70 feet, to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement, on the Southeasterly line of Playa Intercepting Drain from which a 1/2 inch diameter Rebar with plastic yellow cap stamped TX4297, found for the South Corner of said Drain, Bears South 64°00'34" West a distance of 100.48 feet;

THENCE, North 64°00'34" East, along said Southeasterly line a distance of 10.01 feet to the POINT OF BEGINNING and containing 11,241 Sq. Ft. or 0.258 Acres of land, more or less.


This property description is accompanied by a parcel plat of even date on Page 11 of 16.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

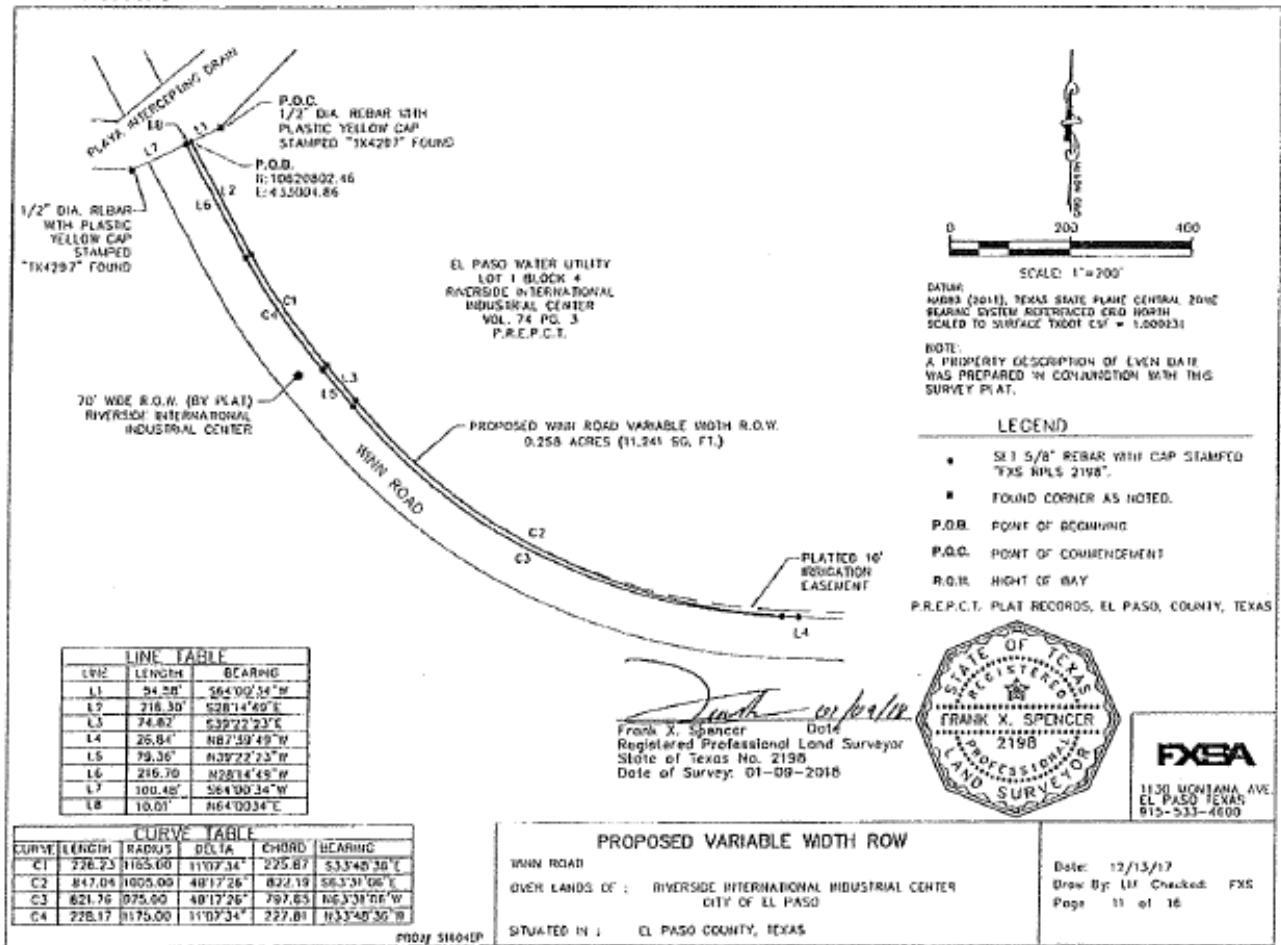
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

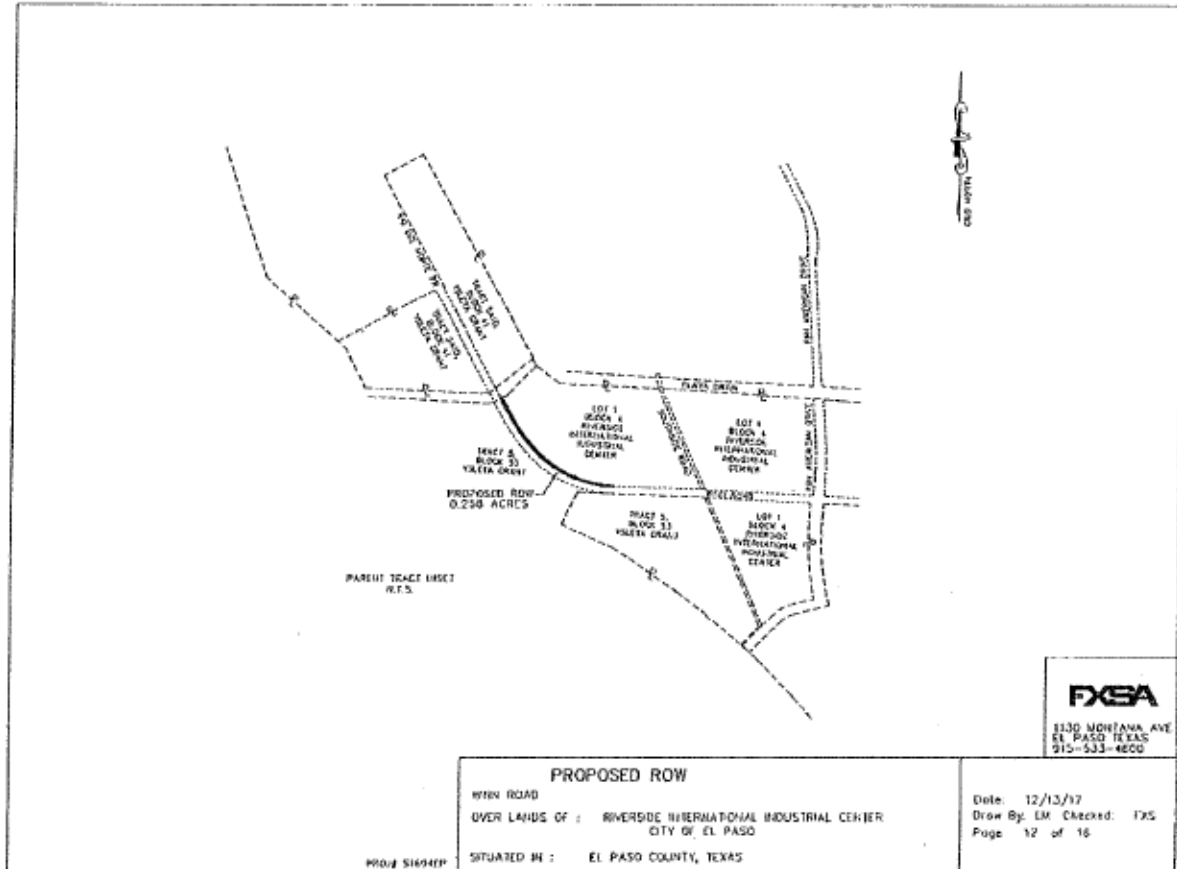
 01/09/18
Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 01-09-2018



Parcel 3



Parcel 3



Parcel 4

Page 13 of 16
12/14/2017

County: El Paso
Proposed Right of Way Easement
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way Easement

Being a 0.223 acre (9,715 Sq. Ft.) tract of land, situated in Lot 1 Block 4, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas, being more particularly described by Metes and Bounds as follows:

COMMENCING at a 5/8 inch diameter rebar with Aluminum cap stamped "FXS RPLS 2198" found on the West Right of Way line of Pan American Drive (90 Ft. wide R.O.W.);

THENCE, South 03°21'54" West, along said Right of Way Line for a distance of 10.08 feet, to a 5/8 inch diameter Rebar with Aluminum Cap stamped FXS RPLS 2198 set for the North corner of this Easement (hereinafter referred to as "with cap"), and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 03°21'54" West, for a distance of 120.06 feet, to a 5/8 inch diameter Rebar with cap set for the East corner of this Easement, and the beginning of a tangent curve to the right having a Central Angle of 89°49'21" and a Radius of 20.00 feet;

THENCE, along said curve to the right a distance of 31.35 feet to the North Right of Way line of Winn Road, (70 Ft. wide R.O.W.) and a 5/8 inch diameter Rebar with Cap set for the South corner of this Easement;

THENCE, North 86°48'45" West, along said Right of Way line for a distance of 120.06 feet, to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement;

THENCE, North 48°16'34" East, a distance of 198.30 feet to the **POINT OF BEGINNING** and containing 9,715 Sq. Ft. or 0.223 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 4.

Parcel 4

Page 14 of 16
12/14/2017

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

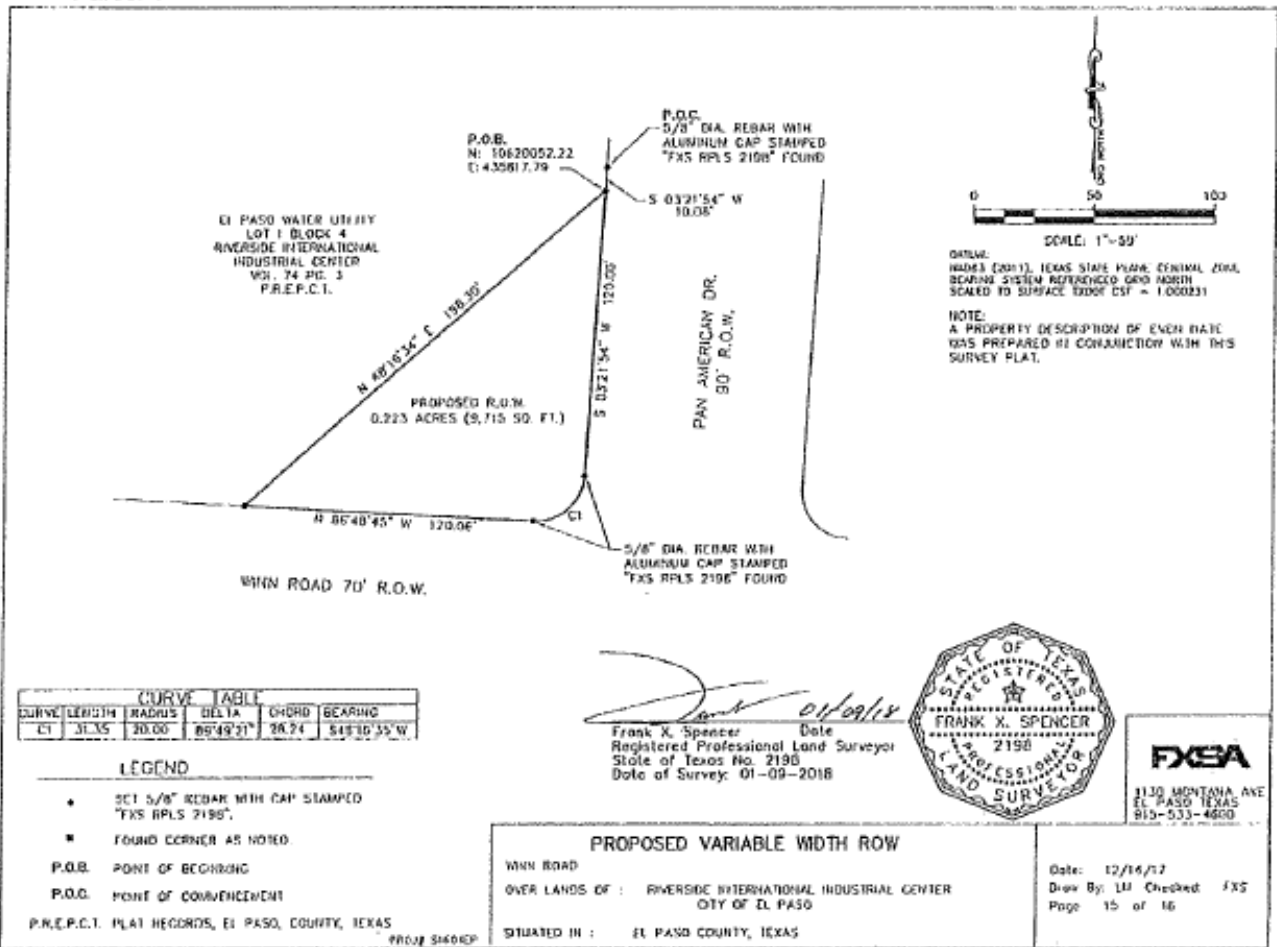
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

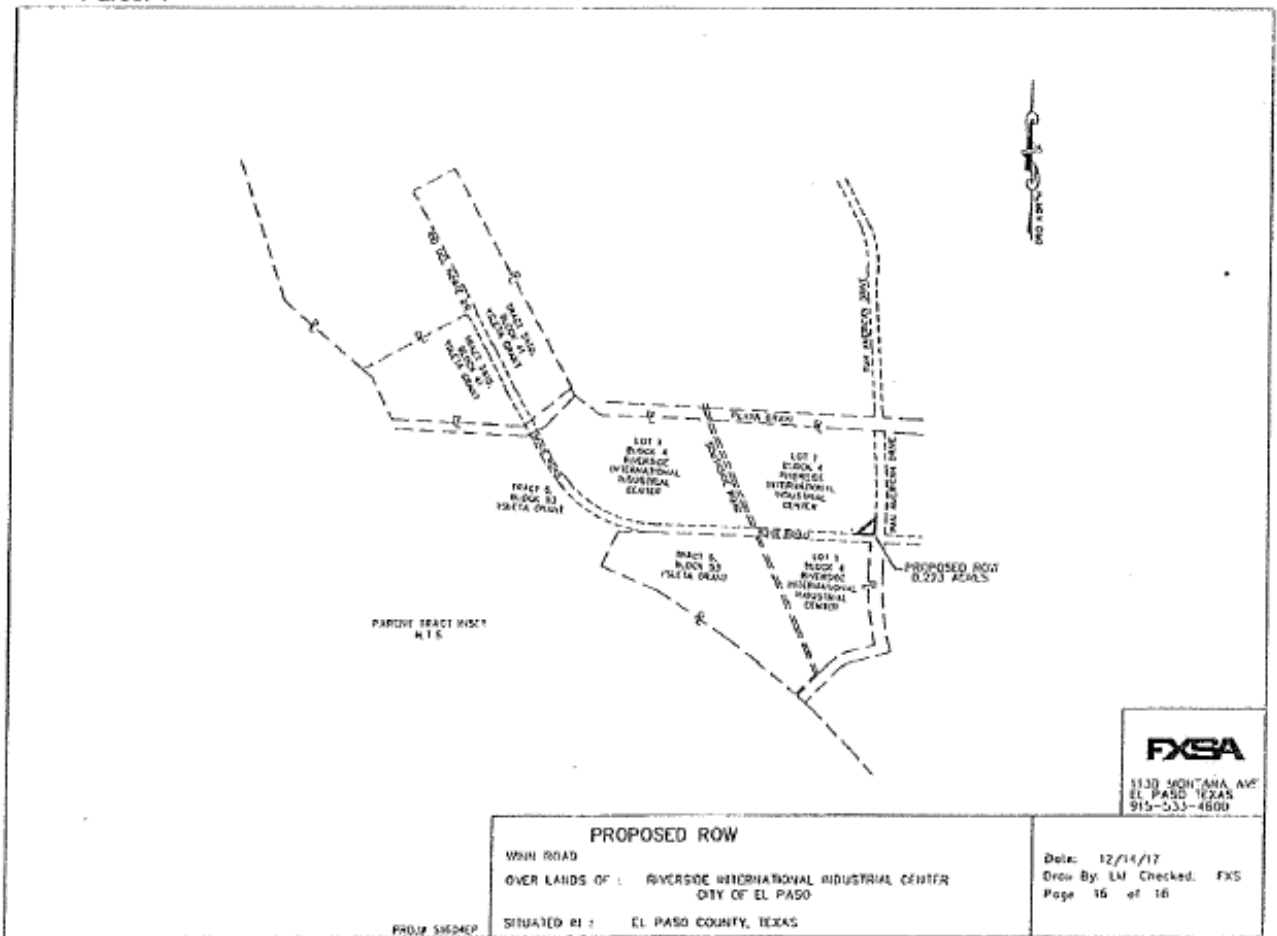
 01/09/18
Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 01-09-2018



Parcel 4



Parcel 4



County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.223 acre (9,714 Sq. Ft.) tract of land, situated in Lot 1 Block 2, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas, being more particularly described by Metes and Bounds as follows:

COMMENCING at a City Monument found at the intersection of Winn Road and Pan American Drive;

THENCE, North 42°37'33" East, for a distance of 71.11 feet, to a 5/8 inch diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set (hereinafter referred to as "with cap"), for an angle corner of this Easement on the East Right of Way line of 90 feet wide Pan American Drive;

THENCE, North 03°21'54" East, for a distance of 119.98 feet, continuing along said 90 feet wide Pan American Drive to a 5/8 inch diameter Rebar with cap set for the North corner of this Easement;

THENCE, South 41°39'29" East, for a distance of 197.91 feet, to a 5/8 inch diameter Rebar with cap set for the Southeast corner of this Easement in the North line of 70 Ft. wide Winn Road ROW from which a City Monument found on the Center line of 70 feet wide Winn Road, bears South 84°46'31" East, a distance of 814.13 feet;

THENCE, North 86°40'52" West, for a distance of 119.98 feet, continuing along said 70 feet wide Winn Road ROW, to a 5/8 inch diameter Rebar with cap found and the beginning of a non tangent curve to the right having a Central Angle of 90°02'46" and a Radius of 20.00 feet;

THENCE, along said curve to the right a distance of 31.43 feet to the POINT OF BEGINNING and containing 9,714 Sq. Ft. or 0.223 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 4.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

Parcel 5

Page 2 of 4
02/08/2018

Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

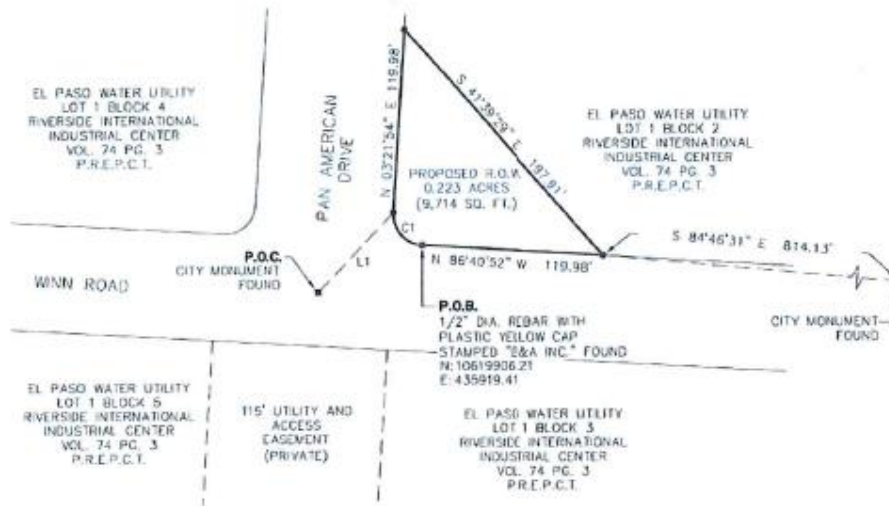
FXSA

 02/15/18

Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018



Parcel 5



DATUM: NAD83 (2011), TEXAS STATE PLANE CENTRAL ZONE BEARING SYSTEM REFERENCED GRID NORTH SCALED TO SURFACE TxDOT CSF = 1.000231

NOTE: A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS SURVEY PLAT

LINE TABLE		
LINE	LENGTH	BEARING
L1	71.11'	N42°32'35"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	31.43	20.00	90°02'46"	28.30	N41°39'29"W

LEGEND

- SET 5/8" REBAR WITH CAP STAMPED "FXS RPLS 2198"
- FOUND CORNER AS NOTED

P.O.B. POINT OF BEGINNING

P.O.C. POINT OF COMMENCEMENT

P.R.E.P.C.T. PLAT RECORDS, EL PASO, COUNTY, TEXAS

PROJ# S1604EP

Frank X. Spencer Date 02/11/18
Registered Professional Land Surveyor
State of Texas No. 2198
Date of Survey: 02-14-2018



FXSA
1130 MONTANA AVE.
EL PASO, TEXAS
915-531-4600

PROPOSED R.O.W.

WINN ROAD

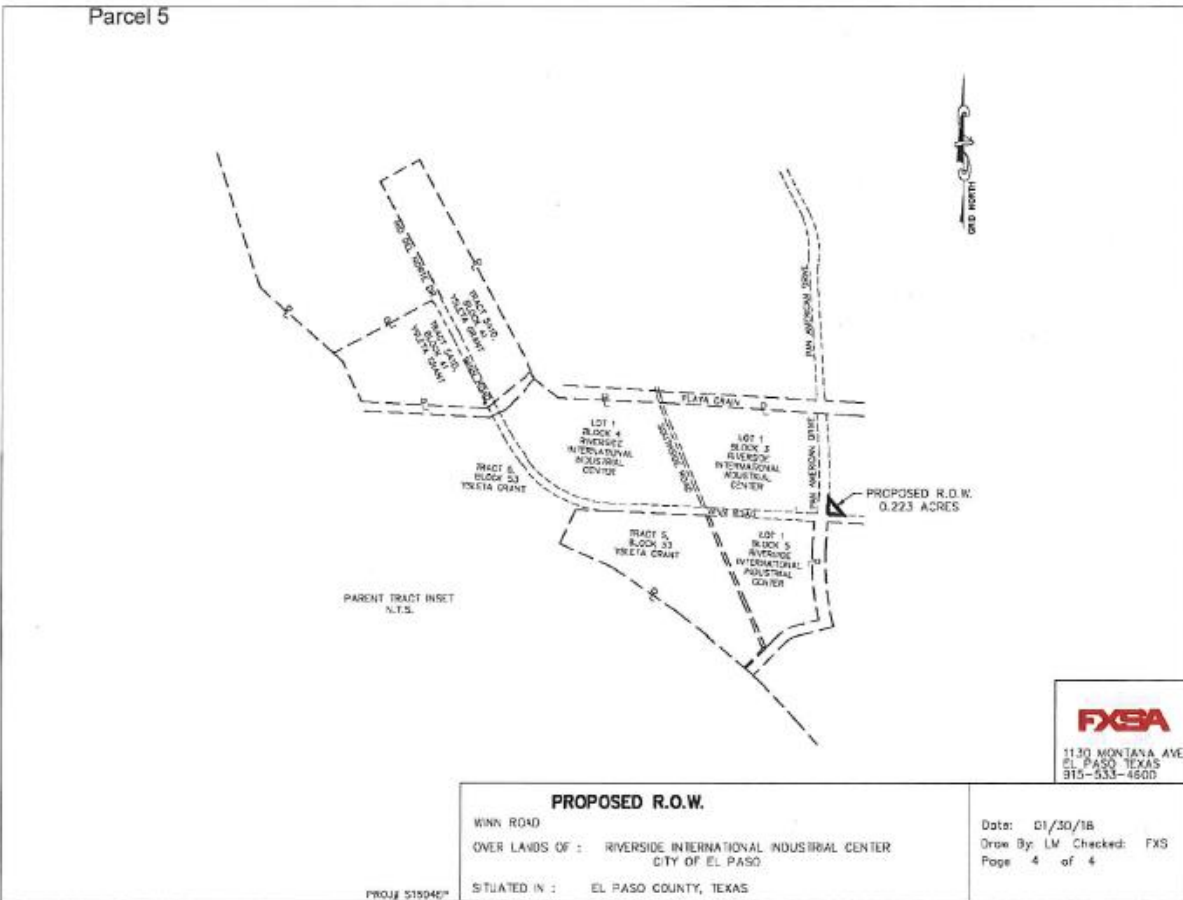
OVER LANDS OF : RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER
CITY OF EL PASO

SITUATED IN : EL PASO COUNTY, TEXAS

Date: 01/30/18

Draw By: LV Checked: FXS

Page 3 of 4



County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.107 acre (4,678 Sq. Ft.) tract of land, being part of Tract 5 Block 53, Ysleta Grant Survey, being more particularly described by Metes and Bounds as follows:

COMMENCING at a 1/2 inch diameter rebar with yellow plastic cap stamped "TX4297" found for the common corner of the Southeasterly line of a Playa Intercepting Drain Tract and the Northwesterly line of Lot 1 Block 4, Riverside International Industrial Center;

THENCE, South 64°00'34" West, for a distance of 134.66 feet, to a 5/8 inch diameter Rebar with Aluminum Cap stamped FXS RPLS 2198 set for the North corner of this Easement, (hereinafter referred to as "with cap"), in the Southwest line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 28°14'52" East, along the Southwest line of said 70 Ft. wide ROW for a distance of 219.46 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement; and the beginning of a tangent curve to the left having a Central Angle of 11°07'34" and a Radius of 1,245.00 feet;

THENCE, along said curve to the left a distance of 241.76 feet to a 5/8 inch diameter Rebar with cap set for the East corner of this Easement;

THENCE, South, for a distance of 15.74 feet, to a 5/8 inch diameter Rebar with cap set for the South corner of this Easement; and the beginning of a tangent curve to the right having a Central Angle of 11°07'34" and a Radius of 1,255.00 feet;

THENCE, along said curve to the left a distance of 243.70 feet to a 5/8 inch diameter Rebar with cap set for corner;

THENCE, North 28°14'49" West, a distance of 219.85 feet, to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement on the Southeasterly Right of Way line of Playa Intercepting Drain, from which a 1/2 inch diameter Rebar with plastic yellow cap stamped "TX4297" found for corner bears South 64°00'34" West a distance of 20.42 feet;

THENCE, North 64°00'34" East, along the Southeasterly line of said Right of Way line a distance of 9.99 feet to the POINT OF BEGINNING and containing 4,678 Sq. Ft. or 0.107 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 12.


Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

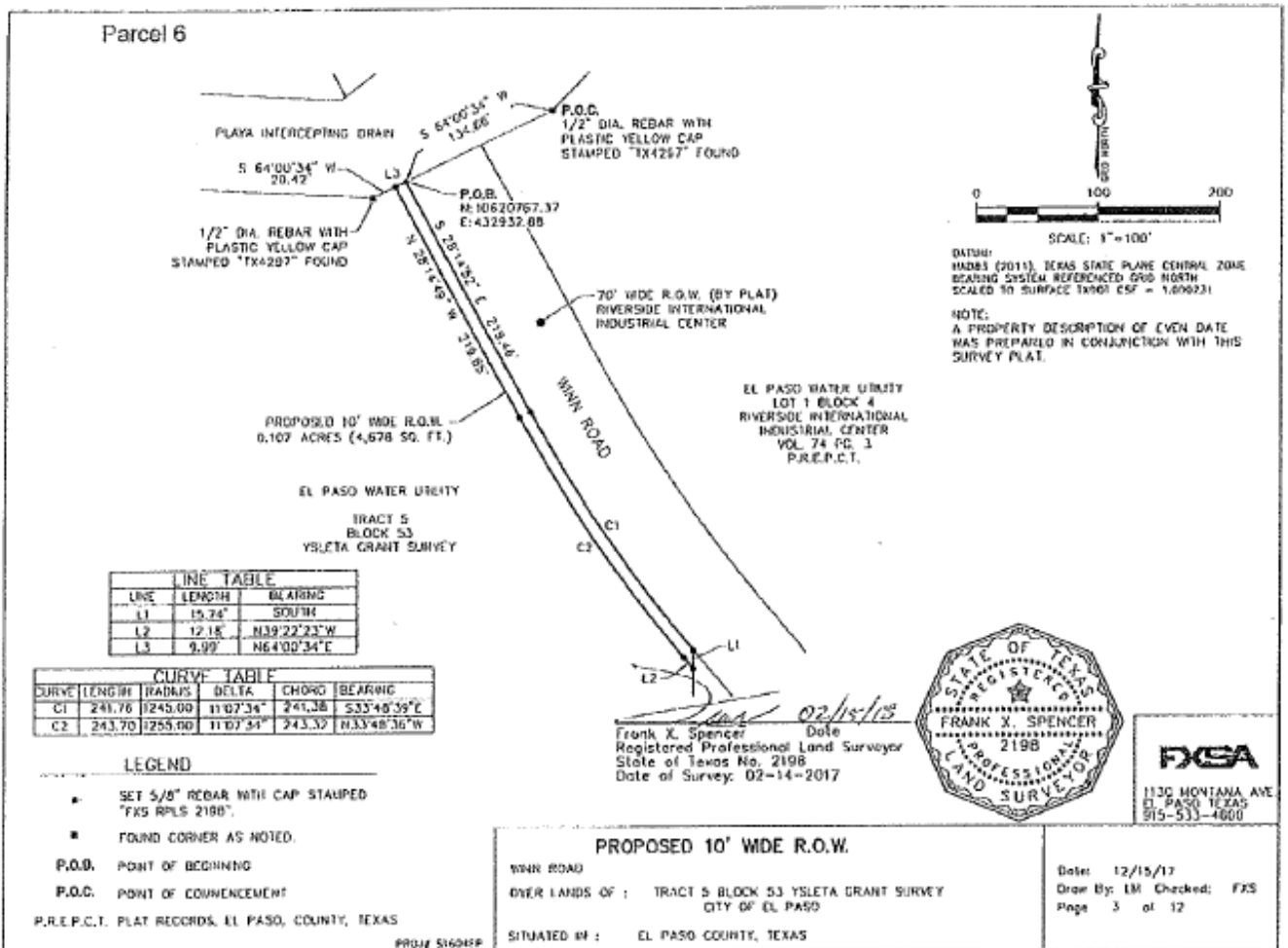
I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

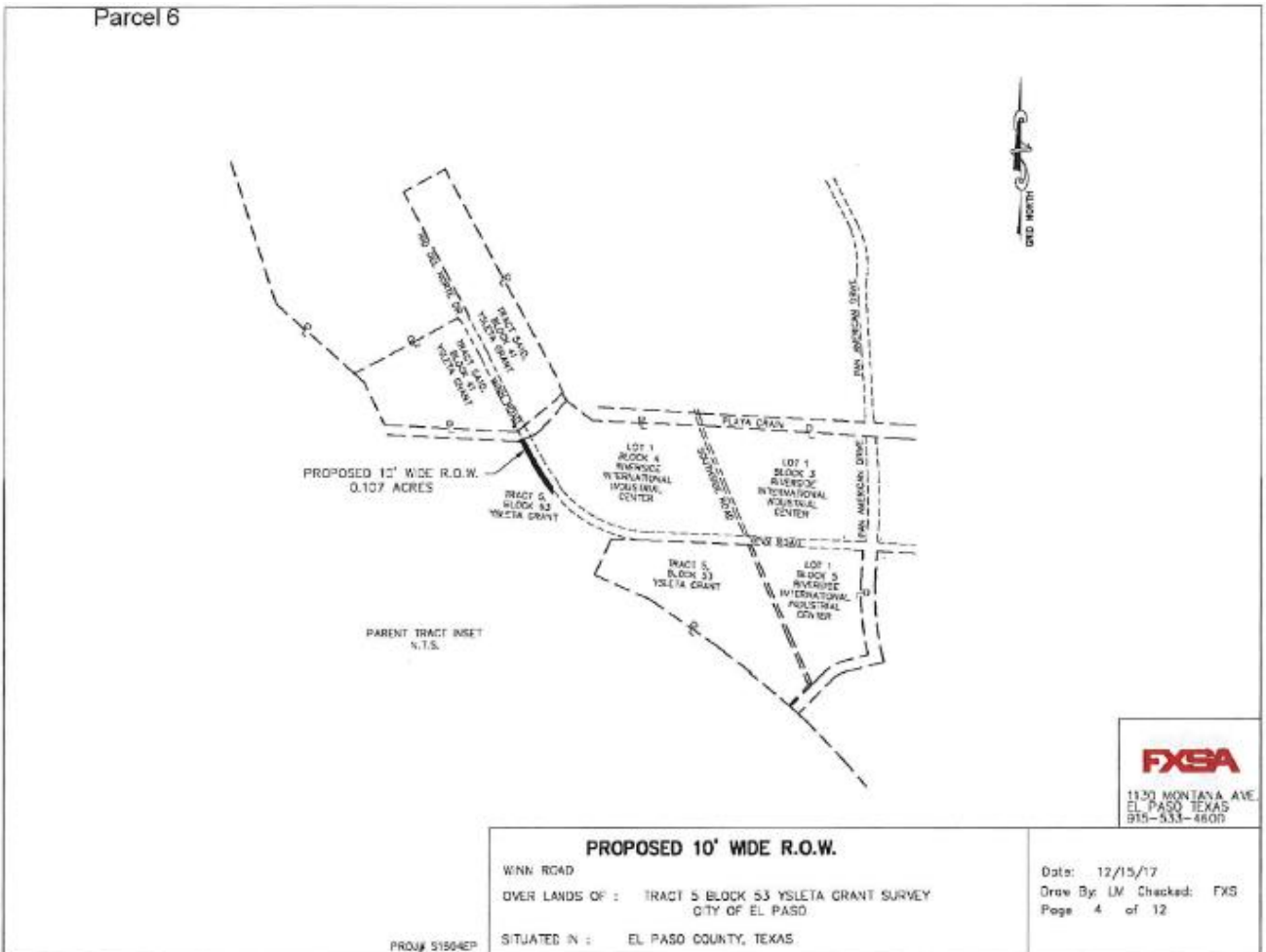
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

 02/15/18
Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2017







County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.157 acre (6,849 Sq. Ft.) tract of land, being part of Tract 5A Block 53, Ysleta Grant Survey, being more particularly described by Metes and Bounds as follows:

COMMENCING at a 1/2 inch diameter rebar with yellow plastic cap stamped "TX4297" found for a common corner, of the Playa Intercepting Drain and Tract 5, Block 53 Ysleta Grant Survey;

THENCE, South 34°54'12" East, for a distance of 464.03 feet, to a 5/8 inch diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set for the North corner of this Easement (hereinafter referred to as "with cap"), in the South line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 39°22'26" East, for a distance of 79.36 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner, and the beginning of a non-tangent curve to the left having a Central Angle of 32°23'09" and a Radius of 1,045.00 feet;

THENCE, along said curve to the left a distance of 590.67 feet to a 5/8 inch diameter Rebar with cap set for the East corner of this Easement, on the North Right of Way line of a 40 feet wide road, from which a 5/8 inch diameter rebar found at the South line of 70 Ft. wide Winn Road ROW, Bears South 85°40'57" East a distance of 1,157.11 feet;

THENCE, North 87°39'49" West, along the North line of said 40 Ft. wide road, a distance of 44.28 feet, to a 5/8 inch diameter Rebar with cap set for the South corner of this Easement and the beginning of a non-tangent curve to the right having a Central Angle of 29°14'08" and a Radius of 1,095.00 feet;

THENCE, along said curve to the left a distance of 558.73 feet to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement;

THENCE, North 39°22'23" West, a distance of 62.65 feet, to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement;

THENCE, North, a distance of 15.74 feet to the **POINT OF BEGINNING** and containing 6,849 Sq. Ft. or 0.157 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 8.

Parcel 7

Page 2 of 8
12/29/2017

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

 02/18/18
Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018



County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.066 acre (2,856 Sq. Ft.) tract of land, being part of Tract 6A Block 53, Ysleta Grant Survey, as shown on Map dated July 1928, being more particularly described by Metes and Bounds as follows:

COMMENCING at a 5/8 inch diameter rebar found in the South line of 70 Ft. wide Winn Road ROW for a common corner, of Tract 6A, Block 53 Ysleta Grant Survey and Lot 1 Block 5 Riverside International Industrial center, as shown on Plat Recorded in Vol. 74 Page 3, Plat Records El Paso County, Texas;

THENCE, North 87°39'49" West, for a distance of 870.05 feet, to a 5/8 inch diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set for the East corner of this Easement (hereinafter referred to as "with cap"), in the South line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, North 87°39'49" West, for a distance of 181.48 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement, and the beginning of a non-tangent curve to the right having a Central Angle of 08°05'15" and a Radius of 1,095.00 feet;

THENCE, along said curve to the right a distance of 154.56 feet to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement, on the North Right of Way line of a 40 feet wide road;

THENCE, South 87°39'49" East, along the North Right of Way line of said 40 Ft. wide road, a distance of 44.28 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement and the beginning of a non-tangent curve to the left having a Central Angle of 15°54'17" and a Radius of 1,045.00 feet;

THENCE, along said curve to the left a distance of 290.08 feet to the **POINT OF BEGINNING** and containing 2,856 Sq. Ft. or 0.066 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 8.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

Parcel 8

Page 2 of 8
01/25/2018

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

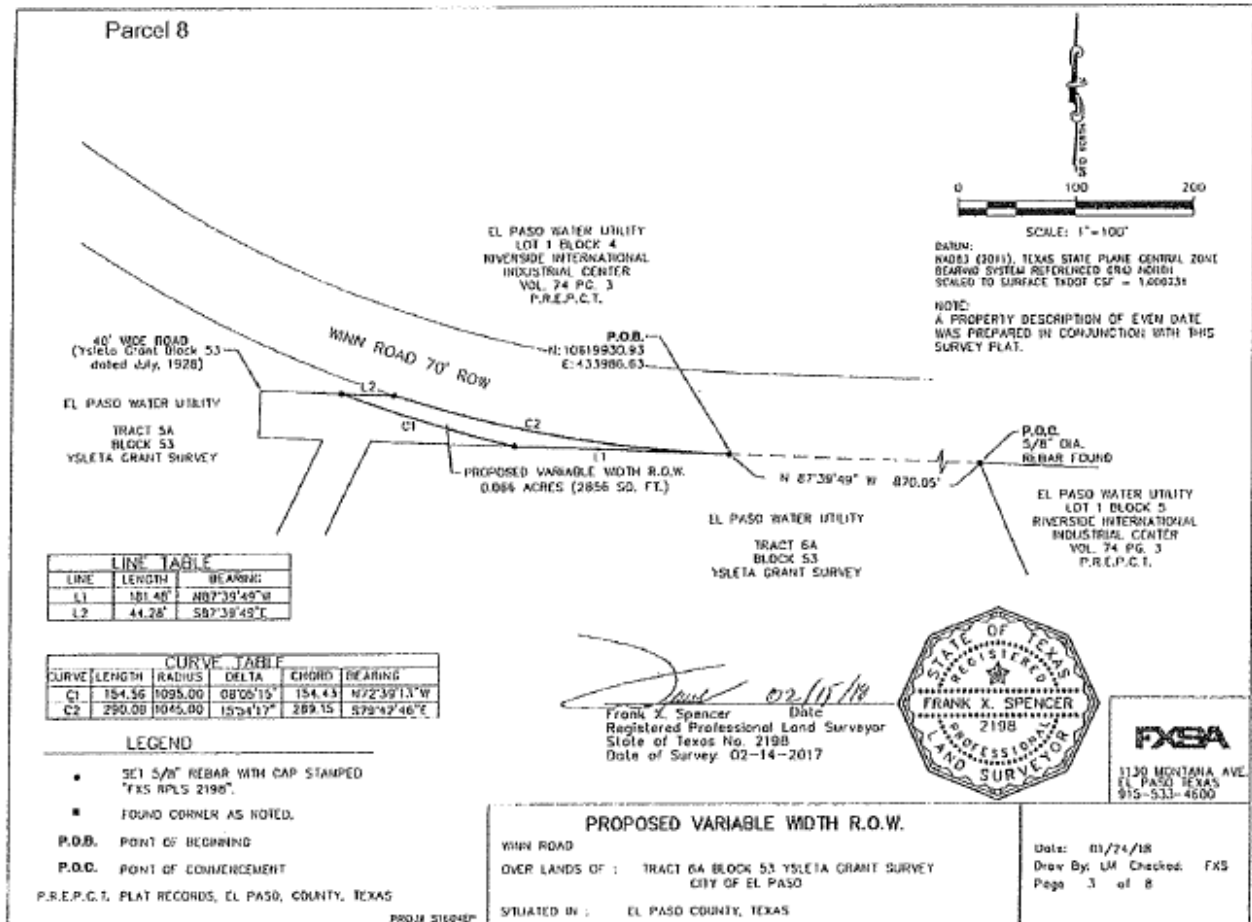
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

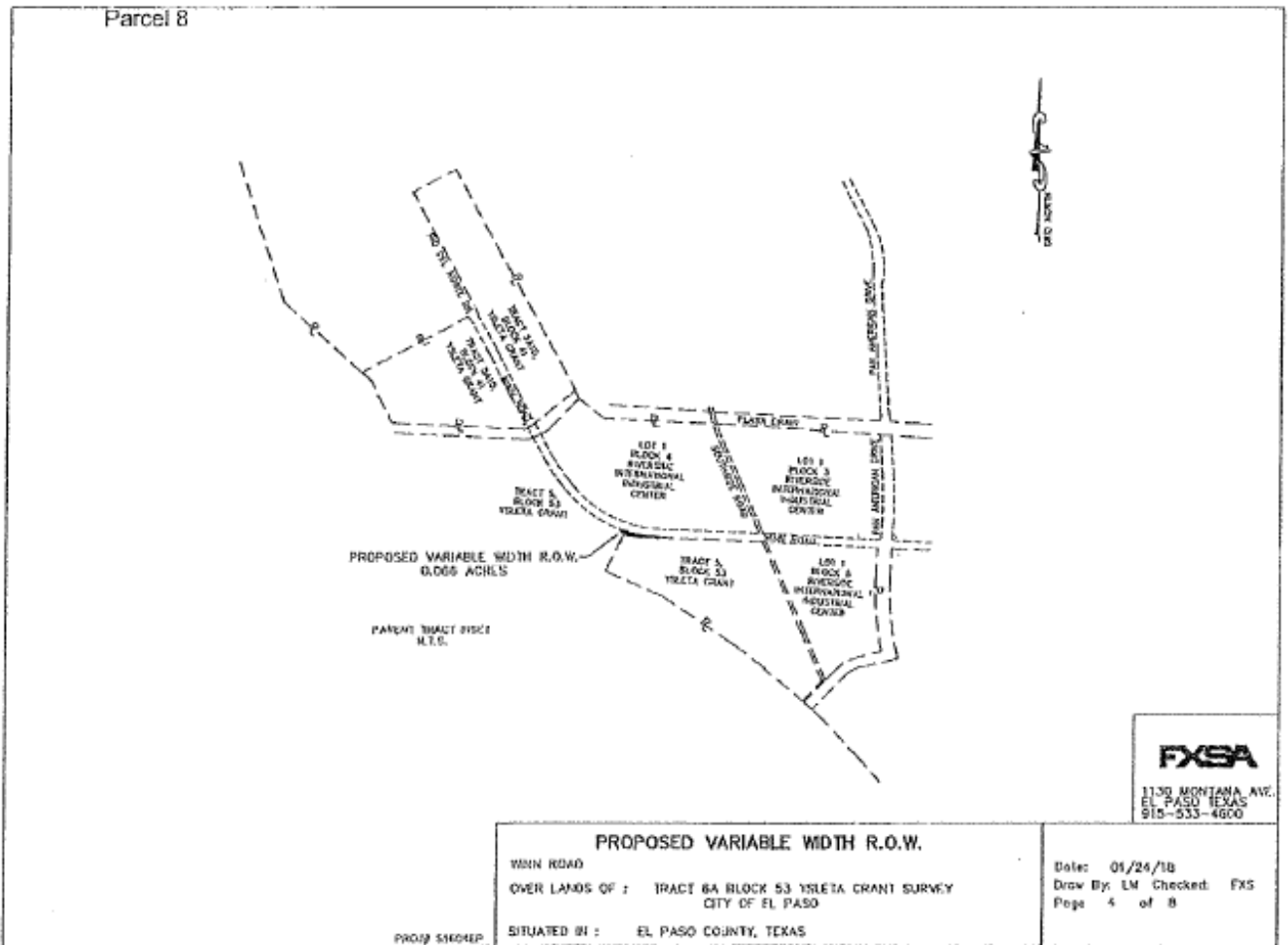


 02/16/18

Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018







County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.453 acre (19,743 Sq. Ft.) tract of land, being part of Tract 6A Block 53, Ysleta Grant Survey, as shown on Map dated July 1928, being more particularly described by Metes and Bounds as follows:

COMMENCING at a City Monument found at the intersection of Winn Road and Pan American Drive;

THENCE, North 88°49'32" West, for a distance of 996.70 feet, to a 5/8 inch diameter Rebar found for the East corner of this Easement, in the South line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 23°09'52" East, for a distance of 22.32 feet, to a 5/8 inch diameter Rebar with Aluminum cap stamped FXS RPLS 2198 set (hereinafter referred to as "with cap") for the Southeast corner of this Easement;

THENCE, North 86°48'45" West, for a distance of 9.75 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement;

THENCE, North 87°39'49" West, for a distance of 843.06 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement, and the beginning of a non-tangent curve to the right having a Central Angle of 10°58'03" and a Radius of 1,095.00 feet;

THENCE, along said curve to the left a distance of 209.60 feet to a 5/8 inch diameter Rebar with cap set for the West corner of this Easement, on the South Right of Way line of a 40 feet wide road;

THENCE, South 87°39'49" East, along the South line of said 40 Ft. wide road, a distance of 181.48 feet, to a 5/8 inch diameter Rebar with cap set for the North corner of this Easement;

THENCE, South 87°39'49" East, a distance of 870.05 feet to the **POINT OF BEGINNING** and containing 19,743 Sq. Ft. or 0.453 Acres of land, more or less.


This property description is accompanied by a parcel plat of even date on Page 3 of 8.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

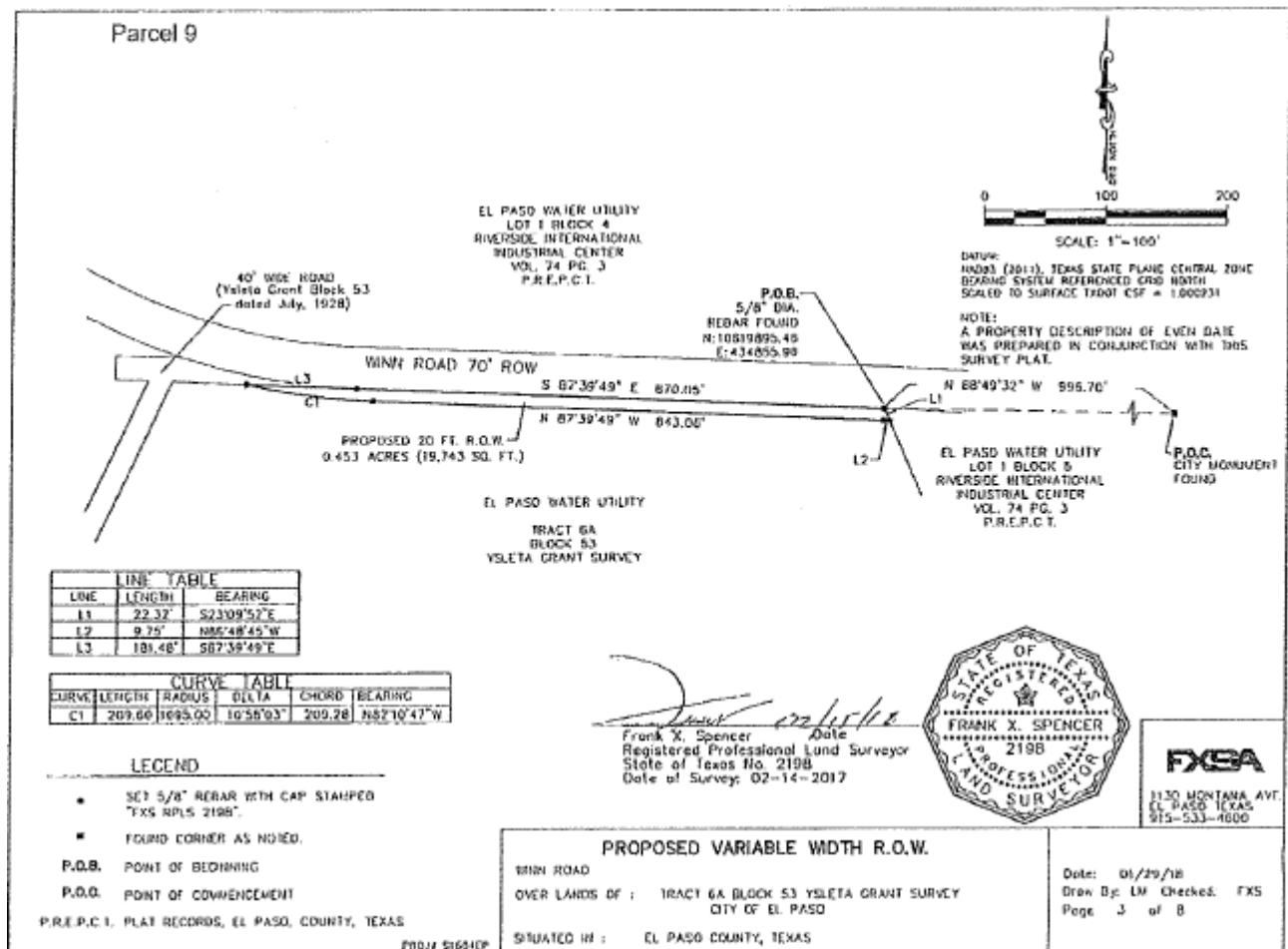
I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

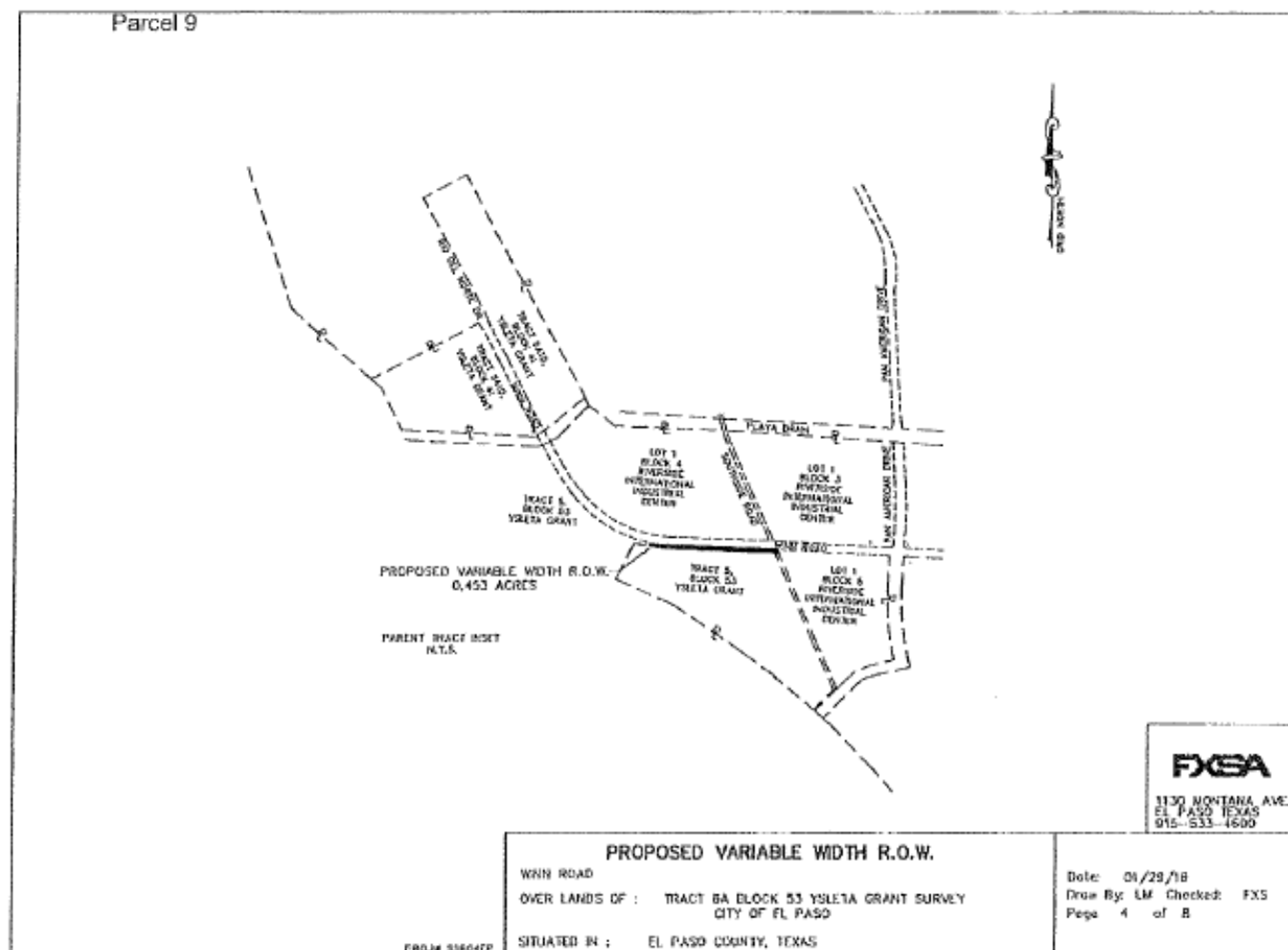
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

 *02/15/18*
Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018







County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.580 acre (25,264 Sq. Ft.) tract of land, situated in Lot 1 Block 5, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas, being more particularly described by Metes and Bounds as follows:

COMMENCING at a City Monument found at the intersection of Winn Road and Pan American Drive;

THENCE, South 65°05'34" West, for a distance of 76.87 feet, to a 5/8 inch diameter Rebar with Aluminum Cap stamped FXS RPLS 2198 set for the Northeast corner of this Easement (hereinafter referred to as "with cap"), in the South line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 03°20'23" West, for a distance of 136.74 feet, to a 5/8 inch diameter Rebar with cap set for the Southwest corner of this Easement;

THENCE, North 41°43'26" West, for a distance of 164.84 feet, to a 5/8 inch diameter Rebar with cap set for an angle corner of this Easement;

THENCE, North 86°48'45" West, for a distance of 801.01 feet, to a 5/8 inch diameter Rebar with cap set for the Southwest corner of this Easement;

THENCE, North 23°09'52" West, for a distance of 22.32 feet, to a 5/8 inch diameter Rebar found on the South line of 70 Ft. wide Winn Road ROW, for the Northwest corner of this Easement;

THENCE, South 86°48'45" East, a distance of 927.66 feet to the **POINT OF BEGINNING** and containing 25,264 Sq. Ft. or 0.580 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 8.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

Parcel 10

Page 2 of 8
02/08/2018

Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

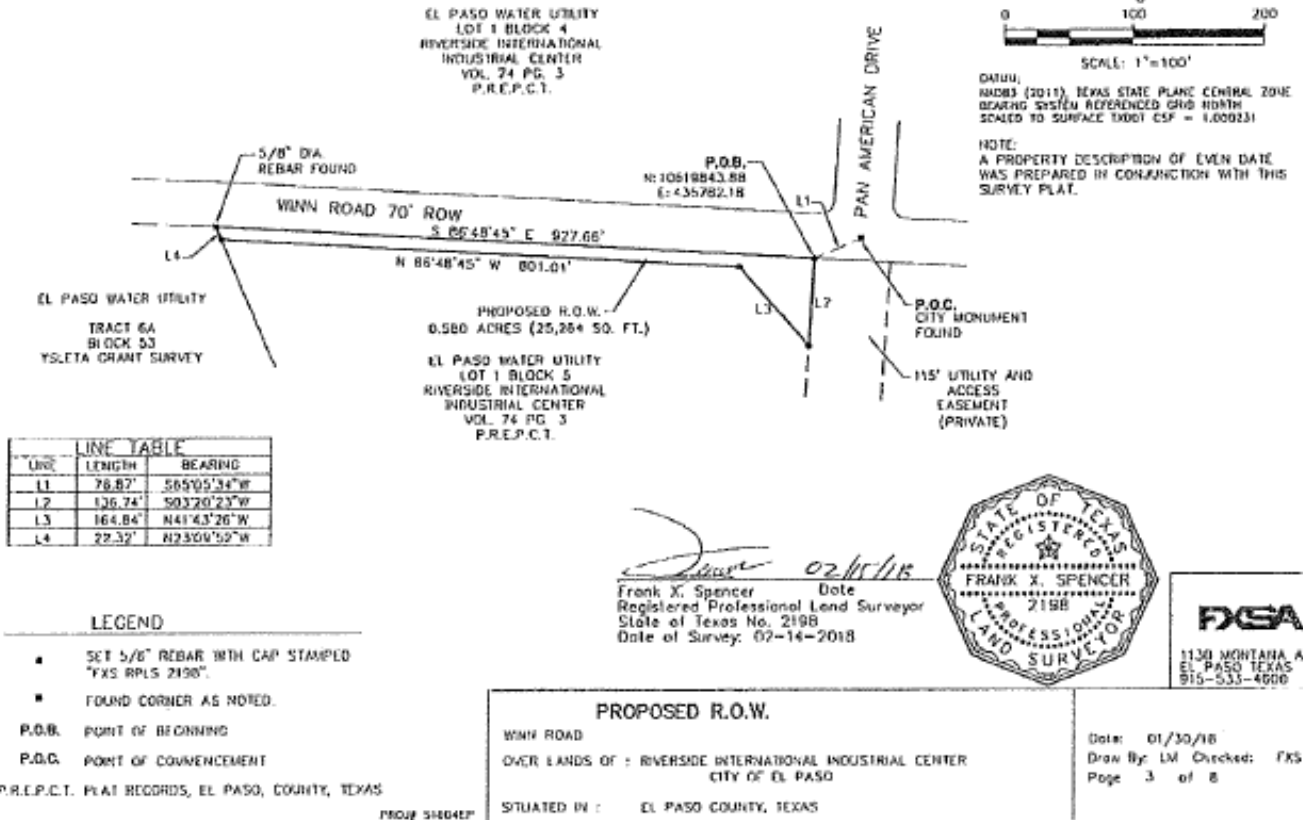
FXSA

 02/15/18

Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018



Parcel 10



County: El Paso
Proposed Right of Way
Limits: From Rio del Norte Drive to Pan American Drive

Property Description
Proposed Right of Way

Being a 0.288 acre (12,528 Sq. Ft.) tract of land, situated in Lot 1 Block 3, Riverside International Industrial Center, recorded in Volume 74 Page 3, Plat Records of El Paso County, Texas, being more particularly described by Metes and Bounds as follows:

COMMENCING at a City Monument found at the intersection of Winn Road and Pan American Drive;

THENCE, South 49°52'08" East, for a distance of 58.26 feet, to a 5/8 inch diameter Rebar with Aluminum Cap stamped FXS RPLS 2198 set for the Northwest corner of this Easement (hereinafter referred to as "with cap"), in the South line of 70 Ft. wide Winn Road ROW and the **POINT OF BEGINNING** of the herein described tract of land;

THENCE, South 86°48'45" East, for a distance of 158.33 feet, continuing along said 70 Ft. wide Winn Road ROW, to a 5/8 inch diameter Rebar with cap set for the East corner of this Easement, from which a City Monument found on the Centerline of 70 Ft. wide Winn Road, bears South 89°44'38" East, a distance of 794.87 feet;

THENCE, South 48°16'34" West, for a distance of 224.15 feet, to a 5/8 inch diameter Rebar with cap set for the South corner of this Easement in the East line of a 115 feet utility and access Easement;

THENCE, North 03°20'21" East, for a distance of 158.26 feet, continuing along said 115 feet utility Easement, to the **POINT OF BEGINNING** and containing 12,528 Sq. Ft. or 0.288 Acres of land, more or less.

This property description is accompanied by a parcel plat of even date on Page 3 of 4.

Bearings and Distances are based on the Texas State Plane Coordinate System, NAD83, (2011) Central Zone, and adjusted to Surface using TxDOT Surface Adjustment Factor of 1.000231.

I hereby certify that this property description is a true and correct representation of a survey performed on the ground under my direct supervision.

Parcel 11

Page 2 of 4
02/08/2018

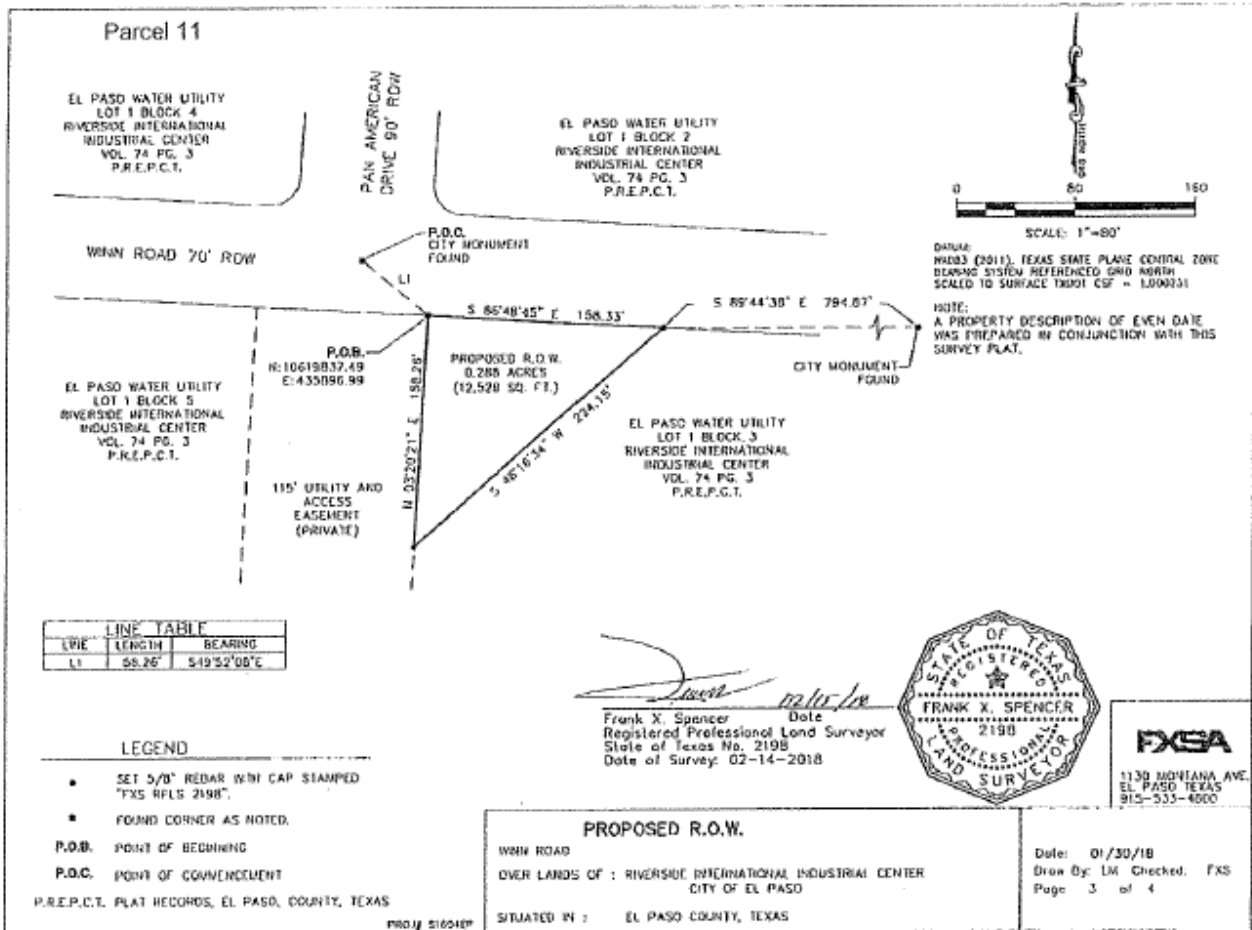
Frank X. Spencer & Associates, Inc.
1130 Montana Ave.
El Paso, Texas 79902

FXSA

 02/15/18

Frank X. Spencer Date:
Registered Professional Land Surveyor
State of Texas No. 2198
Surveyed on the Ground: 02-14-2018





Parcel 11

Winn Road

PROPOSED R.O.W.

0.288 ACRES

LOT 1 BLOCK 1 RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER

LOT 2 BLOCK 2 RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER

LOT 3 BLOCK 3 RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER

LOT 4 BLOCK 4 RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER

TRACT 1 BLOCK 11 TRATA GRANT

TRACT 2 BLOCK 22 TRATA GRANT

TRACT 3 BLOCK 33 TRATA GRANT

TRACT 4 BLOCK 44 TRATA GRANT

TRACT 5 BLOCK 55 TRATA GRANT

TRACT 6 BLOCK 66 TRATA GRANT

TRACT 7 BLOCK 77 TRATA GRANT

TRACT 8 BLOCK 88 TRATA GRANT

TRACT 9 BLOCK 99 TRATA GRANT

TRACT 10 BLOCK 100 TRATA GRANT

TRACT 11 BLOCK 110 TRATA GRANT

TRACT 12 BLOCK 120 TRATA GRANT

TRACT 13 BLOCK 130 TRATA GRANT

TRACT 14 BLOCK 140 TRATA GRANT

TRACT 15 BLOCK 150 TRATA GRANT

TRACT 16 BLOCK 160 TRATA GRANT

TRACT 17 BLOCK 170 TRATA GRANT

TRACT 18 BLOCK 180 TRATA GRANT

TRACT 19 BLOCK 190 TRATA GRANT

TRACT 20 BLOCK 200 TRATA GRANT

TRACT 21 BLOCK 210 TRATA GRANT

TRACT 22 BLOCK 220 TRATA GRANT

TRACT 23 BLOCK 230 TRATA GRANT

TRACT 24 BLOCK 240 TRATA GRANT

TRACT 25 BLOCK 250 TRATA GRANT

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TRACT 82 BLOCK 820 TRATA GRANT

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TRACT 85 BLOCK 850 TRATA GRANT

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TRACT 87 BLOCK 870 TRATA GRANT

TRACT 88 BLOCK 880 TRATA GRANT

TRACT 89 BLOCK 890 TRATA GRANT

TRACT 90 BLOCK 900 TRATA GRANT

TRACT 91 BLOCK 910 TRATA GRANT

TRACT 92 BLOCK 920 TRATA GRANT

TRACT 93 BLOCK 930 TRATA GRANT

TRACT 94 BLOCK 940 TRATA GRANT

TRACT 95 BLOCK 950 TRATA GRANT

TRACT 96 BLOCK 960 TRATA GRANT

TRACT 97 BLOCK 970 TRATA GRANT

TRACT 98 BLOCK 980 TRATA GRANT

TRACT 99 BLOCK 990 TRATA GRANT

TRACT 100 BLOCK 1000 TRATA GRANT

TRACT 101 BLOCK 1010 TRATA GRANT

TRACT 102 BLOCK 1020 TRATA GRANT

TRACT 103 BLOCK 1030 TRATA GRANT

TRACT 104 BLOCK 1040 TRATA GRANT

TRACT 105 BLOCK 1050 TRATA GRANT

TRACT 106 BLOCK 1060 TRATA GRANT

TRACT 107 BLOCK 1070 TRATA GRANT

TRACT 108 BLOCK 1080 TRATA GRANT

TRACT 109 BLOCK 1090 TRATA GRANT

TRACT 110 BLOCK 1100 TRATA GRANT

TRACT 111 BLOCK 1110 TRATA GRANT

TRACT 112 BLOCK 1120 TRATA GRANT

TRACT 113 BLOCK 1130 TRATA GRANT

TRACT 114 BLOCK 1140 TRATA GRANT

TRACT 115 BLOCK 1150 TRATA GRANT

TRACT 116 BLOCK 1160 TRATA GRANT

TRACT 117 BLOCK 1170 TRATA GRANT

TRACT 118 BLOCK 1180 TRATA GRANT

TRACT 119 BLOCK 1190 TRATA GRANT

TRACT 120 BLOCK 1200 TRATA GRANT

TRACT 121 BLOCK 1210 TRATA GRANT

TRACT 122 BLOCK 1220 TRATA GRANT

TRACT 123 BLOCK 1230 TRATA GRANT

TRACT 124 BLOCK 1240 TRATA GRANT

TRACT 125 BLOCK 1250 TRATA GRANT

TRACT 126 BLOCK 1260 TRATA GRANT

TRACT 127 BLOCK 1270 TRATA GRANT

TRACT 128 BLOCK 1280 TRATA GRANT

TRACT 129 BLOCK 1290 TRATA GRANT

TRACT 130 BLOCK 1300 TRATA GRANT

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TRACT 135 BLOCK 1350 TRATA GRANT

TRACT 136 BLOCK 1360 TRATA GRANT

TRACT 137 BLOCK 1370 TRATA GRANT

TRACT 138 BLOCK 1380 TRATA GRANT

TRACT 139 BLOCK 1390 TRATA GRANT

TRACT 140 BLOCK 1400 TRATA GRANT

TRACT 141 BLOCK 1410 TRATA GRANT

TRACT 142 BLOCK 1420 TRATA GRANT

TRACT 143 BLOCK 1430 TRATA GRANT

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TRACT 146 BLOCK 1460 TRATA GRANT

TRACT 147 BLOCK 1470 TRATA GRANT

TRACT 148 BLOCK 1480 TRATA GRANT

TRACT 149 BLOCK 1490 TRATA GRANT

TRACT 150 BLOCK 1500 TRATA GRANT

TRACT 151 BLOCK 1510 TRATA GRANT

TRACT 152 BLOCK 1520 TRATA GRANT

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TRACT 158 BLOCK 1580 TRATA GRANT

TRACT 159 BLOCK 1590 TRATA GRANT

TRACT 160 BLOCK 1600 TRATA GRANT

TRACT 161 BLOCK 1610 TRATA GRANT

TRACT 162 BLOCK 1620 TRATA GRANT

TRACT 163 BLOCK 1630 TRATA GRANT

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TRACT 165 BLOCK 1650 TRATA GRANT

TRACT 166 BLOCK 1660 TRATA GRANT

TRACT 167 BLOCK 1670 TRATA GRANT

TRACT 168 BLOCK 1680 TRATA GRANT

TRACT 169 BLOCK 1690 TRATA GRANT

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TRACT 172 BLOCK 1720 TRATA GRANT

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TRACT 174 BLOCK 1740 TRATA GRANT

TRACT 175 BLOCK 1750 TRATA GRANT

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TRACT 177 BLOCK 1770 TRATA GRANT

TRACT 178 BLOCK 1780 TRATA GRANT

TRACT 179 BLOCK 1790 TRATA GRANT

TRACT 180 BLOCK 1800 TRATA GRANT

TRACT 181 BLOCK 1810 TRATA GRANT

TRACT 182 BLOCK 1820 TRATA GRANT

TRACT 183 BLOCK 1830 TRATA GRANT

TRACT 184 BLOCK 1840 TRATA GRANT

TRACT 185 BLOCK 1850 TRATA GRANT

TRACT 186 BLOCK 1860 TRATA GRANT

TRACT 187 BLOCK 1870 TRATA GRANT

TRACT 188 BLOCK 1880 TRATA GRANT

TRACT 189 BLOCK 1890 TRATA GRANT

TRACT 190 BLOCK 1900 TRATA GRANT

TRACT 191 BLOCK 1910 TRATA GRANT

TRACT 192 BLOCK 1920 TRATA GRANT

TRACT 19



Legislation Text

File #: 21-124, Version: 1

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

District 1

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: 8.2 Stabilize neighborhoods through community, housing and ADA improvements

SUBJECT:

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

A Resolution authorizing the Mayor of the City of El Paso, Texas to sign a resolution of no objection for a 2021 4% Non-Competitive, Low Income Housing Tax Credit (LIHTC) application submitted by CDV 34, LLC to the Texas Department of Housing and Community Affairs (TDHCA) for the rehabilitation of 101 affordable housing units at Corona del Valle, 5453 Ridge St, El Paso, TX 79932.

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?

CDV 34, LLC submitted a request for a resolution of no objection for their 4% non-competitive Low Income Housing Tax Credit (LIHTC) proposal to TDHCA for rehabilitation of 101 affordable housing units at the existing Corona Del Valle apartments, located at 5453 Ridge St, 79932, in District 1.

On November 28, 2016, Council approved a process whereby requests for "resolutions of no objection" for 4% non-competitive, Low Income Housing Tax Credits (LIHTC) are to be approved. In the case of the Corona Del Valle apartments at 5453 Ridge St., these tax credits will go towards the rehabilitation of 101 existing affordable units for a total investment of \$17,719,894, including the \$4,859,218 in 4% non-competitive Low Income Housing Tax Credits that CDV 34, LLC is applying for with TDHCA. Backup documentation attached to this item includes additional site and development details.

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?

\$4,859,218 in 4% non-competitive LIHTCs from TDHCA.

*****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: February 2, 2021 (Consent)

CONTACT PERSON/PHONE: Nicole Ferrini, Chief Resilience Officer, 212-1659, ferrininm@elpasotexas.gov

DISTRICT(S) AFFECTED: District 1

SUBJECT:

A resolution authorizing the Mayor of the City of El Paso, Texas to sign a resolution of no objection for a 2021 4% Non-Competitive, Low Income Housing Tax Credit (LIHTC) application submitted by CDV 34, LLC to the Texas Department of Housing and Community Affairs (TDHCA) for the rehabilitation of 101 affordable housing units at Corona del Valle, 5453 Ridge St, El Paso, TX 79932.

BACKGROUND / DISCUSSION:

CDV 34, LLC submitted a request for a resolution of no objection for their 4% non-competitive Low Income Housing Tax Credit (LIHTC) proposal to TDHCA for rehabilitation of 101 affordable housing units at the existing Corona Del Valle apartments, located at 5453 Ridge St, 79932, in District 1.

On November 28, 2016, Council approved a process whereby requests for "resolutions of no objection" for 4% non-competitive, Low Income Housing Tax Credits (LIHTC) are to be approved. In the case of the Corona Del Valle apartments at 5453 Ridge St., these tax credits will go towards the rehabilitation of 101 existing affordable units for a total investment of \$17,719,894, including the \$4,859,218 in 4% non-competitive Low Income Housing Tax Credits that CDV 34, LLC is applying for with TDHCA. Backup documentation attached to this item includes additional site and development details.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

\$4,859,218 in 4% non-competitive LIHTCs from TDHCA.

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD:



Nicole Ferrini, Chief Resilience Officer

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, CDV 34, LLC has proposed a development for the rehabilitation of 101 units of affordable rental housing located at 5453 Ridge Street, El Paso, Texas 79932, in the City of El Paso named Corona Del Valle; and

WHEREAS, CDV 34, LLC has submitted an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2021 4% Tax-Exempt Bond Housing Tax Credits for the Corona Del Valle project.

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

1. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:
 - i. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a); and
 - ii. The Governing Body has had sufficient opportunity to obtain a response from CDV 34, LLC regarding any questions or concerns about the proposed Development; and
 - iii. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
 - iv. After due consideration of the information provided by CDV 34, LLC and public comment, the Governing Body **does not object to** the proposed Application.
2. That for and on behalf of the Governing Body, Laura D. Prine, City Clerk, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

APPROVED this _____ day of _____, 2021.

THE CITY OF EL PASO:

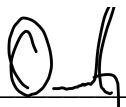
Oscar Leaser
Mayor

(Signatures on the following page)

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicole M. Ferrini
Chief Resilience Officer



2021 LOW INCOME HOUSING TAX CREDIT REQUEST FOR MUNICIPAL RESOLUTION

The City of El Paso requires the following information in order to process a request for support resolution for the Texas Dept. of Housing and Community Affairs as part of the 2021 Low Income Housing Tax Credit (LIHTC) application process. All 9% LIHTC applicants must fill out Sections A, B, and D. Section C is for 9% LIHTC applicants seeking City financial support. 4% HTC applicants must fill out sections A, B and D only.

- The deadline for 9% Housing Tax Credit Requests for Municipal Resolution is Monday, November 2, 2020 by 5:00 pm (MST)

SECTION A. PROPERTY AND CONTACT INFORMATION

1. Applicant/Developer: _____
2. Contact Person: _____
3. Applicant Address: _____
Phone: _____ E-Mail: _____
4. Name of Proposed Development: _____
5. Proposed Development Address/Location: _____
6. Type of Tax Credit requested of TDHCA (ex. 9% Statewide At-Risk or 9% Regional Competitive): _____

SECTION B. PROJECT INFORMATION

1. Project type (rehabilitation, new construction, adaptive reuse, etc.): _____
2. Provide a written narrative explaining why the particular type of tax credit is being requested and how the proposed development meets TDHCA criteria and the City of El Paso adopted Evaluation Criteria for Requests for Local Government Support of LIHTC Proposals. To accomplish this, the narrative should include detailed descriptions of how the proposed development meets each of the criteria for Value Statements 2, 3, 4, and 5 in the City's adopted evaluation criteria (attached to this form). Narrative must be no more than 10 pages, single-spaced, 12 pt. Arial or Calibri font, 1" margins. Submit as Attachment B-2.
3. Total cost of development (as prepared by an Architect, Engineer or Contractor): \$_____
4. Cost per square foot: \$_____
5. Amount of tax credits being requested of TDHCA: \$_____
6. Number of units & housing mix for proposed development (1, 2 or 3 bedroom) and Number of Affordable Units

Units/bedroom Size:	Total Quantity	Market Rate	80% AMI	60% AMI	50% AMI	30% AMI
1 Bedroom						
2 Bedroom						
3 Bedroom						
4 Bedroom						
Totals						

7. Is the proposed development site properly zoned for proposed development? Yes ____ No ____
 a. Current Zoning: _____
8. Are property taxes current for the site? Yes ____ No ____
 If yes, provide a copy of current property tax receipt, or print-out from:
https://actweb.acttax.com/act_webdev/elpaso/index.jsp Submit as Attachment B-8.
9. Is the property located in a flood zone? Yes ____ No ____
10. Submit location map showing the project site. Submit as Attachment B-10.
11. Submit project Site Plan (and renderings if available). Submit as Attachment B-11.

SECTION C. FOR THOSE PROJECTS SEEKING FINANCIAL SUPPORT FROM CITY FUNDS

1. Total amount of funds requested from City HOME/CDBG funds: \$ _____
 Or, total amount of requested fee waiver from the City of El Paso: \$ _____
2. Indicate use of all funds by category and amount (for those requesting HOME/CDBG funds):
- | | |
|---------------------------------------------|----------|
| Acquisition: | \$ _____ |
| Design/Soft Costs: | \$ _____ |
| New Construction of Housing Units: | \$ _____ |
| Rehabilitation/Conversion of Housing Units: | \$ _____ |
| Funds from other sources: | \$ _____ |
| Total Project Cost: | \$ _____ |
3. Relocation of Tenants (for rehabilitation and/or reconstruction developments):
- How many of the existing dwelling units are occupied? _____ Vacant? _____
 If completely vacant, how long has the property been vacant? _____
 Are any of the units owner-occupied? _____
 Will Temporary or permanent relocation be required? _____
4. Section 3 Agreement (for those requesting HOME/CDBG funds): If the project construction amount totals more than \$200,000, the owner/contractor agrees to meet or exceed Section 3 requirements by: (1) awarding at least 20% of the total dollar amount of all covered construction contracts to Section 3 businesses; and (2) offering 50% of new employment opportunities to Section 3 businesses. Section 3 is a provision of the Housing and Urban Development (HUD) Act of 1968 that requires that recipients of certain HUD financial assistance, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low- or very-low income residents in connection with projects and activities in their neighborhoods. The HOME and CDBG funds administered by the City necessitate following Section 3 provisions.
- Do you agree to meet or exceed the Section 3 requirements noted above? Yes ____ No ____
5. Submit the following financial documents (for those requesting HOME/CDBG funds):
- Applicant's financial statement or most recent audit. Submit as Attachment C-5.a.
 - Applicant's Current Income Tax Return. Submit as Attachment C-5.b.

6. Submit the following Relocation documents (if applicable):

- a. Copy of Relocation Plan. Submit as Attachment C-6.a.
- b. Proof of approval of Relocation Plan by HUD. Submit as Attachment C-6.b.
- c. List of all households to be displaced, list must include date of issuance of General Information Notices and date of issuance of Relocation Notices for all households. Submit as Attachment C-6.c.

Please note: Phase I Environmental Assessment must be submitted to Community & Human Development for review prior to execution of any HOME or CDBG funding agreements.

SECTION D. CERTIFICATIONS

RETURN COMPLETED 9% LIHTC REQUESTS FOR MUNICIPAL RESOLUTION WITH ALL ATTACHMENTS NO LATER THAN NOVEMBER 2, 2020 BY 5:00 PM (MST).

Submittals received after 5:00 pm on November 2, 2020 MST will not be considered for support.

Applications must be submitted by emailing a link to your application contained within a file sharing service. Please notify DCHD staff by emailing housingprograms@elpasotexas.gov that your application has been stored with a file sharing service to include the link for access. DCHD must receive this email prior to the application deadline. Applications must be submitted electronically unless a waiver has been issued allowing you to submit your application in paper form. Instructions for submitting your paper application will be contained in the waiver for electronic submission.

4% HTC REQUESTS FOR MUNICIPAL RESOLUTION WILL BE ACCEPTED ON A ROLLING BASIS THROUGHOUT THE YEAR

Person authorized to sign on behalf of proposed development:

I/we declare that I/we have examined this request and, to the best of my/our knowledge and belief, the information contained therein is true, correct, and complete.

Signature (required): _____

Printed Name/Title: _____

Date: _____

FOR STAFF USE ONLY: Received by: _____ Date: _____

Review for Completeness by: _____

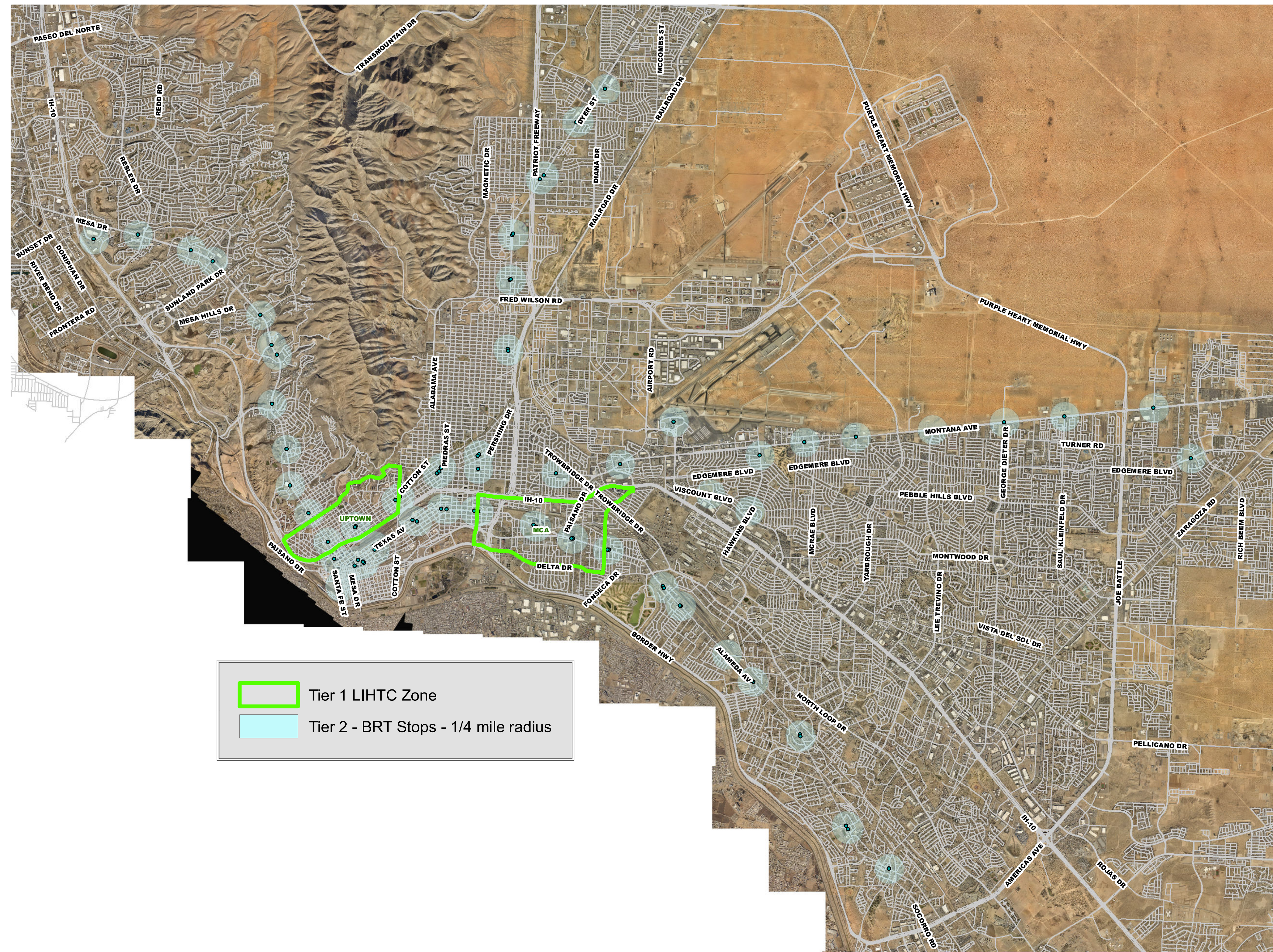
Evaluation Criteria for Requests for Local Government Support of LIHTC Proposals

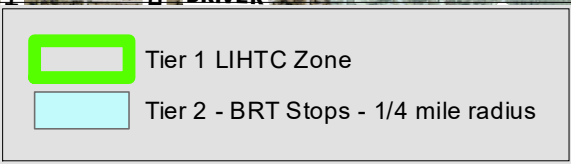
Value Statement	Total Points	Evaluation Criteria and/or Scoring Breakdown (points)	Plan El Paso Reference (These goals and policies are to be referenced to ensure proposed projects comply with Plan El Paso. Proposals need not address all goals and policies referenced below; rather, listed goals and policies should be used to inform the scoring of proposals against the Evaluation Criteria.)
1. Maximize affordable housing units within the City of El Paso with whatever combination of projects produces the most affordable housing units given allocation of funds for the region	35	<p>a) 15 points for the proposal with the greatest number of units. All other proposals receive a point value equal to 20 multiplied by the percentage of units proposed as compared to the development with the greatest number of units. (ex. Development X proposes 50% of the total units that the development with the greatest number of units proposes. Points for Development X = 20 points x 50% = 10 points).</p> <p>b) 8 points for the development with the most units for households at or below 30% AMI. All other proposals receive a point total equal to 8 multiplied by the percentage of 30% AMI units compared to the development with the greatest number of 30% AMI units.</p> <p>c) 7 points for the development with the most units for households between 31% and 60% AMI. All other proposals receive a point total equal to 7 multiplied by the percentage of 31%-60% AMI units compared to the development with the greatest number of 31%-60% AMI units.</p> <p>d) 5 points for the development with the greatest number of units produced per amount of tax credit.</p>	Goal 6.1 - Housing Supply (Policies 6.1.1 & 6.1.2)
2. Support breaking the cycle of poverty and supporting upward mobility by either directly providing or facilitating availability of social services	20	<p>Actively supporting residents of the project through provision of staffing, investments in programs/services, MOUs with other providers, and/or in house staff providing services.</p> <p>Categories of Services:</p> <p>a) Education (5 pts)</p> <p>b) Economic development/workforce and entrepreneurial development (including homeownership programs) (10 pts)</p> <p>c) Supportive/social services (5 pts)</p>	<p>Goal 5.12 - Museum & Cultural Affairs</p> <p>Goal 5.14 - Schools</p> <p>Goal 5.17 - Civic Buildings</p> <p>Goal 7.12 - Educational Opportunities</p> <p>Goal 9.3 - Access to Healthcare (Policy 9.3.1)</p> <p>Goal 6.1 Housing Supply; supportive housing (Policy 6.1.3)</p> <p>Policy 10.7.6: Promote behavioral changes and consumption patterns that conserve energy</p> <p>Goal 10.16: Reduce "Food Miles" or the distance that food must travel to El Paso, and the associated pollution and fuel consumption associated with long-distance food transport.</p>

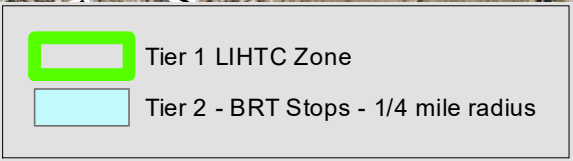
3. Residents given an opportunity for inclusiveness and afforded an opportunity to access public services	10	<p>Categories:</p> <p>a) No physical barriers separating the development from the neighborhood and commercial/public services (4 pts)</p> <p>b) Gathering points/areas that bring together residents of the project and residents of the neighborhood at large (3 pts)</p> <p>c) Development has a mix of units at various income levels to include 80% AMI and/or market rate. (3 pts)</p>	<p>Goal 2.1 - Smart Location Principles</p> <p>Goal 2.2 - Neighborhood Patterns</p> <p>Goal 4.2 - Complete Streets (Policy 4.2.8)</p> <p>Goal 4.5 - Network Principles; minimize isolating communities (Policy 4.5.8)</p> <p>Goals 5.8 & 5.9 - Parks</p> <p>Goal 6.1 - Housing Supply (Policies 6.1.1, 6.1.2 & 6.1.7)</p> <p>Goal 6.2 - Existing Neighborhoods (Policy 6.2.1)</p> <p>Goal 6.3 - Walkable Neighborhoods (Policies 6.3.1 - 6.3.3)</p> <p>Goal 9.3 - Access to Healthcare</p> <p>Goal 10.6 - Atmosphere; promote new development that encourages a sustainable lifestyle such as walking, cycling, the use of public transit, and reducing dependence upon automobiles (Policy 10.6.3) .</p>
4. Local presence and long-term accountability in El Paso	15	<p>Applicant has:</p> <p>a) Past experience involved in a development team constructing, operating and/or providing affordable housing for residents who fit the demographic profile to be served in El Paso (4 pts)</p> <p>b) A staff presence in El Paso of at least 5 employees (4 pts)</p> <p>c) 5 or more years experience as part of a development team financing, building, operating or managing affordable housing in El Paso (4 pts)</p> <p>d) Commitment to extended affordability beyond 30 years. (1 point for every 5 years of extended affordability beyond 30 years) (up to 3 pts)</p>	N/A

5. Meets City smart growth initiative as set out in Plan El Paso	20	<p>Each project will be evaluated and scored by City of El Paso staff.</p> <p>Tier 1 projects can score up to 20 points under this category.</p> <p>Tier 2 projects can score up to 10 points under this category.</p> <p>This is intended to prioritize Tier 1 projects while not ruling out creative, impactful projects in Tier 2.</p> <p>(See attached maps of Tier 1 and Tier 2 Areas)</p>	<p>Goal 1.1 - Downtown (If proposed project is located downtown)</p> <p>Goal 1.2 - Traditional Neighborhoods (Policy 1.2.3)</p> <p>Goal 1.3 - Neighborhood Retrofits; bus routes and RTS stops (Policies 1.3.1 & 1.3.2)</p> <p>Goal 1.4 - New Neighborhoods</p> <p>Goal 1.5 - Outward Expansion</p> <p>Goal 1.9 - Industrial Lands (Policy 1.9.4)</p> <p>Goal 1.10 - Growth Areas and Overlays (Policies 1.10.3 - 1.10.5)</p> <p>Goal 2.1 - Smart Location Principles</p> <p>Goal 4.1 - Compact Urban Areas (Policy 4.1.2)</p> <p>Goal 4.7 - Air Quality (Policies 4.7.1 & 4.7.3)</p> <p>Goal 4.11 - Public Transportation (Policies 4.11.2, 4.11.3 & 4.11.6)</p> <p>Goal 6.1 - Housing Supply (Policies 6.1.1 - 6.1.3, 6.1.7)</p> <p>Goal 6.2 - Existing Neighborhoods (Policy 6.2.1)</p> <p>Goal 6.3 - Walkable Neighborhoods (Policies 6.3.1 - 6.3.3)</p> <p>Goal 6.4 - Housing Affordability</p> <p>Goal 7.3 - Dynamic Walkable Neighborhoods (Policy 7.3.3)</p> <p>Goal 7.11 - Complete Streets</p> <p>Goal 9.4 - Exposure to Environmental Risk (Policies 9.4.1a, 9.4.1c, 9.4.1e)</p> <p>Goal 9.5 - Encourage Physical Activity Through Design (Policies 9.5.4 & 9.5.6)</p> <p>Goal 9.6 - Encourage Well-Being (Policy 9.6.6)</p> <p>Goal 10.5 - Stormwater; (Policy 10.5.2, Policy 10.5.7, Policy 10.5.9)</p> <p>Goal 10.6 - Atmosphere; promote both roof and non-roof strategies to mitigate the urban heat island effect (Policy 10.6.9).</p> <p>Goal 10.7 - Energy/Public transit (Policy 10.7.2).</p> <p>Goal 10.8: Protect and enhance ecologically sensitive areas such as aquifer recharge zones, hillsides, bosques, arroyos, wetlands, and plants and wildlife resources.</p> <p>Goal 10.9: Preserve the valuable natural resources of the mountain and hillside areas and minimize the exposure of potential environmental hazards associated with their development.</p> <p>Goal 10.10: Protect the community from risks associated with geologic conditions</p> <p>Goal 10.13: Protect City residents from the effects of excessive noise or vibration.</p> <p>Goal 10.14: Improve public safety by developing appropriate lighting and control standards.</p>
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TOTAL POSSIBLE POINTS 100







CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

I, the undersigned Secretary to the Governing Board (the "Board"), respectively, of the Texas Department of Housing and Community Affairs (the "Department") do hereby make and execute this Certificate for the benefit of all persons interested in the validity of all actions and proceedings of the Department. I do hereby certify as follows:

1. I am the duly chosen, qualified and acting Secretary to the Board, respectively, and in such capacities, I am familiar with the matters contained in this Certificate, and I am authorized to make, execute and deliver this Certificate.

2. The Board convened in a special meeting on the 8th day of October, 2020 by video conference pursuant to the March 16, 2020 action by the Governor of the State of Texas under Section 418.016 of the Texas Government Code (the "Governor's Action") suspending certain provisions of the Texas Open Meetings Act, and the roll was called of the duly constituted officers and members of the Board, to wit:

Vacant	Chair and Member
Leslie Bingham	Vice Chair and Member
Paul Braden	Member
Leo Vasquez	Member
Vacant	Member
Sharon Thomason	Member
James B. "Beau" Eccles	Secretary to the Board

and all of the foregoing persons were present constituting a quorum.

Whereupon, among other business, the following was transacted at the meeting: a written

RESOLUTION DECLARING INTENT TO ISSUE MULTIFAMILY REVENUE
BONDS OR NOTES WITH RESPECT TO RESIDENTIAL RENTAL
DEVELOPMENTS; AUTHORIZING THE FILING OF ONE OR MORE
APPLICATIONS FOR ALLOCATION OF PRIVATE ACTIVITY BONDS
WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER
ACTION RELATED THERETO

was introduced for the consideration of the Board. It was then duly moved and seconded that this Resolution be adopted and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried by vote of 4 ayes, 0 nays, and 0 abstentions.

3. The attached and following is a true, correct and complete copy of such Resolution; that the original of the Resolution is on file in the official records of the Department; and that the Resolution is in full force and effect.

4. The Resolution was considered and adopted at a meeting of the Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with §2306.032 of the Texas Government Code, and the Governor's Action, regarding meetings of the Board.

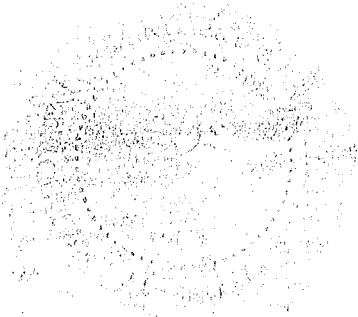
(Signature Page Follows)

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Department
this 8th day of October, 2020.



James B. "Beau" Eccles, Secretary
Governing Board

(SEAL)



RESOLUTION NO. 21-003

RESOLUTION DECLARING INTENT TO ISSUE MULTIFAMILY REVENUE BONDS OR NOTES WITH RESPECT TO RESIDENTIAL RENTAL DEVELOPMENTS; AUTHORIZING THE FILING OF ONE OR MORE APPLICATIONS FOR ALLOCATION OF PRIVATE ACTIVITY BONDS WITH THE TEXAS BOND REVIEW BOARD; AND AUTHORIZING OTHER ACTION RELATED THERETO

WHEREAS, the Texas Department of Housing and Community Affairs (the "Department") has been duly created and organized pursuant to and in accordance with the provisions of Chapter 2306, Texas Government Code, as amended, (the "Act") for the purpose, among others, of providing a means of financing the costs of residential ownership, development and rehabilitation that will provide decent, safe, and affordable living environments for persons and families of low, very low and extremely low income and families of moderate income (all as defined in the Act); and

WHEREAS, the Act authorizes the Department: (a) to make mortgage loans to housing sponsors to provide financing for multifamily residential rental housing in the State of Texas (the "State") intended to be occupied by persons and families of low, very low and extremely low income and families of moderate income, as determined by the Department; (b) to issue its revenue bonds or notes for the purpose, among others, of obtaining funds to make such loans and provide financing, to establish necessary reserve funds and to pay administrative and other costs incurred in connection with the issuance of such bonds or notes; and (c) to pledge all or any part of the revenues, receipts or resources of the Department, including the revenues and receipts to be received by the Department from such multifamily residential rental development loans, and to mortgage, pledge or grant security interests in such loans or other property of the Department in order to secure the payment of the principal or redemption price of and interest on such bonds or notes; and

WHEREAS, it is proposed that the Department issue its revenue bonds or notes in one or more series for the purpose of providing financing for the multifamily residential rental developments (the "Developments") more fully described in Exhibit A attached hereto. The ownership of the Developments as more fully described in Exhibit A will consist of the applicable ownership entity and its principals or a related person (the "Owners") within the meaning of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Owners have made not more than 60 days prior to the date hereof, payments with respect to the acquisition, construction, reconstruction or renovation of the Developments and expect to make additional payments in the future and desire that they be reimbursed for such payments and other costs associated with the Developments from the proceeds of tax-exempt and taxable, as applicable, obligations to be issued by the Department subsequent to the date hereof; and

WHEREAS, the Owners have indicated their willingness to enter into contractual arrangements with the Department providing assurance satisfactory to the Department that the requirements of the Act and the Department will be satisfied and that the Developments will satisfy State law, Section 142(d) and other applicable Sections of the Code and Treasury Regulations; and

WHEREAS, the Department desires to reimburse the Owners for some or all of the costs associated with the Developments listed on Exhibit A attached hereto, but solely from and to the extent, if any, of the proceeds of tax-exempt and taxable, as applicable, obligations to be issued in one or more series to be issued subsequent to the date hereof; and

WHEREAS, at the request of the Owners, the Department reasonably expects to incur debt in the form of tax-exempt and taxable, as applicable, obligations for purposes of paying the costs of the Developments described on Exhibit A attached hereto; and

WHEREAS, in connection with the proposed issuance of the Bonds (defined below), the Department, as issuer of the Bonds, is required to submit for the Developments one or more Applications for Allocation of Private Activity Bonds or Applications for Carryforward for Private Activity Bonds (the "Application") with the Texas Bond Review Board (the "Bond Review Board") with respect to the tax-exempt Bonds to qualify for the Bond Review Board's Allocation Program in connection with the Bond Review Board's authority to administer the allocation of the authority of the State to issue private activity bonds; and

WHEREAS, the Governing Board of the Department (the "Board") has determined to declare its intent to issue its multifamily revenue bonds or notes for the purpose of providing funds to the Owners to finance the Developments on the terms and conditions hereinafter set forth; NOW, THEREFORE,

BE IT RESOLVED BY THE GOVERNING BOARD OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

ARTICLE 1

OFFICIAL INTENT; APPROVAL OF CERTAIN ACTIONS

Section 1.1. Authorization of Issue. The Department declares its intent to issue its Multifamily Housing Revenue Bonds or Notes (the "Bonds") in one or more series and in amounts estimated to be sufficient to (a) fund a loan or loans to the Owners to provide financing for the respective Developments in an aggregate principal amount not to exceed those amounts, corresponding to the Developments, set forth in Exhibit A; (b) fund a reserve fund with respect to the Bonds if needed; and (c) pay certain costs incurred in connection with the issuance of the Bonds. Such Bonds will be issued as qualified residential rental development bonds. Final approval of the Department to issue the Bonds shall be subject to: (i) the review by the Department's credit underwriters for financial feasibility; (ii) review by the Department's staff

and legal counsel of compliance with federal income tax regulations and State law requirements regarding tenancy in the respective Development; (iii) approval by the Bond Review Board, if required; (iv) approval by the Attorney General of the State of Texas (the "Attorney General"); (v) satisfaction of the Board that the respective Development meets the Department's public policy criteria; and (vi) the ability of the Department to issue such Bonds in compliance with all federal and State laws applicable to the issuance of such Bonds.

Section 1.2. Terms of Bonds. The proposed Bonds shall be issuable only as fully registered bonds or notes in authorized denominations to be determined by the Department; shall bear interest at a rate or rates to be determined by the Department; shall mature at a time to be determined by the Department but in no event later than 40 years after the date of issuance; and shall be subject to prior redemption upon such terms and conditions as may be determined by the Department.

Section 1.3. Reimbursement. The Department reasonably expects to reimburse the Owners for all or a portion of the costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof in connection with the acquisition of real property and construction, reconstruction or renovation, as applicable, of its Development and listed on Exhibit A attached hereto ("Costs of the Developments") from the proceeds of the Bonds, in an amount which is reasonably estimated to be sufficient: (a) to fund a loan to provide financing for the acquisition and construction or rehabilitation and equipping of its Development, including reimbursing the applicable Owner for all costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof in connection with the acquisition and construction or rehabilitation of the Developments; (b) to fund certain reserves that may be required for the benefit of the holders of the Bonds; and (c) to pay certain costs incurred in connection with the issuance of the Bonds.

Section 1.4. Principal Amount. Based on representations of the Owners, the Department reasonably expects that the maximum aggregate principal amount of debt issued to reimburse the Owners for the Costs of the Developments will not exceed the amount set forth in Exhibit A which corresponds to the applicable Development.

Section 1.5. Limited Obligations. The Owners may commence with the acquisition and construction or rehabilitation of the Developments, which Developments will be in furtherance of the public purposes of the Department as aforesaid. On or prior to the issuance of the Bonds, each Owner will enter into a loan agreement, on terms agreed to by the parties, on an installment payment basis with the Department under which the Department will make a loan to the applicable Owner for the purpose of reimbursing the Owner for the Costs of the Development and the Owner will make installment payments sufficient to pay the principal of and any premium and interest on the applicable Bonds. The proposed Bonds shall be special, limited obligations of the Department payable solely by the Department from or in connection with its loan or loans to the Owner to provide financing for its Development, and from such other revenues, receipts and resources of the Department as may be expressly pledged by the Department to secure the payment of the Bonds.

Section 1.6. The Developments. Substantially all of the proceeds of the Bonds shall be used to finance the Developments, which are to be occupied entirely by Eligible Tenants, as determined by the Department, and which are to be occupied partially by persons and families of low income such that the requirements of Section 142(d) of the Code are met for the period required by the Code.

Section 1.7. Payment of Bonds. The payment of the principal of and any premium and interest on the Bonds shall be made solely from moneys realized from the loan of the proceeds of the Bonds to reimburse the Owners for costs of its Development.

Section 1.8. Costs of Developments. The Costs of the Developments may include any cost of acquiring, constructing, rehabilitating, or reconstructing, as applicable, improving, equipping, installing and expanding the Developments. Without limiting the generality of the foregoing, the Costs of the Developments shall specifically include the cost of the acquisition of all land, rights-of-way, property rights, easements and interests, the cost of all machinery and equipment, financing charges, inventory, raw materials and other supplies, research and development costs, interest prior to and during construction and for one year after completion of construction whether or not capitalized, necessary reserve funds, the cost of estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenue, other expenses necessary or incident to determining the feasibility and practicability of acquiring, constructing, reconstructing, improving and expanding the Developments, administrative expenses and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, improvement and expansion of the Developments, the placing of the Developments in operation and that satisfy the Code and the Act. The Owners shall be responsible for and pay any costs of its Development incurred by it prior to issuance of the Bonds and will pay all costs of its Development which are not or cannot be paid or reimbursed from the proceeds of the Bonds.

Section 1.9. No Commitment to Issue Bonds. Neither the Owners nor any other party is entitled to rely on this Resolution as a commitment to issue the Bonds and to loan funds, and the Department reserves the right not to issue the Bonds either with or without cause and with or without notice, and in such event the Department shall not be subject to any liability or damages of any nature. Neither the Owners nor any one claiming by, through or under the Owners shall have any claim against the Department whatsoever as a result of any decision by the Department not to issue the Bonds.

Section 1.10. Conditions Precedent. The issuance of the Bonds following final approval by the Board shall be further subject to, among other things: (a) the execution by the Owners and the Department of contractual arrangements, on terms agreed to by the parties, providing assurance satisfactory to the Department that all requirements of the Act will be satisfied and that the Development will satisfy the requirements of Section 142(d) of the Code (except for portions to be financed with taxable bonds or notes); (b) the receipt of an opinion from Bracewell LLP or other nationally recognized bond counsel acceptable to the Department ("Bond Counsel"), substantially to the effect that the interest on the tax-exempt Bonds is excludable

from gross income for federal income tax purposes under existing law; and (c) receipt of the approval of the Bond Review Board, if required, and the Attorney General.

Section 1.11. Authorization to Proceed. The Board hereby authorizes staff, Bond Counsel and other consultants to proceed with preparation of the Developments' necessary review and legal documentation for the filing of one or more Applications and the issuance of the Bonds, subject to satisfaction of the conditions specified in this Resolution. The Board further authorizes staff, Bond Counsel and other consultants to re-submit an Application that was withdrawn by an Owner.

Section 1.12. Related Persons. The Department acknowledges that financing of all or any part of the Developments may be undertaken by any company or partnership that is a "related person" to the respective Owner within the meaning of the Code and applicable regulations promulgated pursuant thereto, including any entity controlled by or affiliated with the Owners.

Section 1.13. Declaration of Official Intent. This Resolution constitutes the Department's official intent for expenditures on Costs of the Developments which will be reimbursed out of the issuance of the Bonds within the meaning of Sections 1.142-4(b) and 1.150-2, Title 26, Code of Federal Regulations, as amended, and applicable rulings of the Internal Revenue Service thereunder, to the end that the Bonds issued to reimburse Costs of the Developments may qualify for the exemption provisions of Section 142 of the Code, and that the interest on the Bonds (except for any taxable Bonds) will therefore be excludable from the gross incomes of the holders thereof under the provisions of Section 103(a)(1) of the Code.

Section 1.14. Execution and Delivery of Documents. The Authorized Representatives named in this Resolution are each hereby authorized to execute and deliver all Applications, certificates, documents, instruments, letters, notices, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 1.15. Authorized Representatives. The following persons are hereby named as authorized representatives of the Department for purposes of executing, attesting, affixing the Department's seal to, and delivering the documents and instruments and taking the other actions referred to in this Article 1: the Chair or Vice Chair of the Board, the Executive Director of the Department, the Director of Administration of the Department, the Director of Bond Finance and Chief Investment Officer of the Department, the Director of Multifamily Bonds, the Director of Texas Homeownership of the Department and the Secretary or any Assistant Secretary to the Board. Such persons are referred to herein collectively as the "Authorized Representatives." Any one of the Authorized Representatives is authorized to act individually as set forth in this Resolution.

ARTICLE 2

CERTAIN FINDINGS AND DETERMINATIONS

Section 2.1. Certain Findings Regarding Developments and Owners. The Board finds that:

- (a) the Developments are necessary to provide decent, safe and sanitary housing at rentals that individuals or families of low and very low income and families of moderate income can afford;
- (b) the Owners will supply, in their Development, well-planned and well-designed housing for individuals or families of low and very low income and families of moderate income;
- (c) the Owners are financially responsible;
- (d) the financing of the Developments is a public purpose and will provide a public benefit; and
- (e) the Developments will be undertaken within the authority granted by the Act to the Department and the Owners.

Section 2.2. No Indebtedness of Certain Entities. The Board hereby finds, determines, recites and declares that the Bonds shall not constitute an indebtedness, liability, general, special or moral obligation or pledge or loan of the faith or credit or taxing power of the State, the Department or any other political subdivision or municipal or political corporation or governmental unit, nor shall the Bonds ever be deemed to be an obligation or agreement of any officer, director, agent or employee of the Department in his or her individual capacity, and none of such persons shall be subject to any personal liability by reason of the issuance of the Bonds. The Bonds will be a special limited obligation of the Department payable solely from amounts pledged for that purpose under the financing documents.

Section 2.3. Certain Findings with Respect to the Bonds. The Board hereby finds, determines, recites and declares that the issuance of the Bonds to provide financing for the Developments will promote the public purposes set forth in the Act, including, without limitation, assisting persons and families of low and very low income and families of moderate income to obtain decent, safe and sanitary housing at rentals they can afford.

ARTICLE 3

GENERAL PROVISIONS

Section 3.1. Books and Records. The Board hereby directs this Resolution to be made a part of the Department's books and records that are available for inspection by the general public.

Section 3.2. Notice of Meeting. This Resolution was considered and adopted at a meeting of the Governing Board that was noticed, convened, and conducted in full compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, and with Section 2306.032 of the Texas Government Code, and the March 16, 2020 action by the Governor of the State of Texas under Section 418.016, Texas Government Code, suspending certain provisions of the Texas Open Meetings Act regarding meetings of the Governing Board.

Section 3.3. Effective Date. This Resolution shall be in full force and effect from and upon its adoption.

PASSED AND APPROVED this 8th day of October, 2020.

EXHIBIT "A"

Descriptions of the Owners and the Developments

Project Name	Owner	Principals	Amount Not to Exceed
Caroline Lofts	Caroline Lofts, LP, a Texas limited partnership	General Partner/Member: Caroline Lofts Advisors, LLC, a Texas limited liability company	\$20,000,000
Costs: Acquisition/construction of a 119-unit affordable, multifamily housing development to be known as Caroline Lofts, located on 2403 Caroline Street, Houston, Harris County, Texas 77004			

Project Name	Owner	Principals	Amount Not to Exceed
Corona Del Valle Apartments	CDV 34, LLC, a Texas limited liability company	General Partner/Member: CLJR CDV 34 MM, LLC, a Texas limited liability company	\$8,500,000
Costs: Acquisition/rehabilitation of a 101-unit affordable, multifamily housing development to be known as Corona Del Valle Apartments, located on 5453 Ridge Street, El Paso, El Paso County, Texas 79932			



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

Greg Abbott
GOVERNOR

BOARD MEMBERS

Vacant, *Chair*
Leslie Bingham, *Vice Chair*
Paul A. Braden, *Member*
Sharon Thomason, *Member*
Leo Vasquez, *Member*

September 4, 2020

Writer's direct dial: 512-475-1676
Email: marni.holloway@tdhca.state.tx.us

Mr. Christian Szymczak
4234 Parva Avenue
Los Angeles, California 90027

RE: REQUEST FOR EXPERIENCE CERTIFICATE UNDER 2020 QUALIFIED ALLOCATION PLAN

Dear Mr. Szymczak:

We have reviewed your request for an experience certificate, which is provided to individuals that meet the requirements of §11.204(6) of the 2020 Qualified Allocation Plan. In order to meet the experience requirements an individual must establish that they have experience in the development and placement in service of at least 150 residential units. We find that the documentation you have provided is sufficient to establish this required experience. Additionally, you have certified to compliance with the requirements of §11.204(6)(B), including the following requirements:

(ii) Experience may not be established for a Person who at any time within the preceding three years has been involved with affordable housing in another state, in which the Person or Affiliate has been the subject of issued IRS Form 8823 citing non-compliance that has not been or is not being corrected with reasonable due diligence. ...

(iv) Notwithstanding the foregoing, no person may be used to establish such required experience if that Person or an Affiliate of that Person would not be eligible to be an Applicant themselves.

Should you choose to participate as a member of the Development Team or an individual providing experience for any Application submitted for funding, a Previous Participation Review (10 TAC §1.5) may be conducted prior to any award of funds. Additionally, should it be determined at any point in time that the information provided in your request for experience is fraudulent, knowingly falsified, intentionally or negligibly materially misrepresented, or omits relevant information, this certificate of



experience is null and void and you may be subject to other sanctions under the Texas Department of Housing and Community Affairs' rules and requirements.

If you have any questions or concerns regarding this certificate or the experience requirements, please contact Marni Holloway at marni.holloway@tdhca.state.tx.us.

Sincerely,

Marni Holloway
Director of Multifamily Finance

EBH

Attachment 2B – Written Narrative – Corona Del Valle Apts. – 5453 Ridge St.

Corona Del Valle is an existing, 100-unit family housing tax credit project originally constructed in 1996. The project is currently restricted by a TDHCA LURA which limits 100% of the units to tenants earning 60% of AMI or below. The project is currently under contract for sale to the proposed owner, CDV 34 LLC.

Proposed owner has applied to TDHCA for 4% HTC and bonds. The project has been issued an Inducement Resolution for multifamily revenue bonds by TDHCA, which is attached. The project is a “Priority 1a” bond project, representing the highest priority by TDHCA for the issuance of bonds. The project has been deemed the highest priority by TDHCA by virtue of the proposed owner’s commitment to restrict 50% of the project units to families earning 50% of AMI or lower. 100% of the units will remain restricted to families earning 60% AMI or lower.

CDV 34, LLC (proposed owner), has committed to rehabilitate the project with a construction budget of over \$60,000 per unit. The rehab will consist of significant interior and exterior improvements, as well as the addition of many on-site amenities.

Value Statement #2 – Social Services

A full-time supportive services coordinator will be hired by provider Cornucopia Services to provide services through the tax credit compliance period and beyond. A summary of the services will be as follows:

- I. Service Coordinator (Position Description Included; 20 hours per week)
 - Provide residents with information about available services in the community
 - Assist residents in accessing services through referral and advocacy
 - Organize community-building and/or other enrichment activities for seniors (bingo, holiday events, birthday parties, craft classes, etc.)
- II. Basic Very Low-Income Household Support Services
 - Helping residents obtain needed services such as In-Home Support, food stamps and other food programs.
 - Assistance with signing up for utility discounts, tax rebates, and other forms of financial assistance.
- III. Adult/Senior Education, Health and Wellness or Skill Building Classes
 - Educational seminars on File of Life, healthy cooking and diet, fire safety, healthcare fraud, hoarding, food waste, elder abuse, etc.
 - Computer and ESL classes
 - Exercise classes, line dance, ping pong, etc.

IV. Assistance in Living Activities:

- Assistance with daily living activities such as interpretation of documents, information and referral services to local agencies, and community services on an individual basis.
- Personal services such as interfacing with medical personnel, banks, utility companies, etc.
- Acting as a personal confidant for many residents who are lonely, sad, or neglected by relatives.

V. Adult/Youth Education, Health and Wellness or Skill Building Classes -offered on a regular basis and no less than 84 hours per year.

Examples include:

- Pre-Employment Workshop
- Afterschool Programs
- Educational Presentations
- Computer Classes

VI. After School Program

- Cornucopia Services will provide a staff person to assist residents in an after-school program combining homework help, tutoring and enrichment activities. Cornucopia works to provide our kids the individual attention they may not get in a classroom.

Value Statement #3 – Residents given an opportunity for inclusiveness and access to public services

- a. No physical barriers - The project is located in El Paso's Roberts district, just west of the I-10 freeway. Residents have easy access to neighboring grocery stores, restaurants, shops and schools. A map has been included that shows the location of various amenities that surround the project.
- b. Gathering points - The project is a 9 minute drive from Westside Community Park, as shown on the attached map.
- c. Unit Mix - All units in the project will have income levels set at 60% AMI or below. 50% of the project units will be set at 50% AMI or below.

Value Statement #4 – Local Presence and long-term accountability in El Paso

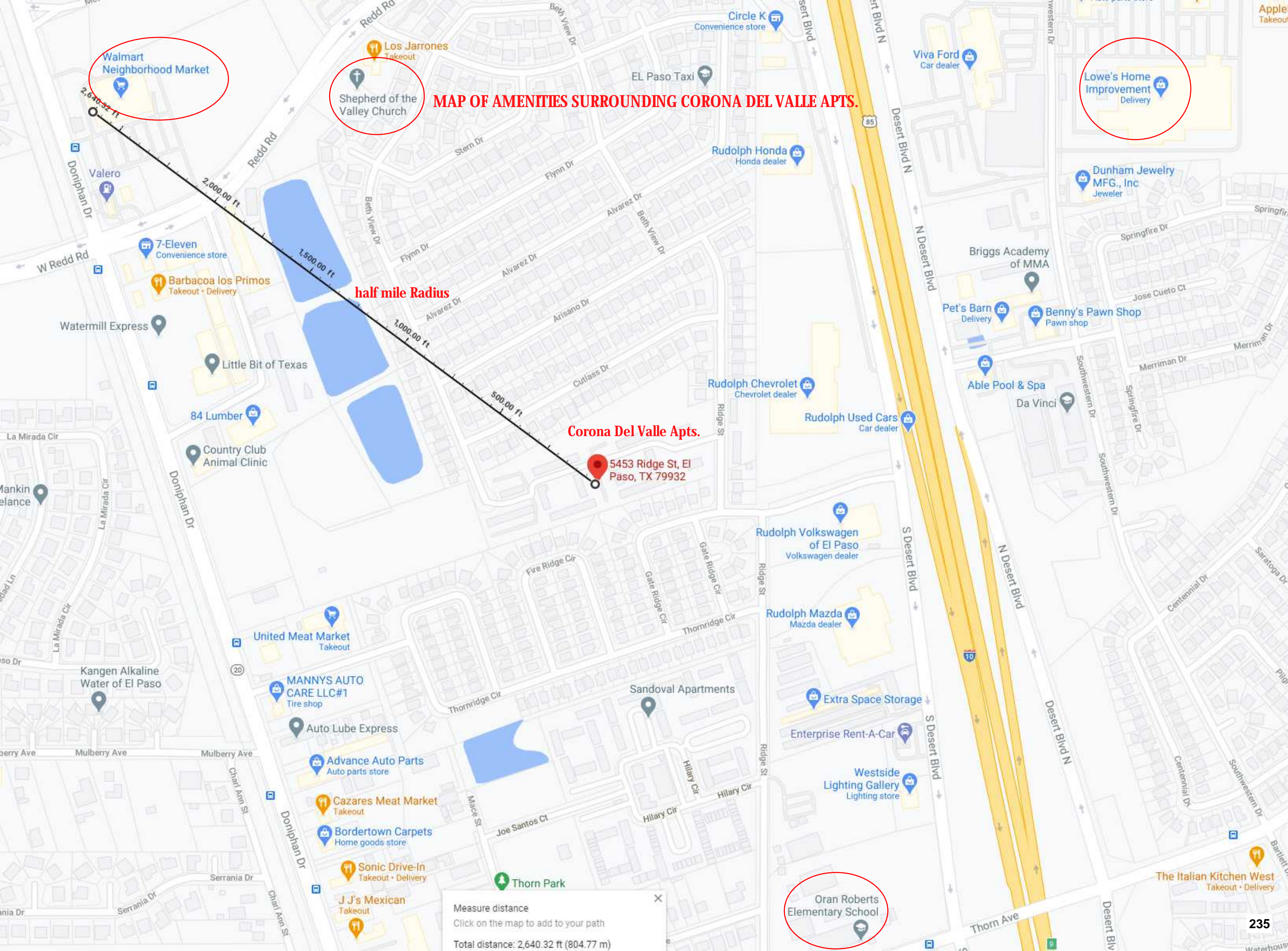
- a. Proposed owner has over 10 years experience developing and owning affordable housing projects. Since 2015, proposed owner has rehabilitated 332 low-income units in the State of Texas utilizing 4% and 9% HTC from TDHCA. A current TDHCA experience certificate for the proposed owner has been attached. A schedule of projects owned / developed is also attached.

- b. Staff presence – Proposed owner is located out of state and does not have staff presence in El Paso
- c. El Paso Experience – This will be the first affordable housing development in El Paso undertaken by the proposed owner.
- d. Affordability Period – Proposed owner commits to sign a 35 year TDHCA LURA restricting the income levels of 100% of the units to 60% of AMI or below.

Value Statement #5 – Smart Growth Initiative –

The development is not located in either Tier 1 or Tier 2 LIHTC zones.

See attachments to narrative on the following pages



MAP OF AMENITIES SURROUNDING CORONA DEL VALLE APTS.

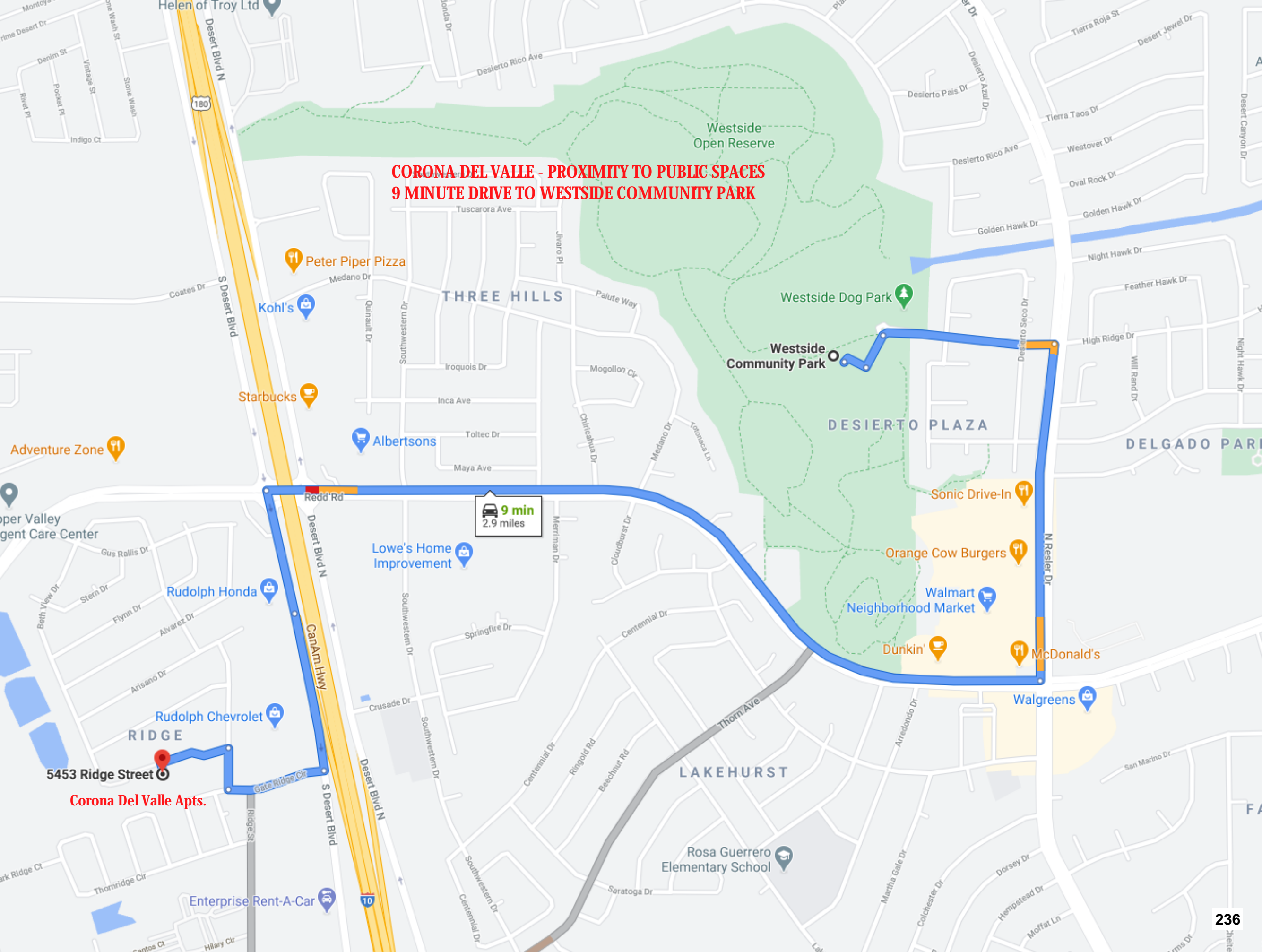
half mile Radius

Corona Del Valle Apts.

5453 Ridge St, El Paso, TX 79932

Measure distance
Click on the map to add to your path
Total distance: 2,640.32 ft (804.77 m)

CORONA DEL VALLE - PROXIMITY TO PUBLIC SPACES
9 MINUTE DRIVE TO WESTSIDE COMMUNITY PARK



Proposed Owner - Schedule of Real Estate Owned

Real Estate Owned Schedule

Property Review Worksheet

Developer Name OR Principal:

Christian Szymczak

Information current as of:

12/31/2019

											Year To Date		Most recent audit									
#	Property Name	Property Address	City	State	Status	# Units	Project Role	Project Type	GP Ownership	Szymczak Ownership in GP	Tenancy	Current Occupancy	NOI	Debt Service	Net Cash Flow	DCR	Loan Amount	Loan Maturity	Borrower value	FHA?	Pending Litigation	
1	Banning	1100 North Banning Blvd.	Wilmington	CA	Stabilized	90	GP	LIHTC/GS	80.00%	10.00%	Senior	100%	\$959,487	\$596,279	\$363,208	1.61	\$11,488,652	2043	\$19,189,740	Y	No	
2	Belage Manor	1660 West Broadway	Anaheim	CA	Stabilized	180	GP	LIHTC	80.00%	5.00%	Senior	95%	\$1,730,230	\$1,305,667	\$424,563	1.33	\$18,773,919	2024	\$34,604,600		No	
3	Brookhollow	612 Travis St.	Kerrville	TX	Stabilized	48	Manager	LIHTC/GS	90.00%	42.50%	Family	95%	\$136,307	\$131,975	\$4,332	1.03	\$2,700,571	2058	\$2,726,140	Y	No	
4	Cheyenne Village	147 Cheyenne Ave.	San Antonio	TX	Stabilized	60	Manager	LIHTC/GS	90.00%	37.50%	Family	95%	\$293,234	\$260,957	\$32,277	1.12	\$5,110,136	2057	\$5,864,680	Y	No	
5	Chisolm Trace	10503 Huebner Rd.	San Antonio	TX	Stabilized	126	Manager	LIHTC/GS	90.00%	37.50%	Family	95%	\$776,877	\$616,829	\$160,048	1.26	\$12,078,944	2057	\$15,537,540	Y	No	
6	Cienega Gardens	1211 Lyman Avenue	Covina	CA	Stabilized	180	GP	LIHTC/GS	80.00%	18.90%	Family	99%	\$2,398,361	\$2,035,267	\$363,094	1.18	\$33,361,245	2034	\$47,967,220	Y	No	
7	Columbus Square	8561 Columbus Avenue	Los Angeles	CA	Stabilized	64	GP	LIHTC/GS	80.00%	5.00%	Senior	100%	\$436,073	\$309,851	\$126,222	1.41	\$7,330,413	2043	\$8,721,460	Y	No	
8	Crosby Plaza	6616 FM 2100	Crosby	TX	Construction	86	Manager	LIHTC/GS	90.00%	65.00%	Family	80%	\$598,660	\$520,532	\$78,128	1.15	\$9,775,000	2059	\$11,973,200	Y	No	
9	Jackson Hills	300 New York Ranch Road	Jackson	CA	Stabilized	86	GP	LIHTC/GS	80.00%	10.00%	Senior	96%	\$383,890	\$335,935	\$47,955	1.14	\$6,910,062	2051	\$7,677,800	Y	No	
10	LA PRO I	Scattered Site	Los Angeles	CA	Stabilized	124	GP	LIHTC/GS	80.00%	15.00%	Family	100%	\$935,653	\$615,374	\$320,279	1.52	\$12,492,355	2051	\$18,713,060	Y	No	
11	LA PRO II	Scattered Site	Los Angeles	CA	Stabilized	123	GP	LIHTC/GS	80.00%	15.00%	Family	98%	\$1,088,112	\$627,325	\$460,787	1.73	\$11,380,937	2049	\$21,762,240	Y	No	
12	Lake Merritt	1417 First Avenue	Oakland	CA	Stabilized	55	GP	LIHTC/GS	80.00%	19.50%	Senior	100%	\$1,173,072	\$929,890	\$243,182	1.26	\$16,133,761	2033	\$23,461,440		No	
13	Norwalk Christian Towers	14141 Clarkdale Avenue	Norwalk	CA	Stabilized	180	GP	LIHTC/GS	80.00%	10.00%	Senior	100%	\$1,909,597	\$813,859	\$1,095,738	2.35	\$11,612,353	2053	\$38,191,940	Y	No	
14	Panorama View	9222 Van Nuys Blvd.	Panorama City	CA	Stabilized	87	GP	LIHTC/GS	80.00%	5.00%	Senior	100%	\$927,560	\$452,411	\$475,149	2.05	\$7,958,063	2037	\$18,551,200	Y	No	
15	Pioneer Village	600 Fairfax Road	Bakersfield	CA	Stabilized	85	GP	LIHTC/GS	80.00%	15.00%	Family	99%	\$449,303	\$300,850	\$148,453	1.49	\$4,468,983	2052	\$8,986,060	Y	No	
16	St. Andrews	1511 South St. Andrews Place	Los Angeles	CA	Stabilized	45	GP	LIHTC/GS	80.00%	5.00%	Family	98%	\$421,952	\$273,176	\$148,776	1.54	\$2,773,638	2037	\$8,439,040		No	
17	Two Worlds	Scattered Site	Los Angeles	CA	Stabilized	98	GP	LIHTC/GS	80.00%	5.00%	Family	100%	\$762,406	\$361,143	\$401,263	2.11	\$6,479,765	2024	\$15,248,120	Y	No	
18	Wadsworth Park	Scattered Site	Los Angeles	CA	Stabilized	21	GP	LIHTC/GS	80.00%	15.00%	Family	100%	\$197,253	\$120,137	\$77,116	1.64	\$1,776,490	2052	\$3,945,060	Y	No	
Total / Average						1,738						97.30%	\$15,578,027	\$10,607,457	\$4,970,570	1.47	\$182,605,287		\$311,560,540			

Insert Additional Rows as Needed

Additional Questions:

- 1 Have you received any notices of default from any equity or debt providers? Please check "yes" or "no."
If "yes," please explain:

No

- 2 Have you ever received an 8823? No
If "yes," please explain:

Corona Del Valley Project

Z 20.01.016

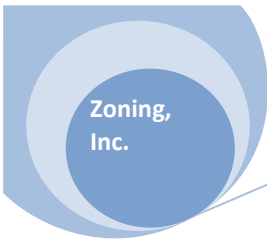
Zoning Report

Prepared for OREC Structured Finance Co., LLC

March 30, 2020

Site Address: 5453 Ridge Street, El Paso, TX





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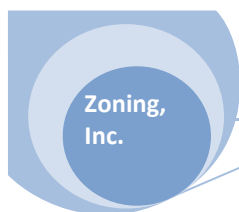
ZONING LETTER 8

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ORDINANCES 78

CERTIFICATE OF OCCUPANCY 90



EXECUTIVE SUMMARY

Site Name: Corona Del Valle Apartments
Address: 5453 Ridge Street
City: El Paso
State: Texas
County: El Paso
Jurisdiction: City of El Paso
Current Use: Apartments

The current zoning district for the subject property is A-2/SC, Apartment District/special contract and R-4, Residential District¹. Per David Samaniego, Planner for the City of El Paso, for split-zoned parcels, the more restrictive zoning district governs. In this case, R-4 is the more restrictive district; therefore, the R-4 restrictions technically govern the entire parcel.²

Apartments (5 or more units) are not permitted in the R-4 District³. Per David Samaniego, Planner for the City of El Paso, the existing use of multifamily closely resembles "Apartment (five or more units)". While apartments are a permitted use in the A-2 zoning district, the more restrictive R-4 zoning district does not permit the use of Apartments. Mr. Samaniego recommends contacting the Zoning Division to inquire on correcting the split-zoned parcel and legalizing the existing use. The property owner can pursue a Legal Non-Conforming for the use of an apartment complex. The City will require documentation that they were legally permitted to have an apartment complex (i.e. building permits or certificate of occupancy).⁴

No zoning, building or fire code violations and no variances or special/conditional use permits have been disclosed. There are special contracts imposed on the subject property. Please see attached Ordinances No. 8173, 6410, and 4765.⁵

Per David Samaniego, Planner for the City of El Paso, for split-zoned parcels, the more restrictive zoning district governs. In this instance, R-4 is the more restrictive district; therefore, the R-4 restrictions technically govern the entire parcel.⁶ Upon comparing current applicable R-4 zoning code requirements⁷ to existing property conditions as noted on the survey⁸, no nonconformities were disclosed or no applicable requirements were noted with respect to building setbacks, height, lot area, lot width, lot depth or parking; however, R-4 requirements apply to permitted uses in the R-4 District and apartments (5 or more units) are not permitted in the R-4 District. Per David Samaniego, Planner for the City of El Paso, the property owner can pursue a Legal Non-Conforming for the use of an apartment complex. The City will require documentation that they were legally permitted to have an apartment complex (i.e. building permits or certificate of occupancy).⁹

The City of El Paso advised Certificates of Occupancy for the subject property could not be located in records. If the owner has copies, the City requested that copies be provided to the City for their records. If the owner is unable to locate copies, the owners will need to apply for a new Certificates of Occupancy and request an inspection.¹⁰

¹ Per David Samaniego, Planner/City of El Paso, see attached letter dated 2/24/2020

² Per David Samaniego, Planner/City of El Paso, see attached emails dated 2/25/2020 & letter dated 2/24/2020

³ Per City of El Paso Code Section 20.08.010 and Appendix A

⁴ Per David Samaniego, Planner/City of El Paso, see attached emails dated 2/25/2020 & letter dated 2/24/2020

⁵ Per David Samaniego, Planner/City of El Paso, see attached letter dated 2/24/2020, information provided by Cynthia Macias, City of El Paso Office of the City Attorney on 3/2/2020 and a telephone conversation with the City of El Paso Office of the City Attorney on 3/10/2020

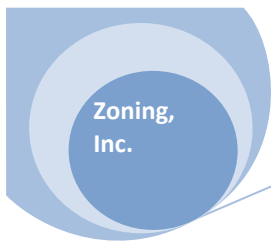
⁶ Per David Samaniego, Planner/City of El Paso, see attached emails dated 2/25/2020 & letter dated 2/24/2020

⁷ Per City of El Paso Code Sections 20.12.020, 20.14.050 and Appendix B and Appendix C

⁸ Survey by Guillermo Licon, RPLS TX Lic. No. 2998, dated 12/27/2019 (Preliminary/Draft)

⁹ Per David Samaniego, Planner/City of El Paso, see attached emails dated 2/25/2020

¹⁰ Per a telephone conversation with David Samaniego, Planner/City of El Paso on 3/11/2020

Property Information¹¹**Zoning District:** A-2/sc, Apartment District/special contract and R-4 Residential District**Violation Information**

Zoning Code Violations	None disclosed
Building Code Violations	None disclosed
Fire Code Violations	None disclosed

Zoning Relief

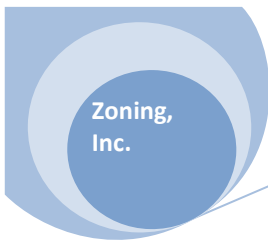
Variances	None disclosed
Special/Conditional Use Permit	None disclosed
Ordinances	Ord. No. 8173 (10/2/1984) rezoning/special contract Ord. No. 4765 (1972) annexation Ord. No. 6410 (12/19/1978) annexation Available documentation attached.

Adjacent Property Zoning¹²

North	R-4, Residential District
South	A-2, Apartment District
East	C-3/SC, Commercial District/special contract
West	M-2, Heavy Manufacturing District

¹¹ Per David Samaniego, Planner/City of El Paso, see attached letter dated 2/24/2020, information provided by Cynthia Macias, City of El Paso Office of the City Attorney on 3/2/2020 and a telephone conversation with the City of El Paso Office of the City Attorney on 3/10/2020

¹² Per review of zoning map



Applicable A-2 Zoning Requirements¹³

Note: Per David Samaniego, Planner for the City of El Paso, for split-zoned parcels, the more restrictive zoning district governs. In this instance, R-4 is the more restrictive district; therefore, the R-4 restrictions technically govern the entire parcel.

Use

Current Use

Apartments (5 or more units) are not permitted in the R-4 District. Per David Samaniego, Planner for the City of El Paso, the property owner can pursue a Legal Non-Conforming for the use of an apartment complex. The City will require documentation that they were legally permitted to have an apartment complex (i.e. building permits or certificate of occupancy).

Setbacks

Required

Front	10' except that a 20 ft. driveway must be provided
Side	5' (10' street side)
Rear	10'
Cumulative Front and Rear	45'

Existing

Front	+20 ft.
Side	+5 ft. and +10 ft.
Rear	25 ft. minimum

Is property in conformance?

Yes; however, requirements apply to permitted uses in the R-4 District. Apartments (5 or more units) are not permitted in the R-4 District.

Height

Maximum building height

35' for Single Family, 2 Family
35' for other permitted uses, except if an additional setback of 2' for every 1' height in excess of 35' is provided.

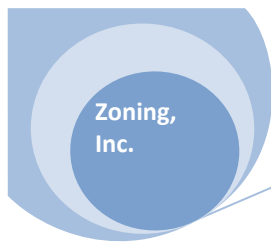
Existing building height

23.71 ft. (maximum noted height)

Is property in conformance?

Yes; however, requirements apply to permitted uses in the R-4 District. Apartments (5 or more units) are not permitted in the R-4 District.

¹³ Per City of El Paso Code Sections 20.08.010, 20.12.020, 20.14.050, Appendix A, Appendix B and Appendix C



Lot Size

Minimum lot area	6,000 for Single Family
Minimum lot area/dwelling unit	7,000 for 2 Family
	No min. for other permitted uses
Existing lot area	9.91 acres per El Paso County CAD
Minimum average lot width	50' for Single Family
	70' for 2 Family
	No min. for other permitted uses
Existing lot width	316.39 ft.
Minimum lot depth	90' for Single Family, 2 Family
	No min. for other permitted uses
Existing lot depth	121.13 ft. and 1,000.84 ft.
Is property in conformance?	Yes; however, requirements apply to permitted uses in the R-4 District. Apartments (5 or more units) are not permitted in the R-4 District.

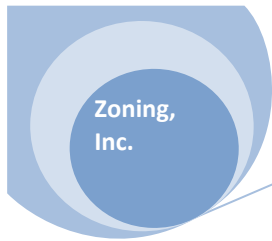
Vehicle Parking

Parking formula	2 per 2 or more bedroom apartment units
Required spaces	200 spaces (100 units)
Existing spaces	201 spaces
Is property in conformance?	Yes

Right to Rebuild Following Casualty (in the event of a nonconforming structure)¹⁴

"Destruction of Nonconforming Structure. The right to operate and maintain any nonconforming structure, except a single-family dwelling unit is not subject to this subsection and may reconstruct up to one hundred percent of the prior existing building footprint, shall terminate and shall cease to exist whenever the structure or any portion of the structure is damaged or destroyed from any cause whatsoever, except if caused by the intentional act of the owner or operator, if the destruction amounts to fifty percent or more of its fair market value as determined by the tax appraisal rolls, not including the value of the land, on the date of such damage or destruction. If the owner of a nonconforming use fails to begin reconstruction of the destroyed building, when permitted to do so by the terms of this section within one hundred twenty days of the date of destruction, the nonconforming building shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue."

¹⁴ Per City of El Paso Zoning Code Section 20.22.040.B.4



Resources

Municipality:

David Samaniego, Planner/City of El Paso Planning & Inspections Department (915) 212-1608
Cynthia Macias, Public Records Coordinator/City of El Paso Office of the City Attorney (915) 212-1111

Survey:

By Guillermo Licon, RPLS TX Lic. No. 2998, dated 12/27/2019 (Preliminary/Draft)

Zoning, Inc.

PO Box 2056

Blanchard, OK 73010

Phone (405)366-ZONE (9663)

Fax (877) 800-5594

www.zoningreport.com

This report was researched and produced by Michelle O'Brien, Zoning, Inc.
(405) 366-9663, mobrien@zoningreport.com

Zoning, Inc. obtained the information contained in this report from governmental sources and independent land surveyors. While we believe this information is accurate, we cannot guarantee its accuracy.

This summary is for the exclusive use of OREC Structured Finance Co., LLC and any and all holders of a note or notes secured by a mortgage, deed of trust or deed to secure debt encumbering the subject property, and their respective affiliates, designates, successors and assignees, rating agencies, prospective bond holders and bond holders, and no other party shall have any right to rely on any service provided by Zoning, Inc., without prior written consent.

ZONING LETTER



Planning and Inspections

MAYOR
Dee Margo

February 24, 2020

CITY COUNCIL

District 1
Peter Svarzbein

District 2
Alexandra Annello

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

Zoning Inc.
c/o Michelle O'Brien
PO Box 2056
Blanchard, OK 73010

Re: 5453 Ridge St. – **REVISED**
Lot 1, Block 1, Corona Del Valle, City of El Paso, El Paso County, Texas

To Whom It May Concern,

In response to your zoning verification request concerning the referenced property, the following are our findings:

1. The property is zoned A-2/sc (Apartment/special contract) and R-4 (Residential). The purpose of the A-2 district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities. The purpose of the R-4 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.
2. Please note the subject property is currently split-zoned: A-2/sc (Apartment/special contract) & R-4 (Residential). In instances of a split-zoned parcel, the more restrictive of the zoning districts shall govern. In this case, R-4 is the more restrictive.

Philip F. Etiwe, Director
Planning and Inspections Department | 801 Texas Ave. | El Paso, TX 79901
Office: (915) 212-0104 | FAX: (915) 212-0084



DELIVERING EXCEPTIONAL SERVICES



Planning and Inspections

MAYOR

Dee Margo

CITY COUNCIL

District 1

Peter Svarzbein

District 2

Alexsandra Annello

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

3. The existing use of multifamily closely resembles "Apartment (five or more units)". While apartments are a permitted use in the A-2 zoning district, the more restrictive R-4 zoning district **does not permit** the use of Apartments. We recommend contacting the Zoning division to inquire on correcting the split-zoned parcel and legalizing the existing use.
4. "Apartment building (five or more units)" is defined in Section 20.02.074 of the El Paso Municipal Code as a building or part of a building containing five or more attached dwelling units.
5. Please note there are special contracts, Ordinances No. 8173, 6410, & 4765, imposed on the subject property. Additional information can be found in the text of the document attached to this letter.
6. This letter does not constitute a building permit.
7. The El Paso Municipal Code, Title 20 – Zoning, is available online at www.municode.com. Please also refer to Appendices A, B, and C: the Tables of Permissible Uses, Density and Dimensional Standards, and Minimum Parking Requirements.
8. Please note that this letter is made pursuant to information made available to the zoning administrator by you and other sources. This letter is subject to change upon a finding that important information was omitted, misrepresented, or incorrect. A letter issued by the zoning administrator does not waive any requirements of the El Paso City Code. An applicant holding a zoning determination remains solely responsible for complying with the El Paso City Code.

If you have any questions regarding this letter, please call me at (915) 212-1608.

Sincerely,

David Samaniego
Planner

Enclosure: Zoning Map & Ordinances No. 8173, 6410, & 4765

Philip F. Etiwe, Director

Planning and Inspections Department | 801 Texas Ave. | El Paso, TX 79901
Office: (915) 212-0104 | FAX: (915) 212-0084



DELIVERING EXCEPTIONAL SERVICES

From: Samaniego, David C. [mailto:SamaniegoDC@elpasotexas.gov]
Sent: Tuesday, February 25, 2020 4:44 PM
To: Michelle O'Brien <mobrien@zoningreport.com>
Subject: RE: zoning verification letter: PZVE20-00019_5453 Ridge St.

Michelle,

Yes, the R-4 restrictions technically govern for the entire parcel. However, the property owner can pursue a Legal Non-Conforming for the use of an apartment complex. We will require documentation that they were legally permitted to have an apartment complex (i.e. building permits or certificate of occupancy).

Please let me know if you have any questions.

David Samaniego

Planner
Planning & Inspections | City of El Paso
801 Texas Avenue
El Paso, TX 79901
915.212.1608

From: Samaniego, David C. [mailto:SamaniegoDC@elpasotexas.gov]
Sent: Monday, February 24, 2020 11:29 AM
To: Michelle O'Brien <mobrien@zoningreport.com>
Subject: RE: zoning verification letter: PZVE20-00019_5453 Ridge St.

Good morning Michelle,

You are correct, the property is split-zoned. I have attached a revised zoning verification letter, as well as district regulations (to include setbacks) for the two zoning districts that the subject property is located within: A-2 & R-4. In instances of a split-zoned parcel, the more restrictive zoning district governs. In this instance, R-4 is the more restrictive district. I apologize for the oversight on the original letter.

Please let me know if you have any questions.

Thank you,

David Samaniego

Planner
Planning & Inspections | City of El Paso
801 Texas Avenue
El Paso, TX 79901
915.212.1608

ZONING MAP



ZONING CODE

https://library.municode.com/tx/el_paso/codes/code_of_ordinances?nodeId=TIT20ZO

Chapter 20.08 - PERMISSIBLE USES

Sections:

20.08.010 - Uses permitted by district.

No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses specified as permitted uses in the zoning district in which it is located, according to the Table of Permissible Uses found in Appendix A, is adopted in its entirety, incorporated herein by reference, and in accordance with the provisions of this title.

(Ord. 16653 § 2 (part), 2007)

20.08.020 - Interpretative provisions.

- A. When used in connection with a particular use in the Table of Permissible Uses, the designations shall have the following connotations.
1. Permitted Use. A "P" in a cell shall indicate that a use is allowed by right in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 2. Accessory Use. An "A" in a cell shall indicate that a use is allowed by right when it is incidental to a permitted use in the respective zoning district, and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 3. Special Permit Use. An "S" in a cell shall indicate that a use is only allowed by special permit with a detailed site plan approval in the respective zoning district obtained from the city council in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 4. Restricted Use. A "D" in a cell shall indicate that a use is allowed in a special purpose district, excluding the R-F Ranch and Farm District, following detailed site plan approval in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 5. Mixed Use. A "Z" in a cell shall indicate that a use is allowed in a mixed use district (RMU, GMU or IMU) as authorized by the city council with specific use limitations and development standards, following approval of a master zoning plan and a detailed site plan in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 6. Special Exception Use. An "E" in a cell shall indicate that a use is only allowed by special exception in the respective zoning district obtained from the zoning board of adjustment in accordance with Chapter 20.04 (Administrative Provisions), and shall be subject to the general restrictions and performance standards found in Chapter 20.10 (Supplemental Use Regulations) and other applicable regulations of this title.
 7. Uses Not Allowed. An "X" in a cell shall indicate that a use is not allowed in the respective zoning district.
 8. Supplemental Use Regulations. The reference to a supplemental standard in any cell shall mean that the use in a respective zoning district is subject to additional standards and requirements found in Chapter 20.10 (Supplemental Use Regulations) of this title. The specific

section number of the standard shall be noted in the column titled "Supplemental Standards." Provided, however, that any applicable performance or supplemental standard within Chapter 20.10 (Supplemental Use Regulations) of this title applying to a use shall be required whether or not referenced incorrectly or omitted from the Table of Permissible Uses.

- B. A use that may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses shall be required to satisfy the requirements of the most restrictive zoning district in which the use is allowed.
- C. A use particularly identified, whether or not the use may be interpreted to be permitted under more than one categorical or use description in the Table of Permissible Uses due to function or type, shall satisfy the requirements of the zoning district in which the use is particularly identified.

(Ord. 16653 § 2 (part), 2007)

20.08.030 - Permissible uses.

- A. The zoning districts described in this chapter group together those uses that are reasonably compatible with one another according to their normal characteristics of operation in order to achieve the following:
 - 1. To permit, in connection with these uses, those customary and necessary accessory activities that are incidental to the principal use;
 - 2. To permit certain other uses that may be established in some situations and subject to specific conditions so that such special uses will also be compatible with the uses allowed;
 - 3. To promote orderly, timely, economical growth and to recognize current land use conditions;
 - 4. To provide sufficient space in appropriate locations for development to meet the present and future growth needs of the city, with allowance for diversity of sites;
 - 5. To protect use areas, as far as possible, against heavy and unnecessary through traffic;
 - 6. To protect use areas against pollution, environmental hazards and other objectionable influences;
 - 7. To protect use areas against congestion, as far as possible, by managing the density of population in and around them;
 - 8. To provide for privacy and access of light and air, as far as possible, through controls over the spacing and height of buildings and other structures;
 - 9. To promote the most appropriate use of land to achieve stability of development, to protect the character of the districts, to conserve the value of land and buildings, and to protect the tax base;
 - 10. To promote the most efficient use of public facilities and services;
 - 11. To protect against fire and explosions and other safety hazards;
 - 12. To provide for fire and other emergency access;
 - 13. To accommodate use activities and operations whose external physical effects are restricted to the area of the zoning district, and in no manner affect in a detrimental way any of the surrounding zoning districts.
- B. The Table of Permissible Uses shall be used in conjunction with the terms and definitions as set forth in Chapter 20.02 (General Provisions and Definitions) of this title. The uses are assigned different categorical descriptions in the table for illustrative purposes only, as shown below.

1.0	Agricultural and related operations
2.0	Commercial, storage and processing
3.0	Educational, institutional and social uses
4.0	Office and research services
5.0	Manufacturing, processing and assembling
6.0	Medical and related uses
7.0	Mining and quarrying operations
8.0	Motor vehicle sale and service operations
9.0	Parking and loading
10.0	Personal services
11.0	Recreation, amusement and entertainment
12.0	Repair services
13.0	Residential
14.0	Sales, retail and wholesale
15.0	Signs
16.0	Temporary uses
17.0	Towers and related structures
18.0	Transportation related uses
19.0	Utility and miscellaneous governmental uses
20.0	Overlay designations

C. Table of Permissible Uses. Appendix A.

(Ord. 16761 § 1 (part), 2007; Ord. 16653 § 2 (part), 2007)

(Ord. No. 18134, § 2, 3-4-2014; Ord. No. 18218, § 2, 7-29-2014; Ord. No. 18241, § 2, 9-9-2014)

20.08.040 - Classification of new or unlisted uses.

It is recognized that new types of land use will develop and forms of land use not listed in any respective zoning district within the Table of Permissible Uses (Appendix A) may seek to locate and operate in the city. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. The zoning administrator shall upon a written request for interpretation of any interested party and pursuant to the procedures set forth in Chapter 20.04 (Administrative Review Procedures), make a determination within which zoning district the new or unlisted use should be allowed. Any request for an interpretation shall be accompanied by a fee in the amount paid for a zoning determination, and shall include a written statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and amount or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. The zoning administrator shall review the request determine if the new or unlisted use is sufficiently similar to a use already allowed within the Table of Permissible Uses and shall determine within which zoning district the new or unlisted use should be allowed. A new or unlisted use shall be classified with other similar listed uses and shall be permitted in the same zoning district(s). The nature of the new or unlisted use and its compatibility with the uses permitted in the various zoning districts shall be considered with many factors in determining the zoning district or districts within which such new or unlisted use shall be permitted.
- C. If the zoning administrator determines that the new or unlisted use is not similar to any use allowed within the Table of Permissible Uses, or the requestor does not agree with the determination of the zoning administrator, then the initial request and the zoning administrator's determination shall be forwarded to the city plan commission requesting an interpretation as to the zoning classification into which such use should be placed.
- D. The city plan commission shall consider the nature and described performance of the proposed use and compatibility with the uses permitted in the various districts and after public hearing determine the zoning district or districts within which such use should be permitted.
- E. The city plan commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council may approve the recommendation of the city plan commission or make such determination concerning the classification of such use as is determined appropriate after giving consideration to the facts and recommendations; and shall direct that an ordinance be drafted to amend the zoning code in order to allow such use.

(Ord. 16653 § 2 (part), 2007)

20.08.050 - Change in use.

A change in use occurs whenever the essential character or nature of the activity conducted on a property, or portion thereof, substantially changes from one principal use category to another, requiring

that new permits be obtained pursuant to Chapter 20.04 (Administrative Provision) of this title. For purposes of this section, substantial change occurs when the relative proportion of space devoted to the principal use changes to such an extent that the parking requirement for the use is altered or when the type of individual principal use or combination of uses changes. A change in the status of the property from unoccupied to occupied or vice versa, or a change in ownership or business name, shall not be regarded as a change in use.

(Ord. 16653 § 2 (part), 2007)

20.08.060 - Combination uses.

When a property comprises two or more principal uses that require different types of permits, then the permit authorizing the combination use shall be:

- A. A special permit if any of the principal uses combined is permitted only as a special permit use;
- B. A detailed site plan approval if any of the principal uses combined is permitted only following a detailed site plan approval; or
- C. A building permit in all other cases.

(Ord. 16653 § 2 (part), 2007)

	Use	Residential														Commercial					Manufacturing				Special Purpose														5				
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-2O	M	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R	PD****	S-D**	U-D**	P-R**	P-R-1**	P-C**	P-1**	STR**	R-M**	G-M**	I-APP**	NOS		URD			
13.00 Residential																																											
13.01	Animals, keeping for employment purposes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	1 2		
13.02	Apartment (5 or more units)	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	D		D	D	D	X	X	D	Z	Z	X		X	1 2			
13.03	Bed and breakfast (residence)	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	X	S	S	S	S	P	X	X	X	X	S	S		S	D	S	S	X	X	S	Z	Z	X		X	1 2	
13.04	Bed and breakfast inn	X	X	X	X	X	X	X	X	X	X	X	S	S	S	S	X	S	S	P	P	P	X	X	X	X	X	X		S	X	X	X	X	X	X	X	X	X		X	1 2	
13.05 Reserved.																																											
13.06	Boarding home facility	P	P	X	P	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	D		D	X	D	D	X	X	D	Z	X	X	X	X	X	1 2 3
13.065	Disabled group dwelling	P	P	X	P	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	D		D	X	D	D	X	X	D	Z	X	X	X	X	X	1 2 3

	Use	Residential														Commercial				Manufacturing				Special Purpose																		
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-SVO	A-M	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R	F	PM/DA***	S-DA*	U-DA*	P-1	P-2	P-3	P-4	P-5	SRH**	B-MH**	G-MH**	I-MH**	NOC	URD	
13.00 Residential																																										
13.07	Domestic garden house, toolhouse, playhouse	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	A	A	A	A	A	X	X	X	X	A	A	A	A	A	A	A	A	X	X	A	A	A	X			X
13.08	Domestic storage	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	A	A	A	A	A	X	X	X	X	A	A	A	A	A	A	A	X	X	A	A	A	X			X	
13.09	Duplex (two-family dwelling)	X	X	X	X	X	P	P	X	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	D	D	X	D	D	X	X	D	Z	Z	X			X		
13.10	Dwelling, resident with/tenant or property caretaker	X	X	X	X	X	X	X	X	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	A	A	X	X	A	A	A	X	Z	Z			X		
13.11	Family home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	P	D	D	X	D	D	X	X	S	Z	X	X			X		
13.115	Group residential facility	S	S	X	S	X	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	P	D	D	X	D	D	X	X	D	Z	X	X	X			X	
13.12	Guest, employee quarters	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	X	X	X	X	X	X	X	X	A	A	A	A	A	A	A	X	A	A	X	X			X		
13.13	Home occupation zone	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	X	X	X	X	X	X	X	X	X	A	A	A	A	A	X	X	A	A	A	X			X			
13.15	Hotel	X	X	X	X	X	X	X	X	X	X	X	S	S	S	S	S	S	S	P	P	P	X	X	X	X	X	S	D	X	X	X	X	X	X	Z	X			X		

	Use	Residential														Commercial					Manufacturing				Special Purpose															
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH	A-1	A-2	A-3	A-4	A-O	A-SVO	A-M	C-OP	C-1	C-2	C-3	C-4	C-5	Q	M-1	M-2	M-3	R	FM-D***	S-D**	U-P**	P-R**	P-R-C**	P-C**	SR**	R-M**	G-M**	I-M**	NOC		URD
13.00 Residential																																								
13.16	HUD-code manufactured home (single-family dwelling)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13.17	HUD-code manufactured home park	X	X	X	X	X	X	X	S	S	S	S	S	S	S	P	X	S	S	P	P	X	X	X	X	X	X	X	D	D	X	X	X	X	X	X	Z	X	X	X
13.18	Industrialized home	P	P	P	P	P	P	X	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	P	D	D	X	D	X	X	D	Z	X	X	X	X	
13.19	Laundry room	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X
13.20	Live-work flex unit	X	X	X	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	D	D	X	X	D	D	D	X	Z	X	X	X
13.21	Lodging house	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
13.22	Mobile home (single-family dwelling)	X	X	X	X	X	X	P	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	Use	Residential														Commercial				Manufacturing				Special Purpose																
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH-1	A-1	A-2	A-3	A-4	A-O	A-SVO	A-M	C-OP-1	C-2	C-3	C-4	C-5	Q-1	M-1	M-2	M-3	R-F	PD***	S-D**	U-P**	P-R**	P-R-C**	P-C**	SR**	B-M**	G-M**	I-M**	NOG	URD		
13.00 Residential																																								
13.23	Mobile home park	X	X	X	X	X	X	X	X	S	S	S	S	S	S	P	X	S	S	P	P	X	X	X	X	X	X	X	D	D	X	X	X	X	X	X	Z	X		X
13.24	Motel	X	X	X	X	X	X	X	X	X	X	S	S	S	S	S	X	S	S	P	P	P	X	X	X	X	X	X	S	D	X	X	X	X	X	X	Z	X		X
13.25	Quadrangle	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	D	D	X	D	D	X	X	D	Z	Z	X		X	
13.26	Ranch (>5 acres)	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	Z	Z	X	X	X	
13.27	Ranchette (>1 acre & <5 acres)	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	Z	Z	X		X		
13.28 Reserved.																																								
13.29	Secondary mobile home	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	S	X	X	X	X	X	X	X	X	X	X	X		X		

	Use	Residential														Commercial					Manufacturing				Special Purpose														13.00		
		R-1	R-2	R-2A	R-3	R-3A	R-4	R-5	RMH-1	A-1	A-2	A-3	A-4	A-O	A-SVO	A-M	C-1	C-2	C-3	C-4	C-5	Q-1	M-1	M-2	M-3	R-1	FMDS***	S-1**	U-1**	P-1**	P-2**	P-3**	P-4**	P-5**	SRH**	B-MH**	G-MH**	I-MH**		NOC	URD
13.00 Residential																																									
13.00	Single-family attached dwelling (apartment, patio, townhouse, condominium)	X	X	X	X	X	P	P	X	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	X	D		D	D	D	X	X	D	Z	Z	X		X	
13.01	Single-family detached dwelling	P	P	P	P	P	P	X	P	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	P	D		D	X	D	D	X	X	D	Z	X	X		X
13.02	Swimming pool, game court (noncommercial)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A		X		
13.03	Triplex	X	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	P	P	P	P	P	X	X	X	X	X	D		D	X	D	D	X	X	D	Z	Z	X		X
13.04	Accessory dwelling unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	X	X	X	X	X	X	X	X	X	X	X	D	D		D	D	D	D	D	D	D	D	D		X	X

20.12.020 - Table of density and dimensional standards.

The Table of Density and Dimensional Standards found in Appendix B, adopted in its entirety and incorporated herein by reference, sets forth the regulations for minimum zoning district areas, minimum lot sizes, densities and heights, required setbacks, and other general standards as applicable to specific zoning districts. Where calculation of cumulative yard setbacks is permitted, all the individual minimum yard requirements (front, rear and side) as well as the minimum cumulative requirements must be satisfied. The minimum yards, height limits and open spaces, including lot areas required by this chapter, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area or lot dimension be reduced below the requirements of this ordinance, except as hereinafter provided. Additional development standards for specific uses and special purpose districts are also found in Chapter 20.10 of this title. In case of a conflict, the more restrictive standard shall apply.

(Ord. 16761 § 1 (part), 2007; Ord. 16653 § 2 (part), 2007)

A		SUBPART A	SUBPART B					SUBPART C							SUBPART D
B			Lot & Dwelling Size					Building Setbacks (in feet)							
C	Zoning District	Minimum District Area	Permitted Use (as established in Chapter 20.08)	Minimum Lot Area (square feet)	Minimum Average Lot Width (in feet)	Minimum Lot Depth (in feet)	Other Standards	Minimum Front Yard (in feet)	Minimum Rear Yard (in feet)	Minimum Cumulative Front & Rear Yard Total	Minimum Side Yard (in feet)	Minimum Side Street Yard (in feet)	Minimum Cumulative Side & Side Street Yard Total	Other Standards	Maximum Height Limitation (in feet)
L1	A-1	No minimum	Two-family dwelling	6,000	50	90	None	10, except that a 20' driveway must be provided	15	45	5	10	N/A	Accessory structures, see Section 20.10.098	35
L2	A-1	No minimum	Single-family attached dwellings & apartments	24,000	60	100	Minimum lot area of 2,400 sq ft per unit; open space minimum of 50% for interior lots and 40% for corner lots	20	25	N/A	5	10	N/A	20% of required front yard shall be landscaped; this area may be included in meeting landscape requirements of Title 18	35
L3	A-1	No minimum	Other permitted uses, except as otherwise specified in this title	4,500	45	90	See Chapter 20.10	20	25	N/A	5	10	N/A	See Chapter 20.10	35
M	A-2	No minimum	Single-family dwelling	5,500	55	90	None	10, except that a 20' driveway must be provided	15	45	5	10	N/A	Accessory structures, see Section 20.10.098	35
M1	A-2	No minimum	Two-family dwelling	5,000	50	90	None	10, except that a 20' driveway must be provided	15	45	5	10	N/A	Accessory structures, see Section 20.10.098	35

SUBPART A		SUBPART B						SUBPART C							SUBPART D
		Lot & Dwelling Size						Building Setbacks (in feet)							
C	Zoning District	Minimum District Area	Permitted Use (as established in Chapter 20.08)	Minimum Lot Area (square feet)	Minimum Average Lot Width (in feet)	Minimum Lot Depth (in feet)	Other Standards	Minimum Front Yard (in feet)	Minimum Rear Yard (in feet)	Minimum Cumulative Front & Rear Yard Total	Minimum Side Yard (in feet)	Minimum Side Street Yard (in feet)	Minimum Cumulative Side & Side Street Yard Total	Other Setbacks	Maximum Height Limitation (in feet)
GL	R-3	No minimum	Other permitted uses except as otherwise specified in this title	20,000	100	150	See Chapter 20.10	20	20	50	5	10	N/A	See Chapter 20.10	35
HL	R-3A	No minimum	Single-family dwelling	5,000	30	90	None	15, except that a 20' driveway may be provided	15	45	5	10	N/A	Accessory structures, see Section 20.15.030	35
HL	R-3A	No minimum	Other permitted uses except as otherwise specified in this title	20,000	100	150	See Chapter 20.10	15, except that a 20' driveway may be provided	15	45	5	10	N/A	See Chapter 20.10	35
L	R-4	No minimum	Single-family dwelling	6,000	30	90	None	10, except that a 20' driveway may be provided	10	45	5	10	N/A	Accessory structures, see Section 20.15.030	35
LL	R-4	No minimum	Two-family dwelling	7,000	30	90	None	10, except that a 20' driveway may be provided	10	45	5	10	N/A	Accessory structures, see Section 20.15.030	35

A		SUBPART A	SUBPART B					SUBPART C							SUBPART D
B			Lot & Dwelling Size					Building Setbacks (in feet)							
C	Zoning District	Minimum District Area	Permitted Use (as established in Chapter 20.08)	Minimum Lot Area (square feet)	Minimum Average Lot Width (in feet)	Minimum Lot Depth (in feet)	Other Standards	Minimum Front Yard (in feet)	Minimum Rear Yard (in feet)	Minimum Combined Front & Rear Yard Total	Minimum Side Yard (in feet)	Minimum Side Street Yard (in feet)	Minimum Cumulative Side & Side Street Yard Total	Other Standards	Maximum Height Limitation (in feet)
1.2	R-4	No minimum	Other permitted uses except as otherwise specified in this table	No minimum	No minimum	No minimum	See Chapter 20.10	10, except that a 20' driveway easement is provided	10	45	5	10	N/A	See Chapter 20.10	35, except that buildings may increase their height above thirty-five (35) feet if an additional setback of two (2) feet for each zone (1) foot of height in excess of thirty-five (35) feet is provided
1	R-5	No minimum	Single-family dwelling	4,500	45	50	None	10, except that a 20' driveway easement is provided	10	45	5	10	N/A	Accessory structures, see Section 20.10.030	35
1.1	R-5	No minimum	Two-family dwelling	6,000	50	60	None	10, except that a 20' driveway easement is provided	10	45	5	10	N/A	Accessory structures, see Section 20.10.030	35

A		SUBPART A	SUBPART B					SUBPART C							SUBPART D
B			Lot & Dwelling Size					Building Setbacks (in feet)							
C	Zoning District	Minimum District Area	Permitted Use (as established in Chapter 20.08)	Minimum Lot Area (square feet)	Minimum Average Lot Width (in feet)	Minimum Lot Depth (in feet)	Other Standards	Minimum Front Yard (in feet)	Minimum Rear Yard (in feet)	Minimum Cumulative Front & Rear Yard Total	Minimum Side Yard (in feet)	Minimum Side Street Yard (in feet)	Minimum Cumulative Side & Side Street Yard Total	Other Standards	Maximum Height Limitation (in feet)
M-2	A-2	No minimum	Single-family attached dwellings & apartments	6,000	50	100	Minimum lot area of 1,750 sq ft per unit; open space minimum of 50% for interior lots and 40% for corner lots	0	25	N/A	5	10	N/A	N/A	35
M-3	A-2	No minimum	Other permitted uses, except as otherwise specified in this title	4,500	45	90	See Chapter 20.10	20	25	N/A	5	10	N/A	See Chapter 20.10	35
N	A-3	No minimum	Single-family dwelling	2,400	40	60	None	10, except that a 20' driveway must be provided	10	40	4	5	N/A	Accessory structures, see Section 20.10.098	35
N-1	A-3	No minimum	Two-family dwelling	4,000	50	80	None	10, except that a 20' driveway must be provided	10	40	4	5	N/A	Accessory structures, see Section 20.10.098	35

20.14.050 - Parking requirements and standards.

- A. Parking. Table of Parking Requirements and Standards, subsection C. of this title establishes the minimum and maximum number of motor vehicle parking spaces unless otherwise stated, and minimum bicycle parking spaces required for the uses indicated. The city manager or designee shall be authorized to interpret and establish the minimum and maximum parking regulations for uses not shown in the Table of Parking Requirements and Standards, subsection C.
- B. Method of computation. Calculations to compute the maximum number of required parking spaces shall be based upon the following formulae:
 1. Where the calculation of the required parking results in fractions of spaces, the number of spaces shall be rounded to the next highest whole number for fractions of 0.5 or greater.
 2. For new building(s) or development with more than one use, the parking maximum shall be determined by the sum of the number of parking spaces allowed for each individual use computed separately. A shared parking arrangement may be approved for a mixed use building, shopping center, or facility where the uses have different hours of operation or parking usage, in which case the parking requirement shall be based upon the calculation for the individual use or group of simultaneous uses that result in the largest number of off-street parking spaces required.
 3. For new building(s) or development with both permitted uses and accessory uses, the parking maximum shall be determined by the sum of the maximum number of parking spaces allowed for each individual use, permitted or accessory, computed separately. A shared parking arrangement may be approved for a site where the permitted uses have different hours of operation or parking usage from those of the accessory uses, in which case the parking requirement shall be based upon the calculation for the individual permitted use or group of simultaneous permitted uses that results in the largest number of off-street parking spaces required.
 4. Parking maximums for an addition to or enlargement of an existing building or facility shall be calculated on the basis of the addition or enlargement and shall be added to the parking maximum for the existing building or facility prior to the expansion. In the event the existing parking provided for the existing building or facility is nonconforming with the requirements of this chapter, refer to Chapter 20.22 (Nonconforming Situations).
 5. For a change of use(s) of an existing building or facility, or a portion thereof, the parking requirements shall be calculated on the basis of the sum of the current code required parking as applied to the changed use(s), plus the prior code requirements applied to the unchanged portion(s) of the existing building or facility; or on the basis of the current code for the entire building or facility, whichever is less.
 6. Where the parking calculation is determined by the gross floor area (GFA) of the building or facility, the GFA shall be measured to the exterior of the walls for every occupied floor. GFA of a building or facility shall not include areas used solely for off-street parking of motor vehicles or bicycles and associated driveways, and shall not include areas reserved for off-street loading berths.
 7. Where the parking calculation is determined by the number of seats or the number of occupants of a building or facility, the occupant load shall be per Title 18, Building and Construction, Chapter 18.08.
 8. The GFA of a restaurant, nightclub, bar or cocktail lounge with an outdoor seating area shall also include the gross floor area of such outdoor seating area.
 9. The GFA of a shopping center or other similar uses shall be based upon the entire shopping center, including the gross floor area of covered atrium and mall areas. The GFA of a shopping center shall not include the open well areas of the upper levels of a multi-story atrium or mall.

10. Up to five percent of the minimum required vehicular parking spaces may be substituted with motorcycle parking spaces at the rate of one vehicular parking space for each three-motorcycle parking spaces provided. Motorcycle parking spaces shall be a minimum of seventy-five inches by thirty inches each exclusive of access aisles.
- C. Table of Parking Requirements and Standards. The parking standards and requirements are established in the Parking Requirements and Standards Table, located in Appendix C, adopted in its entirety and incorporated herein by reference, and unless otherwise provided for herein, all parking shall comply with the parking table.
- D. Off-street parking. Off-street parking regulations shall not apply to properties in the Improvement District No. 3, established by Ordinance 736 and dated April 3, 1952. The boundaries of Improvement District No. 3 shall also include all property designated under the Downtown 2015 Plan.
- E. Excess parking. Excess parking shall be subject to the following requirement:
 1. In addition to the landscape requirements of Title 18.46 (Landscape), one tree for every five spaces in excess of the maximum parking requirement shall be required and shall be placed within the entire parking area to provide for even canopy coverage or along the parkway to create a visual buffer between the parking area and the street.

(Ord. 16761 § 1 (part) Exh. B, 2007; Ord. 16653 § 2 (part), 2007)

(Ord. No. 17262, § 1, 1-5-2010; Ord. No. 17442, § 33, 10-26-2010; Ord. No. 17560, § 2, 5-17-2011)

Appendix C - TABLE OF PARKING REQUIREMENTS AND STANDARDS

PARKING TABLE	Round Examples: A 200 SF building with a parking requirement of 1/500 SF GFA will require $200/500 = 0.4$ or no parking. A 250 SF building with a parking requirement of 1/500 SF GFA will require $250/500 = 0.5$ or 1 parking space. A 24,400 SF building with a parking requirement of 1/500 SF GFA will require $24,400/500 = 48.8$ or 49 parking space.
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Use Description

1.00	Agricultural & Related Operations	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
1.01	Animal cemetery	1/288 sf GFA	1/200 sf GFA	3 SPACES	None	Allowed	2G
1.03	Animal kennel	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.04	Animal pound	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.05	Animal training facility (school)	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.06	Barn	None	None	None	None	Allowed	2G
1.07	Composting facility	1/720 sf GFA	1/500 sf GFA	None	None	Allowed	2G
1.08	Dude ranch	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.09	Farm (>5 acres)	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	None	Allowed	2G
1.11	Feed yard	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	None	Allowed	2G

1.12	Greenhouse (industrial-scale)	1/2880 sf GFA of buildings	1/2000 sf GFA of buildings	None	None	Allowed	2G
1.13	Harvesting (field, tree, bush crops)	None	None	None	None	Allowed	2G
1.14	Livestock auction	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	None	Allowed	2G
1.15	Livestock grazing	None	None	None	None	Allowed	2G
1.16	Nursery (industrial-scale)	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	3 SPACES	None	Allowed	2G
1.17	Pasturage & raising (small or large animals)	None	None	None	None	Allowed	2G
1.18	Poultry hatchery	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	None	Allowed	2G
1.19	Produce stand	1/288 sf GFA	1/200 sf GFA	3 SPACES	None	Allowed	2G
1.20	Raising (field, tree, bush crops)	None	None	None	None	Allowed	2G
1.21	Raising (small or large animals)	1/475 sf GFA	1/300 sf GFA	None	None	Allowed	2G
1.22	Riding academy	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.23	Stable (including breeding)	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Allowed	2G
1.24	Veterinary treatment center (large animals)	1/576 sf GFA	1/400 sf GFA	3 SPACES	None	Allowed	2G
1.25	Veterinary treatment	1/576 sf GFA	1/400 sf GFA	3	None	Allowed	2G

	center (small animals)			SPACES			
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2.00	Commercial Storage & Processing	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
2.01	Automobile wrecking yard	1/576 sf GFA	1/400 sf GFA	None	1/acre; max 10	Allowed	2C
2.02	Bottling works	1/720 sf GFA	1/500 sf GFA	NOTE 3	1/100,000 sf; min 1	Allowed	2C
2.04	Contractor yard (greater than one acre)	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	1/acre; max 10	Allowed	2C
2.05	Contractor yard (less than one acre)	1/1440 sf GFA of buildings	1/1000 sf GFA of buildings	None	One	Allowed	2C
2.06	Explosives (storage)	1/1440 sf GFA	1/1000 sf GFA	None	One	Allowed	2C
2.07	Food Storage Locker	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	None	Allowed	2C
2.08	Warehouse	1/576 sf GFA office (located in proximity to offices), plus 1/7200 sf GFA warehouse (can include spaces in aisles between buildings)	1/400 sf GFA office (located in proximity to offices), plus 1/5000 sf GFA warehouse (can include spaces in aisles between buildings)	NOTE 3	1/100,000 sf; min 1	Allowed	2C
2.09	Liquified petroleum gas	1/1440 sf GFA	1/1000 sf GFA	None	Two	Allowed	2C

	(storage & dispensing)						
2.12	Moving & storage facility	1/576 sf GFA office, plus 1/7200 sf GFA warehouse	1/400 sf GFA office, plus 1/5000 sf GFA warehouse	NOTE 3	1/100,000 sf; min 1	Allowed	2C
2.13	Office warehouse	1/576 sf GFA office, plus 1/7200 sf GFA warehouse	1/400 sf GFA office, plus 1/5000 sf GFA warehouse	NOTE 3	1/100,000 sf; min 1	Allowed	2C
2.14	Salvage yard (scrap materials)	1/1440 sf GFA	1/1000 sf GFA	None	1/acre; max 10	Allowed	2C
2.15	Self storage warehouse	1/576 sf GFA office (located in proximity to offices), plus 1/7200 sf GFA warehouse (can include spaces in aisles between buildings)	1/400 sf GFA office (located in proximity to offices), plus 1/5000 sf GFA warehouse (can include spaces in aisles between buildings)	NOTE 3	1/100,000 sf; min 1	Allowed	2C
2.16	Storage of supplies, equipment, goods	1/7200 sf GFA warehouse plus 1/7200 sf outdoor storage	1/5000 sf GFA warehouse plus 1/5000 sf outdoor storage	None	1/100,000 sf; min 1	Allowed	2C

3.00	Educational, Institutional & Social	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
3.01	Adult day care center	1/720 sf GFA	1/500 sf GFA	NOTE 3	None	Not Allowed	2A, B

3.02	Art gallery	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	Over 20,000 sf GFA = 1	Allowed	2A, B
3.03	Child care facility, Type 3	1/475 sf GFA	1/330 sf GFA	NOTE 3	None	Allowed	2A, B
3.04	Child care facility, Type 4	1/475 sf GFA	1/330 sf GFA	NOTE 3	None	Allowed	2A, B
3.05	Child care facility, Type 5	1/475 sf GFA	1/330 sf GFA	NOTE 3	None	Allowed	2A, B
3.07	Child care facility, Type 7	1/475 sf GFA	1/330 sf GFA	NOTE 3	None	Allowed	2A, B
3.09	Church/Mosque	1/144 sf GFA of auditorium; plus 1/576 sf GFA of other areas	1/100 sf GFA of auditorium; plus 1/400 sf GFA of other areas	NOTE 3	None	Allowed	2A, B
3.10	Community center	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Not Allowed	2A, B
3.11	Convent	0.3/resident/bedroom	0.5/resident/bedroom	NOTE 3	None	Allowed	2A, B
3.12	Correctional facility	NOTE 1	NOTE 1	None	NOTE 1	Not Allowed	2A, B
3.125[1]	Halfway house	NOTE 1	NOTE 1	None	None	Not Allowed	2A, B
3.125[2]	Emergency shelter	None	None	None	None	Allowed	2H
3.1265	Homeless shelter	NOTE 1	NOTE 1	None	None	None	2A,B
3.13	Library	1/475 sf GFA	1/300 sf GFA	NOTE	20,000 - 100,000	Allowed	2A, B

				3	sf GFA = 1; over 100,000 sf GFA =		
3.14	Lodge	1/266 sf GFA	1/185 sf GFA	NOTE 3	None	Allowed	2A, B
3.15	Monastery	0.3/resident/bedroom	0.5/resident/bedroom	NOTE 3	None	Allowed	2A, B
3.16	Museum	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2A, B
3.17	Orphanage, shelter	NOTE 1	NOTE 1	NOTE 3	None	Not Allowed	2A, B
3.175	Reserved.						
3.18	Penal facility	NOTE 1	NOTE 1	None	Two	Not Allowed	2A, B
3.19	School, public, & private or parochial	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	Up to 25,000 sf GFA = 1; Over 25,000 sf GFA = 2	Allowed	2A, B
3.20	School, public, private or parochial (Pre- K through 8)	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	Over 25,000 sf GFA = 1	Allowed	2A, B
3.21	School, Trade	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Allowed	2A, B
3.22	School, vocational B77	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Allowed	2A, B

3.23	Social, fraternal club	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Allowed	2A, B
3.24	Synagogue	1/144 sf GFA of auditorium; plus 1/576 sf GFA of other areas	1/100 sf GFA of auditorium; plus 1/400 sf GFA of other areas	NOTE 3	None	Allowed	2A, B
3.25	Temple	1/144 sf GFA of auditorium; plus 1/576 sf GFA of other areas	1/100 sf GFA of auditorium; plus 1/400 sf GFA of other areas	NOTE 3	None	Allowed	2A, B
3.26	Union hall	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Allowed	2A, B
3.27	University, college	Dorms = 1/4 residents; Gyms = 1/576 sf GFA; Admin/Offices = 1/475 sf GFA; Classroom Facilities = 1/720 sf GFA	Dorms = 1/2 residents; Gyms = 1/400 sf GFA; Admin/Offices = 1/300 sf GFA; Classroom Facilities = 1/500 sf GFA	NOTE 3	1/50,000 sf up to 400,000 sf, plus 1/100,000 sf over 400,000 sf	Allowed	2A, B
3.28	Youth organization (with/without living facility)	1/720 sf GFA	1/500 sf GFA	NOTE 3	None	Allowed	2A, B

4.00	Office & Research Services	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
4.01	Automated Teller Machine (ATM)	None	None	None	None	Not Allowed	2A, B

4.02	Bank	1/288 sf GFA; plus 3 queue spaces per teller window	1/200 sf GFA; plus 5 queue spaces per teller window	NOTE 3	None	Not Allowed	2A, B
4.03	Courier & message service	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Not Allowed	2A, B
4.035	Credit access business	1/288 GFA	1/200 GFA	NOTE 3	None	Not Allowed	2A, B
4.04	Credit union	1/288 sf GFA; plus 3 queue spaces per teller window	1/200 sf GFA; plus 5 queue spaces per teller window	NOTE 3	None	Not Allowed	2A, B
4.05	Data processing center	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B
4.06	Employment agency	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B
4.07	Financial institution	1/288 sf GFA; plus 3 queue spaces per teller window	1/200 sf GFA; plus 5 queue spaces per teller window	NOTE 3	None	Not Allowed	2A, B
4.08	Office, administrative/manager's	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/200,000 sf GFA	Allowed	2A, B
4.09	Office, business	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/200,000 sf GFA	Allowed	2A, B
4.10	Office, medical	1/288 sf GFA	1/200 sf GFA	NOTE 3	1/200,000 sf GFA	Not Allowed	2A, B
4.11	Office, professional	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/200,000 sf GFA	Allowed	2A, B
4.12	Radio broadcasting studio	1/576 sf GFA	1/400 sf GFA	NOTE	None	Allowed	2A, B

				3			
4.13	Research Laboratory	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/200,000 sf GFA	Allowed	2A, B
4.14	School, arts & crafts	1/288 sf GFA	1/200 sf GFA	NOTE 3	None	Allowed	2A, B
4.15	Studio, dance	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B
4.16	Studio, music	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B
4.17	Studio, photography	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B
4.18	Telemarketing agency	1/288 sf GFA	1/200 sf GFA	NOTE 3	None	Not Allowed	2A, B
4.19	Television broadcasting studio	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2A, B

5.00	Manufacturing, Processing & Assembling	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
5.01	Minimal food manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.02	Animal slaughter & processing	1/960 sf GFA	1/1500 sf GFA	None	1/50,000 sf GFA	Allowed	2C
5.03	Apparel manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C

5.04	Beverage product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.05	Bread & bakery product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.06	Brewery	1/864 sf GFA	1/720 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.07	Chemical manufacturing	1/960 sf GFA	1/1500 sf GFA	None	1/50,000 sf GFA	Allowed	2C
5.08	Coal products manufacturing	1/960 sf GFA	1/1500 sf GFA	None	1/50,000 sf GFA	Allowed	2C
5.09	Commercial & service industry manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.11	Computer product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.12	Dairy product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.13	Electronic product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.14	Fabricated metal product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.15	Food manufacturing, other	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.17	Grain & oil seed milling	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.18	Household product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.19	Leather & allied product	1/960 sf	1/1500 sf	NOTE 3	1/50,000 sf	Allowed	2C

	manufacturing	GFA	GFA		GFA		
5.20	Machinery manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.21	Nonmetallic mineral product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.22	Paper products manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.23	Petroleum products manufacturing	1/960 sf GFA	1/1500 sf GFA	None	1/50,000 sf GFA	Allowed	2C
5.24	Plastic products manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.25	Primary metal manufacturing	1/960 sf GFA	1/1500 sf GFA	None	1/50,000 sf GFA	Allowed	2C
5.26	Recycling collection facility (large)	1/1440 sf GFA	1/1000 sf GFA	3 SPACES	1/50,000 sf GFA	Allowed	2C
5.27	Recycling collection facility (small)	1/1440 sf GFA	1/1000 sf GFA	3 SPACES	None	Allowed	2C
5.28	Reverse vending machines	None	One	None	None	Allowed	2C
5.29	Rubber product manufacturing	1/2160 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.30	Seafood product preparation & processing	1/2160 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.31	Sugar & confectionery product manufacturing	1/2160 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.32	Testing laboratory	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/100,000 sf GFA	Allowed	2C

5.33	Textile mill	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.34	Textile product mill	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.35	Tobacco product manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.36	Transportation equipment manufacturing	1/960 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
5.37	Wood products manufacturing	1/2160 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C

6.00	Medical & Related Uses	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
6.01	Assisted living facility (elderly)	1/4.3 patient unit	1/3 patient unit	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.02	Clinic	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.03	Convalescent home	1/4.3 patient unit	1/3 patient unit	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.04	Drug store	1/360 sf GFA	1/250 sf GFA	NOTE 3	Over 25,000 sf GFA = one	Not Allowed	2I, C
6.05	Hospital	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2I, C
6.06	Intermediate care facility (elderly)	1/4.3 patient unit	1/3 patient unit	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C

6.07	Medical laboratory	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.08	Medical treatment facility	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.09	Nursing home	1/4.3 patient unit	1/3 patient unit	NOTE 3	1/100,000 sf GFA	Not Allowed	2I, C
6.10	Optical dispensary	1/360 sf GFA	1/250 sf GFA	NOTE 3	Over 25,000 sf GFA = one	Not Allowed	2I, C
6.11	Pharmacy	1/360 sf GFA	1/250 sf GFA	NOTE 3	Over 25,000 sf GFA = one	Not Allowed	2I, C
6.12	Rest home	1/4.3 patient unit	1/3 patient unit	NOTE 3	Over 25,000 sf GFA = one	Not Allowed	2I, C
6.13	Sanitarium	1/4.3 patient unit	1/3 patient unit	NOTE 3	Over 25,000 sf GFA = one	Not Allowed	2I, C

7.00	Mining & Quarrying Operations	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
7.01	Batching plant	None	None	None	None	Allowed	2F
7.02	Borrow pit (commercial)	None	None	None	None	Allowed	2F
7.03	Drilling gas well	None	None	None	None	Allowed	2F
7.04	Drilling oil well	None	None	None	None	Allowed	2F
7.05	Quarry	None	None	None	None	Allowed	2F
7.06	Raw material processing	None	None	None	None	Allowed	2F

7.07	Sand & gravel extraction	None	None	None	None	Allowed	2F
7.08	Shaft mining	None	None	None	None	Allowed	2F
7.09	Strip mining	None	None	None	None	Allowed	2F

8.00	Motor Vehicle Sale & Service	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
8.01	Ambulance service	1/576 sf of GFA of buildings; plus 1/ambulance	1/400 sf of GFA of buildings; plus 1/ambulance	3 SPACES	None	Not Allowed	2C
8.02	Automobile (sales, service, storage & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Not Allowed Storage Only	2C
8.03	Automobile part sales	1/576 sf of GFA of buildings	1/400 sf of GFA of buildings	3 SPACES	None	Not Allowed	2C
8.05	Automotive repair garage	1/720 sf GFA	1/500 sf GFA	3 SPACES	None	Not Allowed	2C
8.06	Automotive service station	1/288 sf GFA	1/200 sf GFA	3 SPACES	None	Not Allowed	2C
8.07	Boat, boat-trailer (sales, service, storage & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Allowed	2C
8.08	Bus (sales, service, storage & rental)	1/576 sf of GFA of buildings; plus merchandise	1/400 sf of GFA of buildings; plus merchandise	3 SPACES	One	Allowed	2C

		parking areas	parking areas				
8.09	Carwash, full-service	1/576 sf of GFA of buildings; includes parking in queue	1/400 sf of GFA of buildings; includes parking in queue	3 SPACES	None	Not Allowed	2C
8.10	Carwash, self-service	1/576 sf of GFA of buildings; includes parking in bays	1/400 sf of GFA of buildings; includes parking in bays	3 SPACES	None	Not Allowed	2C
8.11	Commercial fueling station	1/360 sf of GFA of buildings, not counting parking in fueling	1/250 sf of GFA of buildings; not counting parking in fueling areas	3 SPACES	None	Not Allowed	2C
8.12	Contractor equipment (sales, storage, repair & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Allowed	2C
8.13	Farm equipment (sales, storage, repair & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Allowed	2C
8.14	Heavy equipment (sales, storage, repair & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Allowed	2C
8.15	Heavy truck (sales, storage, repair & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Allowed	2C
8.16	Light truck (sales, service, storage & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	One	Not Allowed for Sales, Service or Rental	2C

8.17	Light truck part sales	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	None	Not Allowed	2C
8.18	Manufactured home (sales, display & repair)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	None	Allowed	2C
8.19	Mobile home (sales, display & repair)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	None	Allowed	2C
8.20	Motor vehicle repair (Major)	3.6/each service bay not counting bay as parking	3/each service bay not counting bays as parking spaces	3 SPACES	None	Not Allowed	2C
8.21	Motor vehicle repair (minor, vehicle inspections station)	3.6/each service bay not counting bay as parking	3/each service bay not counting bays as parking	3 SPACES	None	Not Allowed	2C
8.22	Motorcycle (sales, service, storage & rental)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	None	Not Allowed for Sales, Service or Rental	2C
8.23	Recreation vehicle park	1/576 sf of GFA of building; plus stall parking area	1/400 sf of GFA of buildings; plus stall parking area	3 SPACES	None	Allowed	2C
8.24	Trailer, 18-wheeler (sales, display & repair)	1/576 sf of GFA of buildings; plus merchandise parking areas	1/400 sf of GFA of buildings; plus merchandise parking areas	3 SPACES	None	Allowed	2C
8.25	Truck stop	1/720 sf GFA of buildings	1/500 sf GFA of buildings	3 SPACES	None	Not Allowed	2C

9.00	Parking & Loading	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
9.01	Garage, parking (commercial)	Not applicable	Not applicable	NOTE 3	Not applicable	Not Allowed	N/A
9.02	Garage, parking (community)	Not applicable	Not applicable	NOTE 3	Not applicable	Not Allowed	N/A
9.03	Garage, parking (private)	Not applicable	Not applicable	NOTE 3	Not applicable	Not Allowed	N/A
9.04	Loading spaces (serving another property)	Not applicable	Not applicable	Not applicable	Not applicable	Not Allowed	N/A
9.05	On-site loading spaces	Not applicable	Not applicable	Not applicable	Not applicable	Not Allowed	N/A
9.06	On-site parking spaces	Not applicable	Not applicable	Not applicable	Not applicable	Not Allowed	N/A
9.08	Parking spaces (serving another property)	Not applicable	Not applicable	Not applicable	Not applicable	Allowed	Dependent upon use

10.00	Personal Services	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
10.01	Barber shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C

10.02	Beauty salon	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
10.03	Cemetery	1/288 sf GFA of building	1/200 sf GFA of buildings	3 SPACES	One	Allowed	2C
10.04	Crematorium	1/576 sf GFA of building	1/400 sf GFA of buildings	None	One	Allowed	2C
10.05-07	Dry-cleaners, shop/commercial	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Not Allowed	2C
10.08	Extermination Services	1/360 sf GFA	1/250 sf GFA	3 SPACES	None	Allowed	2C
10.09	Funeral home	1/144 sf GFA of visitor area	1/100 sf GFA of visitor area	3 SPACES	None	Allowed	2C
10.11	Laundromat, laundry	1/288 sf GFA	1/200 sf of GFA	NOTE 3	None	Not Allowed	2C
10.12	Laundry (commercial)	1/288 sf floor area	1/200 sf floor area	NOTE 3	One	Not Allowed	2C
10.13	Locksmith	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Not Allowed	2C
10.15	Mausoleum	1/576 sf GFA of building	1/400 sf GFA of building	3 SPACES	One	Allowed	2C
10.16	Mortuary	1/144 sf GFA of visitor area	1/100 sf GFA of visitor area	3 SPACES	None	Allowed	2C
10.17	Photofinishing lab	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
10.18	Shoe repair shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
10.19	Tattoo parlor	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
10.20	Taxidermist	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C

11.00	Recreation Amusement & Entertainment	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
11.01	Adult motion picture theatre	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Not Allowed	2D
11.02	Amusement game complex (indoor)	1/288 sf GFA	1/200 sf GFA	NOTE 3	1/50,000 sf GFA of buildings	Allowed	2D
11.03	Amusement park (indoor & outdoor)	1/1440 sf GFA of indoor & outdoor rec. areas	1/1000 sf GFA of indoor & outdoor rec. areas	NOTE 3	1/50,000 sf GFA of indoor & outdoor rec. areas	Allowed	2D
11.04	Athletic facility (indoor)	1/720 sf GFA	1/500 sf GFA	NOTE 3	None	Allowed	2D
11.05	Athletic facility (outdoor)	1/720 sf GFA of buildings, pools and courts	1/500 sf GFA of buildings, pools and courts	NOTE 3	None	Allowed	2D
11.06	Ballroom	1/144 sf GFA of assembly area; plus 1/288 sf GFA of other areas	1/100 sf GFA of assembly area; plus 1/200 sf GFA of other areas	NOTE 3	One	None	2D
11.07	Billiard and pool hall	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2D
11.08	Bingo hall	1/144 sf GFA of assembly area; plus 1/288 sf GFA of other	1/100 sf GFA of assembly area; plus 1/200 sf GFA of other	NOTE 3	None	Allowed	2D

		areas	areas				
11.09	Bowling alley	1/266 sf GFA	1/185 sf GFA	NOTE 3	One	Allowed	2D
11.10	Campground	1/576 sf GFA of buildings; not counting camping unit spaces	1/400 sf GFA of buildings; not counting camping unit spaces	None	None	Allowed	2D
11.11	Coliseum	1/90 sf GFA	1/50 sf GFA	NOTE 3	1/100,000 sf	Allowed	2D
11.12	Community recreational building	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Allowed	2D
11.13	Convention center	1/576 sf GFA	1/400 sf GFA	NOTE 3	1/100,000 sf	Allowed	2D
11.14	Dancehall	1/90 sf of GFA	1/50 sf of GFA	NOTE 3	One	Allowed	2D
11.15	Exercise facility (indoor)	1/288 sf GFA	1/200 sf GFA	NOTE 3	One	Allowed	2D
11.16	Exhibition hall	1/90 sf GFA	1/50 sf GFA	NOTE 3	1/100,000 sf	Allowed	2D
11.17	Fairground	1/1440 sf GFA	1/1000 sf GFA	NOTE 3	1/100,000 sf	Allowed	2D
11.18	Gambling casino	1/396 sf GFA	1/50 sf of GFA	NOTE 3	1/100,000 sf	Allowed	2D
11.19	Go-cart track	1/1440 sf outdoor rec. area; & 1/288 sf GFA of buildings	1/1000 sf outdoor rec. area; & 1/200 sf GFA of buildings	NOTE 3	None	Allowed	2D

11.20	Golf course (with/without restaurant & bar)	1/288 sf GFA meeting rooms; plus 1/144 sf GFA restaurant and bar areas; plus 1/576 sf GFA of other areas	1/200 sf GFA meeting rooms; plus 1/100 sf GFA restaurant and bar areas; plus 1/400 sf GFA of other areas	NOTE 3	None	Allowed	2D
11.22	Golf driving range	0.9/tee spaces plus 1/288 sf GFA of buildings	1/tee space plus 1/200 sf GFA of buildings	NOTE 3	None	Allowed	2D
11.23	Ice skating facility	1/266 sf GFA	1/185 sf GFA	NOTE 3	None	Allowed	2D
11.24	Laser games center	1/266 sf GFA	1/185 sf GFA	NOTE 3	None	Allowed	2D
11.25	Miniature golf course	0.9/hole	1/hole	NOTE 3	None	Allowed	2D
11.26	Movie theatre (indoor)	1/3.6 seats	1/2.5 seats	NOTE 3	None	Not Allowed	2D
11.27	Movie theatre, drive-in (outdoor)	1.0/speaker station	1.0/speaker station	None	None	Allowed	2D
11.28	Nightclub, bar, cocktail lounge	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Allowed	2D
11.29	Nude live entertainment club	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Allowed	2D
11.30	Paint ball center (indoor)	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Allowed	2D

11.31	Paint ball center (outdoor)	1/1440 sf outdoor rec. area; & 1/288 sf GFA of buildings	1/1000 sf outdoor rec. area; & 1/200 sf GFA of buildings	NOTE 3	None	Allowed	2D
11.32	Park	2 per acre of outdoor recreation area. EXCEPTION: Off-street parking is not required for parks 2.1 to 5 acres in size where adequate on-street parking is available immediately adjacent to the park.		With rec. building, 10 spaces minimum; w/out building 5 minimum	None	Allowed	2D
11.33	Racetrack, auto or truck	1/7 seats for stands	1/5 seats for stands	NOTE 3	1/25,000 sf GFA	Allowed	2D
11.34	Racetrack, motorcycle	1/7 seats for stands	1/5 seats for stands	NOTE 3	1/25,000 sf GFA	Allowed	2D
11.35	Racquetball club (indoor) (with/without restaurant & bar)	1/576 sf GFA	1/400 sf GFA	NOTE 3	None	Not Allowed	2D
11.36	Racquetball club (outdoor) with/without restaurant & bar)	1/576 sf GFA of buildings & courts	1/400 sf GFA of buildings & courts	NOTE 3	None	Not Allowed	2D
11.37	Roller skating facility	1/475 sf GFA	1/300 sf GFA	NOTE 3	None	Not Allowed	2D
11.38	Sauna, exercise room	None	None	NOTE 3	None	Not Allowed	2D
11.39	Shooting range, archery, gun	0.9/shooting station	1/shooting station	NOTE 3	None	Not Allowed	2D

	(indoor)						
11.40	Shooting range archery or gun (outdoor)	0.9/shooting station	1/shooting station	None	None	Not Allowed	2D
11.41	Skateboarding facility (indoor)	1/720 sf GFA	1/500 sf GFA	NOTE 3	None	Not Allowed	2D
11.42	Skateboarding facility (outdoor)	1/1440 sf outdoor rec. area	1/1000 sf outdoor rec. area	NOTE 3	None	Not Allowed	2D
11.44	Sports arena/Stadium	1/7 seats in main area	1/5 seats in main arena	NOTE 3	1/100,000 sf; min 1	Not Allowed	2D
11.45	Swimming pool (commercial)	1/475 sf GFA pool areas & buildings	1/300 sf GFA pool areas & buildings	NOTE 3	None	Not Allowed	2D
11.46	Tennis club (indoor) (with/without restaurant & bar)	3.6/court	3/court	NOTE 3	None	Not Allowed	2D
11.47	Tennis club (outdoor) (with/without restaurant & bar)	3.6/court	3/court	NOTE 3	None	Not Allowed	2D
11.48	Theatre, performing	1/6 seats or 1/144 sf of floor area	1/4 seats or 1/100 sf of floor area	NOTE 3	1/100,000 sf; min 2	Not Allowed	2D
11.49	Tramway	19 spaces/use	20 spaces/use	NOTE 3	None	Allowed	2D

12.00	Repair & Service	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
12.01	Commercial equipment repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
12.02	Electronic equipment repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
12.03	Household goods repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
12.04	Industrial equipment repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
12.05	Personal goods repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
12.06	Precision equipment repair	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C

13.00	Residential	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
13.01	Animals, keeping for enjoyment purposes, non-commercial	None		None	None	Allowed	N/A
13.02	Apartments (5 or more units)	0.7/elderly apt; 1/efficiency apt; 1.5/one bedroom apt 2/two or more		NOTE 3	None	Allowed	2C
13.03	Bed and breakfast	1/rented bedroom plus number required for operator's		None	None	Allowed	2C

	(residence)	residence					
13.04	Bed and breakfast inn	1/rented bedroom plus number required for operator's residence		None	None	Allowed	2C
13.05	Boarding house	1/2 rented bedroom plus number required for operator's residence		NOTE 3	None	Allowed	2C
13.06	Boarding home facility	1 space per every 2 bedrooms or portion thereof, and 1 space per every 2 employees or portion thereof		NOTE 3	None	Allowed	2H
13.065	Disabled group dwelling	1 motor vehicle for every one bedroom	No more than 1 motor vehicle per bedroom	Note 3	None	Not Allowed	2H
13.07	Domestic garden house, toolhouse, playhouse	None		None	None	Allowed	2H
13.08	Domestic storage	None		None	None	Allowed	2H
13.09	Duplex (two-family dwelling)	2/dwelling unit		None	None	Allowed	2H
13.10	Dwelling, resident watchman or property caretaker	2/dwelling unit		None	None	Allowed	2H
13.11	Family home	1/3.6 resident bedrooms plus number required for operator's residence		None	None	Allowed	2H

13.115	Group residential facility	2 spaces for group residential facility, plus one additional space for each resident over 5 persons	N/A	Note 3	None	Not Allowed	2H
13.12	Guest, employee quarters	2/dwelling unit		None	None	Allowed	2H
13.13	Home occupation uses (City licensed)	Number required for HO use plus spaces required for the dwelling unit		None	None	Allowed	2H
13.14	Home occupation uses (non-City licensed)	1 plus spaces required for the dwelling unit		None	None	Allowed	2H
13.15	Hotel	0.9/rental room; plus 1/960 sf of public meeting and restaurant space		3 SPACES	1/100,00 sf GFA	Allowed	2C
13.16	HUD-Code Manufactured Home	2/dwelling unit		None	None	Allowed	2H
13.17	HUD-Code Manufactured Home Park	2 for office and laundry building; plus number required for each unit		None	None	Allowed	2H
13.18	Industrialized House	2/dwelling unit in each unit		None	None	Allowed	2H
13.19	Laundry room			None	None	Allowed	N/A
13.20	Live-work flex unit	Number required for work unit plus number required for the dwelling unit		None	None	Allowed	Dependent upon use
13.21	Lodging house	1/2 rented bedroom plus number required for operator's		3	None	Allowed	2C

		residence	SPACES			
13.22	Manufactured home (single-family dwelling)	2/dwelling unit	None	None	Allowed	2H
13.23	Manufactured home park	2 for office and laundry building; plus number required for each unit	None	None	Allowed	2C
13.24	Motel	0.9/rental room; plus 1/960 sf of public meeting and restaurant space	3 SPACES	1/100,000 sf GFA	Allowed	2C
13.25	Quadruplex	2/dwelling unit	None	None	Allowed	2H
13.26	Ranch (Greater than 5 acres)	1/1000 sf GFA	None	None	Allowed	2G
13.27	Ranchette (>1 acre & <5 acres)	2/dwelling unit	None	None	Allowed	2G
13.28	Rooming house	1/2 rented bedroom plus number required for operator's residence	3 SPACES	None	Allowed	2C
13.30	Single-family attached dwelling (atrium, patio, townhouse)	2/dwelling unit	None	None	Allowed	2H
13.31	Single-family detached dwelling	2/dwelling unit	None	None	Allowed	2H
13.32	Swimming pool, game court (non-commercial)		None	None	Allowed	2H
13.33	Triplex	2/dwelling unit	None	None	Allowed	2H

14.00	Sales, Retail & Wholesale	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
14.01	Adult book store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.02	Bakery	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.03	Book store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.04	Boutique	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.05	Cafeteria	1/144 sf GFA	1/100 sf GFA	NOTE 3	1/100,000 sf GFA	Not Allowed	2C
14.07	Coin-operated vending machines (indoor)	None	None	None	None	Allowed	2C
14.08	Convenience store	1/475 sf GFA	1/300 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.09	Convenience store with gas pumps	1/360 sf GFA of building, not counting spaces at the pumps	1/250 sf GFA of building; not counting spaces at the pumps	3 SPACES	1/50,000 sf GFA	Allowed	2C
14.10	Delicatessen	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Allowed	2C
14.12	Farm supply store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C

14.13	Feed dealer	1/720 sf GFA	1/500 sf GFA	3 SPACES	1/50,000 sf GFA	Allowed	2C
14.14	Flea market (indoor)	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
14.15	Flea market (outdoor)	1.8/food vendor stall plus 1/other vendor stall (not counting stall space)	2/food vendor stall plus 1/other vendor stall (not counting stall space)	NOTE 3	None	Allowed	2C
14.16	Flower shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.17	Grocery	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.18	Hobby store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.19	Home improvement center	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.20	Ice cream parlor	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Allowed	2C
14.21	Material sales (building & construction)	1/720 sf GFA of buildings and roofed structures	1/500 sf GFA of buildings and roofed structures	NOTE 3	1/50,000 sf GFA of buildings and roofed structures	Allowed	2C
14.22	Music store	1/360 sf GFA	1/250 sf GFA	NOTE 3	None	Allowed	2C
14.23	Newspaper printing facility	1/2700 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.24	Nursery,	1/720 sf GFA	1/500 sf GFA	NOTE 3	1/50,000 sf	Allowed	2C

	greenhouse				GFA		
14.25	Other retail establishment (high-volume)	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.26	Other retail establishment (low-volume)	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.27	Other wholesale establishment (high-volume)	1/2700 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.28	Other wholesale establishment (low-volume)	1/2700 sf GFA	1/1500 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.29	Package liquor store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.30	Pawn shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.31	Pet shop (including grooming)	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.32	Print & copy shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.33	Produce stand	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.34	Restaurant (drive-in or walk-up)	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Not Allowed	2C
14.35	Restaurant (sit down)	1/144 sf GFA	1/100 sf GFA	NOTE 3	None	Allowed	2C

14.36	Shopping center, community	1/288 sf GFA	1/200 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2C
14.37	Shopping center (regional)	1/288 sf GFA	1/200 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2C
14.38	Snow cone, shaved ice stand or trailer	1/360 sf GFA	1/250 sf GFA	None	1/50,000 sf GFA	Not Allowed	2C
14.39	Specialty shop	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.40	Sporting goods store	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Allowed	2C
14.41	Supermarket	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2C
14.42	Superstore	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2C
14.43	Warehouse club	1/360 sf GFA	1/250 sf GFA	NOTE 3	1/50,000 sf GFA	Not Allowed	2C

15.00	Signs	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
15.01	On-premise advertising	None	None	None	None	Allowed	N/A
15.02	Off-premise advertising	None	None	None	None	Allowed	N/A

16.00	Temporary Uses	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
16.01	Amusement rides, park	NOTE 1	NOTE 1	None	1/100,000 sf of gross outdoor & indoor rec. areas	Allowed	2E
16.02	Borrow pit (related to construction operations)	None	None	None	None	Allowed	2E
16.025	Carnival	1/1440 sf of gross outdoor and indoor rec areas	1/1000 sf of gross outdoor and indoor rec areas	None	1/100,000 sf of gross outdoor and indoor rec areas	Allowed	2E
16.03	Christmas tree stand	1/360 sf GFA of product display/storage	1/250 sf GFA of product display/storage	None	None	Allowed	2E
16.04	Circus	1/1440 sf of gross outdoor and indoor rec. areas	1/1000 sf of gross outdoor & indoor rec. areas	None	1/100,000 sf of gross outdoor & indoor rec. areas	Allowed	2E
16.05	Concrete mixing or batching plant	None	None	None	None	Allowed	2E
16.06	Firewood sales	1/1440 sf of gross storage and sales area	1/1000 sf of gross storage and sales areas	None	None	Allowed	2E

16.07	Garage sales	None	None	None	None	Allowed	2E
16.08	Mobile office/storage unit (related to const operations)	None	None	None	None	Allowed	2E
16.09	Mobile office/storage unit (related to sales or rental)	1/576 sf GFA	1/400 GFA	None	None	Allowed	2E
16.10	Model dwelling	1.8/unit	2/unit	None	None	Allowed	2E
16.11	Carnival	1/1440 sf of gross outdoor and indoor rec. areas	1/1000 sf of gross outdoor & indoor rec. areas	None	1/100,000 sf of gross outdoor & indoor rec. areas	Allowed	2E
16.115	Outdoor Sporting Events	Note 1	None	None	None	Allowed	2E
16.12	Pumpkin stand/other temporary sales	1/300 sf GFA of product display/storage	1/250 sf GFA of product display/storage	None	None	Allowed	2E
16.13	Recycling collection facility (small)	None	None	None	None	Allowed	2E
16.13	Sales stands (ranch & farm products)	None	None	None	None	Allowed	2E
16.17	Tents (special events)	1/360 sf GFA of product display/storage	1/250 sf GFA of product display/storage	None	None	Allowed	2E

16.18	Yard sale	None	None	None	None	Allowed	2E
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17.00	Towers & Related Structures	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
17.01	Amateur & CB radio stations (federally licensed)	None	None	None	None	Allowed	N/A
17.02	Cellular telecommunication antenna, facility-mounted	None	None	None	None	Allowed	N/A
17.03	Cellular telecommunication antenna, ground-mounted	None	None	None	None	Allowed	2C
17.04	Cellular telecommunication antenna, roof-mounted	None	None	None	None	Allowed	N/A
17.05	Radio broadcasting antenna	None	None	None	None	Allowed	N/A
17.06	Radio receiving station (residential-type)	None	None	None	None	Allowed	N/A
17.07	Satellite receiving dish, antenna	None	None	None	None	Allowed	N/A
17.08	Solar conversion systems	None	None	None	None	Allowed	N/A
17.09	Television broadcasting antenna	None	None	None	None	Allowed	N/A
17.10	Television receiving station (residential-type)	None	None	None	None	Allowed	N/A
17.11	Wind-driven electrical generator, pump	None	None	None	None	Allowed	N/A

18.00	Transportation Related Uses	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
18.01	Airpad	NOTE 1	NOTE 1	None	NOTE 1	Subject to Application	2F
18.02	Airport	NOTE 1	NOTE 1	NOTE 3	NOTE 1	Subject to Application	2F
18.03	Auxiliary rail facilities	None	None	None	None	Subject to Application	2F
18.04	Auxiliary tracks	None	None	None	None	Subject to Application	2F
18.05	Diesel maintenance facility	None	None	None	None	Subject to Application	2F
18.06	Heliport	NOTE 1	NOTE 1	None	NOTE 1	Subject to Application	2F
18.07	Helistop	NOTE 1	NOTE 1	None	NOTE 1	Subject to Application	2F
18.08	Interlocking tower	None	None	None	None	Subject to Application	2F
18.09	Intermodal facility	NOTE 1	NOTE 1	NOTE 3	NOTE 1	Subject to Application	2F
18.10	Motor carrier terminal	NOTE 1	NOTE 1	NOTE 3	NOTE 1	Subject to Application	2F
18.11	Passenger station	NOTE 1	NOTE 1	None	NOTE 1	Subject to Application	2F

18.12	Railroad R.O.W.	None	None	None	None	Subject to Application	2F
18.13	Railroad repair shop	None	None	None	None	Subject to Application	2F
18.14	Railroad spur tracks	None	None	None	None	Subject to Application	2F
18.15	Railyard	None	None	None	None	Subject to Application	2F
18.16	Transportation terminal, Type A	NOTE 1	NOTE 1	NOTE 3	NOTE 1	Subject to Application	2F
18.17	Transportation terminal, Type B	NOTE 1	NOTE 1	NOTE 3	NOTE 1	Subject to Application	2F

19.00	Utility & Miscellaneous Governmental Facilities	Automobile & Light Truck		Bicycle	Heavy Truck Trailer	Gravel Screen Parking	
		Minimum	Maximum			Required	Notes
19.01	Communication utility facility	NOTE 1	NOTE 1	NOTE 3	None	Subject to Application	2F
19.03	Governmental use, building	Number required for specific use(s) in this Chart	Number required for specific use(s) in this Chart	Number required for specific use(s) in this Chart	Number required for specific use(s) in this Chart	Subject to Application	2F
19.04	Major utility facility	NOTE 1	NOTE 1	NOTE 3	None	Subject to Application	2F
19.05	Minor utility facility	None	None	None	None	Subject to Application	2F

19.06	Resource recovery plant	None	None	None	None	Subject to Application	2F
19.07	Sanitary landfill	None	None	None	None	Subject to Application	2F
19.08	Stormwater retention basin (public/private)	None	None	None	None	Subject to Application	2F
19.09	Utility storage yard	None	None	None	None	Subject to Application	2F
19.10	Water & wastewater utility facility	NOTE 1	NOTE 1	NOTE 3	None	Subject to Application	2F

NOTE 1: TO BE DETERMINED BY THE ZONING ADMINISTRATOR**NOTE 2: FOR SPECIFIC REQUIREMENTS BASED ON USE/ZONE CRITERIA FOR SECTION 20.14.080:**

- A. Office, Educational or Institutional less than or equal to 5000 SF building:
Gravel/screenings surfaced parking areas may be incorporated for the required parking reserved for use by employees and staff of in-store retail or Professional offices and for required parking where on-site ponding (see Section 20.14.080.C.4) or permanent desilting basins are provided. In no case shall gravel/screening parking exceed 50% of the total required parking.
- The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the city manager or designee; and signage shall be installed indicating "Parking For Employees, Staff, and/or Overflow Parking Only".
- B. Commercial/Manufacturing/Warehousing/Storage/Construction Yards/and High Traffic Uses:
Gravel/screenings surfaces may be incorporated for employee parking, for the storage users of truck trailers, storage containers, equipment, supplies, materials, motor vehicles or recreational vehicles which are part of the business function of the facility or site; including transport drop-offs and stock-in-trade.
- All required parking for visitors, customers, employees, or patrons shall be hard surfaced.
- The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the city manager or designee; and signage shall be installed indicating "Overflow Parking Only" or as appropriate.
- All access drives to required parking shall be hard surfaced.

All Loading Docks and all other loading areas shall be hard surfaced.

C. Recreation, Amusement, and Entertainment:

For outdoor facilities, gravel/screenings surfaces may be incorporated for required parking in accordance with the attached table (Section 20.14.080.C). For indoor facilities, gravel surface parking areas may be incorporated for required parking where on-site ponding or permanent desilting basins are provided.

Gravel/screenings surfaces may be incorporated for the storage of truck trailers, storage containers, equipment, supplies, materials, recreational vehicles that are part of the function of the facility.

The perimeter of any gravel or screenings parking and drives areas shall be delineated by edging, curbing, abutting hard surface or other method as approved by the city manager or designee.

All access drives to required hard surfaced parking shall be hard surfaced.

D. Temporary Uses:

Gravel/screenings surfaces may be incorporated for all required parking subject to review, approval, and conditions by the city manager or designee.

Temporary uses with no parking requirements (i.e. construction areas, etc.) are exempt from parking surface requirements.

The perimeter of any gravel or screenings parking and drive areas shall be delineated by edging, curbing, or abutting hard surface or other method as approved by the city manager or designee.

E. Utility, Miscellaneous and Governmental Facilities:

Gravel/screenings surfaces may be incorporated for required and/or excess parking subject to review, approval, and conditions by the city manager or designee.

Temporary uses with no parking requirements (construction areas, etc) are exempt from parking surface requirements.

Any gravel or screenings parking areas shall be delineated by edging, curbing, or abutting hard surface or other method as approved by the city manager or designee.

F. Agricultural and related uses:

Gravel/screenings surfaces may be incorporated for all required parking including truck trailers, storage containers, equipment, supplies, materials, recreational vehicles which is part of the business function of the facility as well as personal vehicles of the living quarters on the premises.

G. Residential:

Gravel/screening surfaces may be incorporated for:

1. Required parking located at a distance no less than 20 feet from the front property line.
2. For required parking where on-site ponding (see Section 20.14.080.C.4) or permanent desilting basins are provided for the surface area of the gravel/screening parking area, and

The perimeter of any gravel or screenings parking areas shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the city manager or designee.

H. Non-Allowed Uses and Restrictions:

Gravel/screenings surfaces shall not be incorporated for either required or excess parking for motor vehicle sales except as allowed in other sections of this ordinance, for repair or dismantling uses, for storage of used drive train components other than tires, wheels or drive shafts, or for fueling or lubricating bays.

Gravel/screenings surfaces shall not be incorporated for required parking for hospital or medical treatment uses with buildings greater than or equal to five thousand square feet (5000 SF).

Gravel/screenings surfaces may be not be incorporated for required parking in excess of ninety-nine (99) spaces.

No authorizations herein shall supersede state or federal requirements, restrictions, rules, or regulations.

No parking is allowed on top of landscaping or areas not specifically designated for parking.

Note 3: When the minimum required automobile parking exceeds 60 spaces, 5% of the number required over 60 shall be added as required bicycle parking. This calculation shall be rounded up to the next whole number. The minimum number of bicycle spaces required regardless of the calculation shall be 3 and the maximum number of bicycle spaces required regardless of the calculation shall be 40.

(Ord. No. 17442, § 54, 10-26-2010; Ord. No. 17560, § 12, 5-17-2011; Ord. No. 17567, § 3, 5-24-2011; Ord. No. 17577, § 10, 7-7-2011; Ord. No. 17869, §§ 2—4, 9-18-2012; Ord. No. 18218, § 4, 7-29-2014; Ord. No. 18241, § 4, 9-9-2014; Ord. No. 18244, § 4, 9-16-2014; Ord. No. 18371, §§ 1, 3, 6-16-2015; Ord. No. [18498](#), § 1, 5-3-2016)

Chapter 20.22 - NONCONFORMING SITUATIONS**Sections:****20.22.010 - Policy.**

Nonconforming situations may continue, so long as the conditions within this chapter and all other applicable sections of the code are met; however, the city encourages the eventual replacement of nonconforming uses which are potentially undesirable and incompatible with surrounding conforming uses and require compliance with the regulations of this Code, having due regard for the property rights of the persons affected, the public welfare, compatibility, and the character of the surrounding area. This chapter does not require the removal of or destruction of property in existence at the time when any zoning regulation first became effective and is actually and necessarily used in a public service business.

(Ord. 16653 § 2 (part), 2007)

20.22.020 - Nonconforming lots.

A single-family dwelling may be erected on a lot recorded in the real property records, even though of less width, depth, or area than required by the regulations for the district in which it is located, if such lot was separately owned at the time when any zoning restrictions as to its required width or area (whether under this title or any other ordinance or amendment) first became effective, if the owner of such lot does not own any other lot, parcel or tract immediately adjacent thereto, and so long as the lot is registered and verified by the zoning administrator as a nonconforming lot.

(Ord. 16653 § 2 (part), 2007)

20.22.030 - Nonconforming uses.

- A. Any use of a building, structure, or property or if a valid building permit has been issued for the use of the structure in that district, legally in existence at the time when any zoning restrictions as to use, area, yards, setbacks, or off-street parking (whether under this or any other ordinance or amendment) first became effective as to such use, and which does not conform to the regulations described in this title may continue the use so long as the use is registered in accordance with the provisions of Section 20.22.070 and verified by the zoning administrator as legal nonconforming and is subject to the following limitations:
 - 1. A nonconforming use of a structure may not be enlarged or increased, except a nonconforming use may be extended to any portion of a building which portion was arranged or designed for such nonconforming use on or prior to the date on which the use became nonconforming, or if required by law to meet minimum health and safety requirements required by a governmental entity. Written documentation establishing the date of the original design or arrangement of use, or requirement by a governmental entity shall be required at the time of submittal for a building permit, and the mere intent of the owner or occupant shall not satisfy this requirement; and,
 - 2. A nonconforming use shall not be changed unless changed to a conforming use. A nonconforming use if changed to a conforming use may not thereafter be changed back to any nonconforming use. A nonconforming use may not be changed to any other nonconforming use.
- B. Abandonment and Termination of a Nonconforming Use.
 - 1. A nonconforming use is deemed abandoned and the right to operate a nonconforming use shall terminate immediately if any of the following occur:
 - a. The use of property is changed from a nonconforming use to a conforming use, or to another nonconforming use;

- b. The non-use or non-operation of the nonconforming use, or the vacancy of a portion or all of the structure used for the nonconforming use of the property for a continuous period of one hundred twenty days or more;
 - c. A portion or all of the structure used for the nonconforming use is damaged or destroyed by the intentional act of the owner or his agent;
 - d. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if any portion of the structure in which the nonconforming use is located is dilapidated, substandard, or is not maintained in a suitable condition for occupancy during a continuous period of one hundred twenty days.
- 2. A seasonal discontinuance of a nonconforming use, or a temporary discontinuance of a nonconforming use for maintenance or repair, is excluded from a calculation of the one hundred twenty-day period described in subsection (B)(1)(b) of this section.
 - 3. A person may not resume an abandoned or otherwise terminated nonconforming use.
 - 4. Destruction of Nonconforming Use. The right to operate and maintain any nonconforming use, except a single-family dwelling unit is not subject to this subsection and may reconstruct up to one hundred percent of the prior existing building footprint, shall terminate and shall cease to exist whenever the structure or any portion of the structure in which the nonconforming use is operated and maintained is damaged or destroyed by fire, the elements or other than the intentional acts of the owner or operator, if the destruction amounts to fifty percent or more of its fair market value as determined by the tax appraisal roll, not including the value of the land, on the date of such damage or destruction. If the owner of a nonconforming use fails to begin reconstruction of the destroyed building, when permitted to do so by the terms of this section within one hundred twenty days of the date of destruction, the nonconforming use shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue.
- C. No nonconforming accessory use shall continue after the principal use or structure shall have ceased or terminated unless the accessory use shall thereafter conform to the provisions of the zoning district in which it is located.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17777, § 1, 5-1-2012)

20.22.040 - Nonconforming structures.

- A. Any nonconforming structure legally in existence at the time when any zoning restrictions as to use, area, yards, setbacks, or off-street parking (whether under this or any other ordinance or amendment) first became effective as to such use, and which does not conform to the regulations described in this title may continue in use and operation so long as the structure is registered in accordance with the provisions of Section 20.22.070 with the zoning administrator as legal nonconforming and is subject to the following limitations.
 - 1. Unless otherwise provided, a nonconforming building or structure shall not be added to or enlarged in any manner unless the addition or extension meets the requirements of the district in which it is located.
 - 2. If a nonconforming structure is nonconforming as to off-street parking requirements, a change of occupancy to another use permitted in the zoning district is allowed provided that the parking requirements are the same as the original nonconforming use. If a change of occupancy to a use that requires additional parking is requested, the additional off-street parking required for the new use must be provided.
- B. Abandonment and Termination of a Nonconforming Structure.

1. A nonconforming structure is deemed abandoned and the right to operate a nonconforming building shall terminate immediately if any of the following occur:
 - a. The non-use or non-operation of a use, or the vacancy of a portion or all of the structure for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the structure used for the nonconforming use is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming building is dilapidated, substandard, or is not maintained in a suitable condition for occupancy during a continuous period of one hundred twenty days.
2. A seasonal discontinuance of a nonconforming building, or a temporary discontinuance of a nonconforming building for maintenance or repair, is excluded from a calculation of the one hundred twenty-day period described in subsection (B)(1)(b) of this section.
3. A person may not resume an abandoned or otherwise terminated nonconforming use.
4. Destruction of Nonconforming Structure. The right to operate and maintain any nonconforming structure, except a single-family dwelling unit is not subject to this subsection and may reconstruct up to one hundred percent of the prior existing building footprint, shall terminate and shall cease to exist whenever the structure or any portion of the structure is damaged or destroyed from any cause whatsoever, except if caused by the intentional act of the owner or operator, if the destruction amounts to fifty percent or more of its fair market value as determined by the tax appraisal rolls, not including the value of the land, on the date of such damage or destruction. If the owner of a nonconforming use fails to begin reconstruction of the destroyed building, when permitted to do so by the terms of this section within one hundred twenty days of the date of destruction, the nonconforming building shall be deemed to be discontinued or abandoned, and shall no longer be authorized to continue.
- C. Normal repairs and maintenance may be made to a nonconforming building or structure; provided that no structural alterations shall be made except those required by law or ordinance due to health or safety concerns and as required by a governmental entity.
- D. A nonconforming building or structure shall not be moved in whole or in part from the property or within the lot in which it is located, unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.
- E. No nonconforming accessory structure shall continue after the principal use or structure shall have been damaged or destroyed unless the accessory structure shall thereafter conform to the provisions of the zoning district in which it is located.
- F. A cemetery, sewage disposal or treatment plant, hospital, sanatorium, correctional institution, or municipal or state building or institution existing in any district on November 23, 1955, or any M-1 district use so existing in a C-4 or C-5 district, shall be deemed a conforming use upon the plot devoted to such use on the effective date of Ordinance No. 1448, adopted on November 23, 1955.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17777, § 2, 5-1-2012)

20.22.050 - Nonconforming dwellings in commercial and manufacturing districts.

A dwelling nonconforming as to use in a commercial or manufacturing district shall be permitted; provided, that the yard standards and the off-street parking requirements at the time the structure became nonconforming as to use are maintained.

(Ord. 16653 § 2 (part), 2007)

20.22.060 - Newly annexed areas.

- A. Nonconforming rights may be granted to uses or structures located within newly annexed areas in accordance with the following provisions. An application for registration and certificate of occupancy for the nonconforming use or structure must be filed with the building official.
- B. Incomplete Construction. Construction may be completed on any structure legally under construction upon annexation provided:
 - 1. The owner or his designated representative applies to the city for a building permit to authorize further work on the structure stating the proposed use of the structure and attaching thereto the plans and specifications relating to the construction; and
 - 2. The construction is completed within one hundred twenty days of the effective date of the issuance of the building permit unless an extension is granted.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 52, 10-26-2010)

20.22.070 - Registration required.

- A. Nonconforming uses and structures shall be registered with the zoning administrator by providing the following information:
 - 1. File an application with the city and pay a nonrefundable fee established by the city council stating that such building or land occupied by the nonconforming building or use was, to the best of the owner or occupant's knowledge, in lawful use and lawfully existing as of the date of adoption of the applicable code in effect at the time that the building or use became nonconforming.
 - 2. Provide supporting documentation that may include, but is not limited to, building permits or certificates of occupancy that show or describe the nonconforming condition, aerial photography, central appraisal district records, affidavits of surrounding property owners or residents who are knowledgeable of the existence and use of the building or property, or any other information deemed necessary to determine the nonconforming status of the building or use by the zoning administrator.
 - a. Registration of a nonconforming structure. The preferred documentation is an aerial photo or building permit that shows the nonconformity, and is dated prior to annexation of the property or adoption of the code regulation that rendered the structure nonconforming. If such a permit or photo is submitted it shall be sufficient to register the nonconforming structure. If the nonconforming structure is not shown in the permit or aerial photo, two supporting documents shall be required.
 - b. Registration of a nonconforming use. Two supporting documents shall be required.
- B. Upon proper application and review and verification of the documents submitted establishing that the nonconforming building or use was legally in existence at the time when any zoning restrictions as to use, area, yards, setbacks, or off-street parking (whether under this or any other ordinance or amendment) first became effective as to such use, the city may register the building or use as legal nonconforming and maintain a record of all registrations.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 53, 10-26-2010; Ord. No. 17777, § 3, 5-1-2012)

20.22.080 - Property affected by right-of-way acquisition.

A. Definitions.

1. "Governmental agency." United States of America, State of Texas, County of El Paso, City of El Paso, or any other agency having jurisdiction within the City of El Paso limits, with the ability to exercise eminent domain powers.
2. "Right-of-way acquisition." The securing of right-of-way through negotiation, purchase, bargain, trade, donation, condemnation or other means, but not including the dedication of right-of-way through the platting or zoning processes.

B. In the event that a right-of-way acquisition by a governmental agency causes a property or the improvements thereon to be in violation of Appendix B (Table of density and dimensional standards) and Appendix C (Table of parking requirements and standards) of Title 20 (Zoning) and/or Chapter 18.46 (Landscape), said property shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition and shall be eligible for registration as a legal nonconformity, subject to the following:

1. Property which undergoes a zoning change initiated by the property owner subsequent to right-of-way acquisition shall no longer be subject to this exemption and shall instead have a nonconforming status to the extent that any nonconformance with city ordinances resulted from a right-of-way acquisition by a governmental agency prior to the rezoning and shall therefore be treated as a nonconforming use pursuant to the provisions of this chapter rather than exempt as provided above. However, a city-initiated rezoning shall not cause a property to lose the exemption provided by this section for properties affected by right-of-way acquisitions.
2. Nothing provided in this provision shall be construed to permit any obstruction which may create a traffic safety hazard or any other safety hazard.
3. Improvements required by special permit or zoning condition and located in the area acquired for right-of-way shall no longer apply subsequent to the acquisition, except that required screening per Chapter 20.16 (Screening and fencing) originally located within the area of the acquired property shall be relocated to the remainder of the tract as close as practicable inside the new property line.
4. Any alteration resulting in an increase in building square footage to the registered legal nonconformity shall require that the increased square footage area of the building comply with all applicable provisions in Title 20 (Zoning) and Chapter 18.46 (Landscape).

C. In the event that a right-of-way acquisition by a governmental agency causes an on-premises sign to be in violation of Chapter 20.18, Article IV (On-premises sign regulations), said sign shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition, subject to the following:

1. The sign must have been legally permitted at the time of the initial placement; and
2. Must be relocated to the remainder or remain in its existing location; and
3. Cannot be altered or enlarged; and
4. Must be registered as legal nonconforming and be subject to the provisions of Section 20.22.090 (Nonconforming signs).

D. The provisions of Section 20.22.040 B. are not applicable to properties that register legal nonconforming under these provisions.

(Ord. No. [18771](#), § 1, 3-20-2018)

Editor's note— Ord. No. 18771, § 1, adopted March 20, 2018, repealed the former § 20.22.080 and enacted a new § 20.22.080 as set out herein. The former § 20.22.080 pertained to similar subject matter and derived from Ord. 16653 § 2(part), adopted in 2007.

20.22.090 - Nonconforming signs.

- A. Signs Which Are Nonconforming. Signs which were lawfully erected prior to the adoption of the ordinance herein codified which do not conform to this ordinance, as well as signs existing at the time the area wherein the sign is located is annexed, are deemed to be nonconforming, and may continue in existence provided that no nonconforming sign shall be:
1. Changed to or replaced with another sign, unless in compliance with then current city code. Upon application to the city, the face of the sign on an existing sign that is structurally safe and for which a valid permit or nonconforming registration is on file may be changed to indicate a new owner or business provided that the change or alteration shall not result in the following:
 - a. A change in the method or technology used to convey the message;
 - b. An increase in the illumination of the sign;
 - c. An increase in the sign face area;
 - d. Structural alteration to extend its useful life;
 - e. Expansion in any dimension;
 - f. reestablishment of the sign after damage or destruction if the cost of repairing the sign is more than fifty percent of its replacement value at the time of such damage or destruction;
 - g. Modification or relocation in any way that would increase the degree of nonconformity of such sign;
 - h. Modification or additional lighting or any other enhancement.
 - i. Poles may be replaced, subject to a building permit, but only if not more than one-half of the total number of poles of the sign structure are replaced in any twelve-month period and the same material is used for the replacement poles.
 - j. Addition of a catwalk to the sign structure;
 - k. Addition of lighting to an unilluminated sign or addition of more intense lighting to an illuminated sign, whether or not the lights are attached to the sign structure;
 - l. Changing the number of poles in the sign structure;
 - m. Addition of permanent bracing wires, guy wires, or other reinforcing devices;
 - n. Changing the material used in the construction of the sign, such as replacing wooden material with metal material;
 - o. Addition of faces to a sign or changing the sign configurations;
 - p. Increase in the height of the sign;
 - q. Changing the configuration of the sign structure, such as changing a "V" sign to a stacked or back-to-back sign, or a single face sign to a back-to-back sign;
 - r. Moving the sign structure or sign face in any way;
 2. This provision shall not prevent repairing or maintenance of any part of a sign structure to a safe condition or performing normal maintenance operations on a sign or sign structure. The following actions are considered maintenance and are allowed without losing the legal nonconforming status of the sign:
 - a. Replacement of nuts and bolts;

- b. Nailing, riveting or welding;
 - c. Cleaning and painting;
 - d. Manipulation of sign structure to level or plumb it;
 - e. Changing the advertising message;
 - f. Replacement of minor parts if the material of the minor parts are the same type as those being replaced and the basic design or structure of the sign is not altered;
 - g. Changing all or part of the sign face with materials similar to those being replaced.
- B. Registration of Nonconforming Signs. Each nonconforming sign shall be registered by the owner or owners of the sign by filing a registration form with the zoning administrator. Signs without permits which were registered properly pursuant to any prior city code provision are deemed to be nonconforming.
- C. Abandonment and Termination of a Nonconforming Sign.
 - 1. A nonconforming sign is deemed abandoned and the right to operate a nonconforming sign shall terminate immediately if any of the following occur:
 - a. The nonuse of the sign for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the sign is damaged or destroyed by the intentional act of the owner or his agent.
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming sign is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.
- D. A nonconforming sign shall not be moved in whole or in part from the property or within the lot in which it is located, unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17960, § 18, 2-19-2013)

20.22.100 - Nonconforming PWSF.

- A. A personal wireless service facility (PWSF) that was built in compliance with the city's zoning regulations and was issued a certificate of completion, or if a certificate of completion was not issued, there was a valid building permit and an approved final inspection; and has been registered as a legal nonconforming structure, may continue in existence as a nonconforming structure. Such nonconforming structures may be modified or demolished and rebuilt on the same property as described in the certificate of completion or building permit, provided that the modified or rebuilt PWSF complies with all of the following:
 - 1. A modified or rebuilt PWSF must have at least one additional antenna no larger in size than the antennas on the existing or pre-existing facility. If the PWSF has been rebuilt, the ground surface area shall not exceed one hundred twenty-five percent of the existing facility, including all appurtenant equipment storage facilities;
 - 2. The height of a modified or rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the existing facility or the height limitation of Section 20.08.455 (Personal wireless service facilities), whichever is greater;
 - 3. A rebuilt PWSF must have setbacks that are no more nonconforming than that of the pre-existing facility;

4. A modified or rebuilt PWSF shall be painted to reduce glare and reflections. No exterior paint colors shall be used which have a light reflecting value (LRV) greater than forty percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color;
 5. All rebuilt ground-mounted PWSF located in and/or abutting residential and apartment zoning districts shall be camouflaged. Camouflaging is a method of disguising or concealing the appearance of an object by changing its usual color, modifying its shape, or locating it in a structure that complements the natural setting, existing and surrounding structures. In the context of this section, camouflaging includes, but is not limited to, making PWSF antenna support structures resemble man-made trees, locating PWSF antenna support structures in bell steeples or clock towers, or on similar alternative-design mounting structures;
 6. A modified or rebuilt PWSF shall maintain the same screening and landscaping as the existing or pre-existing facility; provided, however, that this section shall not prevent additions or improvements to the landscaping in accordance with the landscaping ordinance;
 7. A rebuilt PWSF may be constructed prior to the demolition of the existing nonconforming PWSF, so long as the rebuilt PWSF is constructed in accordance with the provisions of this section, and the existing nonconforming PWSF shall be completely demolished within thirty days from the date that the rebuilt PWSF is issued a certificate of completion; and
 8. If two or more nonconforming ground-mounted PWSF within a one-half mile radius are demolished in a coordinated effort to collocate the existing antennas onto one structure, a new PWSF may be rebuilt on any of the sites. The height of the rebuilt PWSF and the appurtenant antennas attached thereto shall not exceed the height of the tallest of the pre-existing facilities, or the height limitation of Section 20.10.455 (Personal wireless service facilities), whichever is greater. The setbacks of the rebuilt PWSF shall be no more nonconforming than the most nonconforming of the pre-existing facilities.
- B. The issuance of a permit pursuant to this section allowing the modification or demolition and rebuilding of an existing nonconforming PWSF shall not be considered a determination that the modified or rebuilt PWSF is conforming.
- C. Except as provided in this section, a nonconforming PWSF may not be enlarged, increased in size, or modified without being brought into compliance with the regulations of Section 20.10.455 (Personal wireless service facilities).
- D. Abandonment and Termination of a Nonconforming PWSF.
1. A nonconforming PWSF is deemed abandoned and the right to operate a nonconforming PWSF shall terminate immediately if any of the following occur:
 - a. The nonuse of the PWSF for a continuous period of one hundred twenty days or more;
 - b. A portion or all of the PWSF is damaged or destroyed by the intentional act of the owner or his agent;
 - c. Discontinuance or abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming PWSF is dilapidated, substandard, or is not maintained in a suitable condition during a continuous period of one hundred twenty days.

(Ord. 16653 § 2 (part), 2007)

A-2 DENSITY, DIMENSIONAL, AND USE REGULATIONS

MINIMUM DISTRICT AREA:	No minimum
	3,500 for SF
	5,000 for 2F
MINIMUM LOT AREA:	6,000 for SF attached and MF
	4,500 for other permitted uses
	35' for SF
MINIMUM AVG LOT WIDTH:	50' for 2F, SF attached and MF
	45' for other permitted uses
MINIMUM AVG LOT DEPTH:	90' for SF, 2F, other permitted uses
	100' for SF attached and MF
OTHER STANDARDS:	Minimum lot area of 1,750 sf/du, open space minimum of 50% interior lots and 40% corner lots for SF attached and MF
	20.10 for other permitted uses
MINIMUM FRONT YARD:	10' except that a 20' driveway must be provided for SF, 2F
	20' for SF attached and MF, other permitted uses
MINIMUM REAR YARD:	15' for SF and 2F
	25' for SF attached and MF, other permitted uses
MINIMUM CUMULATIVE FRONT AND REAR:	45' for SF and 2F
	N/A for SF attached and MF, other permitted uses
MINIMUM SIDE YARD:	5'
MINIMUM SIDE YARD (STREET):	10'
MINIMUM CUMULATIVE SIDE AND SIDE STREET YARD:	N/A
OTHER STANDARDS:	20.10.030 Accessory Structures for SF, 2F
	20.10 for other permitted uses
MAXIMUM HEIGHT:	35'

USES PERMITTED BY RIGHT

Apartment (5 or more units); Art gallery; Assisted living facility (elderly); Bed and Breakfast (residence); Boarding home facility; Borrow pit (related to construction operations); Child care facility, Type 6; Church; Clinic; Communication utility facility; Community recreation facility; Community recreational facility; Concrete mixing or batching plant; Conservation covenant; Convalescent home; Convent; Detention basin (public/private); Duplex (two-family dwelling); Emergency Shelter; Family home; Farm; Golf course > 75 acres (with/without restaurant & bar); Harvesting (field, tree, bush crops); Industrialized home; Intermediate care facility (elderly); Library; Lodging house; Medical treatment facility; Minor utility facility; Model dwelling; Monastery; Museum; Nursery, greenhouse; Nursing home; Office, administrative & manager's; Open space (common, public or private); Orphanage, shelter; Park, playground; Personal Wireless Service Facility (PWSF), facility-mounted; PWSF, roof-mounted; Quadrangle; Railroad R.O.W.; Raising (field, tree, bush crops); Rest home; School, public, private or parochial (9 through 12); School, public, private or parochial (Pre-K through 8); Self storage warehouse; Single-family attached dwelling (atrium, patio, townhouse, condominium); Single-family detached dwelling; Social, fraternal club; Stormwater open space; Stormwater retention pond (public/private); Streets and ROW (public/private); Synagogue; Temple; Tents (special events); Triplex; Utility green space; Water & wastewater utility facility

PERMITTED AS ACCESSORY USES

Accessory dwelling unit; Amateur & CB radio stations (federally licensed); Animals, keeping for enjoyment purposes; Athletic facility (indoor); Automated Teller Machine (ATM); Cafeteria, school; Circus; Coin-operated vending machines (inside a building); Domestic garden house, toolhouse, playhouse; Domestic storage; Dwelling, resident watchman or property caretaker; Exercise facility (indoor); Garage or lot, parking (private); Garage sale; Guest, employee quarters; Home occupation uses; Laundry room; Mobile office/storage unit (related to construction operations); Mobile office/storage unit (related to sales or rental); Neighborhood fair, carnival; On-premise advertising; On-site loading; On-site parking; Racquetball club, indoor (with/without restaurant & bar); Radio receiving station (residential-type); Recycling collection facility (small); Restaurant (sit down); Rummage sale; Sales stands (ranch & farm products); Satellite receiving dish, antenna; Sauna, exercise room; Solar conversion system; Swimming pool, game court (non-commercial); Television receiving station (residential-type); Temporary events on public rights-of-way; Unenclosed parking space shelter; Yard sale

CITY COUNCIL APPROVAL OF A SPECIAL PERMIT REQUIRED

Airpad; Cemetery; Child care facility, Type 3; Child care facility, Type 4; Child care facility, Type 5; Child care facility, Type 7; Convenience store; Convenience store with gas pumps; Crematorium; Drilling gas well; Drilling oil well; Dry cleaning shop (< 2,500 square feet); Golf course < 75 acres (with/without restaurant & bar); Golf driving range; Governmental use, building; Helipad; Historic Preservation Overlay; Hospital; HUD-code manufactured home park; Infill Development Overlay; Laundromat, laundry (< 5,000 square feet); Loading spaces (serving another property); Lodge; Major utility facility; Mausoleum; Medical lab; Mobile home park; Neighborhood Conservation Overlay; Office, business; Office, medical; Office, professional; Parking reduction; Parking spaces (serving another property); Planned Residential Development Overlay; PWSF, ground-mounted; Radio broadcasting antenna; Restricted Residential Mixed Use Overlay; Sanitarium; Shaft mining; Swimming pool (commercial); Television broadcasting antenna; Tennis club, indoor (with/without restaurant & bar); Tennis club, outdoor (with/without restaurant & bar); Transfer of Development Rights; Union hall; University, college; Utility storage yard; Wind-driven electrical generator, pump; Youth organization (with/without living facility)

R-4 DENSITY, DIMENSIONAL, AND USE REGULATIONS

MINIMUM DISTRICT AREA:	No minimum
MINIMUM LOT AREA:	6,000 for SF 7,000 for 2F No min. for other permitted uses
MINIMUM AVG LOT WIDTH:	50' for SF 70' for 2F No min. for other permitted uses
MINIMUM AVG LOT DEPTH:	90' for SF, 2F No min. for other permitted uses
OTHER STANDARDS:	None for SF, 2F 20.10 for other permitted uses
MINIMUM FRONT YARD:	10' except that a 20' driveway must be provided
MINIMUM REAR YARD:	10'
MINIMUM CUMULATIVE FRONT AND REAR:	45'
MINIMUM SIDE YARD:	5'
MINIMUM SIDE YARD (STREET):	10'
MINIMUM CUMULATIVE SIDE AND SIDE STREET YARD:	N/A
OTHER STANDARDS:	Accessory Structures 35' for SF, 2F
MAXIMUM HEIGHT:	35' for other permitted uses, except if an add' setback of 2' for every 1' height in excess of 35' is provided

USES PERMITTED BY RIGHT

Assisted living facility (elderly); Boarding home facility; Borrow pit (related to construction operations); Child care facility, Type 6; Church; Communication utility facility; Community recreation facility; Concrete mixing or batching plant; Conservation covenant; Convalescent home; Detention basin (public/private); Duplex (two-family dwelling); Family home; Farm; Golf course > 75 acres (with/without restaurant & bar); Harvesting (field, tree, bush crops); Industrialized home; Intermediate care facility (elderly); Minor utility facility; Model dwelling; Nursery, greenhouse; Nursing home; Open space (common, public or private); Park, playground; Personal Wireless Service Facility (PWSF), facility-mounted; PWSF, roof-mounted; Railroad R.O.W.; Raising (field, tree, bush crops); Ranchette (>1 acre & <5 acres); Rest home; School, public, private or parochial (9 through 12); School, public, private or parochial (Pre-K through 8); Single-family attached dwelling (atrium, patio, townhouse, condominium); Single-family detached dwelling; Social, fraternal club; Stormwater open space; Stormwater retention pond (public/private); Streets and ROW (public/ private); Synagogue; Temple; Tents (special events); Utility green space; Water & wastewater utility facility

PERMITTED AS ACCESSORY USES

Accessory dwelling unit; Amateur & CB radio stations (federally licensed); Animals, keeping for enjoyment purposes; Barn; Cafeteria, school; Circus; Coin-operated vending machines (inside a building); Domestic garden house, toolhouse, playhouse; Domestic storage; Garage or lot, parking (private); Garage sale; Guest, employee quarters; Home occupation uses; Laundry room; Mobile office/storage unit (related to construction operations); Mobile office/storage unit (related to sales or rental); Neighborhood fair, carnival; On-premise advertising; On-site loading; On-site parking; Produce stand; Radio receiving station (residential-type); Recycling collection facility (small); Restaurant (sit down); Rummage sale; Sales stands (ranch & farm products); Satellite receiving dish, antenna; Sauna, exercise room; Solar conversion system; Swimming pool, game court (non-commercial); Television receiving station (residential-type); Temporary events on public rights-of-way; Yard sale

CITY COUNCIL APPROVAL OF A SPECIAL PERMIT REQUIRED

Airpad; Animal crematory; Art gallery; Bed and Breakfast (residence); Cemetery; Child care facility, Type 3; Child care facility, Type 7; Clinic; Convent; Crematorium; Drilling gas well; Drilling oil well; Golf course < 75 acres (with/without restaurant & bar); Golf driving range; Governmental use, building; Helipad; Historic Preservation Overlay; Hospital; Infill Development Overlay; Library; Loading spaces (serving another property); Lodge; Major utility facility; Mausoleum; Medical lab; Medical treatment facility; Monastery; Museum; Neighborhood Conservation Overlay; Orphanage, shelter; Parking reduction; Parking spaces (serving another property); Planned Residential Development Overlay; PWSF, ground-mounted; Radio broadcasting antenna; Restricted Residential Mixed Use Overlay; Sanitarium; Shaft mining; Television broadcasting antenna; Tennis club, indoor (with/without restaurant & bar); Tennis club, outdoor (with/without restaurant & bar); Transfer of Development Rights; Union hall; University, college; Utility storage yard; Wind-driven electrical generator, pump; Youth organization (with/without living facility)

ORDINANCES

Southwest corner of S. A. & M. G. Survey 266 and also the northwest corner of S. A. & M. G. Survey 267

FILED
 Date: 11/13/20
 City of El Paso
 11/13/20
 City Clerk

4765

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CITY

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

That the boundaries of the City of El Paso are hereby extended so as to annex to the City the following territory lying adjacent to the City limits as they are at present established:

Beginning at a point which marks the southwest corner of S. A. & M. G. Survey 266, and also the northwest corner of S. A. & M. G. Survey 267, thence east along the north right of way line of said Survey 267, a distance of two thousand eight hundred and thirty-one and ten hundredths (2,831.10) feet to a point that marks the northeast corner of said Survey 267;

Thence south along the east right of way of said Survey 267 a distance of two thousand eight hundred and eighty-five and fifty hundredths (2,885.50) feet to a point;

Thence South $71^{\circ} 41' 00''$ West a distance of one thousand five hundred and eighty-five and forty hundredths (1,585.40) feet to a point;

Thence North $18^{\circ} 19' 00''$ West a distance of two hundred and fifty-nine and no hundredths (259.00) feet to a point;

Thence South $71^{\circ} 41' 00''$ West, a distance of four hundred and eighty-one and forth hundredths (481.40) feet to a point which lies on the east right of way of U. S. Highway 80A (Doniphan Drive);

Thence North $18^{\circ} 16' 00''$ West, along the east right of way of said U. S. Highway 80A (Doniphan Drive) a distance of two thousand five hundred and fourteen and seven hundredths (2,514.07) feet to a point;

Thence North $17^{\circ} 55' 00''$ West along the east right of way of said U. S. Highway 80A (Doniphan Drive) a distance of nine hundred and forty-seven and forty-four hundredths (947.44) feet to a point;

Thence east a distance of two hundred and ninety-one and forty-six hundredths (291.46) feet to the point of beginning, containing 189.037 acres of land, more or less.

Mayor of El Paso

12/13/18
Date
12/13/18
City Clerk

6420

AN ORDINANCE ANNEXING
ADDITIONAL TERRITORY TO THE CITY

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

That the boundaries of the City of El Paso are hereby extended so as to annex to the City the following territory lying adjacent to the City limits as they are at present established:

A parcel of land which is located in the following surveys in El Paso County, Texas, and more particularly described as follows:

Hugh G. Foster Survey 262, S. J. Larkin Surveys 264, 265, 266, and 267, S.A. & M.G. Railroad Survey 266, W. H. Lenox Survey 432, Nellie D. Mundy Surveys 239, 240, 241, 242, 243, 244, 245, and 246, Laura E. Mundy Surveys 232, 234, 235, 236, 237 and 238, Clara A. Mundy Surveys 248, 249, 250, and 254, and Sections 5, 6, 9, and 10, Block 82, Township 1 in the County of El Paso, State of Texas, and being more particularly described as follows:

Commencing at the common southern corner of H. G. Foster Survey 262 and A. G. McMath Survey 298, said corner lying on the North line of H. G. Foster Survey 258 and also being the point of beginning; thence along the South line of H. G. Foster Survey 262, S. J. Larkin Surveys 265 and 264 and said line also being the north line of H. G. Foster Surveys 258, 257, 256, and S.A. & M.G. Railroad Survey 268, West, a distance of fifteen thousand eight hundred thirty-three and thirty-three hundredths (15,833.33) feet to the southwest corner of S. J. Larkin Survey 264.

Thence along the common line of S. J. Larkin Survey 264, and S. A. & M. G. Railroad Survey 266, North, a distance of one thousand three hundred eleven and thirty-four hundredths (1,311.34) feet to a point lying on the South right-of-way line of Medano Drive;

Thence along the South right-of-way line of Medano Drive, North 74°04'00" West, a distance of seven hundred seventy-one and seventy-two hundredths (771.72) feet to a point;

Thence continuing along the South right-of-way line of Medano Drive, North, 76°38'00" West, a distance of eight hundred twenty-four and eighty-six hundredths (824.86) feet to a point of curvature;

Thence continuing along the South right-of-way line of Medano Drive along the arc of a curve to the left a distance of one hundred seventy-one and ninety-nine hundredths (171.99) feet; said curve has a central angle of 38°47'00", a radius of two hundred fifty-four and nine hundredths (254.09) feet, and a chord bearing South 83°58'30" West, a distance of one hundred sixty-eight and seventy-three hundredths (168.73) feet to a point;

Thence continuing along the South right-of-way line of Medano Drive South 64°35'00" West, a distance of five hundred fourteen and sixty-eight hundredths (514.68) feet to a point of curvature;

Thence continuing along the South right-of-way line of Medano Drive along the arc of a curve to the left a distance of fifty-one and fifty-six hundredths (51.56) feet; said curve has a central angle of 04°17'00", a radius of six hundred eighty-nine and seventy-one hundredths (689.71) feet, and a chord bearing South 62°25'53" West, a distance of fifty-one and fifty-five hundredths (51.55) feet to

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a point, said point lying on the East right-of-way line of U. S. Interstate 10;

Thence along the East right-of-way line of U.S. Interstate 10, North 11°47'30" West, a distance of five hundred thirty-one and twenty-eight hundredths (531.28) feet to a point;

Thence continuing along the East right-of-way line of U. S. Interstate 10, North 04°40'00" West, a distance of two hundred one and fifty-six hundredths (201.56) feet to a point;

Thence continuing along the East right-of-way line of U. S. Interstate 10, North 11°47'30" West, a distance of one thousand one hundred seventy and seventy hundredths (1,170.70) feet to the intersections of said East right-of-way line of U.S. Interstate 10 and the extended North right-of-way line of Edgar Road;

Thence along the extended North right-of-way line of Edgar Road South 85°30'00" West, a distance of nine hundred thirty-two and fifty-four hundredths (932.54) feet to a point;

Thence along a line seven hundred and no hundredths (700.00) feet West and parallel to the centerline of U.S. Interstate 10, North 11°47'30" West, a distance of five thousand one hundred eighty-seven and ninety hundredths (5,187.90) feet to a point;

Thence continuing along the line seven hundred and no hundredths (700.00) feet West and parallel to the centerline of U.S. Interstate 10, North 00°04'30" East, a distance of twenty-thousand one hundred eighty-one and seventy-three hundredths (20,181.73) feet to a point, said point lying on the Extra Territorial Jurisdiction line of Vinton, Texas;

Thence along the Extra Territorial Jurisdiction line of Vinton, Texas, South 89°59'30" East, a distance of five hundred twenty-five and no hundredths (525.00) feet to a point of curvature;

Thence continuing along the Extra Territorial Jurisdiction line of Vinton, Texas, along the arc of a curve to the left a distance of four thousand one hundred forty-eight and eighty-two hundredths (4,148.82) feet; said curve has a central angle of 90°02'30", a radius of two thousand six hundred forty and no hundredths (2,640.00) feet, and a chord bearing North 44°56'45" East, a distance of three thousand seven hundred thirty-four and eighty-eight hundredths (3,734.88) feet to a point, said point lying on the Southern right-of-way line of Nashua Road;

Thence along the southern right-of-way of Nashua Road South 89°58'00" East, a distance of nine hundred fifty-five and seven hundredths (955.07) feet to a point, being the intersection point of the common line of Laura E. Mundy Surveys 233 and 234 and the West line of Clara A. Mundy Survey 254;

Thence along the common line of Laura E. Mundy Survey 233 and Clara A. Mundy Survey 254, North, a distance of two thousand nine hundred sixteen and sixty-seven hundredths (2,916.67) feet to a point,

Thence continuing along the common line of Laura E. Mundy Survey 233 and Clara A. Mundy Survey 254, East, a distance of nine hundred sixteen and sixty-seven hundredths (916.67) feet to a point, being the intersection point of the common line of Laura E. Mundy Surveys 233 and 232, and the north line of Clara A. Mundy Survey 254;

Thence along the common line of Laura E. Mundy Surveys 231, 232 and 233, North, a distance of four thousand four hundred ninety-four and fifty hundredths (4,494.50) feet to a point, said point lying on the Extra Territorial Jurisdiction line of Anthony, Texas;

Thence along the Extra Territorial Jurisdiction line of Anthony, Texas, along an arc of a curve to the left a distance of one thousand four hundred fifteen and two hundredths (1,415.02) feet; said curve has a central angle of $30^{\circ}42'37''$, a radius of two thousand six hundred forty and no hundredths (2,640.00) feet, and a chord bearing North $61^{\circ}46'59''$ East, a distance of one thousand three hundred ninety-eight and fifteen hundredths (1,398.15) feet to a point, said point lying on the common line of Maria Rodriguez Survey 35 and Laura E. Mundy Survey 232;

Thence along the common line of Maria Rodriguez Survey 35 and Laura E. Mundy Survey 232, East, a distance of four thousand one hundred ninety-four and eighty-two hundredths (4,194.82) feet to a point, being the intersection point of the common line of Maria Rodriguez Survey 35 and Laura E. Mundy Survey 232, and the west line of Clara A. Mundy Survey 250;

Thence along the common line of Maria Rodriguez Survey 35 and Clara E. Mundy Surveys 250 and 249, North, a distance of six thousand eight hundred eighty-two and eighty-one hundredths (6,882.81) feet to a point, being the intersection point of the common line of Maria Rodriguez Survey 35 and Clara A. Mundy Survey 248, and the west line of Clara A. Mundy Survey 249;

Thence along the common line of Maria Rodriguez Survey 35 and Clara A. Mundy Survey 248, West, a distance of three thousand three hundred sixty-six and forty-eight hundredths (3,366.48) feet to a point, said point lying on the East town limits line of Anthony, Texas;

Thence along the East town limits line of Anthony, Texas, North $00^{\circ}19'07''$ East, a distance of three thousand seven hundred thirty-three and thirty-nine hundredths (3,733.39) feet to a point, said point lying on the State line of New Mexico and Texas;

Thence along the State line of New Mexico and Texas, East, a distance of seven thousand seven hundred ninety-one and sixteen hundredths (7,791.16) feet to a point, being the intersection point of the common line of Clara A. Mundy Surveys 248 and 251, and the State line of New Mexico and Texas;

Thence along the common line of Clara A. Mundy Surveys 248, 249, 250, 251, 252, and 253, South, a distance of fifteen thousand seven hundred seventy-one and seventy hundredths (15,771.70) feet to a point, being the intersection point of the common line of Mundy Surveys 250 and 253, and the North line of Section 5, Block 82, Township 1;

Thence along the common line of Clara A. Mundy Survey 253 and Section 5, Block 82, Township 1, East, a distance of two thousand one hundred sixty and no hundredths (2,160.00) feet to a point; said point being the common corner of Clara A. Mundy Survey 253, Sections 3, 4, and 5, Block 82, Township 1;

Thence along the common section line of Sections 4, 5, 6, 7, 8, and 9, Block 82, Township 1, South, a distance of sixteen thousand one hundred thirty-five and ninety-eight hundredths (16,135.98) feet to a point, being the intersection point of the common line of Block 82, Township 1, and the North line of S. J. Larkin Survey 269;

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Thence along the common line of Section 9, Block 82, Township 1, and S. J. Larkin Survey 269, West, a distance of two thousand four hundred thirty-four and seventy-two hundredths (2,434.72) feet to a point, being the intersection point of the common line of Nellie D. Mundy Survey 246 and S. J. Larkin Survey 269, and the South line of Section 9, Block 82, Township 1;

Thence along the common line of Nellie D. Mundy Survey 246, S. J. Larkin Surveys 267, 268 and 269, South, a distance of ten thousand seven hundred thirty-nine and ninety-six hundredths (10,739.96) feet to a point, being the intersection point of the common line of S. J. Larkin Surveys 267 and 268, and the north line of S. J. Larkin Survey 266;

Thence along the common line of S. J. Larkin Surveys 268 and 266, East a distance of two thousand five hundred thirty-eight and eighty-nine hundredths (2,538.89) feet to a point, being the intersection point of the common line of S. J. Larkin Survey 266 and A. G. McMath Survey 297, and the south line of S. J. Larkin Survey 268;

Thence along the common line of S. J. Larkin Survey 266 and A. G. McMath Survey 297, south, a distance of one thousand nine hundred eleven and eleven hundredths (1,911.11) feet to a point, being the intersection point of the common line of S. J. Larkin Survey 266 and A. G. McMath Survey 297, and the north line of Hugh G. Foster Survey 262;

Thence along the common line of A. G. McMath Survey 297 and Hugh G. Foster Survey 262, east, a distance of three thousand two hundred twelve and twenty-six hundredths (3,212.26) feet to a point, said point being the northeast corner of Hugh G. Foster Survey 262;

Thence along the common line of Hugh G. Foster Survey 262 and A. G. McMath Surveys 297 and 298, south, a distance of five thousand two hundred seventy-seven and seventy-eight hundredths (5,277.78) feet to the point of beginning for this parcel of land.

Said parcel of land contains 23.35806 square miles of land, more or less.

It is the intent of this ordinance that upon annexation of the above territory, the extraterritorial jurisdiction of the City of El Paso shall expand in conformity with such annexation as provided in Article 970a, V.A.C.S., however, in no event shall such expansion cause the City of El Paso's extraterritorial jurisdiction to conflict with or reduce the existing one-half mile extraterritorial jurisdiction of the village of Vinton, Texas, the governing body of the village of Vinton not having given its written consent to a reduction in the village of Vinton's existing extraterritorial jurisdiction as required by section 3C, Article 970a. The one-half mile extraterritorial jurisdiction of the village of Vinton is hereby preserved as the same now exists

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and any territory now within the village of Vinton's extra-
territorial jurisdiction is hereby expressly excluded from the
City of El Paso's extraterritorial jurisdiction so that the same
shall remain under the jurisdiction of the village of Vinton.

PASSED AND APPROVED this 19th day of December, 1978.

ATTEST:

W. Riegs
City Clerk

[Signature]
Mayor
Pro-Tem

APPROVED AS TO FORM:

[Signature]
City Attorney

008173

AN ORDINANCE CHANGING THE ZONING
OF A PORTION OF TRACT 98C, SA&MG RR CO. SURVEY #267,
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 98C, SA&MG RR CO. SURVEY #267, as more particularly described by metes and bounds in the attached Exhibit "A" made a part hereof by reference, be changed from R-3 (Residential) to A-2 (Apartment) District within the meaning of the zoning ordinance and the zoning map of the City of El Paso be revised accordingly.

PASSED AND APPROVED this 2nd day of October, 1984.

Jonathan W. Riquelme
Mayor

ATTEST:

William C. Riquelme
City Clerk

APPROVED AS TO FORM:

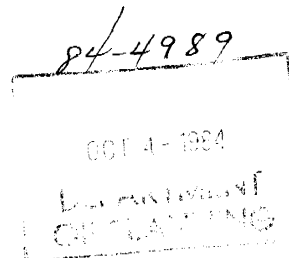
Jeff Alceda
Assistant City Attorney

APPROVED AS TO CONTENT:

Ray Gilgand
Planning, Research and
Development

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: L.D.
10-8-84 COUNTER
10-8-84 ORIGINAL
10-8-84 CONTROL
R. Riquelme

I certify that the zoning map has been revised to
reflect the amendment of ordinance #8173
R. Riquelme Date 10-8-84
008173



attached dated 10/2/84
(rec'd. 1-22-87)

Property Description: Portion of Tract 98C, S.A. & M.G. Railroad Survey No. 267, El Paso, El Paso County, Texas.

METES AND BOUNDS DESCRIPTION

The parcel of land herein described is a portion of Tract 98C, S.A. & M.G. Railroad Survey No. 267, El Paso, El Paso County, Texas, and is more particularly described by metes and bounds as follows:

Commencing at a point, said point being a found 1" pipe lying on the common northerly corner of S.A. & M.G. Railroad Survey No. 267 and S.A. & M.G. Railroad Survey No. 268; Thence, South 00° 11' 22" East, along the easterly boundary line of S.A. & M.G. Railroad Survey No. 267, a distance of 880.12 feet to a point, said point being a found 2" pipe lying on the southeast corner of La Paz Estates; Thence, South 00° 00' 53" East, continuing along said boundary line, a distance of 921.42 feet to a point, said point being a found 1/2" rebar lying on the common boundary line between Tracts 98B and 98C, S.A. & M.G. Railroad Survey No. 267, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, South 00° 06' 54" East, a distance of 316.21 feet to a point for a corner, said point lying on the common boundary line of Tracts 98A and 98C, S.A. & M.G. Railroad Survey No. 267;

THENCE, South 71° 41' 00" West, along said boundary line, a distance of 1185.75 feet to a point for a corner;

THENCE, North 18° 19' 00" West, a distance of 300.39 feet to a point for a corner, said point lying on the common boundary line of Tracts 98B and 98C, S.A. & M.G. Railroad Survey No. 267;

THENCE, North 71° 41' 00" East, along said boundary line, a distance of 1284.52 feet to the TRUE POINT OF BEGINNING of this description.

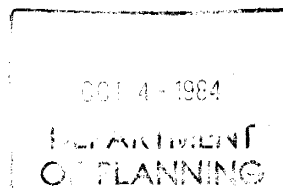
Said parcel of land contains 8.51744 acres (371,019.83 sq. ft.) of land more or less.

SUB-LAND, INC.
Consulting Engineers -- Land Surveyors

Robert R. Seipel

Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

August 21, 1984
Job Number 09-84-4984
3284A



84.4984

EXHIBIT "A"

RESOLUTION

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

That the Mayor be authorized to sign a contract with GEORGE HARBISON and ANGELA HARBISON, and R.C. SEMPLE, INC. placing certain restrictions, conditions and covenants on the property being rezoned by Ordinance No. 008173.

ADOPTED this 2nd day of October, 1984.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

OCT 4 - 1984

DEPARTMENT
OF PLANNING

CONTRACT

THIS CONTRACT, made this 2nd day of October, 1984, by and between GEORGE HARBISON and ANGELA HARBISON, First Parties, R.C. SEMPLE, INC., Second Party, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning a portion of Tract 98C, SA&MG RR CO. Survey #267, City and County of El Paso, Texas, which are more particularly described by metes and bounds in the attached Exhibit "A" which is made a part hereof by reference. To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to A-2 (Apartment) District within the meaning of the zoning ordinance of the City of El Paso, a subdivision plat shall be filed of record for the extension of Ridge Street prior to the issuance of any building permits.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

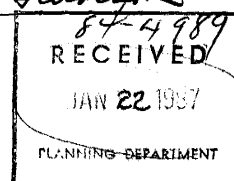
Second Party is the owner and holder of a recorded lien on the property and consents to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEAL:

FIRST PARTIES

George Harbison
George Harbison

Angela P. Harbison
Angela Harbison



Ord. #8173 (10/2/84)

R.C. SEMPLE, INC.
Second Party

By Helen R. Semple
Title Trustee for R.C. Semple Estate

ATTEST:

Secretary

THE CITY OF EL PASO
Third Party

By [Signature]
Mayor

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO CONTENT:

Planning, Research and
Development

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 30 day
of September, 1986, by George Harbison and Angela
Harbison..

[Signature]
Notary Public, State of Texas

My Commission Expires:

January 13, 1990

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this 2nd day of October
by Helen W. Semple, representative for R.C. SEMPLE,
INC.

[Signature]
Notary Public, State of Texas

My Commission Expires:

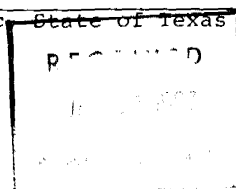
7/7/89

THE STATE OF TEXAS)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this ___ day
of October, 1986, by JONATHAN W. ROGERS, as Mayor
of the City of El Paso. 1986

My Commission Expires:

Notary Public, State of Texas



267, El Paso, El Paso County, Texas

METES AND BOUNDS DESCRIPTION

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Said parcel of land contains 8.51744 acres (371,019.83 sq. ft.) of land more or less.

SUB-LAND, INC.

Consulting Engineers -- Land Surveyors

Robert R. Seipel

Robert R. Seipel
Registered Public Surveyor
Texas License No. 4178

August 21, 1984
Job Number 09-84-4984
3284A

RECEIVED

JAN 22 1985

PLANNING DEPARTMENT

14,29

84-4989

CERTIFICATE OF OCCUPANCY

Pending.

DUPLICATE RECEIPT VIA WEB
Note: Not a valid proof of payment for a property tax overpayment refund



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

Certified Owner:

CORONA DEL VALLE LIMITED PARTNERSHIP
2512 S IH 35 STE 130
AUSTIN, TX 78704-5750

Legal Description:

1 CORONA DEL VALLE LOT 1 (9.0660 AC)

Parcel Address: 5453 RIDGE ST
Legal Acres: 9.0660

Deposit No: A12191981
Validation No: 900000056952250
Account No: **C791-999-0010-0100**
Operator Code: ITZEL

Remit Seq No: 42330708
Receipt Date: 12/19/2019
Deposit Date: 12/19/2019
Print Date: 12/21/2020 04:07 PM
Printed By: WEB USER

Prop ID No.: 234930

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2019	City Of El Paso	TL	2,181,007	0.907301	19,788.30	0.00	0.00	19,788.30
2019	El Paso Isd	TL	2,181,007	1.268350	27,662.80	0.00	0.00	27,662.80
2019	County Of El Paso	TL	2,181,007	0.488997	10,665.06	0.00	0.00	10,665.06
2019	El Paso Community College	TL	2,181,007	0.141167	3,078.86	0.00	0.00	3,078.86
2019	University Medical Center Of El Paso	TL	2,181,007	0.267747	5,839.58	0.00	0.00	5,839.58
					\$67,034.60	\$0.00	\$0.00	\$67,034.60

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Check Number(s):
007321

PAYMENT TYPE: PARTIAL PAYMENT

Checks: \$67,034.60

Exemptions on this property:

Total Applied: \$67,034.60

Change Paid: \$0.00

Account No: C791-999-0010-0100

PAYER:

CORONA DEL VALLE LIMITED PARTNERSHIP
2512 S IH 35 STE 130
AUSTIN, TX 78704-5750

915 212-0106

DUPLICATE RECEIPT VIA WEB
Note: Not a valid proof of payment for a property tax overpayment refund



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

Certified Owner:

CORONA DEL VALLE LIMITED PARTNERSHIP
2512 S IH 35 STE 130
AUSTIN, TX 78704-5750

Legal Description:

2 CORONA DEL VALLE LOT 1 (36473.00 SQ
FT)

Parcel Address: RIDGE ST
Legal Acres: 0.8373

Deposit No: A12191992
Validation No: 900000056956656
Account No: **C791-999-0020-0100**
Operator Code: ERICA

Remit Seq No: 42339138
Receipt Date: 12/19/2019
Deposit Date: 12/19/2019
Print Date: 12/21/2020 04:08 PM
Printed By: WEB USER

Prop ID No.: 257388

Year	Tax Unit Name	Rec Type	Tax Value	Tax Rate	Levy Paid	P&I	Coll Fee Paid	Total
2019	City Of El Paso	TL	313,853	0.907301	2,847.59	0.00	0.00	2,847.59
2019	El Paso Isd	TL	313,853	1.268350	3,980.75	0.00	0.00	3,980.75
2019	County Of El Paso	TL	313,853	0.488997	1,534.73	0.00	0.00	1,534.73
2019	El Paso Community College	TL	313,853	0.141167	443.06	0.00	0.00	443.06
2019	University Medical Center Of El Paso	TL	313,853	0.267747	840.33	0.00	0.00	840.33
					\$9,646.46	\$0.00	\$0.00	\$9,646.46

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- - <

Check Number(s):
007322

PAYMENT TYPE: PARTIAL PAYMENT

Checks: \$9,646.46

Exemptions on this property:

Total Applied: \$9,646.46

Change Paid: \$0.00

Account No: C791-999-0020-0100

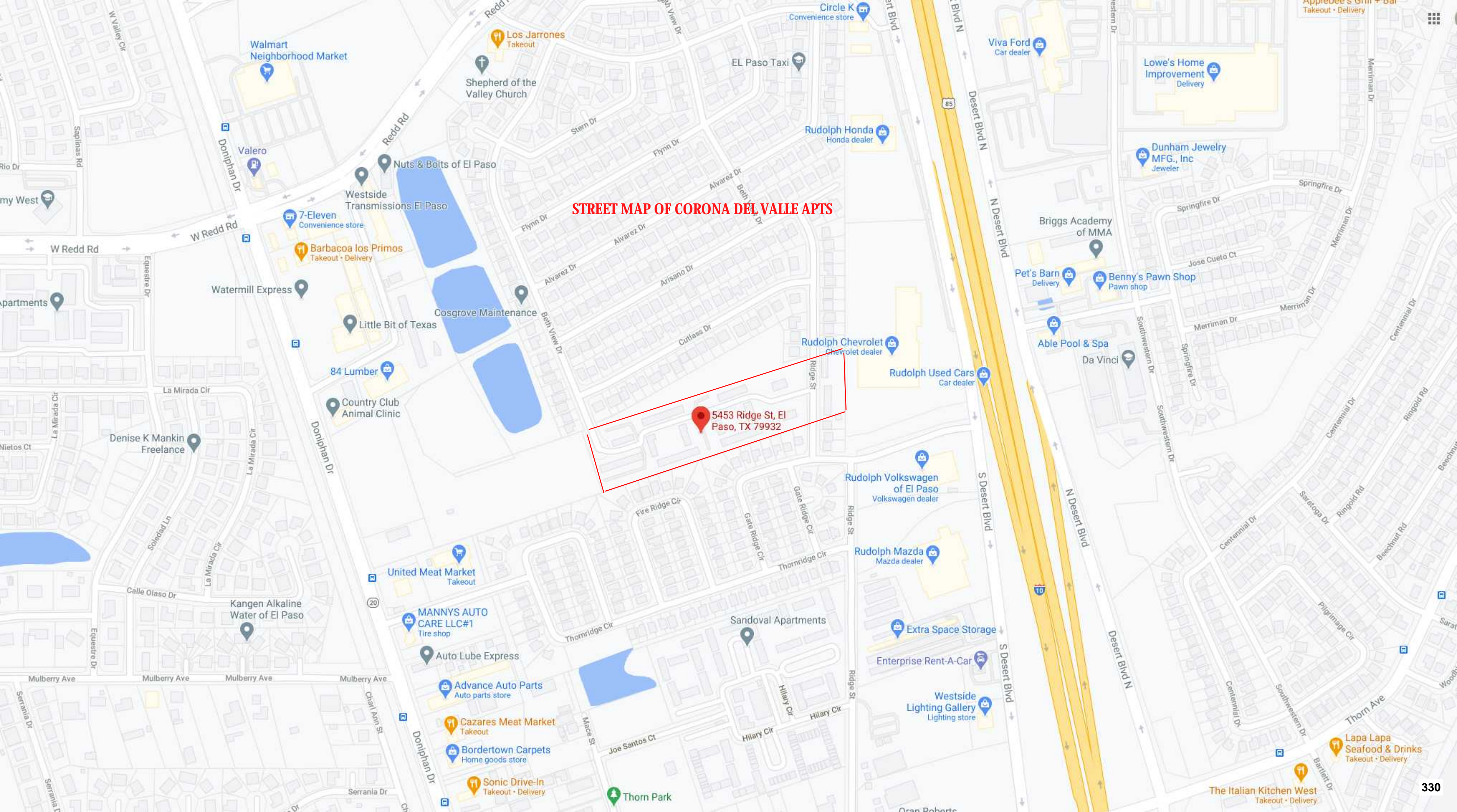
PAYER:

CORONA DEL VALLE LIMITED PARTNERSHIP
2512 S IH 35 STE 130
AUSTIN, TX 78704-5750

915 212-0106

STREET MAP OF CORONA DEL VALLE APTS

5453 Ridge St, El Paso, TX 79932





Legislation Text

File #: 21-125, Version: 1

CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM

All Districts

Community & Human Development, Nicole Ferrini, (915) 212-1659
Community & Human Development, Mark Weber, (915) 212-1682

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

STRATEGIC GOAL:

Goal 8 - Nurture and Promote a Healthy, Sustainable Community

SUBGOAL: 8.2 Stabilize neighborhoods through community, housing and ADA improvements

SUBJECT:

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

That the Mayor of the City of El Paso, Texas be authorized to sign a Resolution providing that the City of El Paso acknowledges that the proposed Sun Pointe Apartment project by the Housing Authority of the City of El Paso is located in a census tract that has a poverty rate above 55% for developments and that the City authorizes the development to move forward consistent with prior action taken by City Council on December 15, 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?

On December 15, 2020, City Council approved a resolution of support for HACEP's 2021 9% Competitive LIHTC proposal to the Texas Department of Housing and Community Affairs (TDHCA). TDHCA identifies the location of affordable housing in high poverty areas as a Neighborhood Risk Factor when evaluating 9% LIHTC proposals. In order to officially mitigate this concern, the City may provide a resolution acknowledging awareness that the proposed development is in a high poverty area and that the City confirms its support for the development in light of that acknowledgment.

Sun Pointe Apartments are an existing HACEP property and the proposed 9% LIHTC proposal will rehabilitate 101 of those units. As this is rehabilitation of existing affordable housing, the Department of Community + Human Development (DCHD) recommends that Council reaffirm its support for the tax credit development.

Sun Pointe Apartments LIHTC Development Summary

Applicant: Housing Authority of the City of El Paso (HACEP)

Developer: Housing Authority of the City of El Paso (HACEP)

Project Type: Rehabilitation

Location: District 2 - 4647 Maxwell Ave., 79904

of affordable units: 101 (69 units at 60% AMI, 21 units at 50% AMI, 11 units at 30% AMI)

Total cost of development: \$19,250,000
Tax Credits requested from TDHCA: \$1,200,000

PRIOR COUNCIL ACTION:

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

On December 15, 2020, Council approved a resolution of support and waiver of \$500 in permit fees for the 9% LIHTC Sun Pointe Apartments development.

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: Community and Human Development

AGENDA DATE: February 2, 2021 (Consent)

CONTACT PERSON/PHONE: Nicole Ferrini, Chief Resilience Officer, 212-1659, ferrininm@elpasotexas.gov
Mark Weber, CD Program Manager, 212-1682, webermc@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

That the Mayor of the City of El Paso, Texas be authorized to sign a resolution providing that the City of El Paso acknowledges that the proposed Sun Pointe Apartment project by the Housing Authority of the City of El Paso is located in a census tract that has a poverty rate above 55% for developments and that the City authorizes the development to move forward consistent with prior action taken by City Council on December 15, 2020.

BACKGROUND / DISCUSSION:

On December 15, 2020, City Council approved a resolution of support for HACEP's 2021 9% Competitive LIHTC proposal to the Texas Department of Housing and Community Affairs (TDHCA). TDHCA identifies the location of affordable housing in high poverty areas as a Neighborhood Risk Factor when evaluating 9% LIHTC proposals. In order to officially mitigate this concern, the City may provide a resolution acknowledging awareness that the proposed development is in a high poverty area and that the City confirms its support for the development in light of that acknowledgment.

Sun Pointe Apartments are an existing HACEP property and the proposed 9% LIHTC proposal will rehabilitate 101 of those units. As this is rehabilitation of existing affordable housing, the Department of Community + Human Development (DCHD) recommends that Council reaffirm its support for the tax credit development.

Sun Pointe Apartments LIHTC Development Summary

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Total cost of development: \$19,250,000
Tax Credits requested from TDHCA: \$1,200,000

PRIOR COUNCIL ACTION:

On December 15, 2020, Council approved a resolution of support and waiver of \$500 in permit fees for the 9% LIHTC Sun Pointe Apartments development.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD:



Nicole Ferrini, Chief Resilience Officer

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, on December 15, 2020 the City of El Paso provided the Housing Authority of the City of El Paso (HACEP) with a letter of support for the Texas Department of Housing and Community Affairs' (TDHCA) 2021 Competitive 9% Housing Tax Credits for the Sun Pointe Apartments project (Development); and

WHEREAS, the Texas Administrative Code (TAC) requires certain findings that were missing in the December 15, 2020 resolution.

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

1. That as provided for in 10 TAC §11.101(a)(3) of the Qualified Allocation Plan, it is hereby acknowledged that the proposed Development is located in a census tract that has a poverty rate above 55% for Developments in regions 13 for individuals; and
2. That the City of El Paso hereby confirms that its Governing Body has voted specifically to authorize the Development to move forward as evidenced by the Resolution of support issued by the City of El Paso on December 15, 2021.

APPROVED this _____ day of _____, 2021.

THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Laura Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicole M. Ferrini
Chief Resilience Officer



Legislation Text

File #: 21-151, **Version:** 2

**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: 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.

A Resolution authorizing the City Manager to sign an amendment to a Local Cash Match Agreement between the City of El Paso and Workforce Solutions Borderplex, Inc., reducing the amount of match certification of 45th Year (2020) Community Development Block Grant (CDBG) funds and Parks and Recreation Department General Funds from \$90,000.00 to \$43,327.08, to reflect actual expenditures.

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: Community and Human Development

AGENDA DATE: February 2, 2021 (Consent)

CONTACT PERSON/PHONE: Nicole Ferrini, Chief Resilience Officer, 212-1659, ferrininm@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

A resolution authorizing the City Manager to sign an amendment to a Local Cash Match Agreement between the City of El Paso and Workforce Solutions Borderplex, Inc., reducing the amount of match certification of 45th Year (2020) Community Development Block Grant (CDBG) funds and Parks and Recreation Department General Funds from \$90,000.00 to \$43,327.08, to reflect actual expenditures.

BACKGROUND / DISCUSSION:

In order to draw down available Texas Workforce Commission (TWC) federal matching funds for El Paso, our community is required to contribute child care services. The Workforce Solutions Borderplex, Inc. collaborates with other organizations to complete the required match. TWC allows for the contribution of matching funds to be in the form of a donation, transfer and/or the certification of expenditures on childcare services by a local public entity (e.g. cities, counties and school districts).

The City of El Paso has been asked to contribute to the match by certifying expenditures for its childcare programs. Department of Community + Human Development identified two programs (Neighborhood Youth Outreach Program and Sun Country Summer Youth Program) administered by the City of El Paso Parks and Recreation Department, under which expenditures may be utilized as certified matching funds by Workforce Solutions Borderplex, Inc. The amount of match certification is provided from the Community Development Block Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department and the City of El Paso Parks and Recreation general funds.

The original match certification was based on a projected expenditure amount of \$90,000. This amendment now certifies the actual expended funds (\$43,327.08) that are eligible to be applied to the cash match and allows for proper documentation of certified matching funds by Workforce Solutions Borderplex. Program delays and closures resulting from the COVID-19 pandemic resulted in fewer expended funds for the match.

This partnership results in an increase in the amount of childcare funding available to eligible families in El Paso.

PRIOR COUNCIL ACTION:

On February 18, 2020, Council approved the projected cash match certification amount of \$90,000.

AMOUNT AND SOURCE OF FUNDING:

\$43,327.08 in CDBG and Parks and Recreation General Fund.

BOARD / COMMISSION ACTION:

N/A

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

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

DEPARTMENT HEAD:


Nicole Ferrini, Chief Resilience Officer

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

RESOLUTION

WHEREAS, on February 18, 2020, City Council authorized the City Manager to sign a Memorandum of Understanding (MOU) with Workforce Solutions Borderplex to certify a projected Child Care Local Match Contribution of \$90,000; and

WHEREAS, an amendment to the Child Care Local Match Agreement is necessary to amend the projected certification amount from \$90,000 to the actual expenditures of \$43,327.08 which reflect actual services provided from the 45th year Community Development Block Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department and the City of El Paso Parks and Recreation general funds.

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

That the City Manager be authorized to sign the Child Care Local Agreement Amendment for the certification of services provided in the amount of \$43,327.08 as part of the 45th year Community Development Block Grant Funds (CDBG) awarded to the City of El Paso Parks and Recreation Department and the City of El Paso Parks and Recreation general funds.

APPROVED this _____ day of _____, 2021.

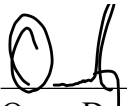
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

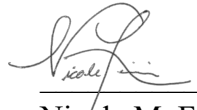
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De la Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicole M. Ferrini
Chief Resilience Officer

Child Care Local Match Agreement Amendment

NOTE: Amendments must be executed by both the Contributor and the Board prior to the current agreement end date.

NAME OF CONTRIBUTOR	City of El Paso	Amendment No.	1
---------------------	-----------------	---------------	---

EFFECTIVE DATE OF AMENDMENT	9/30/2020	PROGRAM NUMBER (Must match Agreement being amended)	1020CCMC07
-----------------------------	-----------	--------------------------------------------------------	------------

The Contributor and the Board seek to amend the Local Match Agreement referenced above in the following manner (CHECK ALL THAT APPLY):

X MODIFICATION TO PLEDGED LOCAL MATCH CONTRIBUTION					
DONATION AMOUNT	CURRENT AMOUNT	\$	INCREASE: \$	NEW AMOUNT	\$
			DECREASE: \$		
TRANSFER AMOUNT	CURRENT AMOUNT	\$	INCREASE: \$	NEW AMOUNT	\$
			DECREASE: \$		
CERTIFICATION AMOUNT	CURRENT AMOUNT	\$ 90,000	INCREASE: \$	NEW AMOUNT	\$ 43,327.08
			DECREASE: \$ 46,672.92		
<input type="checkbox"/> DONATION/TRANSFER PAYMENT OR CERTIFICATION SCHEDULE					

<input type="checkbox"/> MODIFICATION TO AGREEMENT PERIOD				
CURRENT	FROM*		TO	
NEW			TO	
*This date remains the same throughout the period of the Agreement.				


<input type="checkbox"/> MODIFICATION TO GENERAL TERMS OF AGREEMENT, including Use of Funds Description
<input type="checkbox"/> OTHER (DESCRIBE) _____

All other terms, conditions, and certifications of the Agreement not herein amended remain in effect and constitute promised performances by the Contributor and the Board.

SIGNATURES: The person signing this Agreement on behalf of the Contributor or the Board hereby warrants that he or she has been fully authorized by the organization to: execute this agreement on behalf of the organization; and

- validly and legally bind the organization to all the terms, performances, and provisions of this Agreement.

For the faithful performance of this Agreement, as amended, the parties below affix their signatures and bind their agencies.

	<u>CITY OF EL PASO</u> CONTRIBUTOR	<u>WORKFORCE SOLUTIONS BORDERPLEX</u> LOCAL WORKFORCE DEVELOPMENT BOARD
Signature		
Printed Name	Tomas Gonzalez	Leila Melendez
Title	City Manager	Chief Executive Officer
E-mail	citymanager@elpasotexas.gov	Leila.melendez@borderplexjobs.com

A. USE OF FUNDS DESCRIPTION:

The planned use of funds, including planned amounts, is described below. Use of funds must be in compliance with the state's Child Care and Development Fund (CCDF) Plan in effect for the contract period.

1. **Cash Contributions:** The description below addresses the Board's planned use of local and federal funds resulting from donation and transfer of funds agreements.

Fund Use		Planned Local and Federal Funding
Direct Child Care	The funds will be used: 1. for direct child care services provided; 2. for eligible children and families meeting TWC and Board's eligibility criteria; and 3. at child care providers eligible under TWC rules. Source of Local Funds: _____	\$
Child Care Quality Improvement	The funds will be used for quality improvement activities allowable under TWC rule §809.16. Source of Local Funds: _____	\$
Administration and Operations	The funds will be used for administration and operations in accordance with applicable federal regulations and Agency policies.	\$
TOTAL	Sum of Direct Child Care, Child Care Quality Improvement, and Administration and Operations subtotals	\$

2. **Certification of Expenditures:** The descriptions below describe (1) the allowable child care services or activities that resulted in local certified expenditures and the source of the local funds; and (2) the Board's planned use of the matched federal funds resulting from the certification of expenditures.

Fund Use		Planned Local Funding
Direct Child Care	Expenditures certified by the contributor resulted from: 1.direct child care services provided by: <u>City of El Paso</u> [child care provider or organization, or entity]; 2.direct child care services provided to children under 13 years of age; and 3.the amount of local match expenditures being proportional to the low-income population in the area served using the expenditures. Source of Local Funds: <u>CDBG, City</u>	\$ 43,327.00
Child Care Quality Improvement	Expenditures certified by the contributor resulted from quality improvement activities allowable under TWC rule §809.16. Source of Local Funds: _____	\$
Fund Use		Planned Federal Funding
Direct Child Care	The federal funds will be used: 1. for direct child care services provided: _____ [include a brief description of use of the funds *]; 2. for eligible children and families meeting TWC and Board eligibility criteria; and 3. at child care providers eligible under TWC rules. *No restrictions can be placed on use of funds by contributor.	\$ 82,321.00
Child Care Quality Improvement	The funds will be used for quality improvement activities allowable under TWC rule §809.16.	\$
Administration and Operations	The funds will be used for administration and operations in accordance with applicable federal regulations and Agency policies.	\$ 4,333.00
TOTAL	Sum of Direct Child Care, Child Care Quality Improvement, and Administration and Operations for Planned Local Funding and Planned Federal Funding	\$ 129,981.00

B. DONATION/TRANSFER PAYMENT(S) AND CERTIFICATION OF EXPENDITURES SCHEDULE: In compliance with Section 3(a) of this agreement, the contributor will remit payment or reports of actual expenditures in accordance with the completed schedule below.

1. Donation/Transfer Payment(s) (Local Funds):

	Donation/Transfer Date*	Actual Amount
1.		\$
2.		\$
3.		\$
4.		\$
5.		\$
6.		\$
7.		\$
8.		\$
9.		\$
10.		\$
11.		\$
12.		\$
TOTAL		\$

*Pursuant to TWC rule §800.73(a)(2), the donation(s)/transfer(s) must occur within the effective program year in which the funds are allocated.

2. Public Entity Certification of Expenditures (Local Funds):

	Certification Period*	Reporting Date**	Planned Amount of Expenditures
1.	From 10/1/19 to 12/31/19	3/2/20	\$ 24,412.71
2.	From 1/1/20 to 3/31/20	4/23/20	\$ 18,914.37
3.	From 4/1/20 to 6/30/20	8/20/20	\$ 0
4.	From 7/1/20 to 9/30/20	12/15/20	\$ 0
5.	From to		\$
6.	From to		\$
7.	From to		\$
8.	From to		\$
9.	From to		\$
10.	From to		\$
11.	From to		\$
12.	From to		\$
TOTAL			\$ 43,327.00

*Pursuant to TWC rule §800.73(a)(2), the certification(s) must occur within the effective program year in which the funds are allocated.

**Explanation is required below if reporting dates are outside the contract end date.

Time required for closeout of quarter

- Private donor cash donations—submit one original signed form to: TWC's Board/Adult Education and Literacy Grants department, 101 East 15th Street, Room 104T, Austin, Texas 78778-0001.
- Public Entity Transfers and Certifications—submit one copy of the signed form to the e-mail address ccm.agreements@twc.state.tx.us
- Please call the Board's assigned contract manager if you have questions. An individual may receive and review information that TWC collects by sending an e-mail to open.records@twc.state.tx.us or writing to TWC Open Records Unit, 101 East 15th Street, Room 266, Austin, Texas 78778-0001.

CCM-amendment1-City of El Paso

Final Audit Report

2021-01-07

Created:	2021-01-07
By:	Alondra McDuffie (alondra.mcduffie@borderplexjobs.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_P-Ezz4eeLoEsd2Lla_8NZwtrMZWfvqj

"CCM-amendment1-City of El Paso" History

-  Document created by Alondra McDuffie (alondra.mcduffie@borderplexjobs.com)
2021-01-07 - 9:30:13 PM GMT - IP address: 24.173.97.162
-  Document emailed to Leila Melendez (leila.melendez@borderplexjobs.com) for signature
2021-01-07 - 9:30:38 PM GMT
-  Email viewed by Leila Melendez (leila.melendez@borderplexjobs.com)
2021-01-07 - 9:58:35 PM GMT - IP address: 99.35.157.46
-  Document e-signed by Leila Melendez (leila.melendez@borderplexjobs.com)
Signature Date: 2021-01-07 - 9:58:53 PM GMT - Time Source: server - IP address: 99.35.157.46
-  Agreement completed.
2021-01-07 - 9:58:53 PM GMT



Legislation Text

File #: 21-126, Version: 1

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

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

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.

A Resolution that District 6 Representative, Claudia L. Rodriguez, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval.

BACKGROUND / DISCUSSION:

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

The City of El Paso is a member of Texas Municipal League ("TML") and has a permanent director at large seat on the TML Board. The El Paso director's position is currently vacant. Mayor Leeser recommends that District 6 Representative Claudia L. Rodriguez fill the position.

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 SUMMARY FORM

..Details

All Districts

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

..End

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.

..Title

A Resolution that District 6 Representative, Claudia L. Rodriguez, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval.

..End

BACKGROUND / DISCUSSION:

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

The City of El Paso is a member of Texas Municipal League ("TML") and has a permanent director at large seat on the TML Board. The El Paso director's position is currently vacant. Mayor Leeser recommends that District 6 Representative Claudia L. Rodriguez fill the position.

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

RESOLUTION

WHEREAS, the City of El Paso is a member of the Texas Municipal League ("TML"), a statewide organization that represents the interests of Texas cities at the state and federal levels; and

WHEREAS, the TML Board of Directors governs and conducts the affairs of TML, promotes interest in municipal government on a regional level, and facilitates the exchange of information among cities across the region; and

WHEREAS, the TML Board of Directors is comprised of a president, regional directors, affiliate directors, directors-at-large, and past presidents; and

WHEREAS, the City of El Paso has a permanent director-at-large seat on the TML Board of Directors; and

WHEREAS, only city officials of member cities may serve as directors; and

WHEREAS, having representation on the TML Board of Directors would provide greater influence at the regional and state levels for the City of El Paso; and

WHEREAS, TML requires that cities endorse their selected Board member through official City Council action;

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

That District 6 Representative, Claudia L. Rodriguez, be appointed as the City's representative to the Texas Municipal League Board of Directors effective upon City Council approval.

PASSED AND APPROVED this ____ day of February, 2021.

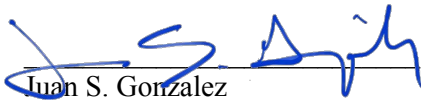
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Sr. Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs
Strategic Partnerships Officer



Legislation Text

File #: 21-164, Version: 1

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

Mayor and Council, Mayor Oscar Leaser, (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.

A Resolution that the Mayor elects to appoint District 1 Representative Peter Svarzbein to serve on the Texas Mayors of Military Communities committee.

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: Mayor and Council
AGENDA DATE: February 2, 2021
CONTACT PERSON: Mayor Oscar Leeser, (915) 212-0021
DISTRICT(S) AFFECTED: All Districts

SUBJECT:

That the Mayor elects to appoint District 1 Representative Peter Svarzbein to serve on the Texas Mayors of Military Communities committee.

BACKGROUND/DISCUSSION:

The City of El Paso is a member of the Texas Mayors of Military Communities and has a vacant position on the Committee. The Mayor has elected to appoint District 1 Representative Peter Svarzbein to serve on the committee.

PRIOR COUNCIL ACTION: None.

AMOUNT AND SOURCE OF FUNDING: None.

BOARD/COMMISSION ACTION: None.

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

DEPARTMENT HEAD:



RESOLUTION

WHEREAS, the City of El Paso is a member of the Texas Mayors of Military communities; and,

WHEREAS, the purpose of the Texas Mayors of Military Communities is to educate the legislature and public about the needs and benefits of communities that contain military installations; and,

WHEREAS, the Texas Mayors of Military Communities has been instrumental in advocating during the state legislative session for continued funding of the Defense Economic Adjustment Assistance Grant Program; and,

WHEREAS, the City of El Paso has received grant funding through the Defense Economic Adjustment Assistance Grant Program and has identified continued funding as a priority legislative initiative this legislative session;

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

That the Mayor elects to appoint District 1 Representative Peter Svarzbein to serve on the Texas Mayors of Military Communities committee.

PASSED AND APPROVED this ____ day of February, 2021.

THE CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Legislative Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs
Strategic Partnerships Officer



Legislation Text

File #: 21-137, Version: 2

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

Mayor and Council, Representative Henry Rivera, (915) 212-0007

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.

Ivan Lopez to the Historic Landmark Commission by Representative Henry Rivera, District 7.

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: 1/26/2021

TO: City Clerk

FROM: City Representative Henry Rivera

ADDRESS: 300 N. Campbell TELEPHONE 915.212.0007

Please place the following item on the (Check one): CONSENT X REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Re-appointment of Ivan Lopez to the Historic Landmark Commission by City Representative Henry Rivera, District 7

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Historic Landmark Commission

NOMINATED BY: City Representative Henry Rivera DISTRICT: 7

NAME OF APPOINTEE Ivan Lopez
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: N/A

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Ivan Lopez

EXPIRATION DATE OF INCUMBENT: 12/19/2020

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED _____
REMOVED _____

DATE OF APPOINTMENT: February 2, 2021

TERM BEGINS ON: December 20, 2020

EXPIRATION DATE OF NEW APPOINTEE: December 19, 2022

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: _____

2nd TERM: X

UNEXPIRED TERM: _____

Ivan Lopez

Designer | Alvidrez Architecture, Inc.
El Paso, Texas

Experienced Project Manager with a demonstrated history of working in the architecture + planning industry. Quality in design, construction documents, and office development.

Experience

Alvidrez Architecture, Inc.
Designer | Project Manager
January 2013 - Present

El Paso Community College Architecture Discipline Building
2017 Honor Award, American Institute of Architects
El Paso Chapter

Other Project Involvement

Sun Metro Maintenance + Operations
CoEP Streetcar Maintenance + Storage Facility
San Felipe Del Rio CISD Historical Renovation of Student
Performance Center + Administration Building

Community Design Resource Center
Designer
October 2012 - November 2012

Alvidrez Architecture, Inc.
Intern Architect
May 2010 - August 2011

Education

University of Houston
Bachelor of Architecture (BArch), Architecture · (2008 - 2012)



Legislation Text

File #: 21-105, Version: 2

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

Mayor and Council, Representative Joe Molinar, (915) 212-0004

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.

Holly Wright to the Civil Service Commission by Representative Joe Molinar, District 4.

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: January 13, 2021

TO: City Clerk

FROM: City Representative Joe Molinar

ADDRESS: 300 N. Campbell 2nd Floor El Paso, TX 79901 TELEPHONE (915) 212-0004

Please place the following item on the (Check one): CONSENT XXX REGULAR

Agenda for the Council Meeting of January 19, 2021 February 2, 2021

Re-appointment of Holly Wright to the Civil Service Commission by Representative Joe

Item should read as follows: Molinar – District 4

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Civil Service Commission

NOMINATED BY: Representative Joe Molinar DISTRICT: 4

NAME OF APPOINTEE Holly Wright
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: ST: ZIP: PHONE:

HOME ADDRESS: N/A

CITY: ST: 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: N/A

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: Holly Wright

EXPIRATION DATE OF INCUMBENT: January 31, 2021

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED
REMOVED

DATE OF APPOINTMENT: 02-02-2021

TERM BEGINS ON: 02-01-2021

EXPIRATION DATE OF NEW APPOINTEE: 01-31-2024

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM:

2nd TERM: X

UNEXPIRED TERM:

Holly Wright

Education Background: I have a Bachelor's degree of Science in Education. I received my degree in December 2009.

Employment History:

High school graduation June 2000

June 2000 – September 2002 Head Clerk/cashier at BP Convenience store

July 2004 – June 2005 Head night clerk/cashier and assistant manager at 2 Sunoco Convenience stores

July 2006 – August 2007 Waitress/Bartender at DC Ranch Entertainment and Reception Hall

September 2006 – November 2007 Waitress/Bartender for Carranor Country Club

January 2013 –present EPISD Substitute teacher for middle and high school children

Since graduating high school, I have worked many customer service jobs including several convenience stores as the clerk/cashier, and for six months I was the assistant manager at one of those convenience stores. I have also been a waitress, bartender, and a factory worker. In January 2013, I became a substitute teacher for EPISD.

References (Names & Phone Numbers):



Legislation Text

File #: 21-155, Version: 1

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

Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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.

Evi Marisa Licona to the Zoning Board of Adjustment in the Alternate Position by Representative Cissy Lizarraga, District 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

DATE: 01/27/2021

TO: City Clerk

FROM: City Representative Cissy Lizarraga

ADDRESS: 300 N. Campbell TELEPHONE 915-212-0008

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Appointment of Evi Marisa Licona to the Zoning Board of Adjustment in the Alternate Position

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Zoning Board of Adjustment

NOMINATED BY: Representative Cissy Lizarraga DISTRICT: 8

NAME OF APPOINTEE Evi Marisa Licona

(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: N/A

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):

N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Evi Marisa Licona
(unexpired)

EXPIRATION DATE OF INCUMBENT: 10/01/2020

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED _____
REMOVED _____

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 10/02/2020

EXPIRATION DATE OF NEW APPOINTEE: 10/01/2022

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____

LEGAL EXPERIENCE**EL PASO COUNTY ATTORNEY'S OFFICE | El Paso, TX | September 2017 – present****Principal Attorney**

Prosecute Deceptive Business Practice cases, thefts by check, and nuisance abatement cases. Provide screening of cases as well as victim guidance from intake of criminal cases through negotiation and litigation of these offenses. Provide law enforcement trainings, outreach and informational events to foster understanding and awareness about these crimes and how they impact individuals, families and our communities. Continuously engage in legal research and publication reviews to ensure justice is served and that appropriate services are provided to the victims of these crimes.

EL PASO COUNTY PUBLIC DEFENDER'S OFFICE | El Paso, TX | November 2012 – December 2015**Senior Trial Attorney**

Represented clients charged with misdemeanor and felony offenses from pre-indictment through trial. Developed proficiencies managing demanding caseloads, contested hearings, legal motions practice, and jury trials. Expanded legal advocacy skills in high-stakes negotiation, effective legal argument and client communications. Achieved favorable outcomes for hundreds, including clients faced with life sentences, mental illness, and first degree felonies. Accomplished positive results for clients through research, engagement of expert witnesses, and competent preparation.

LAW OFFICE OF EVI M. LICONA | Yakima, WA | January 2009 – July 2012**Attorney, Owner and Sole Proprietor**

Launched a successful solo practice, focused in criminal defense, civil, family, immigration and personal injury law. Trained and supervised paralegals and support staff, and developed business skills managing billable hours, payroll and accounts receivable.

Awarded Contracts: Department of Assigned Council Superior Court Panel Cases, 2011 – 2012, Office of Public Defense Dependency Contract, 2011 – 2012; City of Granger Public Defender Contract, April 2009 – 2012; City of Wapato Public Defender Contract, January 2010 – January 2011; Department of Assigned Council District Court Contract, April 2009 – August 2009.

YAKIMA VALLEY CREDIT UNION | Yakima, WA | October 2006 – October 2008**Chief Legal & Compliance Officer, AVP**

Analyzed internal regulatory compliance and interpreted federal regulations to achieve full compliance in all areas of financial institution. Drafted new programs and procedures, and trained staff in regulatory compliance. Assisted smaller credit unions in the Yakima Valley in compliance efforts and acted as counsel for member debt collections.

COLUMBIA LEGAL SERVICES (CLS) | Yakima, WA | January 2005 – August 2006**Staff Attorney**

Represented clients in administrative health and safety complaints and in policy advocacy for pesticide application and heat related illness (HRI). Drafted legislation as lead counsel on HRI rulemaking. Educated workers with brief services and outreach for pesticide exposure, HRI, education, prisoners' rights, wage and hour, wrongful discharge and drivers' license issues. Served as stakeholder on Labor and Industries' Heat Related Illness Emergency Rule and the Advisory Committee for Cholinesterase Monitoring Rule. Acted as a registered lobbyist under the Public Disclosure Commission in the state of Washington.

NEW MEXICO LEGAL AID, INC. | Las Cruces, NM | August 2002 – August 2004

Two-Year Equal Justice Works Fellow, Staff Attorney

Represented indigent farmworkers in mediations, depositions and trials under the NM Workers' Compensation Administration. Achieved lifetime medical benefits and monetary damages at trials. Created a farmworker advocacy group of community organizers, advocates and non-profits to improve working conditions and rights of farm laborers. Assisted private and government agency attorneys with individual cases involving housing and family law issues.

EDUCATION

JURIS DOCTOR

VERMONT LAW SCHOOL | South Royalton, VT | May 2002

Focus in International Law and Human Rights

Completed 11 Credits in International Trade, Environmental Law & Policy, Summer 2000

Honors: Jessup International Moot Court Team & Advisory Board Member, 2001 – 2002; Client Counseling Board Member and Semifinalist, 2000 – 2001

Community: Women's Law Group (WLG) Fundraising Co-Chair, 1999 – 2000; Latin American Law Students' Association (LALSA) Secretary, 1999 – 2002; National Lawyers Guild (NLG) Member, 2000 – 2002

BACHELOR OF BUSINESS ADMINISTRATION

NEW MEXICO STATE UNIVERSITY (NMSU) | Las Cruces, NM | May 1999

Majors: International Business and Economics, Minors: Spanish and Waste Management

Honors: Waste Management, Education & Research Consortium Fellowship Recipient, 1998 – 1999; Crimson Scholar & Regents Scholarship Recipient, 1994 – 1995; Honors Program, 1994 – 1997

Study Abroad: Spanish Intensive Study at Tecnológico de Monterrey, Nuevo León, México, Spring 1997

PROFESSIONAL LICENSES AND RECOGNITION

PROFESSIONAL LICENSES & AWARDS

- ~ Admitted to State Bar of New Mexico, 2003
- ~ Admitted to Washington State Bar Association (WSBA), 2005
- ~ Admitted to State Bar of Texas, 2012
- ~ Admitted to Texas Bar College, 2015
- ~ Member El Paso Bar Association, 2018 to present
- ~ Better Business Bureau Roundtable Workgroup, 2019 to present
- ~ Attorney of the Year Award, County Attorney's Office, 2019-2020
- ~ 37th Annual Texas Criminal Trial College Criminal Defense Lawyers Project Participant, March 2013
- ~ Recognized for Pro Bono Service by NWIRP (NW Immigrant Rights Project), 2012
- ~ Recognized for Pro Bono Service by WBSA, 2010 and 2011
- ~ First recipient awarded Equal Justice Works fellowship in New Mexico, August 2002



Legislation Text

File #: 21-143, Version: 2

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

Mayor and Council, Representative Alessandra Annello, (915) 212-0002

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.

Mark Wancho to the Open Space Advisory Board by Representative Alessandra Annello, District 2.

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: 1.26.21

TO: City Clerk

FROM: City Representative Alessandra Annello

ADDRESS: 300 N. Campbell TELEPHONE 915-212-0002

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Appointment of Mark Wanchow to the Open Space Advisory Board by City Representative

Item should read as follows: Alessandra Annello.

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Open Space Advisory Board

NOMINATED BY: City Representative Alessandra Annello DISTRICT: Two

NAME OF APPOINTEE Mark Wanchow

(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Don Baumgardt

EXPIRATION DATE OF INCUMBENT: 06/30/21

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: _____
RESIGNED X
REMOVED _____

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 02/02/2021

EXPIRATION DATE OF NEW APPOINTEE: 06/30/21

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: _____

2nd TERM: _____

UNEXPIRED TERM: X

Mark Wancho

Experience

IT Services

October 2004 – October 2008

- Computer Net Solutions
 - Desktop, server, network and printer installation and support.
 - Project design and management.
- Compumedics, Ltd.
 - Sleep lab installation and support.
 - Network administration.
- Makios Technology
 - Desktop, server, network and printer installation and support.
 - Remote network management.

IT Services - Sole Proprietor

October 2008 - Present

- Business computer network consulting.
- Project design and management.
- Desktop, server, network, and printer installation and support.
- Purchasing and service subcontracting.

Education

Eastwood High School

1999

High School Diploma. Band, soccer, technical theater.

El Paso Community College

2005

Associate of Applied Science in Microcomputer Telecommunications and Networking.

Community Service

Borderland Mountain Bike Association

December 2019 - Present

Board of Directors

- Membership management database and newsletter integration.
- Website editing.
- Monthly discussion of BMBA matters, community outreach, event planning.
- Correspondence with city and community leaders regarding open space trail cleanup and maintenance efforts.



Legislation Text

File #: 21-152, Version: 1

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

Mayor and Council, Representative Claudia L. Rodriguez, (915) 212-0006

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.

Fernando Delgado to the Parks and Recreation Advisory Board by Representative Claudia L. Rodriguez, District 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?

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: 02/02/2021

TO: City Clerk

FROM: City Representative Claudia L. Rodriguez, District 6

ADDRESS: 300 N. Campbell TELEPHONE (915) 212-0006

Please place the following item on the (Check one): CONSENT XXX REGULAR

Agenda for the Council Meeting of February 02, 2021

Item should read as follows: Appointment of Fernando Delgado to the Parks and Recreation Advisory Board by City Representative Claudia L. Rodriguez, District 6

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Building and Standards Commission

NOMINATED BY: City Representative Claudia L. Rodriguez DISTRICT: 6

NAME OF APPOINTEE Fernando Delgado
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS:

CITY: ST: ZIP: PHONE:

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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:

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: Sandra Olivar

EXPIRATION DATE OF INCUMBENT: 10/14/2021

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED:

RESIGNED

REMOVED X

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 02/02/2021

EXPIRATION DATE OF NEW APPOINTEE: 10/14/2021

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM:

2nd TERM:

UNEXPIRED TERM: X



FERNANDO DELGADO

EXPERIENCE

Socorro Independent School District

Special Education Instructional Aide | August 2015 - Present

- TEA Certified
- Assist special education students with school assignments and transition of classes throughout the day.
- Provide support and help when needed.
- Provide assistance in community-based intervention (CBIs), and weekly CBI work experience.
- Assist and modify assignments when needed or required.
- Assume responsibilities when teacher is not present.
- Provide instructional support for teachers to help students grasp the lesson or topic.
- Assist in yearly Special Olympic Games.

Ysleta Independent School District

AVID Tutor | August 2012 – June 2015

- Provide support and help for AVID students.
- Contact parents regarding grades, classwork, and academic progress.
- Assist students with classwork.
- Provide before school and after school tutoring.

EDUCATION

Bachelor of Science in Information Technology – Networking

Capella University | Minneapolis, MN

2012 – 2015

Associate of Arts

El Paso Community College | El Paso, TX

2007 – 2011

Valle Verde Early College High School

2007 - 2011

COMMUNITY

- FC Dallas El Paso 2007 | Head Coach | 2015 – Present
- FC Dallas El Paso 2012 | Head Coach | 2018 – Present
- Paso Del Norte Soccer League Volunteer | 2015 – Present



Legislation Text

File #: 21-114, Version: 2

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

Mayor and Council, Representative Joe Molinar, (915) 212-0004

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.

Mark-Thomas Bray to the Ethics Review Commission by Representative Joe Molinar, District 4.

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: January 25, 2021

TO: City Clerk

FROM: City Representative Joe Molinar

ADDRESS: 300 N. Campbell 2nd Floor El Paso, TX 79901 TELEPHONE (915) 212-0004

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Appointment of Mark-Thomas Bray to the Ethics Review Commission by Representative Joe

Item should read as follows: Molinar – District 4

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Ethics Review Commission

NOMINATED BY: Representative Joe Molinar DISTRICT: 4

NAME OF APPOINTEE Mark-Thomas Bray
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____ PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: ETHICS COMMISSION 01-2016 TO 12-2019

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):

N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Thomas C. Roepke

EXPIRATION DATE OF INCUMBENT: 02-20-2021

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X

RESIGNED _____

REMOVED _____

DATE OF APPOINTMENT: 02-02-2021

TERM BEGINS ON: 02-21-2021

EXPIRATION DATE OF NEW APPOINTEE: 02-20-2023

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____

MARK-THOMAS BRAY

PROFILE:

United States Army veteran, seasoned management and system-of-systems engineering professional with experience managing multiple, simultaneous projects focusing on experimentation, evaluation and test engineering under contracts with the Department of Defense. Proven leader demonstrated both by successful command in the Army and as positively rated Task Lead and Project Lead for numerous Department of Defense Task Orders. Primary focus has continually been on development of strong, cooperative, and positive relationships with superiors, peers and subordinates. History of mentoring and motivating others while balancing accomplishment of the technical tasks with administrative responsibilities. Adept at planning, preparation, execution and documentation of missions and functions. Over twenty years of analytical experience implementing operations research and systems analysis tools and techniques.

Active in community and supportive of civic engagement. Earned Eagle Scout rank from Boy Scouts of America.

EXPERIENCE:

Mar 2017 – Present **SAWTST, LLC** **El Paso, TX**
Program Manager – Test and Evaluation Technical Support Services

- Provide technical guidance and oversight of the contract in such areas as Engineering, Program Management, Operations, Test Support and Financial and Administrative activities
- Develop work plans, support schedules, weekly/monthly status reports, and plan resources to ensure timely, accurate and quality performance standards are achieved within a safe environment
- Conduct interviews, hire/terminate staff members, conduct performance evaluations, and mentor employees to ensure the best support possible is provided to government client
- Review reports and records of activities to ensure progress is being accomplished toward specified program objectives and modify or change methodology as required redirecting activities to attain objectives
- Control expenditures in accordance with budget allocations
- Recognized as SAWTST's 2018 Manager of the Year

Dec 2014 – Mar 2017 **Kratos Defense and Security Solutions Inc.** **El Paso, TX**
Fires Liaison Officer/Force 2025 Analyst/Subject Matter Expert

- Liaised and coordinated among the U.S. Army Fires Center of Excellence, the Brigade Modernization Command, the Army Test and Evaluation Command, the System of Systems Engineering and Integration Directorate, and other units and agencies on Fort Bliss and White Sands Missile Range
- Provided support to near-term Fires mission command gap mitigation efforts, concentrating on those initiatives and capabilities enabling development, harvesting and dissemination of field artillery and air defense artillery information throughout the U.S. Army down to the tactical edge
- Supported the refinement of Fires concepts, doctrine and development of tactics, techniques and procedures for fighting Army Fires forces
- Advised U.S. Army Fires Center of Excellence on development of 5-Year Plan for field artillery and air defense artillery modernization

Sep 2013 – Dec 2014 **Independent Consultant** **El Paso, TX**
Senior Operations Research Analyst / Business Operations Manager

- Provided short-term solutions to technical management challenges in order to limit overhead costs
- Supported analytical processes to examine future business process requirements and capabilities while identifying areas of risk (primarily for U.S. Army systems and organizations)

Feb 1998 – Sep 2013 Research Analysis & Maintenance, Inc. (RAM, Inc.)

El Paso, TX

Lead Military Analyst / Project Manager

- Led RAM team in applying system of systems engineering principles and techniques to support various contracts in pursuit of cost-effective, integrated, and synchronized solutions for test, training and analysis challenges
- Provided test engineering, experimentation and demonstration design, analytical, and data management support to military organizations
- Conducted a broad variety of analyses to define and evaluate future Army Air Defense Artillery, Field Artillery and Airspace Management material and non-material requirements, procedures and strategies
- Provided technical analysis and was primary author of the technical annex to the Joint Tactical Air Picture Joint Distributed Engineering Plant technical demonstration report documenting architecture planning and implementation – this resulted in a near-term capability for joint aerial track management integrating sensor networks and tactical data links to produce a common tactical air picture across the Joint Force
- Led group of subject matter experts in devolving air and missile defense mission command issues into quantifiable essential elements of analysis with corresponding measures for a series of experiments – these resulted in recommended improvements for enhanced data exchange rates and Internet Protocol based data exchange for air and missile defense engagement operations
- Oversaw analytical efforts on behalf of the client organization during a series of excursions with Air Force Northern Command, resulting in recommended procedures for integrating Patriot missile systems into the architecture for Homeland Defense

VOLUNTEER EXPERIENCE:

Aug 1992 – Present	Volunteer	Humane Society Telethon
Jan 2016 – Dec 2019	Commissioner	City of El Paso Ethics Review Commission
Mar 2018 – Sep 2019	Board Member	Showtime! El Paso
Feb 2017 – Feb 2019	Volunteer	Rio Grande Cancer Foundation
Jan 2012 – Jan 2017	Vice-President	Castner Heights Neighborhood Association
Nov 2009 – Nov 2011	Secretary	Susan G. Komen Race for the Cure

EDUCATION/TRAINING:

Bachelors of Science, Computer Science, University of Texas at El Paso, El Paso, Texas, 1983

Graduate, City of El Paso 9th Neighborhood Leadership Academy, June 2015

Graduate, City of El Paso 1st Advanced Neighborhood Leadership Academy, September 2015

Honor Graduate, Operations Research/Systems Analysis Military Applications Course, Fort Lee, Virginia, 1992

Honor Graduate, Intelligent Technologies for Operations Research Course, Fort Lee, Virginia, 1992

Graduate, U.S. Army Combined Arms and Services Staff School, Fort Leavenworth, Kansas, 1989

Graduate, Ordnance Officer Advanced Course, Redstone Arsenal, Alabama, 1987

Graduate, Ordnance Officer Basic Course, Redstone Arsenal, Alabama, 1983



Legislation Text

File #: 21-117, 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.

Danny Perea to the El Paso Bond Overview Advisory Committee 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: 1.25.21

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 2.2.21

Appointment of Danny Perea to the El Paso Bond Overview Advisory Committee by

Item should read as follows: Representative Cassandra Hernandez, District #3

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: El Paso Bond Overview Advisory Committee

NOMINATED BY: City Representative Cassandra Hernandez DISTRICT: 3

NAME OF APPOINTEE Danny Perea

(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

HOME ADDRESS: N/A

CITY: N/A ST: TX ZIP: N/A PHONE: N/A

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: N/A

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): N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Juan Hector Gil II

EXPIRATION DATE OF INCUMBENT: 12.31.20

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED
REMOVED

DATE OF APPOINTMENT: 2.2.21

TERM BEGINS ON : 1.1.21

EXPIRATION DATE OF NEW APPOINTEE: 12.31.24

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X
2nd TERM:
UNEXPIRED TERM:



PROFESSIONAL SUMMARY

I have 5+ years of experience in executive leadership positions. I possess and exhibit strong leadership skills, with steadfast resolve and personal integrity.

I have a strong understanding of advanced business planning and regulatory issues with a solid grasp of data analysis and performance metrics. I am able to diagnose problems quickly coupled with foresight into potential hindrances and risk management liability.

SKILLS

- Fiscal oversight
- Long-range goal setting
- Strategic planning
- Operations oversight
- Business development
- Decision making
- Business forecasting
- Compliance management
- Written communication

EXPERIENCE

Chief Operating Officer

February 2006 - Current

Tropicana Properties | El Paso, TX

- Collaborate with the CEO in setting and driving organizational vision, operational strategy, and hiring needs
- Translate strategy into actionable goals for performance and growth helping to implement organization-wide goal setting, performance management, and annual operating planning
- Oversee company operations and employee productivity, building a highly inclusive culture ensuring team members thrive and organizational outcomes are met
- Ensure effective recruiting, onboarding, professional development, performance management, and retention
- Adhere to company, federal, state, and local business requirements, enforcing compliance and taking action when necessary
- Analyze internal operations and identify areas of process enhancement
- Develop actionable business strategies and plans that ensure alignment with short-term and long-term objectives developed in tandem with the CEO
- Directly oversee operations, HR, and accounting, and partner with the CEO on sales management to budget for sufficient investment capital to achieve growth targets over the near term
- Aggressively manage expenses to ensure the company achieves financial targets relative to profitability
- Monitor performance with tracking and establish corrective measures as needed, and prepare detailed reports, both current and forecasting
- Accomplished numerous short- and long-term goals with successful alignment of business strategies.
- Maximized profits with enhanced financial controls and business development programs.
- Fostered positive relationships with industry partners, leveraging connections to implement strategic plans.

- Transformed internal structure to meet changing operational demands.
- Organized and approved promotional campaigns.

EDUCATION

Business Management

UTEP, El Paso, TX

VOLUNTEER

Next Gen Chairman

May 2019 - Current

EPAA | El Paso, TX

- Spearheaded and launched Next Gen EPAA organization from ground up, handling all facets of initial and ongoing operations.
- As Chairman of Next Gen EPAA, I engage the next generation of multi-housing leaders by offering a platform to facilitate their career development with the goal of expanding EPAA.
- Increased Association's revenue by directing and coordinating innovative fundraising and Next Gen engagement strategies.
- Promoted organization to public with smooth and professional speeches.



Legislation Text

File #: 21-159, Version: 1

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

Mayor and Council, Representative Henry Rivera, (915) 212-0007

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.

Emma Acosta to the El Paso Bond Overview Advisory Committee by Representative Henry Rivera, District 7.

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: 1/27/2021

TO: City Clerk

FROM: City Representative Henry Rivera

ADDRESS: 300 N. Campbell TELEPHONE 915.212.0007

Please place the following item on the (Check one): CONSENT X REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Appointment of Emma Acosta to the El Paso Bond Overview Advisory Committee (BOAC) by City Representative Henry Rivera, District 7

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: El Paso Bond Overview Advisory Committee (BOAC)

NOMINATED BY: City Representative Henry Rivera DISTRICT: 7

NAME OF APPOINTEE Emma Acosta
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____ PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES:

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Robert Fierro

EXPIRATION DATE OF INCUMBENT: 12/31/2020

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED _____
REMOVED _____

DATE OF APPOINTMENT: February 2, 2021

TERM BEGINS ON: January 1, 2021

EXPIRATION DATE OF NEW APPOINTEE: December 31, 2024

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____

EMMA ACOSTA

Professional Summary

Accomplished and energetic Administrator with a solid history of achievement in Management of large organizations. Motivated leader with strong organizational and prioritization abilities. Areas of expertise include public speaking, Critical Thinking, Judgment and Decision Making, Personnel and Human Resources Management, Management of Financial Resources, Transportation Operations Analysis and Bi-lingual in English and Spanish.

Education

Webster University, St. Louis, MO MBA
University of Texas at El Paso (UTEP) BBA

May 2004
May 1994

Experience

PRESIDENT/OWNER

01/2004 to Present

EMMACOSTA CONSULTING SERVICES

Provide consulting services to small businesses and nonprofit agencies in the areas of public relations, marketing, management, grant writing. Develop media and marketing plans that would meet the needs and budget of businesses. Analyze and develop workflow techniques for efficiency and effectiveness. Develop human resource policies as needed, train employees on policies, use of Microsoft software, Outlook. Assist in government relations or business issues. Services provided to nonprofit and for-profit businesses and agencies.

Grants Manager

Books Are Gems – El Paso,

TX01/2019 to Present

Research grant opportunities for the organization in securing funding for the purchase of books to be given to children to increase literacy rates in El Paso. Grant research includes securing funding for a Summer Reading Program for students in all El Paso School Districts. Write grants to local, state, federal governments as well as various foundations, local businesses, and community leaders. Develop fundraising initiatives with other organizations. Develop and maintain databases of books given to children and to teachers.

City Representative

06/2008 to 06/2017

City of El Paso – El Paso, TX

Served two years as Mayor Pro Tempore and Two years as Deputy Mayor Pro Tempore. Considerable knowledge of city organizational structures, extensive Public speaking in English and Spanish with the public, members of the media, the general public and other elected officials with various levels of government to include local, state, and federal officials. Develop public relations strategies using various marketing and media outreach, staff management, grant writing, media and other areas that may be requested. Coordinate meetings with other elected officials, various civic and community organizations, lobbyists, and individual members of the public. Initiated, programmed and executed city wide projects such as the Welcome Home Vietnam Veterans for over 2,000 Vietnam Veterans all funded by the private sector. Represent the City in other organizations and public events as necessary.

Executive Assistant

01/2005 to 12/2005

County of El Paso – Commissioner's Court

Assigned to Commissioner for Precinct 3. Coordinate meetings with other elected officials, various civic and community organizations, lobbyists, and individual members of the public to provide input on Commissioner and County issues. Meet with other departments on issues related to the Precinct and weekly commissioners court agenda. Respond to citizens issues and assist in resolving issues, attend meetings and represent the commissioner on boards and committees.

EMMA ACOSTA

DIRECTOR of Environmental Services

01/1994 to 01/2004

City of El Paso – El Paso, TX

Direct all department operations to include: Formulate, analyze, and manage a \$25 million operating/revenue budget and approximately \$11 million capital budget. Lead a staff of approximately 300 employees including professional, paraprofessional, and labor personnel in providing services to approximately 140,000 residential customers, and approximately 2,000 commercial customers. Ensure compliance of all local, state and federal environmental laws, implement employee safety programs including CDL drug testing policies & programs to minimize worker compensation costs, market development of services, short- and long-range planning and forecasting. Established Public Awareness Campaigns utilizing various types of media such as television, radio, newspaper, billing inserts, and community outreach. Coordinated efforts of several agencies in county wide community projects and enforcement efforts.

ADMINISTRATIVE ANALYST - OFFICE OF MANAGEMENT & BUDGET

01/1992 to 01/1994

CITY OF EL PASO, TX – El Paso, TX

Met with assigned departments to develop, monitor, and implement annual budgets as well as special revenue budgets. Departments included finance, Airport, Purchasing, Economic Development. Internal Service Funds, Worker compensations fund, employee health fund, unemployment insurance fund. Developed, monitored, and analyzed Health and Worker Compensation Funds, determined annual budgets and revenue forecasting for developing employee health premiums. Conducted rate analysis for implementing user fees for several departments including Solid Waste Management, Parks, Internal Service Departments, and other city fees. Developed program, budgeted, implemented and supervised and maintained city's fixed Assets and information system.

ADMINISTRATIVE ANALYST - Public Works Department

01/1990 to 01/1992

City of El Paso – El Paso, TX

Analyzed departments requests for capital projects, Developed, project list and associated budget, monitored City's Capital Project List for Bond Sales Developed and implemented rate structure for Equipment Maintenance Internal Charges to user departments, developed budget and analyzed expenditures monthly, quarterly, and annually. Assisted public works departments such as public works, streets, permits, inspections, transportation, environmental services, and fleet services in developing annual budget, monitoring budgets and addressing unforeseen needs. Kept abreast of state and national laws, rules and regulations pertaining to the Public Works group of departments. Informed Director and department heads as to changes, operational costs based on changes in laws, and implementation strategies. Met with local, state, and federal elected officials on issues pertaining to the various departments. Met with lobbyists to determine addressing issues of concern on laws that were pending.

Developed budget, monitored, and Implemented National Pollutant and Discharge Elimination System (NPDES) permit for storm water project. Met with consultants and citywide department heads and elected officials.

FINANCIAL SYSTEMS ANALYST

01/1985 to 01/1990

CITY OF EL PASO Financial Services – El Paso, TX

Developed methodology for all input of financial data into city's financial information system, supervised data entry personnel, monitored entries into the systems general ledger, developed special ad hoc reports for various financial needs of management. Information systems included; Accounting, Payroll, Pension, Internal Charges, Bank reconciliation. Developed interface system with financial banking system and the city's financial system for accountability and efficient bank balance and bank reconciliations. Ensured all financial programs functioned for proper accounting controls and reporting Developed and Implemented city wide Cashier System, Documented system information and trained users. Met with users at all levels from department heads to clerical staff, trained users on interpretations of system reports, and developed reports as per requests. Recommended changes to city's Comprehensive Financial Annual Report (CAFR) as well as system requirements according to Generally Accepted Accounting Standards (GAAP)

EMMA ACOSTA

Former Affiliations

Metropolitan Planning Organization – Board Member
City of El Paso Financial and Audit committee member
Texas Municipal League Board of Directors
National Association of Latin Elected & Appointed Officials - member
National Association of Human Resource Management – Member
City of El Paso Employees' Pension Board – Member
Evolve Federal Credit Union, 1st Vice President

Current Affiliations

Association of University Women - member
University of Texas El Paso Alumni Association member
Webster University - Mentors program member

Boards

Bien Vivir Health Services – Past President
Assoc. of Vietnam Veterans – Secretary & Newsletter Editor
League of Women Voters – Board Member
LULAC – Council 22269 President
Welcome Home Vietnam Veterans Committee - Chair
Cielo Vista Neighborhood Association Member
League of Women Voters, Board member
League of United Latin America Citizens, Council President

Awards & Recognitions

Downtown Management District - Professionalism Award-2004
Texas Legislator of the Year - Texas Vietnam Veterans of America - 2017,
El Paso Pride Award - 2002
State of Texas Governor's Award - 2003
Ft. Bliss Environmental Award-2003



Legislation Text

File #: 21-160, Version: 1

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

Mayor and Council, Mayor Oscar Leaser, (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.

Representative Cassandra Hernandez to the Financial Oversight Audit Committee by Mayor Oscar Leaser.

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

File #: 21-150, Version: 2

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

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

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.

Representative Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees by Mayor Oscar Leeser.

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: January 26, 2021

TO: City Clerk

FROM: Mayor Oscar Leeser

ADDRESS: 300 N. Campbell, 2nd Floor TELEPHONE (915) 212-0021

Please place the following item on the (Check one): CONSENT X REGULAR

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Appointment of Representative Joe Molinar to the City of El Paso Employees Retirement Trust Board of Trustees

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: City of El Paso Employees Retirement Trust Board of Trustees

NOMINATED BY: Oscar Leeser DISTRICT: Mayor

NAME OF APPOINTEE Joe Molinar
(Please verify correct spelling of name)

E-MAIL ADDRESS: MolinarJ@elpasotexas.gov

BUSINESS ADDRESS: 300 N. Campbell

CITY: El Paso ST: TX ZIP: 79901 PHONE: (915) 212-0004

HOME ADDRESS:

CITY: _____ ST: _____ 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:

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: Sam Morgan

EXPIRATION DATE OF INCUMBENT: 01/23/2022

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: _____
RESIGNED _____
REMOVED x

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 02/02/2021

EXPIRATION DATE OF NEW APPOINTEE: 01/23/2022

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM:

2nd TERM:

UNEXPIRED TERM: x



Legislation Text

File #: 21-163, Version: 1

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

Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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.

Luis Yañez to the Civil Service Commission by Representative Cissy Lizarraga, District 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

DATE: January 27, 2021

TO: City Clerk

FROM: City Representative Cissy Lizarraga

ADDRESS: 300 N. Campbell St. TELEPHONE 915-212-0008

Please place the following item on the (Check one): CONSENT XX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Appointment of Luis Yañez to the Civil Service Commission

BOARD/COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Civil Service Commission

NOMINATED BY: Cissy Lizarraga DISTRICT: 8

NAME OF APPOINTEE Luis Yañez
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____ PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES: Fair Housing Task Force. 8/7/2018 to present (will resign to serve on CSC if necessary)

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS):

N/A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Dalia de los Santos

EXPIRATION DATE OF INCUMBENT: 01/31/2021

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X
RESIGNED _____
REMOVED _____

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 02/01/2021

EXPIRATION DATE OF NEW APPOINTEE: 01/31/2024

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____



THE LAW OFFICE OF
LUIS YAÑEZ
ATTORNEYS AND COUNSELORS AT LAW

LUIS
YANEZ

July 5, 2018

LUIS YAÑEZ

ATTORNEY

Litigator licensed in the State of Texas and at the Federal level in the Western District of Texas. Practice-area expertise spanning in criminal defense, immigration law, civil litigation, family law practitioner. Passionately represent client interests, working diligently to analyze case merits, prepare cases for litigation, litigation, minimize risk and propel positive resolutions to complex legal matters. Proven success achieving acquittals, case dismissals, favorable judgements, advantageous settlements, positive administrative law decisions, and favorable verdicts.

Expertise

Criminal Defense Trial
Contract Negotiations
Business L
Legal Research & Documentation
Mediation
Arbitration

Personal Litigation Strategy & Management
Personal Injury Cases & Litigation
Family Law Litigation
Contractual Suits

Professional Experience

LAW OFFICE OF LUIS YAÑEZ — EI PASO, TX

Owner, May 2010 to Present

Attorney representing clients in a variety of cases providing a vigorous defense against criminal charges in all felony levels, including federal charges, as well as all misdemeanors. Defending lawsuits/legal actions alleging contract violations, dram shop liability, and catastrophic personal injury and wrongful death. Representing plaintiffs in civil actions for personal injury and contract litigation. Representing parties in divorce proceedings and custody matters. Preparing and managing cases at all stages of litigation.

Contributions:

- Over 30 jury trials as a criminal defense attorney.
- Multiple civil trials in El Paso County Texas.
- Over 100 mediations in El Paso County Texas.
- Currently represent a number of multi-national factories in creating effective policy within the business structure, the transfer of employees between over-seas operations and US operations.
- Currently represent a variety of businesses in El Paso County Texas from creating business structures to litigation.

Education & Credentials

Juris Doctor – Thomas M. Cooley Law School, Grand Rapids Michigan (2010)

Bachelor of Arts in Criminal Justice – New Mexico State University (2007)

Bar Admissions: State of Texas (2010) and Western District of Texas (2012)



Legislation Text

File #: 21-153, **Version:** 1

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

Mayor and Council, Representative Alessandra 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.

Martina Lorey to the City Plan Commission by Representative Alessandra Annello, District 2.

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: 1.27.2021

TO: City Clerk

FROM: City Representative Alessandra Annello

ADDRESS: 300 N. Campbell TELEPHONE 915-212-0002

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Appointment of Martina Lorey to the City Plan Commission by City Representative Alessandra

Item should read as follows: Annello.

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: City Plan Commission

NOMINATED BY: City Representative Alessandra Annello DISTRICT: Two

NAME OF APPOINTEE Martina Lorey

(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES:

Public Art Committee 2006-2009, 2012-2016; Landmark Commission 1989-1993; Mechanical Board of Appeals 1987-1989

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Geoffrey Wright

EXPIRATION DATE OF INCUMBENT: 12/2/2020

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X

RESIGNED _____

REMOVED _____

DATE OF APPOINTMENT: 02/02/2021

TERM BEGINS ON : 12/03/2020

EXPIRATION DATE OF NEW APPOINTEE: 12/02/2022

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____

Martina M. Lorey Architect, AIA

I am a first generation El Pasoan. My parents and I immigrated to the United States in the late 1950's and promptly settled in the southwest. I grew up exploring nature and the built environment in a desert context.

My passions include great cities, planning, architecture + design, neighborhoods, gardens, home and family.

License

Licensed Architect . Texas 1986

Licensed Interior Designer . Texas 1993

Awards

Award of Honor . AIA El Paso for Crazy Cat Cyclery . 2015

Professional Experience

Martina Lorey Architects, Inc. El Paso . TX | principal | established in 1992 – present

Booth Keirseij Mijares Architects . El Paso . TX | project manager | 1985 - 1992

Kuykendall McCombs Architects . El Paso . TX | draftsperson – intern architect | 1975 – 1985

Randall & True MPE Consulting Engineers . El Paso TX | draftsperson | 1973 -1975

Professional Affiliations

Member, American Institute of Architects since 1987

American Institute of Architects El Paso Chapter | Board of Directors and past president

Community Service

Restore Sacred Heart Executive Committee | 2020 – present

YWCA Board of Directors | 2012 – 2016

UTEP Advisory Committee for Hoover House | 2016

City of El Paso Public Art Committee | 2012 - 2016

City of El Paso Cultural Affairs Advisory Board for the Public Arts Masterplan

YWCA Facilities Planning Committee | 2010 - 2012

Impact Programs of Excellence | Board of Directors and past president | 2006 - 2012

City of El Paso Landmark Commission | 1989 – 1993

City of El Paso Mechanical Board of Appeals | 1987 - 1989

Select Projects

Historic

2915 Federal Ave. | Restoration of Otto Thorman Residence | El Paso TX
920 Blanchard Ave. | Addition and Remodel of Otto Thorman Residence | El Paso TX
821 Rim Road | Restoration of Otto Thorman Residence | El Paso TX
915 Park Road | Restoration and Addition to 1930's storybook residence | El Paso TX
1101 Rim Road | Restoration of Otto Thorman Residence | El Paso TX
2530 Richmond Ave. | Restoration of Otto Thorman Residence | El Paso TX
909 Texas Ave. | Restoration and retail concept | El Paso TX
Pearl Apartments | Rehabilitation of historic apartment complex in Sunset Heights | El Paso TX

Residential

1028 Broadmoor | New Residence | El Paso TX
433 Golden Springs | Addition and Remodel | El Paso TX
1800 N. Stanton | Fairmont Penthouse Remodel | El Paso TX
1722 Buffehr Creek | Addition and Remodel | Vail CO
2606 Maria Anna | Addition and Remodel | Austin TX
1505 Rim Road | New Residence | El Paso TX
1630 Rim Road | Remodel | El Paso TX
501 Thunder Crest | New Residence | El Paso TX
857 River Oaks | Addition and Remodel | El Paso TX
4917 Olmos | Remodel | El Paso TX

Planning | Design Concept

Anthony Youth Farm Project . Anthony, NM
Trade Show Design | El Paso Chile Co | Desert Pepper Trading Co. | East India Tea and Coffee

Commercial

Crazy Cat Cyclery Retail Remodel | El Paso, TX
Block Tap & Table Restaurant | El Paso TX
Toro Burger Restaurant | El Paso TX
La Nortena Cantina | El Paso TX
Westend Hair Company | El Paso, TX
Ruby Lola Retail | El Paso TX



Legislation Text

File #: 21-156, Version: 1

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

Mayor and Council, Representative Joe Molinar, (915) 212-0004

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.

Daniel Carey-Whalen to the City Plan Commission by Representative Joe Molinar, District 4.

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: January 27, 2021

TO: City Clerk

FROM: City Representative Joe Molinar

ADDRESS: 300 N. Campbell 2nd Floor El Paso, TX 79901 TELEPHONE (915) 212-0004

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Appointment of Daniel Carey-Whalen to the City Planning Commission by Representative Joe

Item should read as follows: Molinar – District 4

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: City Planning Commission

NOMINATED BY: Representative Joe Molinar DISTRICT: 4

NAME OF APPOINTEE Daniel Carey-Whalen
(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____ PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: HISTORICAL LANDMARK COMMISSION_OCT 2016 – NOV 2017

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): Same

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Patrick Hernandez-
Cigarruista

EXPIRATION DATE OF INCUMBENT: 12-01-2021

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: _____
RESIGNED _____
REMOVED X

DATE OF APPOINTMENT: 02-02-2021

TERM BEGINS ON: 02-02-2021

EXPIRATION DATE OF NEW APPOINTEE: 12-01-2021

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: _____

2nd TERM: _____

UNEXPIRED TERM: X

Daniel Carey-Whalen

Education

Masters in Urban Planning 2008

Master of Arts in American Studies

Thesis: *Suburban Place? Constructing Place in Overland Park, Kansas*

The University of Kansas, Lawrence, KS

Bachelor of Arts in History 1998

The University of Missouri-Kansas City, Kansas City, MO

Experience

Director- Centennial Museum & Chihuahuan Desert Gardens Sept. 2017 – Present

The University of Texas at El Paso, El Paso, TX

- Manage a staff of 4 full-time and 6 part-time employees. Manage state appropriations and all endowments. Oversee building maintenance and operations.
- Coordinate and manage all exhibitions and programming for museum and gardens. Build partnerships with UTEP faculty and students.

Coordinator- Museum Studies and Public Culture January 2015 – August 2017

The University of Texas at El Paso, El Paso, TX

- Coordinate the Minor in Museum Studies, advise students, create and expand curriculum, and build partnerships with area museums. Research potential Major in Museums Studies.
- Collaborate on exhibitions on UTEP campus and in larger museum community. Spearhead public initiatives related to museums & public culture, including conferences/workshops.

Adjunct Lecturer- Department of Art August 2013 – Present

The University of Texas at El Paso, El Paso, TX

- Designed and currently teaching two upper-level undergraduate courses, *Exhibition Practices I: Introduction to Museum Studies & Exhibition Practices II: Exhibit Curation*.
- Coordinating and instructing Museum Studies interns at various museums in El Paso.
- Design and teach course in *Architecture, Urban Design and a Sense of Place in El Paso*

Independent Contractor October 2012 – December 2012

University of Texas at El Paso, El Paso, TX

- Planned and conducted *Finding Funding Opportunities in the Arts and Humanities* workshop for the Office of Research and Sponsored Programs (ORSP).
- Planned and conducted *Dos and Don'ts of Grant Writing* workshop for ORSP.

Research Development Coordinator March 2011 – July 2012

University of Texas Medical Branch, Galveston, TX

- Coordinated, managed, and assisted in writing grants for Institute for Medical Humanities.
- Researched potential funding opportunities and acted as development officer for the IMH.

Education Coordinator December 2010 – February 2011

Galveston County Historical Museum, Galveston, TX

- Researched, designed, and implemented standards-based programs for Galveston's schools.

Director of Programs

August 2007 – July 2010

Kansas Humanities Council, Topeka, KS

- Coordinated and oversaw programs conducted by KHC, including Smithsonian exhibits.
- Established program goals to implement KHC's Strategic Plan, including the development and implementation of new programs, such as film discussions and reader's theater.
- Managed grants and grant review panel, developed guidelines and application materials, assisted grantees with application process, and reviewed grants providing written feedback.
- Co-wrote and managed yearly grant funding from the NEH, in addition to a one-time grant from the KS DOT (including budget) for the Smithsonian exhibit, *Journey Stories*.

Education Coordinator

August 2005 – July 2007

Kansas Historical Society, Topeka, KS

- Researched, designed, and implemented educational, standard-specific tours.
- Supervised tour program, including docent training and volunteer enrichment presentations.
- Coordinated State History Day competition, including recruiting and training volunteers, creating packets for teachers, and promoting the program around the state.

Graduate Teaching Assistant

August 2001 – July 2005

The University of Kansas, Lawrence, KS

- Prepared lectures and discussion sessions for Western Civilization 205.
- Proposed, designed, and taught two upper-level undergraduate courses, *The Idea of the City in Western Civilization* and *European Society and Culture 1945 to present*.

Historical Interpreter

October 2000- September 2001

Johnson County Museum of History, Shawnee, KS

- Provided tours of the 1950's All-Electric House and the Lanesfield one-room schoolhouse

Thesis Committees

- Deborah Chaney, MAIS, Aug. 2014- *Virtual Bhutan Exhibit: Catalog of Bhutanese Artifacts*
- Karla A. Vasquez, MAIS, May 2016- *Our Stories, Our Voices: Using Staged Oral Histories*

Awards and Nominations

- Humanities and Western Civilization Dean's Instructor- 2004-2005

Conference Presentations

- "Engaging Your Community in Difficult Dialogue," Mountain-Plains Museum Association and NM Association of Museums, joint conference, Fall 2019
- "Unpaid Internships Limit Diversity and Opportunity," Texas Association of Museums, Spring 2019
- "Inspiring Community: Local and Regional Museum Alliances," Texas Association of Museums, Spring 2019
- "Strengthening your Institutions through Cross-Border Collaboration," New Mexico Association of Museums, Fall 2017

- “Student Voices: Enabling Museum Studies Students as Curators,” New Mexico Association of Museums, Fall 2016, panel coordinator
- “Public History, Place and Pedagogy in Downtown Overland Park, Kansas” National Council on Public History, Spring 2005
- “Suburban Place: Community in Downtown Overland Park, Kansas” Mid-American American Studies Association Conference, University of Kansas, Spring 2004

Volunteer Service

Texas Association of Museums

Program Committee, 2019, 2020

New Mexico Association of Museums

Program Committee, 2017

City of El Paso, Historic Landmark Commission

Commissioner, 2016, Chair, 2017

City of El Paso, Museum and Cultural Affairs Division (MCAD)

Grant Reviewer, 2016

Texas Trost Society

Project Director, *Urban Transformations: Visions of the Past and Future of Downtown El Paso*, 2016

Border Museum Association

Co-Chair, 2014-2018

University of Texas at El Paso, www.academics.utep.edu

El Paso History Day Judge, 2013 – 2019

Insights El Paso Science Center, www.insightse Paso.org

Board Member, 2013 – 2014

Mesita Elementary Parent/Teacher Association, <http://mesita.txpta.org>

Historian/Board Member, 2013 - 2014

Old Central/Carver Park Neighborhood Association

Secretary, 2011-2012

Rosenberg Public Library, www.rosenberg-library.org

Member, *Galveston Reads* Program Committee, 2011

Kansas Historical Society, <http://ks.nhd.org>

Kansas State History Day Judge, 2008, 2009, 2010

Graduate Teaching Assistant Coalition, <http://gtac.ks.aft.org>

President, 2002–2004

Humanities and Western Civilization at the University of Kansas, <http://www.hwc.ku.edu>

Humanities and Western Civilization Program Committee, 2002

American Studies Association of Graduate Students, <http://kuamsgradstudents.wordpress.com>

Co-Chair, 2000-2001



Legislation Text

File #: 21-154, Version: 1

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

Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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.

William J. Ellis to the City Accessibility Advisory Committee by Representative Cissy Lizarraga, District 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

DATE: January 27, 2021

TO: City Clerk

FROM: City Representative Cissy Lizarraga

ADDRESS: 300 N. Campbell St. TELEPHONE 915-212-0008

Please place the following item on the (Check one):

CONSENT XX

REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Item should read as follows: Appointment of William J. Ellis, J.D. to the City Accessibility Advisory Committee

BOARD/COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: City Accessibility Advisory Committee

NOMINATED BY: Cissy Lizarraga DISTRICT: 8

NAME OF APPOINTEE William J. Ellis, J.D.

(Please verify correct spelling of name)

E-MAIL ADDRESS: Wellis@epcounty.com

BUSINESS ADDRESS: _____

CITY: _____ ST: _____ ZIP: _____ PHONE: _____

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

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):

2500 Scenic Crest Cir Apt 8A

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Kimberly C. Shaw

EXPIRATION DATE OF INCUMBENT: 10/03/2019

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: X

RESIGNED _____

REMOVED _____

DATE OF APPOINTMENT: February 2, 2021

TERM BEGINS ON : 10/04/2019

EXPIRATION DATE OF NEW APPOINTEE: 10/03/2021

PLEASE CHECK ONE OF THE FOLLOWING:

1st TERM: X

2nd TERM: _____

UNEXPIRED TERM: _____

WILLIAM J. ELLIS, J.D.

OBJECTIVE

Continuing professional development and community involvement

QUALIFICATION HIGHLIGHTS

- Licensed Attorney in the State of Texas U.S. District Court, Western District of Texas
- Former Instructor at University of Texas at El Paso, and El Paso Community College
- Assistant District Attorney, El Paso County 1975-1981
- Civil Service Commissioner, El Paso, Texas 2003-2006
- Civil Service Commission Hearing Officer 2007- Present
- Detail Oriented
- Ability to multi-task
- Bilingual—English and Spanish

EDUCATION

St. Mary's University – Juris Doctor, 1974

LeTourneau University – B.A. – History, 1972

Jesuit High School, El Paso, TX 1968

WORK HISTORY

Assistant District Attorney, 34th Judicial District El Paso TX 1975-1981

Attorney, Private Practice & Senior Partner, Ellis and Ortega, El Paso TX 1981-2008

El Paso County Sheriff's Office, Executive Administrative Officer 2009-Present.

REFERENCES

Available upon request

William J. Ellis was born and raised in El Paso County, attending school in Fabens and graduating from Jesuit High School in 1968. He graduated from LeTourneau University with a Bachelor of Arts Degree in 1972 and from St. Mary University School of Law with the degree of Juris Doctor in 1974. He is licensed to practice law in the State of Texas and Federal Court in the Western District of Texas.

From 1974-1981 William served El Paso County as an Assistant District Attorney screening and prosecuting felony cases in El Paso, Hudspeth, and Culberson Counties. He was in private practice and senior partner in the firm of Ellis and Ortega through December, 2008. During that period, he was the CLEAT regional attorney for about 20 years and regularly represented law enforcement officers until leaving the firm to work for the Sheriff's Office in 2009.

William has taught at UTEP in the Criminal Justice Program, and has been a part time instructor at EPCC, Rio Grande where he taught Police Systems and Corrections. He is active in various community programs as well as his church.



Legislation Text

File #: 21-161, Version: 1

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

Mayor and Council, Representative Alessandra 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.

Kate Felzer to the Building and Standards Commission by Representative Alessandra Annello, District 2.

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: 1.27.21

TO: City Clerk

FROM: City Representative Alessandra Annello

ADDRESS: 300 N. Campbell TELEPHONE 915-212-0002

Please place the following item on the (Check one): CONSENT XXX REGULAR _____

Agenda for the Council Meeting of February 2, 2021

Appointment of Kate Felzer to the Building And Standards Commission by City Representative

Item should read as follows: Alessandra Annello, District 2.

BOARD COMMITTEE/COMMISSION APPOINTMENT/REAPPOINTMENT FORM

NAME OF BOARD/COMMITTEE/COMMISSION: Building And Standards Commission

NOMINATED BY: City Representative Alessandra Annello DISTRICT: Two

NAME OF APPOINTEE Kate Felzer

(Please verify correct spelling of name)

E-MAIL ADDRESS: N/A

BUSINESS ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

HOME ADDRESS: N/A

CITY: N/A ST: N/A ZIP: N/A PHONE: N/A

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: N/A

LIST ALL REAL ESTATE OWNED BY APPOINTEE IN EL PASO COUNTY (BY ADDRESS): N/A

HAS APPOINTEE BEEN A MEMBER OF OTHER CITY BOARDS/COMMISSIONS/COMMITTEES? IF SO, PLEASE PROVIDE NAMES AND DATES:

Buildings and Standards Commission-11/2017-02/2021

WHO WAS THE LAST PERSON TO HAVE HELD THIS POSITION BEFORE IT BECAME VACANT?

NAME OF INCUMBENT: Vacant

EXPIRATION DATE OF INCUMBENT: _____

REASON PERSON IS NO LONGER IN OFFICE (CHECK ONE): TERM EXPIRED: ____
RESIGNED ____
REMOVED ____

DATE OF APPOINTMENT: 02/02/21

TERM BEGINS ON : 11/01/2020

EXPIRATION DATE OF NEW APPOINTEE: 10/31/2021

PLEASE CHECK ONE OF THE FOLLOWING: 1st TERM: x

2nd TERM: ____

UNEXPIRED TERM: ____

Kate is originally from Great Falls, Montana but has lived in the vibrant city of El Paso for over 20 years. She's been a REALTOR® for over 13 years and is licensed in Texas and New Mexico. She currently has her GRI designation, certified in government relocations and a foreclosure expert. She loves her job and the opportunity to show future residents what El Paso has to offer. Kate's two kids, Emma, graduated in May 2020 from WTA&M and her son, Jack, a junior at UTEP are her loves along with their three rescue dogs.

It's an honor for her to serve on the Buildings and Standards Commissioner board for the city. She volunteered to be part of the process of creating a great community. She looks forward to serving on more boards in the future.



Legislation Text

File #: 21-115, Version: 1

**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 A)

BACKGROUND / DISCUSSION:

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

Approve property tax overpayment refunds greater than \$2,500.00, per the Texas Property Tax Code, Sec. 31.11 - Refunds of Overpayments or Erroneous Payments.

PRIOR COUNCIL ACTION:

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

Council has considered this previously on a routine basis.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by 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 Office

AGENDA DATE: January 19, 2021

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

SUBJECT:

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment A)

BACKGROUND / DISCUSSION:

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

Approve property tax overpayment refunds greater than \$2,500.00, per the Texas Property Tax Code, Sec. 31.11 – Refunds of Overpayments or Erroneous Payments.

PRIOR COUNCIL ACTION:

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

Council has considered this previously on a routine basis.

AMOUNT AND SOURCE OF FUNDING:

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

N/A

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

DEPARTMENT HEAD: Shawn R. Mack for Maria O. Pasillas

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

TAX REFUNDS
January 19, 2021

1. Accumatch, in the amount of \$5,685.26, made an overpayment on December 14, 2020 of 2020 taxes.
(Geo. # V854-003-0180-1600)
2. Accumatch, in the amount of \$ 6,530.22, made an overpayment on December 14, 2020 of 2020 taxes.
(Geo. # H762-000-0050-0700)
3. Accumatch, in the amount of \$ 4,339.21, made an overpayment on December 11, 2020 of 2020 taxes.
(Geo. # T287-999-2740-3400)
4. Thomas and Esther Cunningham, in the amount of \$ 9,340.16, made an overpayment on December 18, 2020 of 2020 taxes.
(Geo. # M344-999-0030-1300)
5. Lower Valley Housing Corp., in the amount of \$ 2,635.62, made an overpayment on May 27, 2020 of 2019 taxes.
(Geo. # D457-000-0170-1800)
6. Corelogic, in the amount of \$ 8,205.83, made an overpayment on November 30, 2019 of 2019 taxes.
(Geo. # T287-999-4010-5200)

Laura D. Prine
City Clerk

Sheryl R. Mack for Maria O. Pasillas
Maria O. Pasillas, RTA
Tax Assessor Collector



**TAX OFFICE
RECEIVED**

JAN 04 2021

**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

**ACCUMATCH
2711 LBJ FWY STE 1065
DALLAS, TX 75234**

Handwritten: 2,500

Geo No. V854-003-0180-1600	Prop ID 679788
Legal Description of the Property BLK 18 VILLAS DEL VALLE #3 LOT 16 718 TS DANIEL CADENA DR 79927	
OWNER: BANUELOS CHRISTIAN R & BATTAGLIA ANDREAN	

2020 OVERAGE AMOUNT \$5,685.26

4: CITY OF SOCORRO, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD, 25: LWR VALLEY WTR DISTRICT, 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. 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: <i>Accumatch</i>			
	Address: <i>2711 LBJ Fwy, Suite 1065</i>			
	City, State, Zip: <i>Dallas TX 75234</i>			
	Daytime Phone No.: <i>214-888-6959</i>		E-Mail Address: <i>refund@accumatch.com</i>	
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
	<i>Accumatch</i>	<i>58226</i>	<i>12/14/2020</i>	<i>\$5,685.26</i>
	TOTAL AMOUNT PAID (sum of the above amounts)			<i>\$5,685.26</i>
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 checked="" type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input type="checkbox"/>	I overpaid this account. Please refund the excess to the address listed in Step 1.		
	<input type="checkbox"/>	I want this payment applied to next year's taxes.		
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):		
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
	<i>Yvonne Berthet</i>		<i>Yvonne Berthet 12/29/2020</i>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <i>[Signature]</i> Date: <i>01/05/2021</i>				

Notes

Go To

01/04/2021 17:48:44
ACTEP

122 v1.90

OSIT Remittance Detail

Summary Query

+2500 DP

Summary

osit No	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.				
42065	V85400301801600								
Receipt Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
12142065 ✓	12/14/2020	45256208	58226 ✓	CH	\$78,581.29	\$5,685.26	LG	V85400301801600	24899280-ACCUMATCH
20234740001	12/11/2020	45227441	201210151898	EF	\$34,096,963.77	\$5,685.26	PA	V85400301801600	23474547-ACCUMATCH
06152075	06/15/2020	44306415	10477	CH	\$27.99	\$27.99	PA	V85400301801600	21970926-DAVID ELLIS F
02102081	02/10/2020	43693826	021359	CH	\$372.11	\$372.11	PA	V85400301801600	23902995-SIERRA TITLE
001311998	01/31/2019	40474911	CC002377751	EC	\$239.55	\$239.55	PA	V85400301801600	27087517-SERGIO CUAR

Applied Total \$12,110.17



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

TAX OFFICE
RECEIVED

JAN 04 2021

ACCUMATCH
2711 LBJ FWY STE 1065
DALLAS, TX 75234

OP
x2500

Geo No. H762-000-0050-0700	Prop ID 684841
Legal Description of the Property BLK 5 HORIZON TOWN CENTER #1 LOT 7 13821 VILLA VISTA AVE 79928	
OWNER: ZATARAIN OSVALDO & ANDREA M	

2020 OVERAGE AMOUNT \$6,530.22

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 9: SOCORRO ISD, 14: HORIZON REGIONAL MUD, 15: EMERG. SERVICES DIST #1, 31: TOWN OF HORIZON CITY

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: Accumatch			
	Address: 2711 LBJ Fwy Suite 1065			
	City, State, Zip: Dallas TX 75234			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: 214-888-6959		E-Mail Address: refunds@accumatch.com	
	Payment made by:	Check No.	Date Paid	Amount Paid
	Accumatch	58226	12/14/2020	\$6,530.22
	TOTAL AMOUNT PAID (sum of the above amounts)			\$6,530.22
	Please check one of the following:			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	<input checked="" type="checkbox"/>	I paid this account in error and I am entitled to the refund.		
	<input type="checkbox"/>	I overpaid this account. Please refund the excess to the address listed in Step 1.		
	<input type="checkbox"/>	I want this payment applied to next year's taxes.		
	<input type="checkbox"/>	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):		
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
	Yvonne Berthet		Yvonne Berthet 12/29/2020	
TAX OFFICE USE ONLY:		<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	By: [Signature] Date: 01/05/2021

Notes

Go To:

ANDREA
ACT80122 v1.9001/04/2021 17:46:34
ACTEP

DEPOSIT Remittance Detail

OP+2500

Summary Query

Summary

Deposit No.		Account No.		Remit Seq No.		Check No.		Payment Amount		Payment Agreement No.	
A12142065		H76200000500700									
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	45256208	58226	CH	\$78,581.29	\$6,530.22	LG	H76200000500700	24899280-ACCUMATCH	
	M20234740001	12/11/2020	45227441	201210151898	EF	534,096,963.77	\$6,530.22	PA	H76200000500700	23474547-ACCUMATCH	
	A12191981	12/19/2019	42327518	39097	CH	\$2,598.56	\$2,598.56	PA	H76200000500700	1511774-STEWART TITLE	

TAX OFFICE
RECEIVED

JAN 04 2021

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

ACCUMATCH
2711 LYNDON B JOHNSON FWY #1065
DALLAS, TX 75234

OP
+2500

Geo No. T287-999-2740-3400	Prop ID 625087
Legal Description of the Property BLK 274 TIERRA DEL ESTE #62 LOT 34 2240 SPARROW POINT ST 79938	
OWNER: SANCHEZ DAVID	

2020 OVERAGE AMOUNT \$4,339.21

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. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>Accumatch</u>			
	Address: <u>2711 LBJ Fwy Suite 1065</u>			
	City, State, Zip: <u>Dallas TX 75234</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>214-888-6959</u>		E-Mail Address: <u>refund@accumatch.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Accumatch</u>	<u>Wire #5110400345 JD</u>	<u>12/10/2020</u>	<u>\$ 4,339.21</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			<u>\$ 4,339.21</u>
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 checked="" type="checkbox"/> I paid this account in error and I am entitled to the refund.			
	<input 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.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)		SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE
<u>JMC</u>		<u>Yvonne Berthet</u>		<u>Yvonne Berthet 12/28/2020</u>
TAX OFFICE USE ONLY:		<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		By: <u>[Signature]</u> Date: <u>01/05/2021</u>

ANDREA
ACT80122 v1.90

01/05/2021 11:47:12
ACTEP

DEPOSIT Remittance Detail

OP +2500

Summary Query

Summary

Deposit No.		Account No.		Remit Seq No.		Check No.		Payment Amount		Payment Agreement No.	
M20234740001		T28799927403400									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer	
A12112065		12/11/2020	45220708	287364	CH	\$4,339.21	\$4,339.21	PA	T28799927403400	27259532-LONE STAR CI	
M20234740001		12/11/2020	45227441	201210151898	EF	\$34,096,963.77	\$4,339.21	LG	T28799927403400	23474547-ACCUMATCH	
M20234740001		12/11/2020	45227441	201210151898	EF	\$34,096,963.77	\$60.00	PA	T28799927403400	23474547-ACCUMATCH	
M19234740001		12/20/2019	42355475	181219094238	EF	\$35,408,135.32	\$4,436.82	PA	T28799927403400	23474547-ACCUMATCH	
M18234740001		12/24/2018	39415853	181221108510	EF	\$34,084,724.48	\$4,288.29	PA	T28799927403400	23474547-ACCUMATCH	
M17RE1800001		12/18/2017	38256004	171215192214	EF	\$32,569,225.62	\$3,401.81	PA	T28799927403400	800000-CORELOGIC	
M15800000001		12/21/2016	33448420	151219150895	EF	\$13,062,589.29	\$3,318.04	PA	T28799927403400	800000-CORELOGIC	
M15800000001		12/21/2015	30589755	151231121119	EF	\$99,122,608.45	\$3,259.53	PA	T28799927403400	800000-CORELOGIC	
TA160113		12/31/2015	30589755		CH	\$0.00	\$0.00	T4	T28799927403400	800000-CORELOGIC	
M14800000001		12/24/2014	27452431	141224101136	EF	\$20,035,948.32	\$3,204.82	PA	T28799927403400	800000-CORELOGIC	
TA150331		12/24/2014	27452431		CH	\$0.00	\$0.00	TA	T28799927403400	800000-CORELOGIC	
A11191372		11/19/2013	24121431	286886	CH	\$357.03	\$357.03	PA	T28799927403400	22520840-LONE STAR TI	
Applied Total						\$21,347.81					



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

TAX OFFICE
RECEIVED
DEC 28 2020

ESTHER CUNNINGHAM
312 AMELIA DR
EL PASO, TX 79912

OP
x2500

Geo No. M344-999-0030-1300	Prop ID 351067
Legal Description of the Property 3 MESA HILLS REPLAT LOT 6 (21025 SQ FT) 312 AMELIA DR 79912	
OWNER: CUNNINGHAM THOMAS & ESTER	

2020 OVERAGE AMOUNT \$9,340.16

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>Thomas and Esther Cunningham</u>			
	Address: <u>312 AMELIA Amelia Dr.</u>			
	City, State, Zip: <u>EL PASO, TX 79912</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <u>915-5882034</u>		E-Mail Address: <u>Esther.Cunningham@elpaso.gov</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<u>Chase Bank</u>	<u>3291831</u>	<u>Dec 21-20</u>	<u>9340.16</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			<u>9340.16</u>
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.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED) <u>Esther Cunningham</u>		PRINTED NAME & DATE <u>12/25/2020</u> <u>Esther Cunningham</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>[Signature]</u> Date: <u>12/28/2020</u>				

ANDREA
ACT80122 v1 9012/28/2020 17:49:15
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No. Account No. Remit Seq No. Check No. Payment Amount Payment Agreement No.

EC12212098

M34499900301300

Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	EC12212098	✓ 12/18/2020	45399196	CC003295379	✓ EC	✓ \$9,340.16	✓ \$9,340.16	LG	M34499900301300	28942273-ESTHER CUNN
	EC12182098	✓ 12/17/2020	45369546	CC002291821	✓ EC	✓ \$9,340.16	✓ \$9,340.16	PA	M34499900301300	28931503-ESTHER CUNN
	EC04132085	04/13/2020	44080359	CC003008240	EC	\$4,672.25	\$4,672.25	PA	M34499900301300	28393737-THOMAS AND
	A02262092	02/26/2020	43801656	0767	CH	\$2,326.14	\$2,326.14	PA	M34499900301300	CUNNINGHAM THOMAS &
*	T10281900003	10/29/2019	41888656	00867	CH	\$2,326.14	\$2,326.14	PA	M34499900301300	CUNNINGHAM THOMAS &
	EC11021841	11/02/2018	38808038	CC002126202	EC	\$8,504.21	\$8,504.21	PA	M34499900301300	28645354-ESTHER CUNN
	A11021741	11/02/2017	35854180	101	CH	\$8,683.00	\$8,683.00	PA	M34499900301300	CUNNINGHAM THOMAS &
*	X1114161001	11/14/2016	32966869	00568	CH	\$8,472.56	\$8,472.56	PA	M34499900301300	CUNNINGHAM THOMAS &
	EC11091598	11/06/2015	29819416	CC001097282	EC	\$8,337.05	\$8,337.05	PA	M34499900301300	24084913-THOMAS CUNN
*	X1030142000	10/30/2014	26794846	08070	CH	\$4,493.87	\$4,493.87	PA	M34499900301300	CUNNINGHAM THOMAS &
*	X1030142000	10/30/2014	26794846	09117	CH	\$4,000.00	\$4,000.00	PA	M34499900301300	CUNNINGHAM THOMAS &
*	X1125131004	11/25/2013	24193338	00103	CH	\$8,334.68	\$8,334.68	PA	M34499900301300	CUNNINGHAM THOMAS &

Applied Total

\$198,183.33



**TAX OFFICE
RECEIVED
DEC 21 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

**LOWER VALLEY HOUSING CORP
PO BOX 638
FABENS, TX 79838**

*OP
+2500 ✓*

Geo No. D457-000-0170-1800	Prop ID 128893
Legal Description of the Property 17 DESERT PALMS #5 LOT 18 (6048.00 SQ FT) 717 CORA RUECKER ST 79928	
OWNER: ACEDO JOSEFINA (LE) & MARISSA A V	

2019 OVERAGE AMOUNT \$2,635.62

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 10: CLINT ISD, 14: HORIZON REGIONAL MUD, 15: EMERG. SERVICES DIST #1, 31: TOWN OF HORIZON CITY

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: <i>Lower Valley Housing Corp</i>			
	Address: <i>P.O. Box 638</i>			
	City, State, Zip: <i>Fabens, Texas 79838</i>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No.: <i>915-764-3413</i>		E-Mail Address: <i>LVHC.RIVERA.C@OI.COM</i>	
	Payment made by:	Check No.	Date Paid	Amount Paid
	<i>LVHC</i>	<i>15760</i>	<i>5-28-20</i>	<i>58,855.23</i>
	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. <i>✓</i>			
	<input type="checkbox"/> I want this payment applied to next year's taxes.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.) <i>✓</i>			
	SIGNATURE OF REQUESTOR (REQUIRED)		PRINTED NAME & DATE	
<i>Patty Barton</i>		<i>Board President 12/16/20</i>		
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <i>[Signature]</i> Date: <i>12/21/2020</i> <i>✓</i>				

ANDREA
ACT80122 v1.9012/21/2020 17:28:49
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.	Account No.	Remit Seq No.	Check No.	Payment Amount	Payment Agreement No.					
A05272085	D45700001701800									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer
	A12112075	12/11/2020	45232512	4503	CH	\$13,745.74	\$3,448.52	PA	D45700001701800	25611521-ROCKY MOUN
	A05272085	05/27/2020	44213703	15760	CH	\$58,855.23	\$393.80	AA	D45700001701800	522640-LOWER VALLEY
	A05272085	05/27/2020	44213703	15760	CH	\$58,855.23	\$2,635.62	PA	D45700001701800	522640-LOWER VALLEY
	A05182085	05/18/2020	44171382	15758	CH	\$50,585.99	\$2,029.42	AA	D45700001701800	522640-LOWER VALLEY
	A02011986	01/31/2019	40508611	14648	CH	\$539,645.00	\$2,627.35	PA	D45700001701800	522640-LOWER VALLEY
	R80100618MP	10/05/2018	23138710	10514	CH	\$0.02-	\$0.02-	TR	D45700001701800	HERNANDEZ JOSEFINA
	M172750	01/31/2018	37724221	12773	CH	\$745,207.26	\$2,324.80	PA	D45700001701800	2750-LOWER VALLEY HI
	M162750	01/31/2017	34325202	12168	CH	\$775,450.68	\$2,053.49	PA	D45700001701800	2750-LOWER VALLEY HI
	A02091673	01/31/2016	31752768	12404	CH	\$812,321.03	\$1,793.89	AA	D45700001701800	2750-LOWER VALLEY HI
	M142750	01/31/2015	28403680	11693	CH	\$869,422.09	\$1,877.11	PA	D45700001701800	2750-LOWER VALLEY HI
	M132750	01/29/2014	25366562	11065	CH	\$873,964.29	\$1,781.49	PA	D45700001701800	2750-LOWER VALLEY HI
	A02261348	02/26/2013	23138710	10514	CH	\$17,788.88	\$1,238.21	PA	D45700001701800	20119215-LOWER VALLI
Applied Total						324,752.13				

Handwritten: 2500 ✓

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**

DEC 29 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 Corelogic	Phone: HOME: 800-497-5332 ext 1391 WORK: 713-400-1452	Property ID# (if the application pertains to one) 128799940105200 /677233
Address (mail refund to): 5858 Westheimer Road Suite 500 Houston	Property Address: 3477 Dana Grey Drive, El Paso Texas 79938	
Tax year requested:	Date payment made:	Check No. & Date, if known:
1 2019/1	11/30/2019	68225255
2		
3		
TOTAL AMOUNT (sum of the above amounts)		\$8,205.83
		8205.83

(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:

Corelogic/ JPMorgan Chase made an erroneous payment to the wrong parcel number.
Corelogic has paid the correct parcel number and is requesting a refund. Property owner Albert Garcia has requested Corelogic to go thru the county to get this refund and he will have his PennyMac escrow account pay the county. He has been made aware there may be penalties by self, as well as, Nilsa with the county.

"I certify that information given to obtain this refund is true and correct."

Requestor signature:

Peggy Reyes

Printed name:

Date:

12/31/20

Manager

Title

Any person knowingly submitting false entries is subject to: (1) Imprisonment of 2 to 10 years, or \$5,000 fine, or both.
(2) Imprisonment up to one year, or fine not over \$2,000, or both. (Sec 37.10 Penal Code) An application for a refund must be made within 3 years after the date of the payment or the taxpayer waives the right to the refund (Sec 31.11 (c)).

TAX OFFICE Entry:

REFUND APPROVED

Tax Office Approval:

Date:

12/31/2020

Date:

(Placed on City Council Agenda if 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:

(Applicable to Tax Refund Only)

Rec'd SIGNED
CITY TAX OFFICE
DEC 31 2020

REA
80122 v1 92

DEPOSIT	Remittance	Detail
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Summary Query

Summary

[illegible]



Legislation Text

File #: 21-119, Version: 2

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

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

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 the following campaign contributions by Mayor Oscar Leeser: \$2,500 from Randall J. Bowling and \$2,500 from Robert L. Bowling IV.

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

File #: 21-157, Version: 1

**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.

For notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contributions by Representative Cassandra Hernandez: \$2,500 from Woody and Gayle Hunt.

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

File #: 21-135, Version: 1

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

All Districts

Police, Chief Gregory Allen, (915) 212-4302

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

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

STRATEGIC GOAL:

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

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

SUBJECT:

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 Strategic Plan is subsection 2.1 - Maintain standing as one of the nation's top safest cities. This contract will support the Police Department's efforts to comply with S.B. 944 which requires law enforcement to preserve public information stored on an electronic device and forward that information to a governmental body server to be preserved based on standard governmental document storage guidelines. This service provides group messaging, person-to-person communication and the capability to send and receive photos and documents in real time situation.

Award Summary:

The award of Solicitation No. 2020-975R Secure Messaging for First Responders to Infinite Convergence Solutions, Inc. for an initial three (3) year term estimated award of \$202,500.00.00. The award is to include two (2) one-year options in amount of \$135,000 for a total five (5) year award of \$337,500.00.

Contract Variance:

N/A

Department:	Police Department
Award to:	Infinite Convergence Solutions, Inc. Rockville, MD
Annual Estimated Award:	\$67,500.00
Initial Term Estimated Award:	\$202,500.00 (3 years)
Total Estimated Award:	\$337,500.00 (5 years)
Account No.:	321-21280-2811-522150
Funding Source:	Confiscated Fund
Districts:	All

This is a Request for Proposal, service contract.

The Purchasing and Strategic Sourcing and Police Departments recommend award as indicated to Infinite Convergence Solutions, Inc. the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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: Police Department

AGENDA DATE: February 2, 2021

CONTACT PERSON NAME/PHONE: Gregory Allen, Chief of Police, El Paso Police Department 915-212-4302
Bruce D. Collins, Director, Purchasing & Strategic Sourcing, 915-212-1181

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL NO.2: Set the Standard for a Safe and Secure City

The linkage to Strategic Plan is subsection 2.1 – Maintain standing as one of the nation's top safest cities. This contract will support the Police Department's efforts to comply with S.B. 944 which requires law enforcement to preserve public information stored on an electronic device and forward that information to a governmental body server to be preserved based on standard governmental document storage guidelines. This service provides group messaging, person-to-person communication and the capability to send and receive photos and documents in real time situation.

SUBJECT:

The award of Solicitation No. 2020-975R Secure Messaging for First Responders to Infinite Convergence Solutions, Inc. for an initial three (3) year term estimated award of \$202,500.00. The award is to include a two (2) year option amount for \$135,000.00 for a total five (5) year award of \$337,500.00.

BACKGROUND/ DISCUSSION:

The Police Department has reviewed Solicitation No. 2020-975R Secure Messaging for First Responders and recommends the contract be awarded to Infinite Coverage Solutions, Inc. the bidder offering the best value bid to the City.

The Police Department requires a solution for a real-time exchange of information in order to comply with S.B. 944. This solution will allow officers to be able to share group messaging, person-to-person communication and the capability to send and receive photos and documents in real time situation. Most importantly, this contract will provide the appropriate retention, storage and security as required by the city and by law.

SELECTION SUMMARY:

Solicitation was advertised on 5/12/2020 and 5/19/2020. The solicitation was posted on City website on 5/19/2020. The email (Purmail) notification was sent out on 5/14/2020. Solicitation had fifty- four views. Four (4) bids were received, one (1) being a local vendor.

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

CONTRACT VARIANCE:

No contract variance.

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

Estimated Award: \$202,500.00 (3 years)
Funding Source: 321-21280-2811-522150 - Confiscated Fund

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: _____

COUNCIL PROJECT FORM

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **CONSENT** agenda for the Council Meeting of **February 2, 2021**.

STRATEGIC GOAL NO.2: Set the Standard for a Safe and Secure City

The linkage to Strategic Plan is subsection 2.1 – Maintain standing as one of the nation’s top safest cities. This contract will support the Police Department’s efforts to comply with S.B. 944 which requires law enforcement to preserve public information stored on an electronic device and forward that information to a governmental body server to be preserved based on standard governmental document storage guidelines. This service provides group messaging, person-to-person communication and the capability to send and receive photos and documents in real time situation.

Award Summary:

The award of Solicitation No. 2020-975R Secure Messaging for First Responders to Infinite Convergence Solutions, Inc. for an initial three (3) year term estimated award of \$202,500.00. The award is to include a two (2) year option amount for \$135,000.00 for a total five (5) year award of \$337,500.00.

Contract Variance:

No contract variance.

Department:	Police Department
Award to:	Infinite Convergence Solutions, Inc. Rockville, MD
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$67,500.00
Initial Term Estimated Award:	\$202,500.00 (3 years)
Total Estimated Award:	\$337,500.00 (5 years)
Account No.:	321-21280-2811-522150
Funding Source:	Confiscated Fund
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Police Departments recommend award as indicated to Infinite Convergence Solutions, Inc. the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

*******ADDITIONAL INFO BELOW*******

Committee Scoresheet					
CITY OF EL PASO RFP SCORESHEET					
PROJECT:	2020-975R Secure Messaging for First Responders				
Evaluation of Submittal					
		INFINITE CONVERGENCE SOLUTIONS, INC. Rockville, MD	EVERTEL TECHNOLOGIES, LLC Las Vegas, NV	SELECTPATH, INC. ALBUQUERQUE, NM	SECURITYZEAL, LLC EL PASO, TX
MAX POINTS					
Factor A - Proposal Cost	35	\$202,500.00	\$153,900.00	\$200,552.40	\$1,440,000.00
Proposal Cost		26.60	35.00	26.86	3.74
Factor B - Quality of Response and Presentation-Respondents evaluaetd on responsiveness to proposal request	20	19.00	17.67	17.00	14.67
Factor C - Experience and Qualfications	20	18.67	18.00	16.33	15.33
Factor D - Response of References	15	15.00	10.00	5.00	10.00
Factor E. Past Performace	10	10.00	6.66	3.33	6.66
TOTAL SCORE	100	89.27	87.33	68.52	50.40
Rank		1	2	3	4



CITY OF EL PASO
REQUEST FOR PROPOSALS TABULATION FORM



Bid Opening Date: June 10, 2020

Solicitation #: 2020-975R

Project Name: Secure Messaging for First Responders

Department: Police

BIDDER'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
SECURITYZEAL, LLC	EL PASO, TX	YES
SELECTPATH INC. DBA CONTACT WIRELESS	ALBUQUERQUE, NM	YES
INFINITE CONVERGENCE SOLUTIONS, INC.	ROCKVILLE, MD	YES
EVERTEL TECHNOLOGIES, LLC	LAS VEGAS, NV	NO
RFPs SOLICITED: 15 LOCAL RFPs SOLICITED: 8 RFPs RECEIVED: 4 LOCAL RFPs RECEIVED: 1 NO BIDS: 0		

NOTE: The information contained in this RFP tabulation is for information only and does not constitute actual award/execution of contract.

Approved: /s/

Date: 06/15/2020

2020-975R Secure Messaging for First Responders

2020-975R Secure Messaging for First Responders

UPLAND SOFTWARE, INC
ATTN: BRIAN GRUSHCOW
401 CONGRESS AVENUE,
SUITE 1850
AUSTIN, TX 78701-3788

HELLO AMIGO
1002 ARIZONA AVE
SUITE 2
EL PASO TX, 79902

AMOBIA APPS
221 N. KANSAS ST, ST 700,
EL PASO, TX 79901

SWN COMMUNICATIONS INC DBA ONE
CALL NOW
ATTN: KIM GUSTAFSON
6450 POE AVE SUITE 500
DAYTON, OH 45414

PHIDEV INC.
500 W OVERLAND AVE #230
EL PASO, TX 7990

SPECTRUM TECHNOLOGIES
5900 GATEWAY BLVD E.
EL PASO, TX 79905

STANTON STREET
500 W. OVERLAND, SUITE 200.
EL PASO, TX 79901

BOOST HUMAN
500 W OVERLAND AVE #230
EL PASO, TX 79901

MODERN TRIBE
80 SOUTH 8TH STREET SUITE 990 87810
MINNEAPOLIS, MN 55402

SALESFORCE
415 MISSION STREET, 3RD FLOOR
SAN FRANCISCO, CA 94105

METI
ATTN: RENARD JOHNSON
8600 BOEING DR
EL PASO, TX 79925

GOOD EGG MEDIA LLC DBA AGENT511
ATTN: JAY MALIN
425 HUEHL ROAD #118
NORTHBROOK, IL 60062

ESEI
ATTN: ANTONIO RICO
5400 SUNCREST DR B3
EL PASO, TX 79912

DIRAD TECHNOLOGIES, INC. ATTN: JOHN
MICHNE
9 CORPORATE DRIVE
CLIFTON PARK, NY 12065

INTOUCH CONNECTIONS
ATTN: JANE SADING
730 W RANDOLPH, STE. 400
CHICAGO, IL 60661

CONTACT WIRELESS
ATTN: LESLIE PRICHARD
1600 EUBANK BLVD. NE
ALBUQUERQUE, NM 87112



Legislation Text

File #: 21-131, Version: 1

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

All Districts

Human Resources, Mary L. Michel, (915) 212- 1267

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

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

STRATEGIC GOAL:

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

SUBGOAL: 6.3 Implement programs to reduce organizational risk

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 Strategic Plan is subsection 6.3 - Implement programs to reduce organizational risk. This contract will continue to provide plans offered as a supplement to the City's defined benefit pension plan.

Award Summary:

The award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

Contract Variance:

No cost to the City.

Department:

Human Resources

Award to:

Empower Retirement, LLC
Greenwood Village, CO

Items:

ALL

Initial Term:

5 years

Option to Extend:

Two, two (2) years

Annual Estimated Award:

NA

Initial Term Estimated Award:

NA

Total Estimated Award:

NA

Account No.:

NA

Funding Source:

Employee Voluntary Contributions Only

Districts:

All

This is a Request for Proposal, service contract.

The Purchasing and Strategic Sourcing and Human Resources Departments recommend award as indicated to Empower Retirement, LLC the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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: Human Resources
AGENDA DATE: February 2, 2021
CONTACT PERSON NAME/PHONE: Mary L. Michel, Assistant Director, Human Resources, (915) 212- 1267
Bruce D. Collins, Director, Purchasing & Strategic Sourcing, 915-212-1181
DISTRICT(S) AFFECTED: All
STRATEGIC GOAL NO. 6: Set the Standard for Sound Governance and Fiscal Management

The linkage to Strategic Plan is subsection 6.3 - Implement programs to reduce organizational risk. This contract will continue to provide plans offered as a supplement to the City's defined benefit pension plan.

SUBJECT:

The award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

BACKGROUND/ DISCUSSION:

The Human Resources Department has reviewed Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator and recommends the contract be awarded to Empower Retirement, LLC the highest ranked proposer based on evaluation factors established for this procurement.

SELECTION SUMMARY:

Solicitation was advertised on 9/15/2020 and 9/22/2020. The solicitation was posted on City website on 9/15/2020. The email (Purmail) notification was sent out on 9/16/2020. Solicitation had forty-seven views. Six (6) proposals were received, none being a local vendor.

PROTEST

☒ No protest received for this requirement.

☐ Protest received.

CONTRACT VARIANCE:

No cost to the City

PRIOR COUNCIL ACTION:

None

AMOUNT AND SOURCE OF FUNDING:

NA

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: _____

COUNCIL PROJECT FORM

*****POSTING LANGUAGE BELOW*****

Please place the following item on the **CONSENT** agenda for the Council Meeting of **February 2, 2021.**

STRATEGIC GOAL NO. 6: Set the Standard for Sound Governance and Fiscal Management

The linkage to Strategic Plan is subsection 6.3 - Implement programs to reduce organizational risk. This contract will continue to provide plans offered as a supplement to the City's defined benefit pension plan.

Award Summary:

The award of Solicitation No. 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator to Empower Retirement, LLC for an initial five (5) year term. The award is to include a two (2), two (2) year optional terms for a total of nine (9) years.

Contract Variance:

No cost to the City.

Department:	Human Resources
Award to:	Empower Retirement, LLC
	Greenwood Village, CO
Item(s):	ALL
Initial Term:	5 years
Option to Extend:	Two, two (2) years
Annual Estimated Award:	NA
Initial Term Estimated Award:	NA
Total Estimated Award:	NA
Account No.:	NA
Funding Source:	Employee Voluntary Contributions Only
District(s):	All

This is a Request for Proposal, service contract.

The Purchasing & Strategic Sourcing and Human Resources Departments recommend award as indicated to Empower Retirement, LLC the highest ranked proposer based on evaluation factors established for this procurement. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

*****ADDITIONAL INFO BELOW*****

CITY OF EL PASO RFP SCORESHEET

PROJECT: 2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator

Evaluation of Submittal

	Empower Retirement, LLC Greenwood Village, CO	Prudential Retirement Insurance and Annuity Company Hartford, CT	Voya Institutional Plan Services, LLC Windsor, CT	Lincoln Retirement Services Company, LLC Fort Wayne, IN	The International City Management Association Retirement Corporation Washington, DC	Massachusetts Mutual Life Insurance Company Springfield, MA
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MAX POINTS

Factor A - Plan Administration							
	20	20.00	17.00	15.00	6.00	7.00	13.00
Factor B - Services Offered to employees							
	15	15.00	15.00	14.00	11.00	10.00	13.00
Factor C - Investments Offered to Plan Participants							
	20	18.00	17.00	18.00	18.00	18.00	18.00
Factor D - Administration Services							
	15	12.00	10.00	13.00	11.00	9.00	10.00
Factor E - Cost Recovery and Financial Guarantees							
	10	10.00	10.00	8.00	8.00	7.00	7.00
Factor F - Past Performance							
	10	6.67	0.00	0.00	10.00	10.00	0.00
Factor G - References							
	10	10.00	10.00	10.00	9.33	6.67	6.00
TOTAL SCORE		91.67	79.00	78.00	73.33	67.67	67.00
Rank		1	2	3	4	5	6



CITY OF EL PASO
REQUEST FOR QUALIFICATIONS TABULATION FORM



Bid Opening Date: October 20, 2020

Solicitation #: 2021-0043R

**Project Name: 457(b) Deferred Compensation Plan Administrator and 401(a)
Profit Sharing Plan Administrator**

Department: Destination El Paso

BIDDER'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Voya Institutional Plan Services, LLC	Windsor, CT	Yes
Massachusetts Mutual Life Insurance Company	Springfield, MA	Yes
Lincoln Retirement Services Company, LLC	Fort Wayne, IN	Yes
Empower Retirement, LLC	Greenwood Village, CO	Yes
The International City Management Association Retirement Corporation	Washington, DC	Yes
Prudential Retirement Insurance and Annuity Company	Hartford, CT	Yes
RFPs SOLICITED: 27 LOCAL RFPs SOLICITED: 4 RFPs RECEIVED: 6 LOCAL RFPs RECEIVED: 0 NO BIDS: 0		

NOTE: The information contained in this RFP tabulation is for information only and does not constitute actual award/execution of contract.

Approved: _____/s/_____

Date: _____/s/_____ **2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator**

2021-0043R 457(b) Deferred Compensation Plan Administrator and 401(a) Profit Sharing Plan Administrator

PEBSCO 6130 Montana # 212 El Paso, TX 79925	Fidelity Investments P.O. Box 5421 Cincinnati, OH 45250	ING AETNA Financial Services 151 Farmington Avenue Hartford, CT 06156
Limited Principal ING 15455 Dallas Parkway Suite 1250 Addison, TX 75001	Presi Ortega, Jr. 7619 Lockheed Suite A El Paso, TX 79925	Fidelity Investments Attn: Suzanne Howard 397 Williams Street MC2E Marlboro, MA 01752
International Bank 1801 S 2 nd Street 6 th Floor McAllen, TX 78503	HUB International 201 E Main Drive Suite 800 El Paso, TX 79901	Security Benefit Attn: Jay Jasnoski One Security Benefit Place Topeka, KS 66636
Great West Life & Annuity Ins Co 18111 Von Karman Avenue Irvine, CA 92612	Ronald D Miller, RHU PO Box 13325 El Paso, TX 79913	ICMA Retirement Co Attn: Troy Kearse 777 North Capital Street NE Washington, DC 20002
VALIC 6301 Indian School Road Suite 670 Attn: Nila McNally Albuquerque, NM 87110	ICMA Retirement Co 12238 E Arabian Park Dr Scottsdale, AZ 85259	ING Attn: Dax Rizo 15455 Dallas Parkway, Suite 1250 Dallas, TX 75001
ICMA Retirement Co Attn: Jerry Higgins 7711 South Greenwood Ct Littleton, CO 80120	JP Morgan Retirement Plan Services 8300 Ward Parkway Kansas City, MO 64114-3317	Charles Swab 4150 Kinross Lakes Parkway Richfield, OH 44286
T. Rowe Price Group PO Box 89000 Baltimore, MD 21289	Wells Fargo 100 Heritage Reserve Menomonee Falls, WI 53051	Principal Financial Group 2603 Augusta Suite 1350 Houston, TX 77057
Prudential Retirement Insurance Co Attn: Julie Klassen 3333 Michelson, Suite 820A Irvine, CA 92612	Mullen Pension Benefits Group 12758 Cimarron Path San Antonio, TX 78249	Prudential Retirement 9837 Archer Lane Dublin, OH 43017
Ameritas Life Insurance Corp 5900 O Street Lincoln, NE 68510	Hartford Life Insurance Company 200 Hopmeadow Street Simsbury, CT 06089-9793	Nationwide Retirement Solutions Attn: Matt Riebol 5900 Parkdwood Place Dublin, OH 43016

Request for Proposal 2021-0043R

**Recordkeeping and
Administrative services of the
City's 457(b) and 401(a) Plans**

- Strategic Goal 6 –
- Set the Standard for Sound Governance and Fiscal Management
 - 6.3 Set the Standard for Sound Governance and Fiscal Management

457(b) Deferred Compensation Plan Administrator & 401(a) Profit Sharing Plan Administrator



- Request for Proposal 2021-0043R - seeking proposals for the Recordkeeping and Administrative services of the City's 457(b) and 401(a) Plans
- There were six (6) proposals received
- Five-member committee and an external professional evaluated the proposals
- The RFP was awarded to Empower Retirement, LLC

Scope of Services



- Recordkeeper of Plan Assets and Administration
- Plan Document Administration and maintenance
- Management of loan processing and maintenance
- Retirement Plan Advisors:
 - Antonio Rivera – Local Representation and bi-lingual
 - Caterina Costante – Dallas, Texas
- Interactive Participant website – including Spanish translation service
- Utilize the Putnam Dynamic Asset Allocation Funds
- Financial Wellness Program....My Financial Path
- 8 Educational days per year

Transition



- Will begin immediately after award
- Will take approximately 120 days (estimating June 15, 2021 effective date)
- Employee investment accounts will roll over seamlessly to a “like type investment” account
- Employee will be given the opportunity to change investments accounts

Transition



- Individual communication from Empower, LLC. to each enrolled participant
- Communication sent to Department Heads to be disseminated to employees
- Weekly email blast countdown
- “Your City in 5”
- MyElPaso – City’s intranet



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 #: 21-110, Version: 1

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

All Districts

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

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.

Budget 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?

Budget Update

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

AGENDA DATE: February 2, 2021

CONTACT PERSON NAME / PHONE NUMBER: Nicole K. Cote (915)-212-1092

DISTRICT(S) AFFECTED: All

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

SUBJECT: Budget Update

BACKGROUND / DISCUSSION:

Budget Update

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

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



Budget Update

February 2, 2021



Prioritizing our Priorities

- Strategic Plan sets the long-term strategy
- Focus on long-term financial sustainability
- Recap FY 2021 Adopted Budget
- FY 2021 Budget Scenario Without Adjustments
- Major Cost Drivers
 - Focus on Public Safety

Strategic Plan – Guiding Our Direction

Improved Financial & Operational Status

- Improving our financial position - General Fund reserves
- Investing in our workforce
- Addressing deferred investments
- Creating annual pay-go and new revenue for priorities
- Conducting cost savings and efficiency programs
- Engage our community

25 by 2025



- 1** | **Activate targeted (re)development (2.0):**
 - Medical Center of the Americas/Alameda
 - Reimagine Cohen/Angora Loop/Northeast Parkway
 - Five Points
 - Airport Development
 - High priority corridor development plans
 - Infill growth strategies
 - Parking strategies
 - Disposition of City-owned properties
- 2** | **Expand Downtown revitalization/ redevelopment to include:**
 - Streetcar corridor vibrancy (2.0)
 - Convention center renovation
 - Parking management plans
 - Uptown
- 3** | **Enhance cross-border mobility experience for bridge users (2.0)**
 - Capital Improvement implementation
 - Revamp toll operation schedules and lane management
- 4** | **Launch new business friendly practices and services improving speed to market and supporting entrepreneurship/microenterprises**
- 5** | **Identify and develop plans for areas of reinvestment and local partnership**
- 6** | **Expand investment in public safety operations (2.0)**
 - Staffing needs
 - Program annual Police and Fire vehicle replacement
 - Parking management plans
 - Uptown
- 7** | **Establish a brand that celebrates and promotes El Paso's unique identity and offerings**
- 8** | **Complete Quality of Life Bond Projects and develop signature programming (2.0):**
 - Mexican American Cultural Center
 - Children's Museum
 - Multi-purpose Center
- 9** | **Align and implement key investment strategies (linked to 6.6) sustaining and enhancing park system operations and outdoor offerings**
- 10** | **Expand workforce development and organizational focus on continuous improvement through targeted training, activating partnerships and growing best practices**
- 11** | **Become a model for activating interagency and multisector partnerships and demonstrate results and under the *Communities of Excellence* framework**
- 12** | **Optimize resources by evaluating and aligning service delivery mechanisms**
 - Shared Services
 - Community Preparedness/Continuity of Operations
 - Establish a citizen-led bond election

Financial Focus

- Through sound financial management we have been able to:
 - ***Maintain solid financial position***
 - proactive budget adjustments and use of tools/resources
 - ***Protect taxpayers***
 - no increase to tax rate and minimize impact to services
 - ***Recognize employees***
 - additional pay and no increase to healthcare

FY 2021 Budget By Goal – General Fund

Strategic Goal	FY 2020	FY 2021	\$ Variance	% Variance
Goal 1: Economic Development	1,914,207	1,826,045	(88,162)	-4.61%
Goal 2: Public Safety	269,925,210	277,071,145	7,145,935	2.65%
Goal 3: Visual Image	7,725,084	7,343,043	(382,041)	-4.95%
Goal 4: Quality of Life	55,442,603	42,734,506	(12,708,097)	-22.92%
Goal 5: Communication	19,858,231	18,953,219	(905,012)	-4.56%
Goal 6: Sound Governance	44,213,129	44,768,429	555,300	1.26%
Goal 7: Infrastructure	50,794,322	41,792,085	(9,002,237)	-17.72%
Goal 8: Healthy, Sustainable Community	8,072,146	7,496,849	(575,297)	-7.13%
Total Expenses	457,944,931	441,985,321	(15,959,610)	-3.49%

FY 2021 Budget Recap

- COVID-19: Limited data and uncertainty creates challenges
- Protect residents and businesses by maintaining same tax rate
- Focused on the basics (police, fire, health, workforce)
- Unfunded all vacant non-essential positions
- Deferred residential street and public safety capital projects
- Delayed opening of new amenities
- Deferred completion of capital projects (no debt issuance)
- Utilized CARES Act Federal funding

FY 2021 (Sep 2020 – Aug 2021) Budget Adjustments



FY 2021 Preliminary Revenues

\$431,285,321

Bridges P3/Cash Differential Reserves

\$5,000,000

Deferred Debt Issuance

\$5,700,000

**\$44.6 million in
adjustments**

FY 2021 Adopted Budget

\$441,985,321

FY 2021 Preliminary Expenses

\$475,885,321

Residential Street Projects

(\$6,600,000)

Public Safety Capital

(\$3,000,000)

Public Safety Academies

(\$1,200,000)

CIT (Grant Funded)

(\$1,200,000)

Sport Courts and Complexes

(\$1,900,000)

QoL - New and Existing

(\$8,200,000)

Federal Funding - Health/Safety

(\$800,000)

Unfunded Vacancies/Attrition

(\$11,000,000)

FY 2021 Adopted Budget

\$441,985,321

(\$44,600,000)

Public Safety – Budget Adjustments

Strategic Goal	FY 2020	FY 2021	\$ Variance	% Variance
Goal 2: Public Safety	269,925,210	277,071,145	7,145,935	2.65%

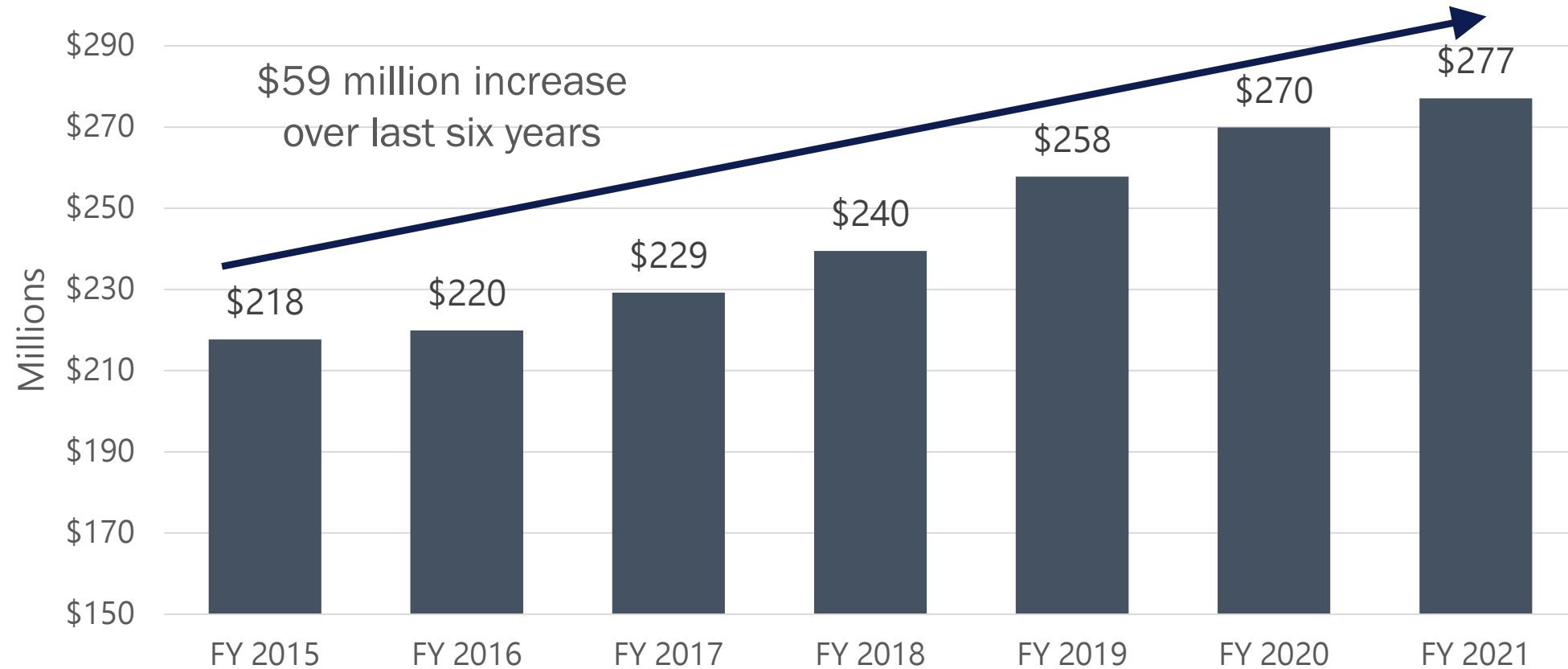
- Deferred one Police Academy
- Postponed one Fire Academy
- Collective bargaining agreements
- Deferred \$1.3 million of dedicated funding for capital equipment replacement for Police and \$2.7 million of dedicated funding for emergency vehicle replacement for Fire
- Deferred Public Safety Bond – O&M costs

Major Cost Driver - Collective Bargaining Agreements

- Police
 - Cost of living increases goes from 1.50% to 1.75% + step increases*
 - Eligible for Shape It Up
 - Increases in incentives
 - Additional discounts in Healthcare and deductibles
 - Supervisor wage scale adjustments
 - Agreement is from 2020 - 2023
- Fire
 - Cost of living increase goes from 2.75% to 3.00% + step increases*
 - Increases in incentives
 - Continued discounted Healthcare
 - Agreement is from 2019 - 2022

**All uniformed employees shall receive a step increase on their anniversary date and shall continue thereafter to receive step increases on each succeeding anniversary date until reaching the top step in their classification*

Public Safety Investment General Fund (\$ in millions)



Police 5 Year Investment

Estimated Annual Cost Increases

	2021	2022	2023	2024	2025	2026
Police Step* + COLA	2,659,747	5,039,970	5,592,065	7,670,419	8,070,095	8,471,775
Academy	(641,004)	623,092	651,872	22,606	22,606	22,606
Budget Impact	\$2,018,743	\$5,663,062	\$6,243,937	\$7,693,025	\$8,092,701	\$8,494,381

**All uniformed employees shall receive a step increase of 3% - 5% based on their rank on their anniversary date and shall continue thereafter to receive step increases on each succeeding anniversary date until reaching the top step in their classification*

Future Budget Impacts

- Crisis Intervention Team
 - FY 2021 \$1,986,583 impact
 - \$1.4M State Grant for EHN
- 911 Communications
 - Deferred request for increased staffing from FY 2021 to FY 2022
 - Need for an additional channel is now

Fire 5 Year Investment

Annual Cost Increases

	2021	2022	2023	2024	2025	2026
Fire Step* + COLA	1,592,353	4,139,514	6,168,175	4,656,427	4,536,329	5,842,696
Academy	25,992	953,540	(571,850)	(287,367)	187,420	279,074
Budget Impact	\$1,618,344	\$5,093,054	\$5,596,325	\$4,369,059	\$4,723,749	\$6,121,770

**All uniformed employees shall receive a 5% step increase on their anniversary date and shall continue thereafter to receive step increases on each succeeding anniversary date until reaching the top step in their classification*

Police and Fire

Total Estimated Annual Increases*

	2021	2022	2023	2024	2025	2026
Police	\$ 2,018,743	\$ 5,663,062	\$ 6,243,937	\$ 7,693,025	\$ 8,092,701	\$ 8,449,169
Fire	\$ 1,618,344	\$ 5,093,054	\$ 5,596,325	\$ 4,369,059	\$ 4,723,749	\$ 6,121,770
Budget Impact	\$ 3,637,088	\$10,756,116	\$11,840,262	\$12,062,085	\$12,816,450	\$14,570,939

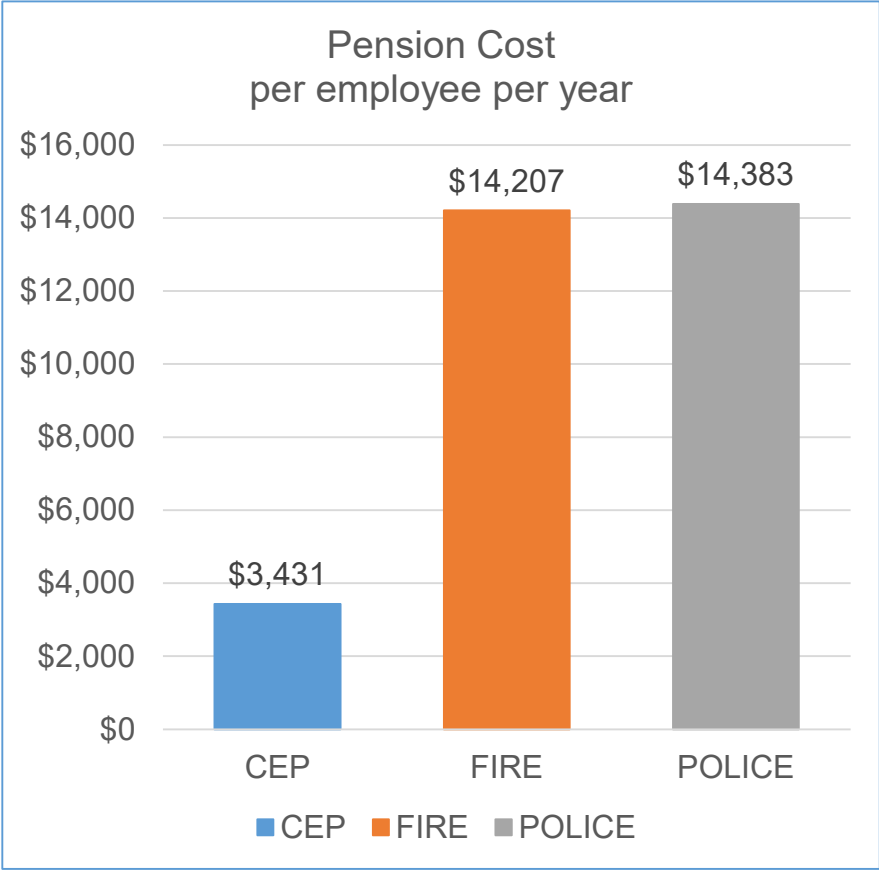
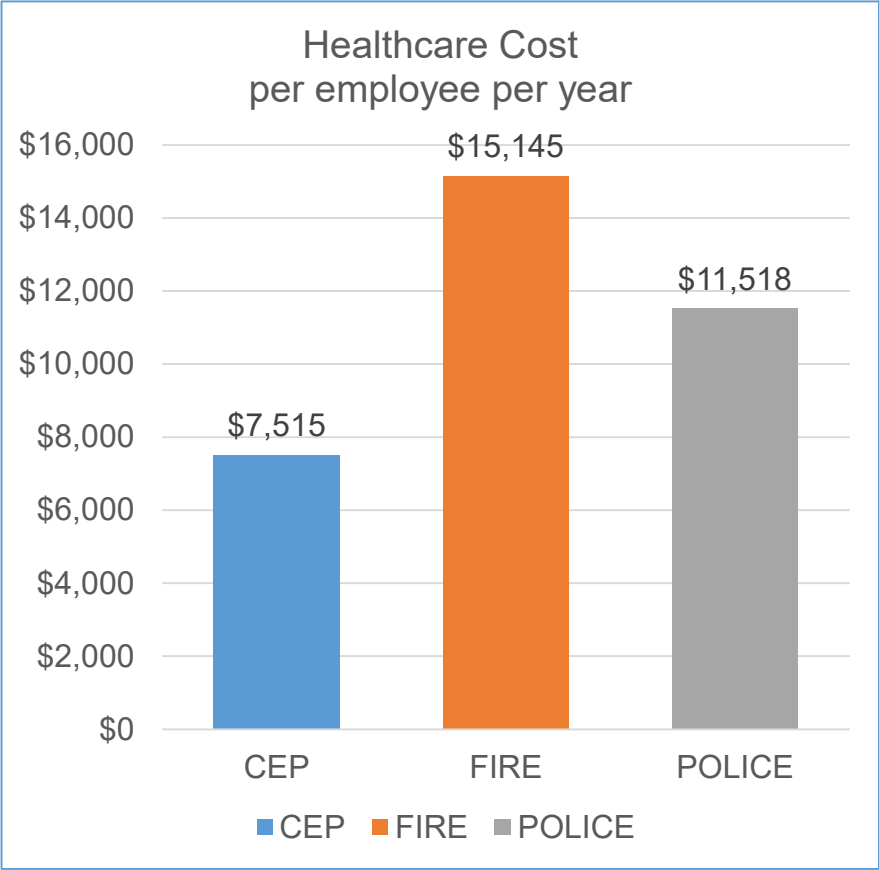
**Includes Step and COLA increases and academies only. These increases do not include operating increases associated with the academies or the Public Safety Bonds.*

Budget Challenges/ Cost Drivers

- COVID Operations
- Compensation increases + Healthcare Costs
- Aging infrastructure and facilities
- Re-opening El Paso – Qol Services
- Deferred Quality of Life projects – operating and maintenance costs

Cost Drivers - Healthcare & Pension

Employer Contribution



Next Steps

On February 15

FY 2022 More in Depth Budget Discussions

Five-year Financial Forecast

- Revenue Projections
- Expenditure Projections
 - Qol Services
 - Capital Projects
 - Debt Service



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 #: 21-127, Version: 1

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

District 7

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

PUBLIC HEARING DATE: 3/2/2021

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 Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., City of El Paso, El Paso County, Texas from C-1/C/SC (Commercial/condition/special contract) to C-4/C/SC (Commercial/condition/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 1351 and 1355 Zaragoza Rd.

Applicant: Palo Verde Business Park, LLC; PZRZ20-00017

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 to rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract) to allow the subject property to be used as business offices. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls 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: February 2, 2021

PUBLIC HEARING DATE: March 2, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Martinez, Adriana, (915) 212-1611

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:

An ordinance changing the zoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., City of El Paso, El Paso County, Texas from C-1/C/SC (Commercial/condition/special contract) to C-4/C/SC (Commercial/condition/special contract). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 1351 and 1355 Zaragoza Rd.
Applicant: Palo Verde Business Park, LLC; PZRZ20-00017

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract) to allow the subject property to be used as business offices. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls 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 A PORTION OF LOTS 2 & 3, BLOCK 1, LAS TERRAZAS SUBDIVISION, 1351 AND 1355 ZARAGOZA RD., CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-1/C/SC (COMMERCIAL/CONDITION/SPECIAL CONTRACT) TO C-4/C/SC (COMMERCIAL/CONDITION/SPECIAL CONTRACT). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, a rezoning of a portion of Lots 2 & 3, Block 1, Las Terrazas Subdivision, 1351 and 1355 Zaragoza Rd., located in the City of El Paso, El Paso County, Texas, and more particularly described by the metes and bounds attached as Exhibit "A", to be changed from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

ADOPTED this _____ day of _____, 2021.

THE CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____
20-1007-2671 | 1045750
1351 & 1355 Zaragoza Rd.
LBJ

PZRZ20-00017

1351 & 1355 Zaragoza Rd.

City Plan Commission — November 19, 2020

REZONING



CASE NUMBER: PZR20-00017
CASE MANAGER: Adriana Martinez, (915) 212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER: Palo Verde Business Park, LLC
REPRESENTATIVE: William Van Haselen
LOCATION: 1351 and 1355 Zaragoza Rd. (District 7)
PROPERTY AREA: 0.2957 acres
REQUEST: Rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract)
RELATED APPLICATIONS: Condition Release (PZR20-00002)
PUBLIC INPUT: N/A

SUMMARY OF REQUEST: The applicant is requesting to rezone from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract) to allow the subject property to be used as business offices.

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-4, Suburban (Walkable) land use designation of Plan El Paso, the City's Comprehensive Plan in the East Planning area.

PZR20-00017

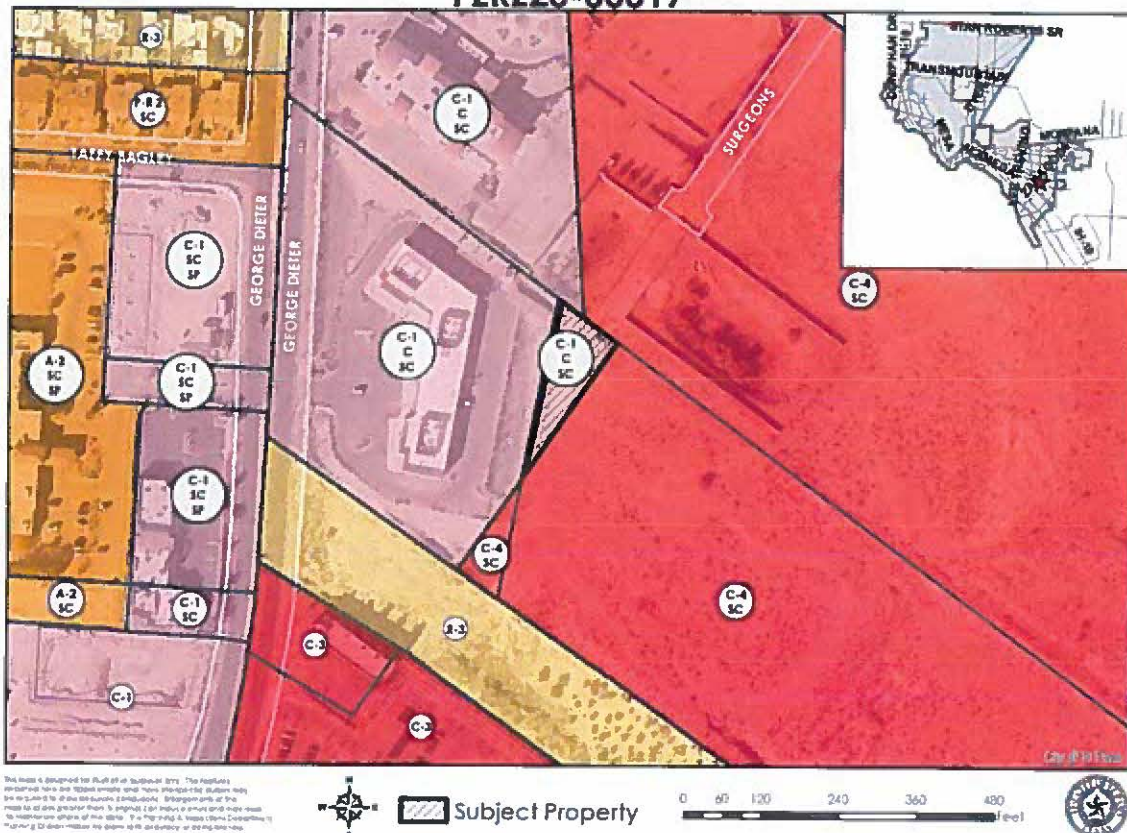


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant proposes to rezone a portion of land approximately 0.2957 acres from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract). The subject property is currently required to comply with the special contract provisions imposed by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012, which states in part:

Ordinance No. 7313:

- *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

Ordinance No. 17870:

- *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The rezoning request is to allow the entire split zoned property of 10.43 acres of land to be zoned C-4 (Commercial). The property is located at 1351 and 1355 Zaragoza Rd. within the East Planning Area. The conceptual site plan accommodates a total of 15 commercial buildings to be used as business offices. Primary access to the proposed development is from Zaragoza Road.

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-4 Suburban (Walkable) use designation of *Plan El Paso* in the East Planning area. The nearest park is Blackie Chester Park (1.38 miles) and the nearest school is Myrtle Cooper Elementary (0.83 miles).

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4 – Suburban: This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property, and the proposed development for it, meet the intent of the G-4 Suburban (Walkable) 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), C-3 (Commercial), C-1 (Commercial), and R-3 (Residential). The surrounding area uses vary from hospital, commercial retail, restaurants, and financial institution.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: Establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes, the 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 hospital, medical offices, commercial retail, restaurants, and financial institution.</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:	
Preferred Development Locations: Is the property in a "Compact Urban" area?	Yes, the subject property is located along Zaragoza Road, which is classified as a major arterial as per the City of El Paso's Major Thoroughfare Plan.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects predicted from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.
Natural Environment: Anticipated effects on the natural environment.	No effect on the natural environment anticipated as the subject property is in an already developed area.
Stability: Whether the area is stable or in transition.	Yes, the proposed development is within an older area of the city, which represent stability within the G-4, Suburban use designation of Plan El Paso. There has been no rezoning cases within the last five years.
Socioeconomic & Physical Conditions: 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: Main access to the proposed commercial development will be Zaragoza Road, which is designated as a Major Arterial as per the City of El Paso's Major Thoroughfare Plan. The subject property as part of Las Terrazas Subdivision. Access and location of driveway on Zaragoza Road shall be coordinated with TxDOT. All existing or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction. There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Road, approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Road. This water main is available for service.

PUBLIC COMMENT: The subject property lies within the Eastside Civic Association. Notices sent to property owners within 300 feet on November 5, 2020. As of November 12, 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 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

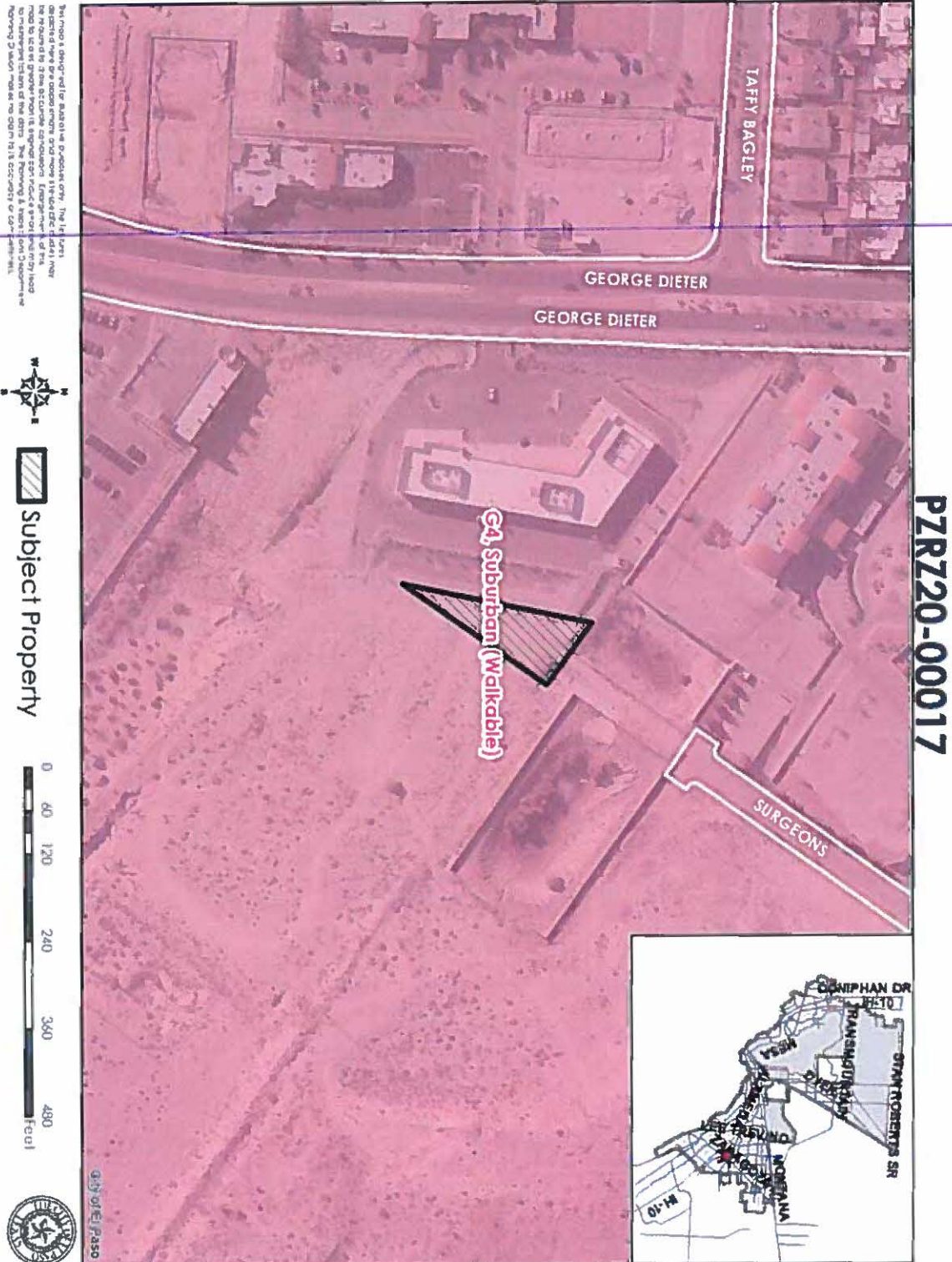
in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
(Staff Recommendation)

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



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

Generalized Site Plan reviewed and approved for rezoning.

Planning and Inspections Department – Land Development

1. Show proposed drainage flow patterns on the plans and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision limits.
2. 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.
3. Add note on detailed site plan: "The retention of the difference between historic and developed storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1)."
4. The Proposed ponding area(s) shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event.

Fire Department

Recommended approval.

Texas Department of Transportation

TxDOT's comments are as follows:

- Requestor will need to submit a request for a driveway permit and for a grading and drainage review since improvements are proposed abutting TxDOT right-of-way.
- Requests may be submitted to elp_access@txdot.gov.

Sun Metro

Recommended approval.

Streets & Maintenance

No objections to the proposed rezoning.

El Paso Water

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWater) does not object to this request.

Zaragoza Rd. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Zaragoza Rd. right-of-way requires written permission from TxDOT.

Water:

There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 7-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. EPWater records indicate there is no water meters serving the subject property.

Previous water pressure from fire hydrant #5785 located at the northeast corner of Zaragoza Rd. and Henry Brennan Dr., has yielded a static pressure of 110 psi, a residual pressure of 70 psi, and a discharge of 1,592 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 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 within a 20-foot PSB easement, north of and parallel to the north property line of the subject property. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Zaragoza Rd., approximately 9-feet east of and parallel to the western right-of-way line of Zaragoza Rd. This sanitary sewer main is available for service.

General:

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced 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.

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

We have reviewed the property described above and provide the following comments:

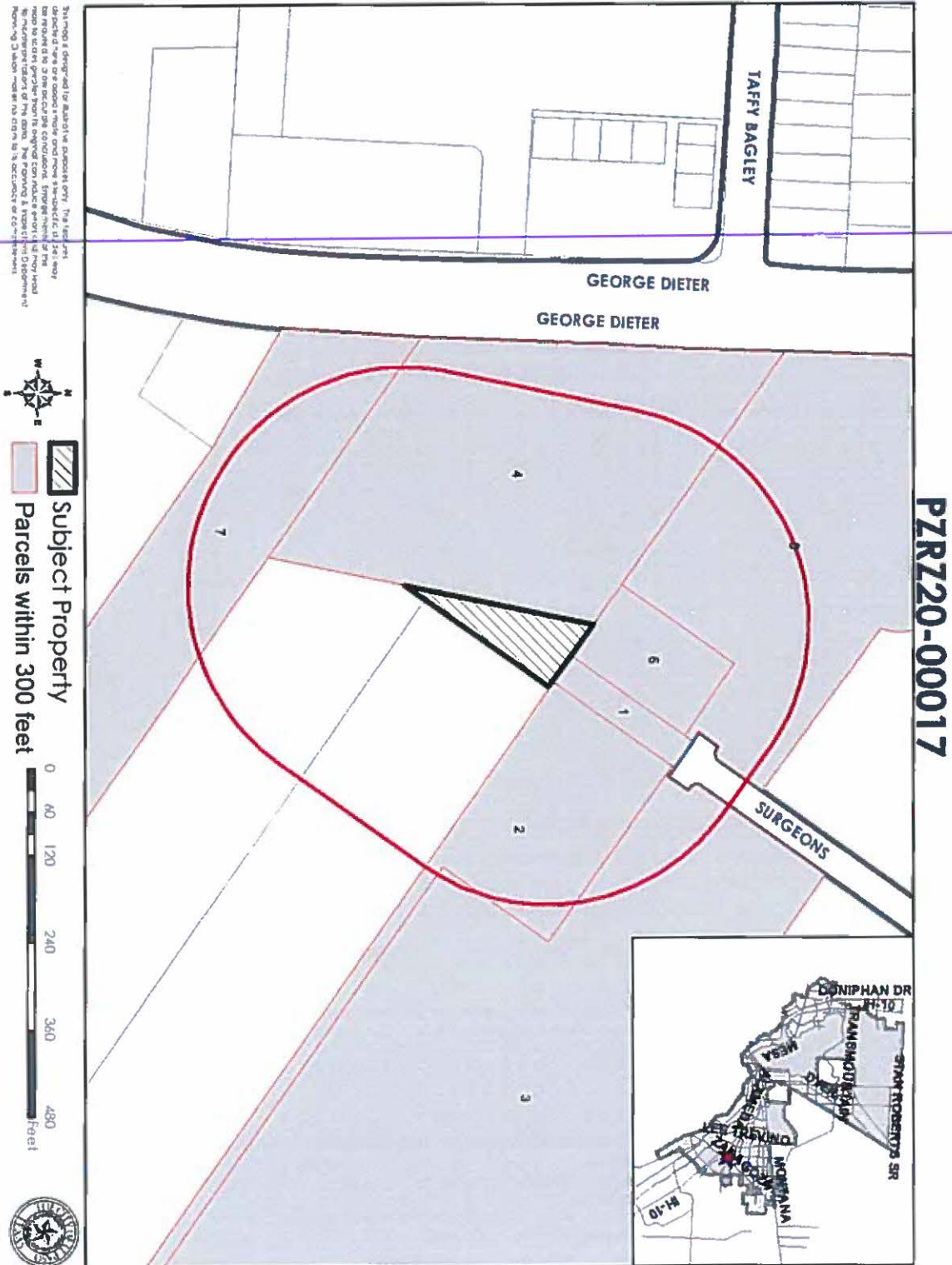
1. Show drainage flow patterns on the plot plan and identify the discharge location for all storm water runoff.
2. Zaragoza Rd. is a state highway; consult TXDOT if runoff is proposed to flow into their ROW.
3. The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

4. Verify that the existing pond adjacent to the subject property was designed to take in the developed runoff from this property.

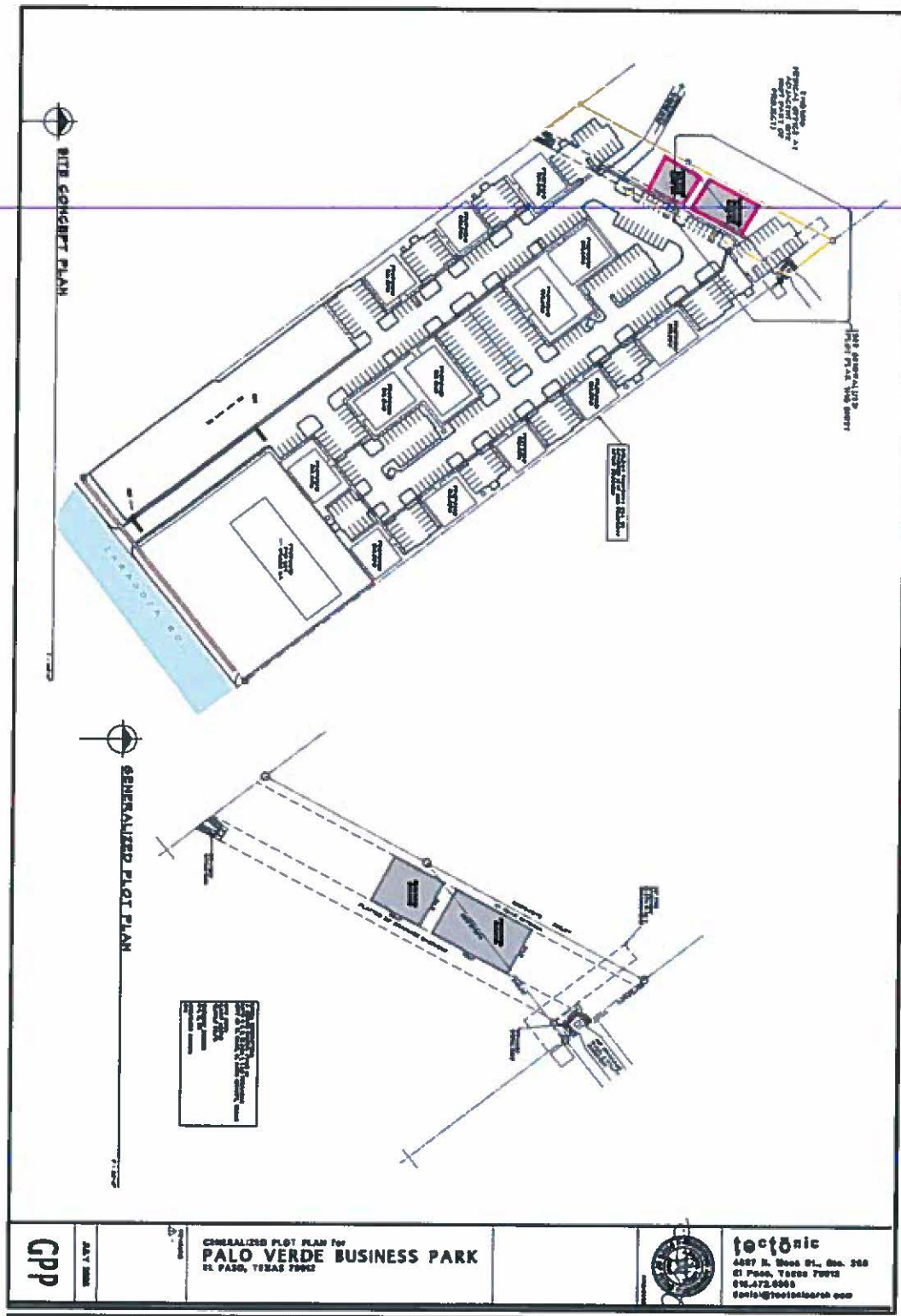
El Paso County Water Improvement District #1

The attached cases are not within the boundaries of EPCWID

ATTACHMENT 3



ATTACHMENT 4





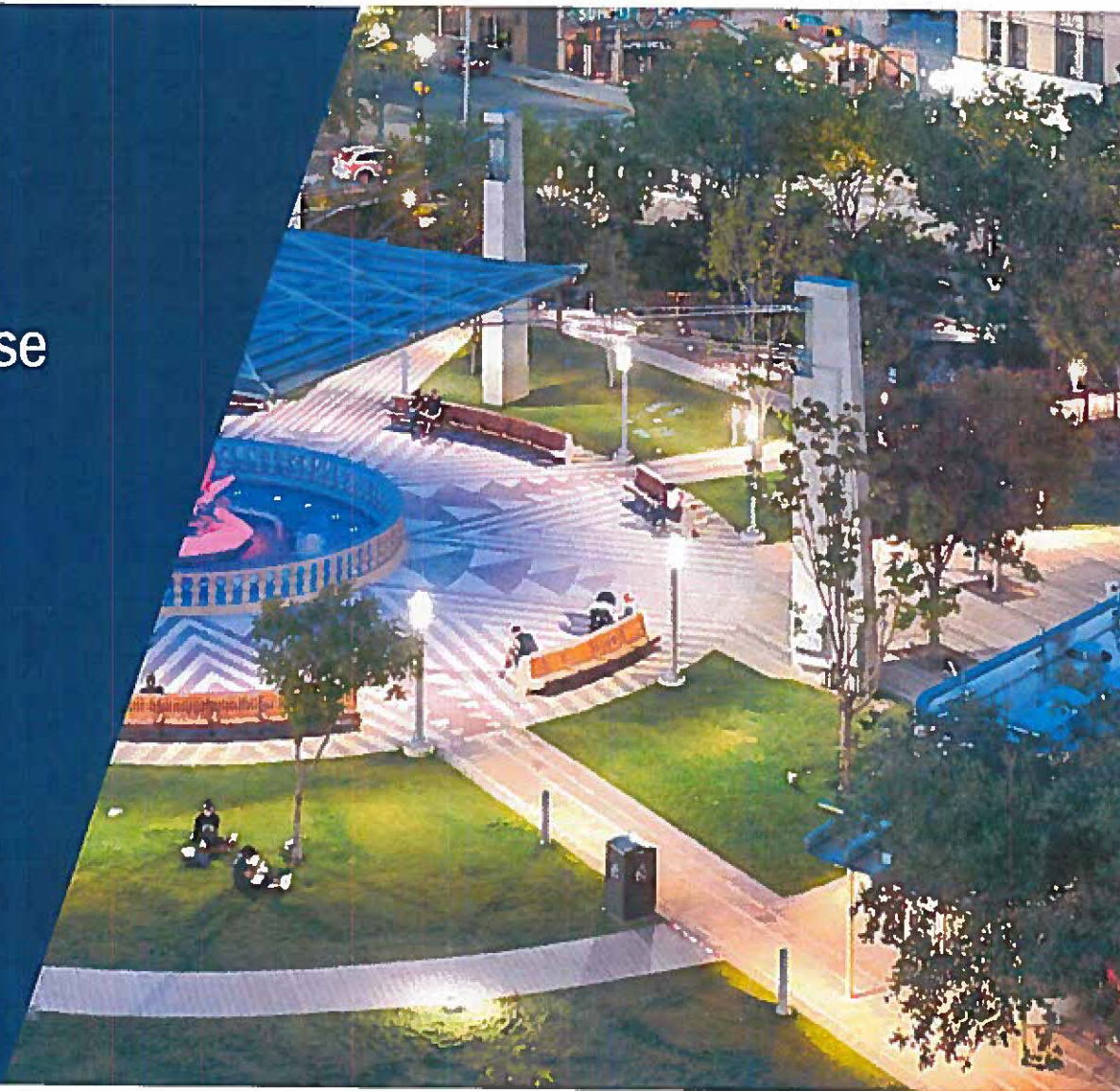
ITEM 8 & 10

1351 & 1355 Zaragoza Rd. Rezoning & Condition Release

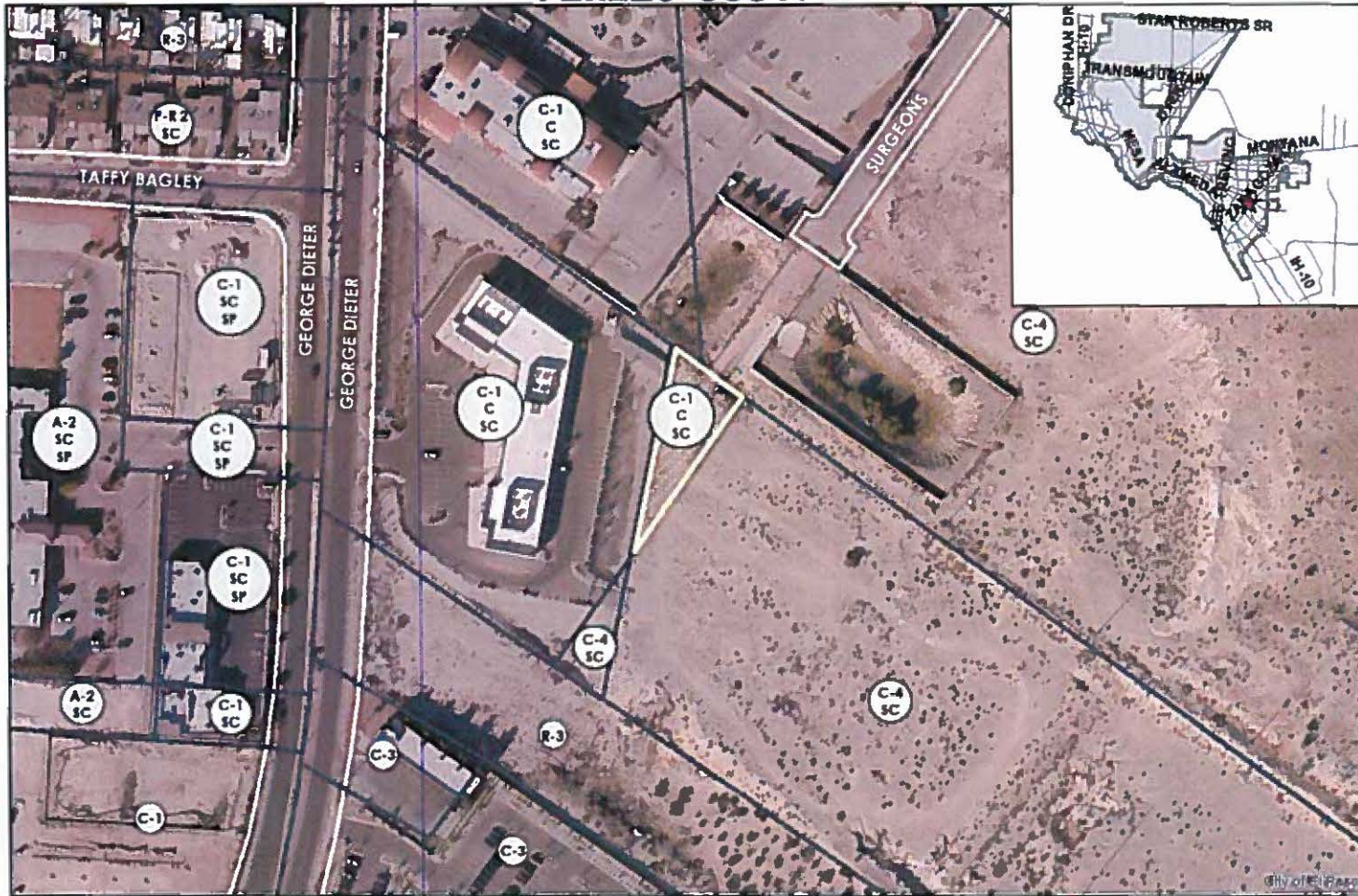
PZRZ20-00017 & PZCR20-00002

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ20-00017



This map is designed for illustrative purposes only. The features depicted here are approximate and may be subject to change. No warranty is made by the City of El Paso as to the accuracy or completeness of the information shown on this map. The Planning & Inspection Department of the City of El Paso makes no claim to the accuracy or completeness of the information shown on this map.



Subject Property

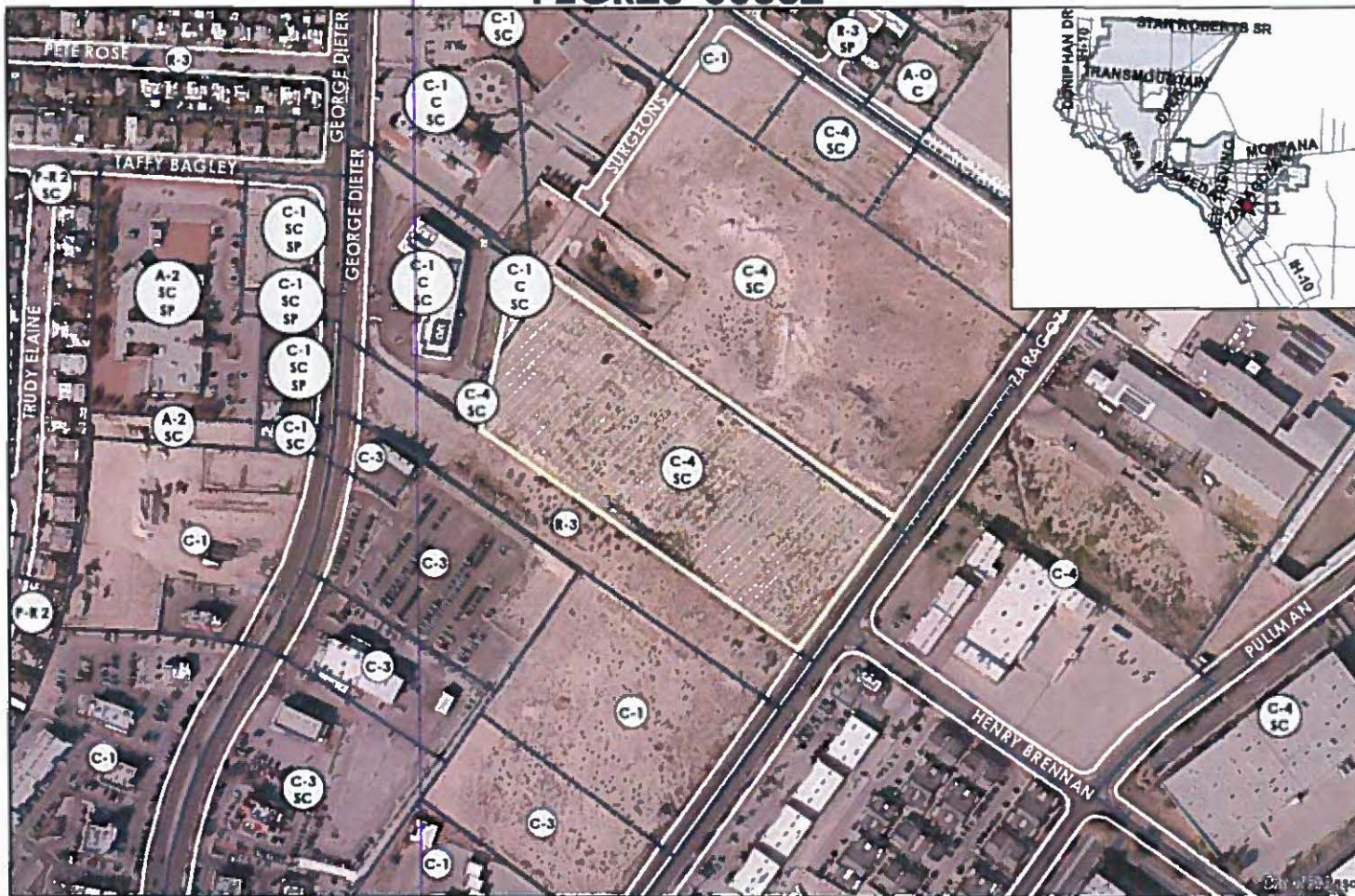
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Aerial Rezoning



PZCR20-00002



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. Enlargement of the map to scales greater than 1:10,000 can cause errors and may lead to misinterpretation of the data. The Planning & Innovation Department Planning Division makes no claim to its accuracy or completeness.



Subject Property

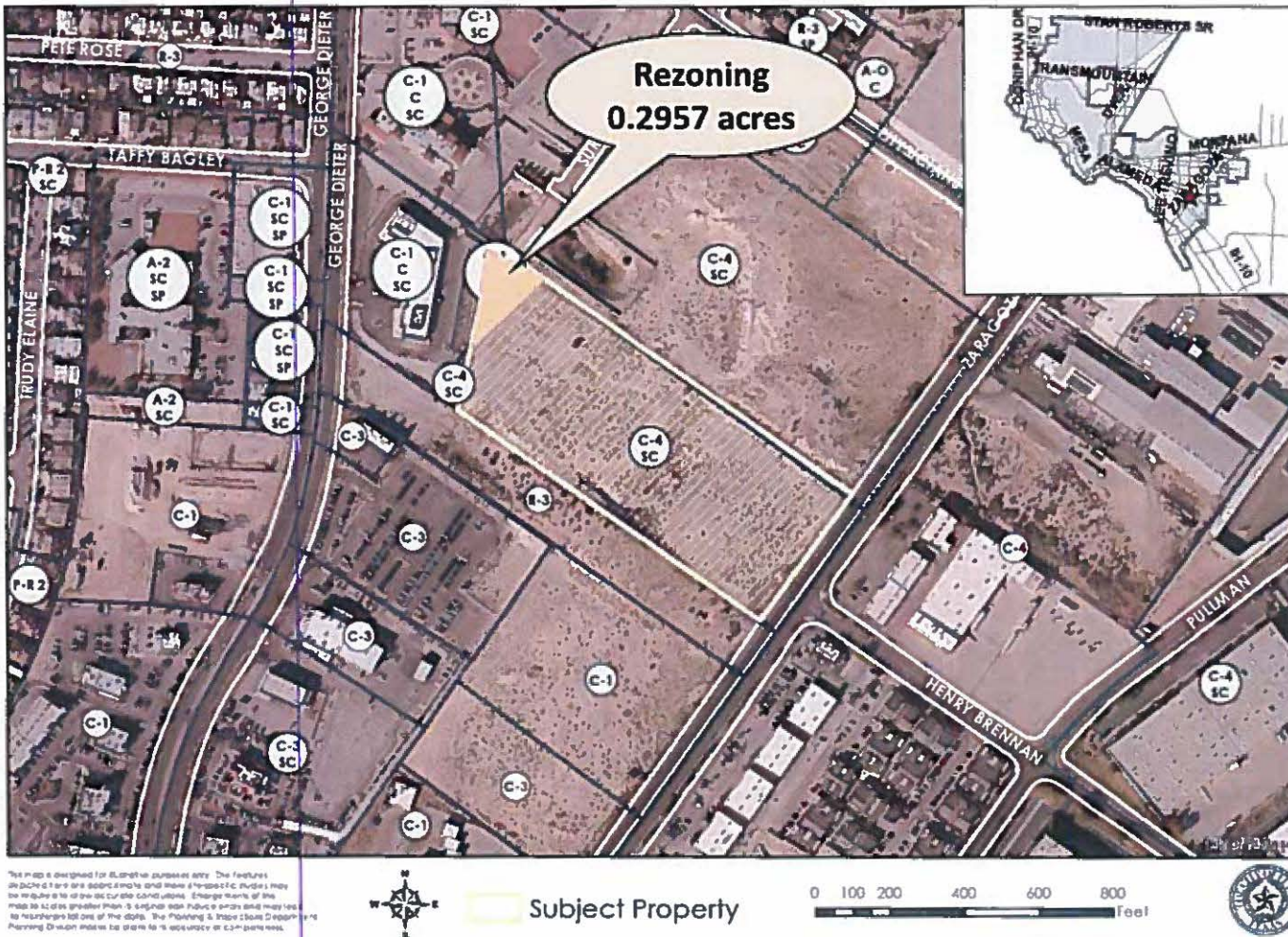
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Aerial Condition Release



Aerial



PZRZ20-00017



This map is designed for illustrative purposes only. The features depicted here are approximate and more specific studies may be required to draw accurate conclusions. Enlargements of the map to scales greater than its original can reduce detail and may lead to misinterpretation of the data. The Planning & Information Department Planning Division makes no claim to 100% accuracy or completeness.



 Subject Property

0 60 120 240 360 480 feet

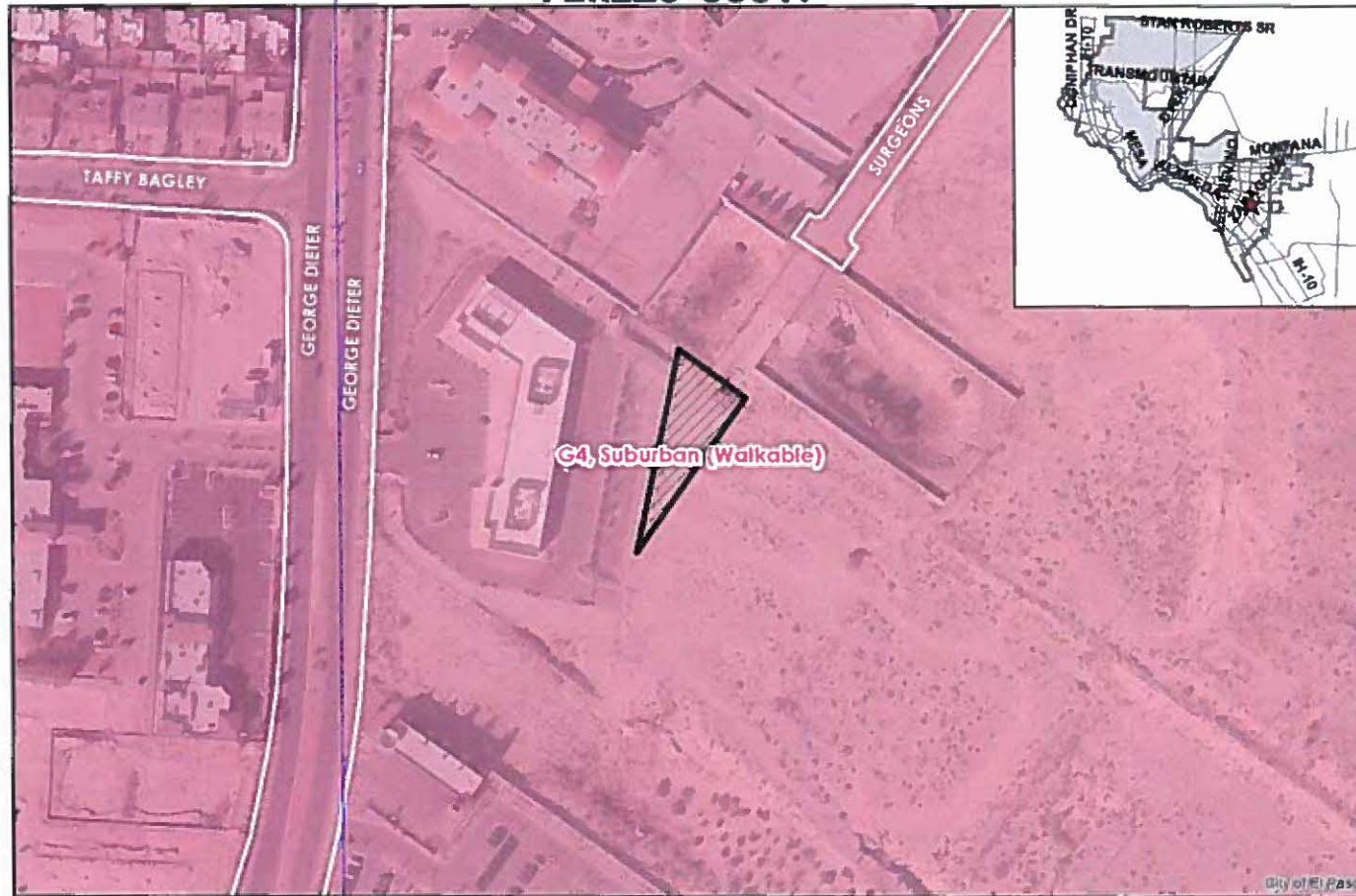


Existing Zoning



Future Land Use

PZRZ20-00017



This map is designed for illustrative purposes only. The features depicted here are based on data and maps of the subject property as required to be drawn on future calculations. Errors or omissions on the map to scale greater than 1/8 inch can reduce errors and may lead to misinterpretation of the data. The Planning & Mapping Department Planning Division makes no claim to its accuracy or completeness.

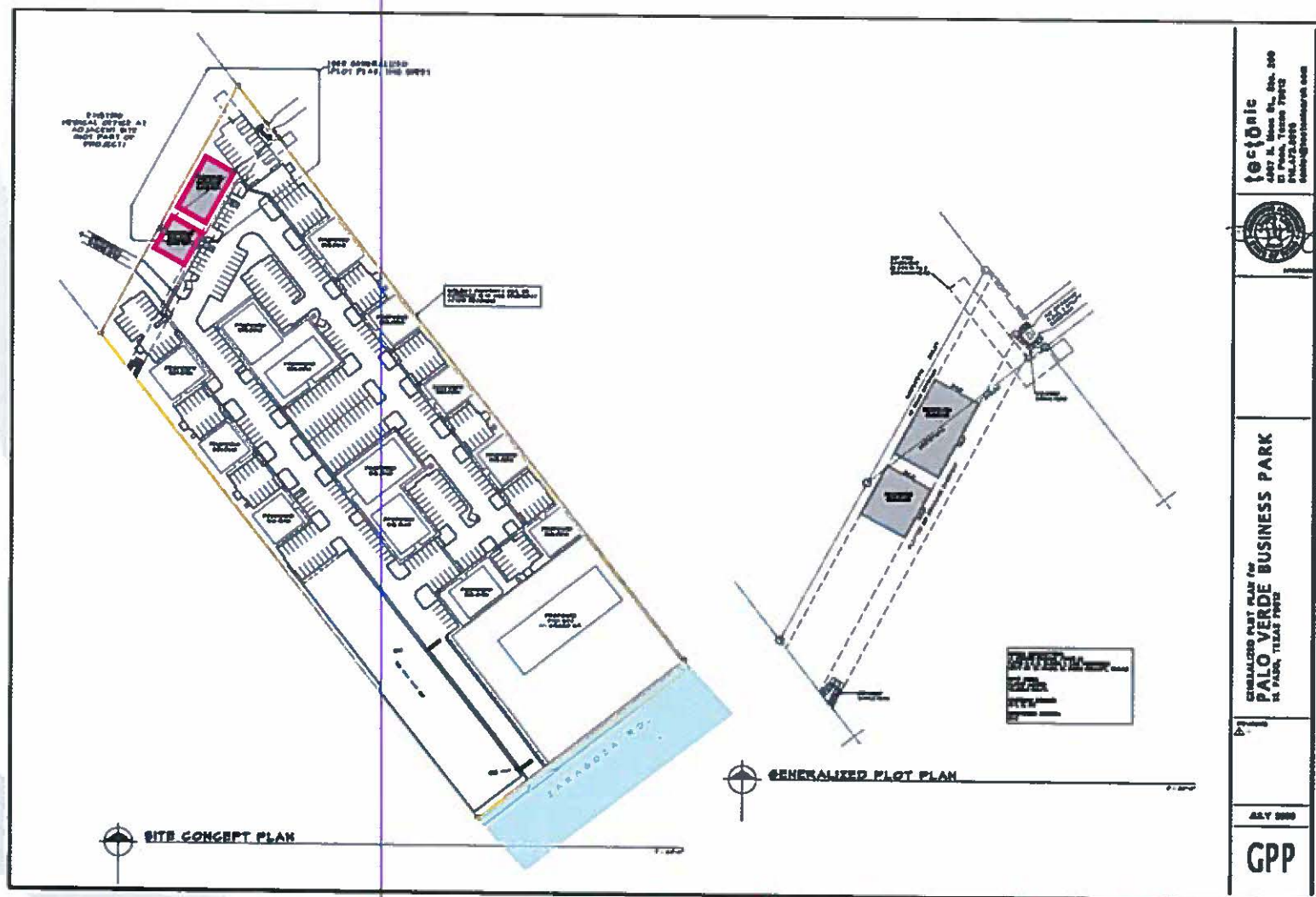


 Subject Property





Conceptual Site Plan



Condition Release

Description of request:

- Current condition per Ordinance No. 7313, dated September 8, 1981
 - *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed.

- Current condition per Ordinance No. 17870, dated September 18, 2012
 - *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

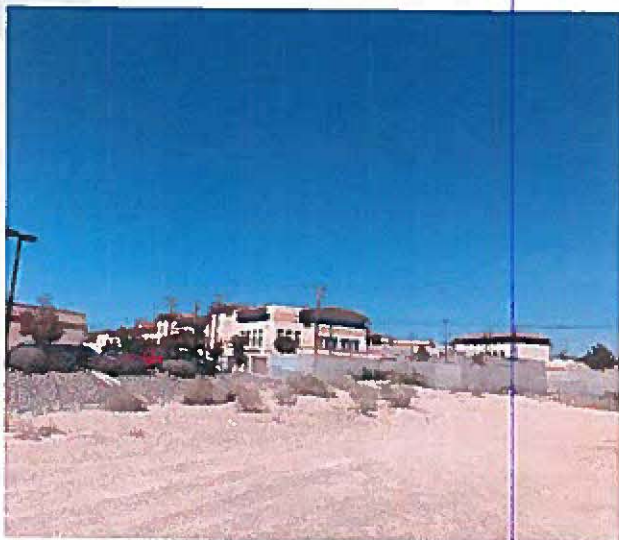
The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.



Subject Property



Surrounding Development



W



N



S

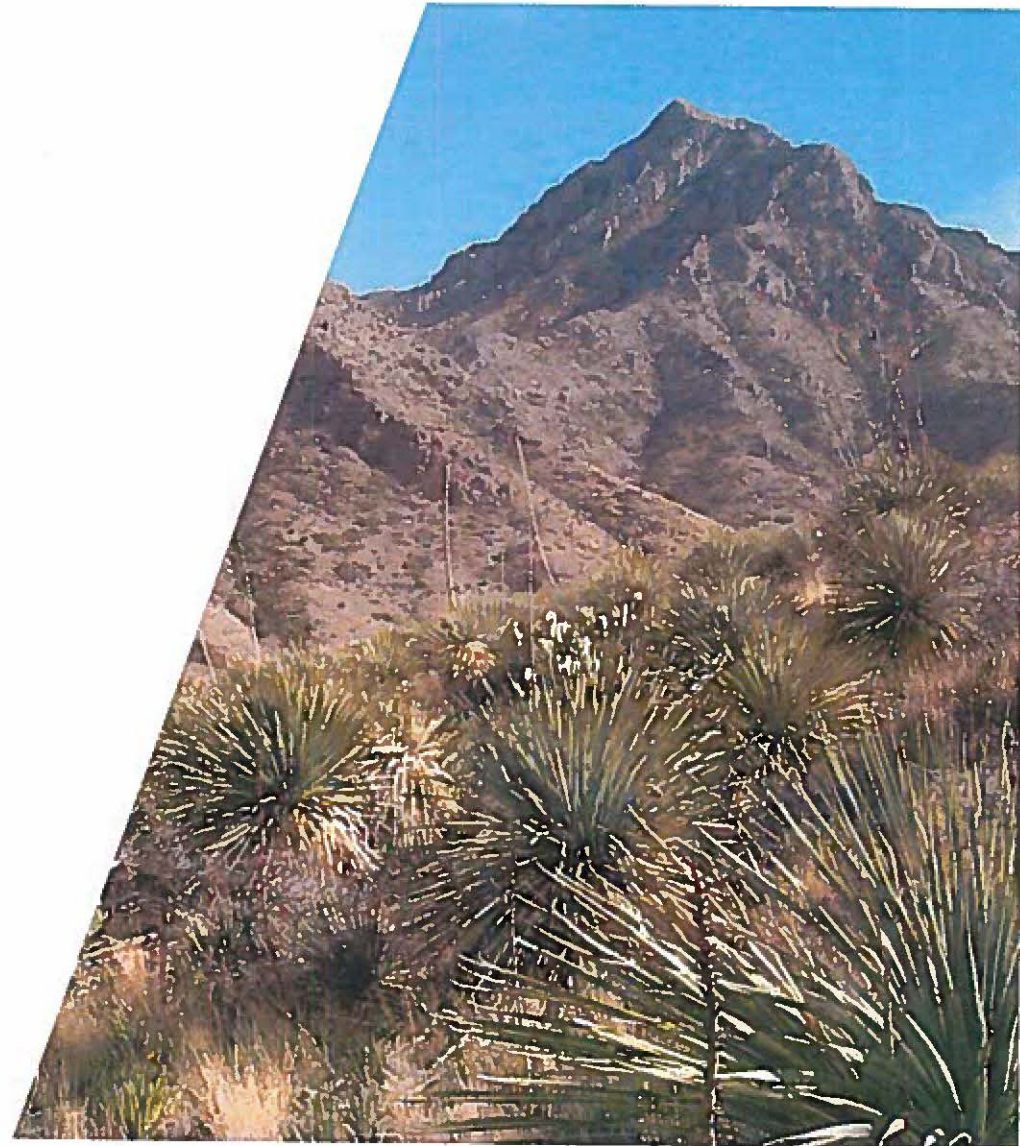


E



Public Input

- Notices were mailed to property owners within 300 feet on November 5, 2020.
- The Planning Division has not received any communications in support nor opposition to the Rezoning & Condition Release request.





Recommendation

- Staff recommends **APPROVAL** of the rezoning and condition release request.



Mission

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



Vision

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



Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

File #: 21-130, Version: 1

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

District 7

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

PUBLIC HEARING DATE: 3/2/2021

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 releasing all conditions placed on the property by Ordinance No. 7313 and 17870 which changed the zoning of Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 1351 and 1355 Zaragoza Rd.

Applicant: Palo Verde Business Park, LLC; PZCR20-00002

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 to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012. The proposed condition release is to waive the request of the submittal and approval of a Detailed Site Development prior to the issuance of any building permit as required by Ordinance No. 17870. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls in support or opposition to the condition release 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: February 2, 2021

PUBLIC HEARING DATE: March 2, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Martinez, Adriana, (915) 212-1611

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:

An ordinance releasing all conditions placed on the property by Ordinance No. 7313 & 17870 which changed the zoning of Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 1351 and 1355 Zaragoza Rd.
Applicant: Palo Verde Business Park, LLC; PZCR20-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012. The proposed condition release is to waive the request of the submittal and approval of a Detailed Site Development prior to the issuance of any building permit as required by Ordinance No. 17870. City Plan Commission recommended 7-0 to approve the proposed rezoning on November 19, 2020. As of January 26, 2021, staff has not received any calls in support or opposition to the condition release 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 RELEASING ALL CONDITIONS PLACED ON PROPERTY BY ORDINANCE NO. 7313 & 17870 WHICH CHANGED THE ZONING OF LOT 2 & 3, BLOCK 1, LAS TERRAZAS SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, the zoning of the property described as Lot 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas, was changed by Ordinance No. 7313 and Ordinance No. 17870 approved by City Council on September 8, 1981 and September 18, 2012; and,

WHEREAS, the rezoning was subject to certain zoning conditions, and

WHEREAS, placement of such conditions were necessitated by and attributable to the increased intensity of use generated by the change of zoning; and,

WHEREAS, the owner (applicant) submitted an application requesting the removal all of the conditions because these conditions have been satisfied or are current requirement of the City Code; and,

WHEREAS, a public hearing regarding removal of the conditions was held before the City Plan Commission, and the Commission recommended approval of the release of all conditions; and,

WHEREAS, the City Council of the City of El Paso has determined that the release of certain conditions will protect the best interest, health, safety, and welfare of the public in general.

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

That all of the zoning conditions imposed by Ordinance No.7313 and Ordinance No. 17870 approved by City Council on September 8, 1981 and September 18, 2012, on the portion of land identified in Exhibit "A" be released because the conditions have been satisfied and are no longer necessary, or are current requirements of the city code.

Conditions to be released are identified in Ordinance No. 7313 and Ordinance No. 17870 and attached as Exhibit "B".

ADOPTED this _____ day of _____, 2021.

THE CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

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

APPROVED AS TO CONTENT:

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

(Exhibits on the following pages)

ORDINANCE NO. _____
20-1007-2671 | 1045751
1351 & 1355 Zaragoza Rd.
LBJ

PZCR20-00002

EXHIBIT "A"

**GEORGE
DIETER DRIVE**
CL (120' R.O.W.)

TRACT 40
O.A. DANIELSON
SURVEY #310,
BOOK 2048, PAGE 856,
EL PASO COUNTY CLERKS
DEED RECORDS

LINE TABLE		
LINE	LENGTH	BEARING
L1	105.93	S57°32'50"E
L2	243.20	S32°27'10"W
L3	285.27	N08°54'57"E

IMPROVEMENTS LEGEND

- POWER POLE
- OVERHEAD ELEC LINE
- GUY WIRE
- TRAFFIC LIGHT
- MAN HOLE
- ROCK WALL
- CHAINLINK FENCE
- CONCRETE HEADER
- CONCRETE
- DRAIN

FOUND 1/2" REBAR
WITH CAP "5152"

5'X30' EASEMENT
BK. 2570, PG. 1845

S32°19'51" W

422.71'

FOUND 1/2" REBAR
WITH CAP "5152"

25' PSB EASEMENT

(100' R.O.W.)

ZARAGOZA ROAD

0' 180' 320'
SCALE: 1"=160'

CERTIFICATION

I HEREBY CERTIFY THAT THIS BOUNDARY AND IMPROVEMENT SURVEY
IS BASED ON A FIELD SURVEY PERFORMED UNDER MY SUPERVISION AND
COMPLIES WITH THE CURRENT TEXAS BOARD OF PROFESSIONAL LAND
SURVEYING PROFESSIONAL AND TECHNICAL STANDARDS

JOHN A EBY TX-5372 NM-17775



TBPEPS FIRM #10001200

A ZONING PARCEL LYING IN
LOTS 2 & 3, BLOCK 1, LAS TERRAZAS,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

PLAT RECORD:
CLERK'S FILE#
20140002347

FIRM ZONE: X PANEL#: 480214-0046-C DATED: 2/16/2006

DATE OF SURVEY: 03/10/2020 OFFICE: EA FIELD: JAE, AG, JC

PASO DEL NORTE SURVEYING INC.

1399B BRADLEY ROAD, EL PASO, TEXAS 79938

PH. 915-241-1841
FAX 915-855-6925
© COPYRIGHT



LOT 2, BLOCK 9
STONE RIDGE UNIT 4,
BOOK 77, PAGE 21,
DOC#2008005283,
EL PASO COUNTY CLERKS
DEED RECORDS

LOT 3, BLOCK 9
PRIVATE
PONDING AREA

40' DRAINAGE R.O.W. & SURGEONS
UTILITY EASEMENT DRIVE

MANHOLE ON CONC

LOT 2, BLOCK 6
PONDING AREA
STONE RIDGE UNIT 3,
BOOK 77, PAGE 17,
EL PASO COUNTY CLERKS
DEED RECORDS

LOT 7, BLOCK 6
STONE RIDGE UNIT 4,
BOOK 77, PAGE 21,
DOC#20080010740,
EL PASO COUNTY CLERKS
DEED RECORDS

NOTES:
1. THIS SURVEY WAS COMPLETED WITHOUT
THE BENEFIT OF AN ABSTRACT OF TITLE.
THERE MAY BE EASEMENTS, OR OTHER
MATTERS, NOT SHOWN.

2. THIS SURVEY IS OF A PORTION OF AN
EXISTING ZONING PARCEL AND IS NOT FOR
CONVEYANCE. A METES AND BOUNDS
DESCRIPTION WAS CREATED FROM, AND
ACCOMPANIES THIS SURVEY.

PROPERTY DESCRIPTION

A portion of Zone C-1 SC in Ordinance #17870

Description of a parcel of land being a portion of that parcel zoned "C-1 SC" and lying in Lots 2 & 3, Block 1, Las Terrazas Subdivision, City of El Paso, El Paso County, Texas, map of said Las Terrazas Subdivision recorded in Clerk's File #20140002347, Plat Records, El Paso County, Texas and also lying in that same parcel recorded in Clerk's File #20200008342, El Paso County Clerks Records, and described as follows;

Beginning at a 5/8" rebar with cap stamped "Landmark" found for the northernmost corner of said Lot 2, from which a chiseled "X" at the east ROW of George Dieter Drive and found for the northernmost corner of Lot 1, Block 1, Las Terrazas Subdivision bears North 57°32'50" West a distance of 456.24', and being the "Point of Beginning";

Thence, along the northeasterly boundary of said Lot 2, Block 1, Las Terrazas Subdivision, South 57°32'50" East a distance of 105.93' to the intersection with the southeasterly zoning parcel line described in said Ordinance #17870;

Thence, with said southeasterly zoning parcel line, South 32°27'10" West a distance of 243.20' to the intersection with the common lot line of said Lots 1, 2 and 3, from which a 1/2" rebar with cap stamped "5812" found for the westernmost corner of said Lot 3, lies South 08°54'57" West a distance of 195.80';

Thence, with the common lot line of said Lots 1, 2 and 3, North 08°54'57" East a distance of 265.27' to the "Point Of Beginning" and containing 12,881 sq. ft. or 0.2957 acres.

Based on a field survey performed under my supervision and dated 03/10/2020.


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



7313

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 39A AND 39B, O.A. DANIELSON
SURVEY #310, 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 Tracts 39A and 39B, O. A. Danielson
Survey #310, as more particularly described below, be changed
A-O (Apartment-Office) District, and to C-4 (Commercial) District,
within the meaning of the zoning ordinance, and the zoning map
of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A.
Danielson Survey No. 310, as more particularly des-
cribed as follows:

Beginning at a point, said point being the southwest
corner of O. A. Danielson Survey No. 310; thence east
a distance of 252.47 feet to a point in the westerly
right of way line of the Ysleta-Carlsbad cutoff road;
thence along said westerly right of way line of said
Ysleta-Carlsbad cut-off road north 32°19' east a dis-
tance of 2177.30 feet to the point of beginning of the
tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a
point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a
point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a
point for a corner;

Thence along said westerly right of way line of the Ysleta-
Carlsbad cut-off road north 32°19' east a distance of
422.81 feet to the place of beginning, and containing
10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310,
as more particularly described as follows:

Beginning at a point, said point being the southwest corner
of O. A. Danielson Survey No. 310; thence east a distance
of 252.47 feet to a point in the westerly right of way line
of said Ysleta-Carlsbad cut-off road north 32°19' east a
distance of 2,177.30 feet to the corner of Tract 38 &
Tract 39A; thence north 57°41' west a distance of 1,075.0
feet to the point of beginning of the tract being described;

5-16-68

Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8th day of Sept., 1981.

ATTEST:

Jonathan W. Rogers
Mayor

William R. Cozart
City Clerk

APPROVED AS TO FORM:

David R. Rabin
Assistant City Attorney

APPROVED AS TO CONTENT:

Raul Gonzalez
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: # L.D.
12-1-81 COUNTER
12-1-81 ORIGINAL
12-1-81 Bldg. Inspection
12-1-81 CONTROL R. Gonzalez

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 73/3
R. Gonzalez Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between HILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

~~Application has been made to the City of El Paso for rezoning of~~
Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7313^{pl}, now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are owners and holders of ~~rights~~ on the above described property and consent to this contract.

Ord. # 7313
J. F. J. 7/8/81

81-4668

1981

RECEIVED
CITY OF EL PASO
PLANNING

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By [Signature]
Ernesto Moreno, Attorney-in-Fact

[Signature]
Delmo M. Pearce

FLACHE FARMS, INC.

By: [Signature]
President

THE CITY OF EL PASO

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Asst. City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1 day of April, 1981.

My commission expires:

4/1/84

[Signature]
Notary Public in and for El Paso
County, Texas

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared DELMO M. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 21st day of October, 1981.

My commission expires:

Notary Public in and for El Paso
County, Texas

NOTARY PUBLIC

THE STATE OF TEXAS)
 DAWSON)
COUNTY OF ~~FRANKLIN~~)

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires:

3-19-84
Notary Public in and for ~~Franklin~~
~~County, Texas~~
the State of Texas
(GUIN CLOUD)

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of Nov. 1981.

My commission expires:

6-30-84
Notary Public in and for El Paso
County, Texas

81-4668

POWER OF ATTORNEY

THE STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF EL PASO)


That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORENO OF El Paso, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

87-4668

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

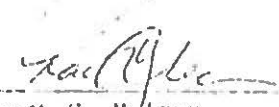
HILANA, S.A.


By: Hilario Gabilondo, President
of the Board of Directors

UNITED MEXICAN STATES)
STATE OF CHIHUAHUA)
CONSULATE GENERAL OF THE) SS.
UNITED STATES OF AMERICA)
AT CIUDAD JUAREZ)

I, Robert G. Nelson Vice Consul
of the United States of America at Ciudad Juarez, Mexico, duly commissioned and qualified, do hereby certify that on this the 14th day of January, 1980, before me personally appeared HILARIO GABILONDO, President of the Board of Directors of HILANA, S.A., to me personally known, and known to me to be the individual described in, whose name is subscribed to, and who executed the annexed instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set
my hand and official seal the day and
year last above written.


Robert G. Nelson
Vice Consul of the United States of America

Item #51
Fee \$3.00

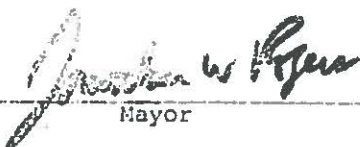
81-4668

RESOLUTION


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

That the Mayor be authorized to sign a contract with
HILANA, S.A., et al, placing certain restriction, conditions
and covenants on the property being rezoned by Ordinance No. 7313 *let*
ADOPTED this 3rd day of November, 1981.

ATTEST:

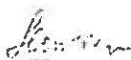


Mayor



City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

81-4668

2012 AUG 20 AM 7:25

151/4

9D

ORDINANCE NO. 017870

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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


That the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.

PASSED AND APPROVED this 18th day of September, 2012.


THE CITY OF EL PASO


John F. Cook
Mayor

ATTEST


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:


Mathew S. McElroy, Director
City Development Department

128793/12-1007-390.004 v1 - Planning/PZRZ12-00017/ORD/Rczoning ORD
Document Author: LCUE

ORDINANCE NO. 017870Zoning Case No: PZRZ12-00017

TO

DATE

ZONING SECTION

LAND PLANNING

MAPPING SECTION

E.D.P. SECTION

SPECIAL PERMIT/SITE DEVELOP. PLAN

MPO

REPRODUCE:

RETURN TO

By (DATE):

ORDINANCE NO:

DATE:

X CONTRACT:

CASE NO:

NOTES:

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 39A AND 39B, O.A. DANIELSON
SURVEY #310, 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 Tracts 39A and 39B, O. A. Danielson
Survey #310, as more particularly described below, be changed
A-O (Apartment-Office) District, and to C-4 (Commercial) District,
within the meaning of the zoning ordinance, and the zoning map
of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A.
Danielson Survey No. 310, as more particularly des-
cribed as follows:

Beginning at a point, said point being the southwest
corner of O. A. Danielson Survey No. 310; thence east
a distance of 252.47 feet to a point in the westerly
right of way line of the Ysleta-Carlsbad cutoff road;
thence along said westerly right of way line of said
Ysleta-Carlsbad cut-off road north 32°19' east a dis-
tance of 2177.30 feet to the point of beginning of the
tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a
point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a
point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a
point for a corner;

Thence along said westerly right of way line of the Ysleta-
Carlsbad cut-off road north 32°19' east a distance of
422.81 feet to the place of beginning, and containing
10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310,
as more particularly described as follows:

Beginning at a point, said point being the southwest corner
of O. A. Danielson Survey No. 310; thence east a distance
of 252.47 feet to a point in the westerly right of way line
of said Ysleta-Carlsbad cut-off road north 32°19' east a
distance of 2,177.30 feet to the corner of Tract 38 &
Tract 39A; thence north 57°41' west a distance of 1,075.0
feet to the point of beginning of the tract being described;

8-1-68

Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8th day of Sept., 1981.

ATTEST:

Jonathan W. Rogers
Mayor

William R. Coz
City Clerk

APPROVED AS TO FORM:

Allen R. Rubin
Assistant City Attorney

APPROVED AS TO CONTENT:

Raul Gonzalez
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: # 62,
12-1-81 COUNTER
12-1-81 ORIGINAL
12-1-81 Bldg. Inspection
12-1-81 CONTROL

R. Gonzalez

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 7313
by R. Gonzalez Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between MILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

~~Application has been made to the City of El Paso for rezoning of~~
Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7313,^{del} now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are owners and holders of ~~signs~~ on the above described property and consent to this contract.

Ord. # 7313
X. F. 2. 9/8/81

81-4668

1981

OFFICE OF
CITY CLERK

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By [Signature]
Ernesto Moreno, Attorney-in-Fact

[Signature]
Delmo M. Pearce

FLACHE FARMS, INC.

By: [Signature]
President

THE CITY OF EL PASO

By [Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Asst. City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1 day of April, 1981.

My commission expires:

[Signature]
Notary Public in and for El Paso
County, Texas

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared DELMO M. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 1981.

My commission expires:

Notary Public in and for El Paso
County, Texas
NOTARY PUBLIC

THE STATE OF TEXAS)
 DAWSON)
COUNTY OF ~~FRANKS~~)

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires:

Notary Public in and for ~~Franklin~~
~~County, Texas~~
the State of Texas
(GUIN CLOUD)

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor _____, of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of Nov. 1981.

My commission expires:

Notary Public in and for El Paso
County, Texas

6-30-84

51-4668

POWER OF ATTORNEY

THE STATE OF TEXAS)
COUNTY OF EL PASO) KNOW ALL MEN BY THESE PRESENTS:

That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORENO of El Paso, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

87-4668

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

HILANA, S.A.

Hilario Gabilondo, President
of the Board of Directors

UNITED MEXICAN STATES)
STATE OF CHIHUAHUA)
CONSULATE GENERAL OF THE) SS.
UNITED STATES OF AMERICA)
AT CIUDAD JUAREZ)

I, Robert G. Melson, Vice Consul
of the United States of America at Ciudad Juarez, Mexico, duly com-
missioned and qualified, do hereby certify that on this the 14th day
of January, 1980, before me personally appeared HILARIO GABILONDO,
President of the Board of Directors of HILANA, S.A., to me personally
known, and known to me to be the individual described in, whose name
is subscribed to, and who executed the annexed instrument, and being
informed by me of the contents of said instrument he duly acknowledged
to me that he executed the same freely and voluntarily for the uses
and purposes therein mentioned.

In witness whereof I have hereunto set
my hand and official seal the day and
year last above written.

Robert G. Melson
Vice Consul of the United States of America

Item #51
Fee \$3.00

81-4668

RESOLUTION

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

That the Mayor be authorized to sign a contract with
HILANA, S.A., et al, placing certain restriction, conditions
and covenants on the property being rezoned by Ordinance No. 7313 *let*
ADOPTED this 3rd day of November, 1981.

ATTEST:

James W. Ryan
Mayor

Whit Keger
City Clerk

APPROVED AS TO FORM:

Donner
Assistant City Attorney

81-4468

1351 & 1355 Zaragoza Rd.

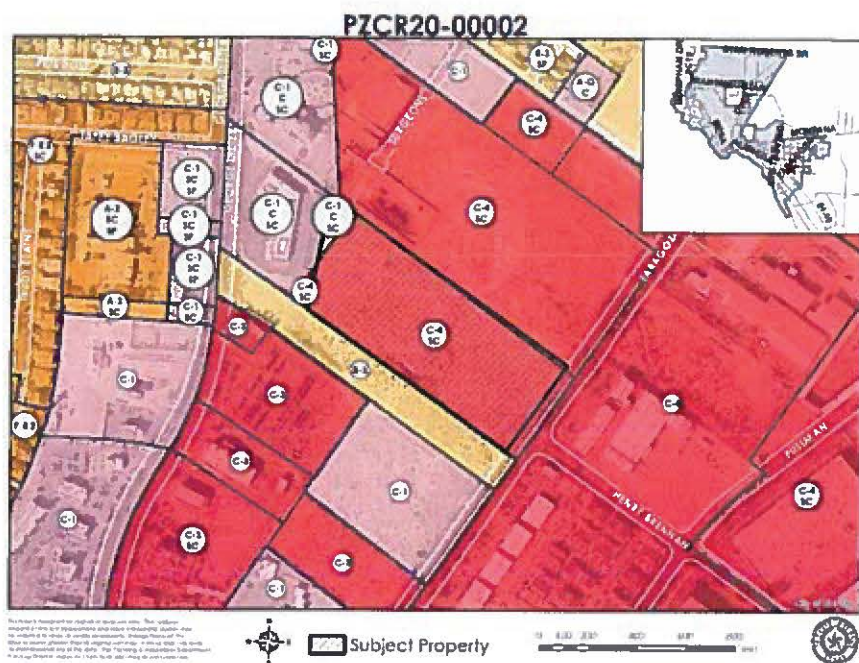
City Plan Commission — November 19, 2020



CASE NUMBER: PZCR20-00002
CASE MANAGER: Adriana Martinez, (915)212-1611, MartinezAD@elpasotexas.gov
PROPERTY OWNER: Palo Verde Business Park, LLC
REPRESENTATIVE: William Van Haselen
LOCATION: 1351 and 1355 Zaragoza Rd. (District 7)
PROPERTY AREA: 10.43 acres
REQUEST: To release a condition on the subject property imposed by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012
RELATED APPLICATIONS: PZRZ20-00017 (Rezoning)
PUBLIC INPUT: None

SUMMARY OF REQUEST: The applicant is requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012. The proposed condition release is to waive the request of the submittal and approval of a Detailed Site Development prior to the issuance of any building permit as required by Ordinance No. 17870.

SUMMARY STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the condition release request. Staff finds the existing conditions are no longer necessary. The proposed development as depicted is consistent with other commercial districts in the immediate area, and meets the established character of its surrounding neighborhood. Furthermore, the proposed development meets the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso*, the City's Comprehensive Plan in the East Planning area.



DESCRIPTION OF REQUEST: The applicant has submitted a Condition Release application requesting to release the conditions imposed on the subject property by Ordinance No. 7313, dated September 8, 1981 and Ordinance No. 17870 dated September 18, 2012 for the property located at 1351 and 1355 Zaragoza Rd. The subject property is currently required to comply with the special contract provisions imposed by such Ordinance, which states in part:

Current condition per Ordinance No. 7313:

- *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed (See attachment No. 7).

Current condition per Ordinance No. 17870:

- *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.

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-4 Suburban (Walkable) use designation of *Plan El Paso* in the East Planning area. The nearest park is Blackie Chester Park (1.38 miles) and the nearest school is Myrtle Cooper Elementary (0.83 miles).

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4 – Suburban: This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property, and the proposed development for it, meet the intent of the G-4 Suburban (Walkable) 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), C-3 (Commercial), C-1 (Commercial), and R-3 (Residential). The surrounding area uses vary from hospital, commercial retail, restaurants, and financial institution.</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>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial) Provide compatible neighborhood convenience goods and services that serve day-to-day needs. Permit locations for business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes, the site is suitable for uses permitted in the proposed district, and the proposed development is adjacent to other commercial uses. The surrounding uses consist of a hospital, medical offices, commercial retail, restaurants, and financial institution.</p>
<p>C-4 (Commercial) District: Establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods. Permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	
<p>Preferred Development Locations: Is the property in a "Compact Urban" area?</p>	<p>Yes, the subject property is located along Zaragoza Road, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>N/A</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the condition release request.</p>	<p>There are no adverse effects predicted from the proposed condition release. The existing infrastructure was originally designed for commercial use.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>No effect on the natural environment anticipated as the subject property is in an already developed area.</p>
<p>Stability: 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-4, Suburban use designation of Plan El Paso.</p>
<p>Socioeconomic & Physical Conditions: 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 Zaragoza Road, which is designated as a Major Arterial as per the City of El Paso's Major Thoroughfare Plan. The subject property as part of Las Terrazas Subdivision. Access and location of driveway on Zaragoza Road shall be coordinated with TxDOT. All existing or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in compliance with current ADA/TAS rules and regulations and the current City of El Paso Design Standards for Construction. There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Road, approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Road. This water main is available for service.

PUBLIC COMMENT: The subject property lies within the Eastside Civic Association. Notices sent to property owners within 300 feet on November 5, 2020. As of November 12, 2020, Planning has not received any calls in support or opposition to the condition release request.

RELATED APPLICATIONS: The applicant has submitted an application (PZR20-00017), a rezoning request. The proposal is to rezone the subject property from C-1/c/sc (Commercial/condition/special contract) to C-4/c/sc (Commercial/condition/special contract). The conceptual site plan accommodates a total of 15 commercial buildings to be used as business offices.

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 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:

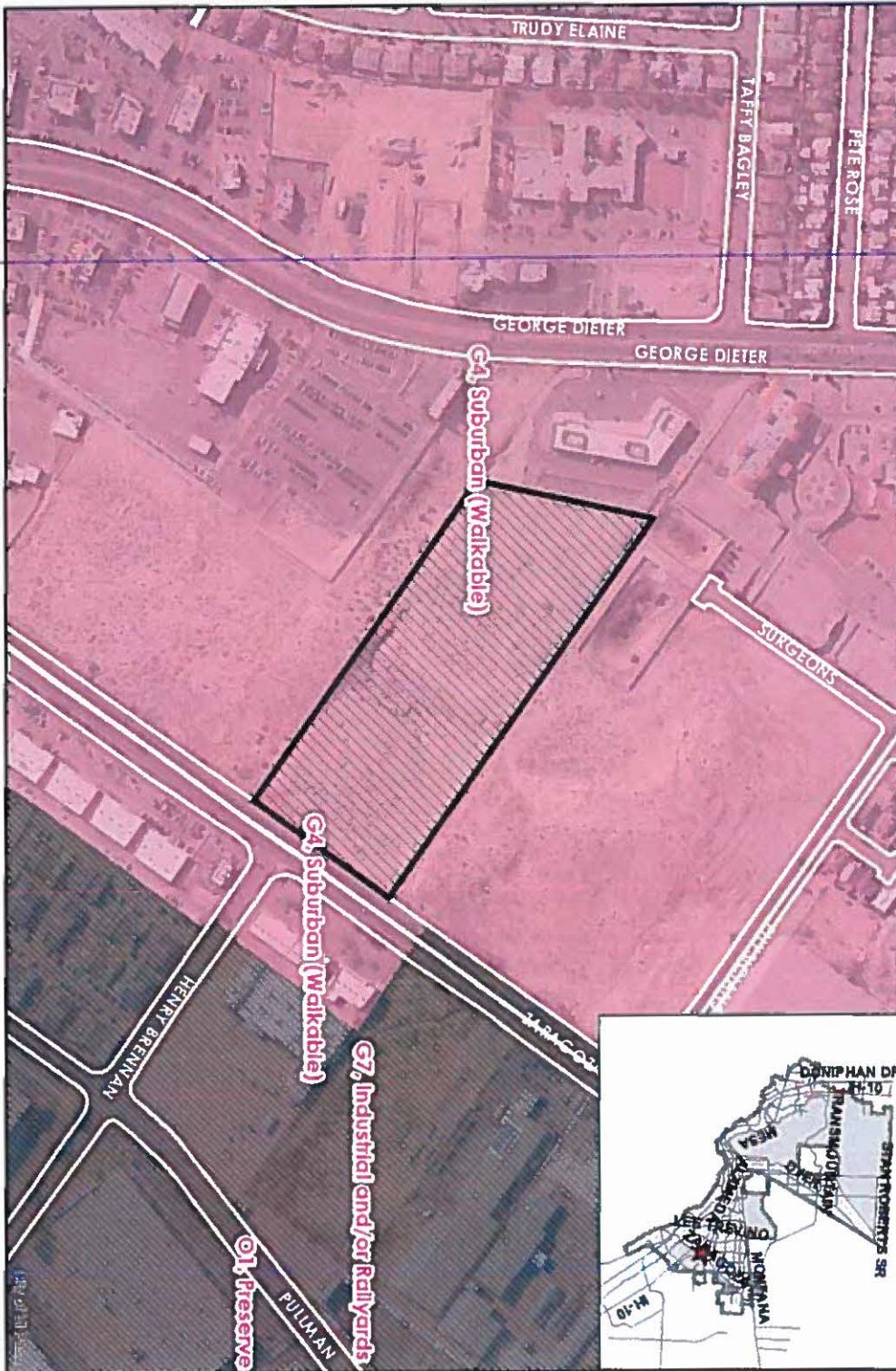
1. Future Land Use Map
2. Department Comments
3. Neighborhood Notification Boundary Map
4. Conceptual Site Plan
5. Ordinance No. 7313
6. Ordinance No. 17870
7. Recorded Subdivision

ATTACHMENT 1

This is a conceptual map for planning purposes only. The map is not intended to be used for any other purpose and may be subject to change without notice. The map is not intended to be used for any other purpose and may be subject to change without notice.



Subject Property



PZCR20-00002

ATTACHMENT 2

Planning and Inspections Department – Planning

No objections to the condition release.

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

No objections:

Fire Department

Recommended approval.

Texas Department of Transportation

TxDOT's comments are as follows:

- Requestor will need to submit a request for a driveway permit and for a grading and drainage review since improvements are proposed abutting TxDOT right-of-way.
- Requests may be submitted to elp_access@txdot.gov.

Sun Metro

Recommended approval.

Streets & Maintenance

No objections.

El Paso Water

We have reviewed the request described above and provide the following comments:

El Paso Water (EPWater) does not object to this request.

Zaragoza Rd. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Zaragoza Rd. right-of-way requires written permission from TxDOT.

Water:

There is an existing 12-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 25-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. This water main is available for service.

There is an existing 24-inch diameter water main that extends along the eastside of Zaragoza Rd., approximately 7-feet west of and parallel to the eastern right-of-way line of Zaragoza Rd. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

EPWater records indicate there is no water meters serving the subject property.

Previous water pressure from fire hydrant #5785 located at the northeast corner of Zaragoza Rd. and Henry Brennan Dr., has yielded a static pressure of 110 psi, a residual pressure of 70 psi, and

a discharge of 1,592 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 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 within a 20-foot PSB easement, north of and parallel to the north property line of the subject property. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along the west side of Zaragoza Rd., approximately 9-feet east of and parallel to the western right-of-way line of Zaragoza Rd. This sanitary sewer main is available for service.

General:

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced 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.

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

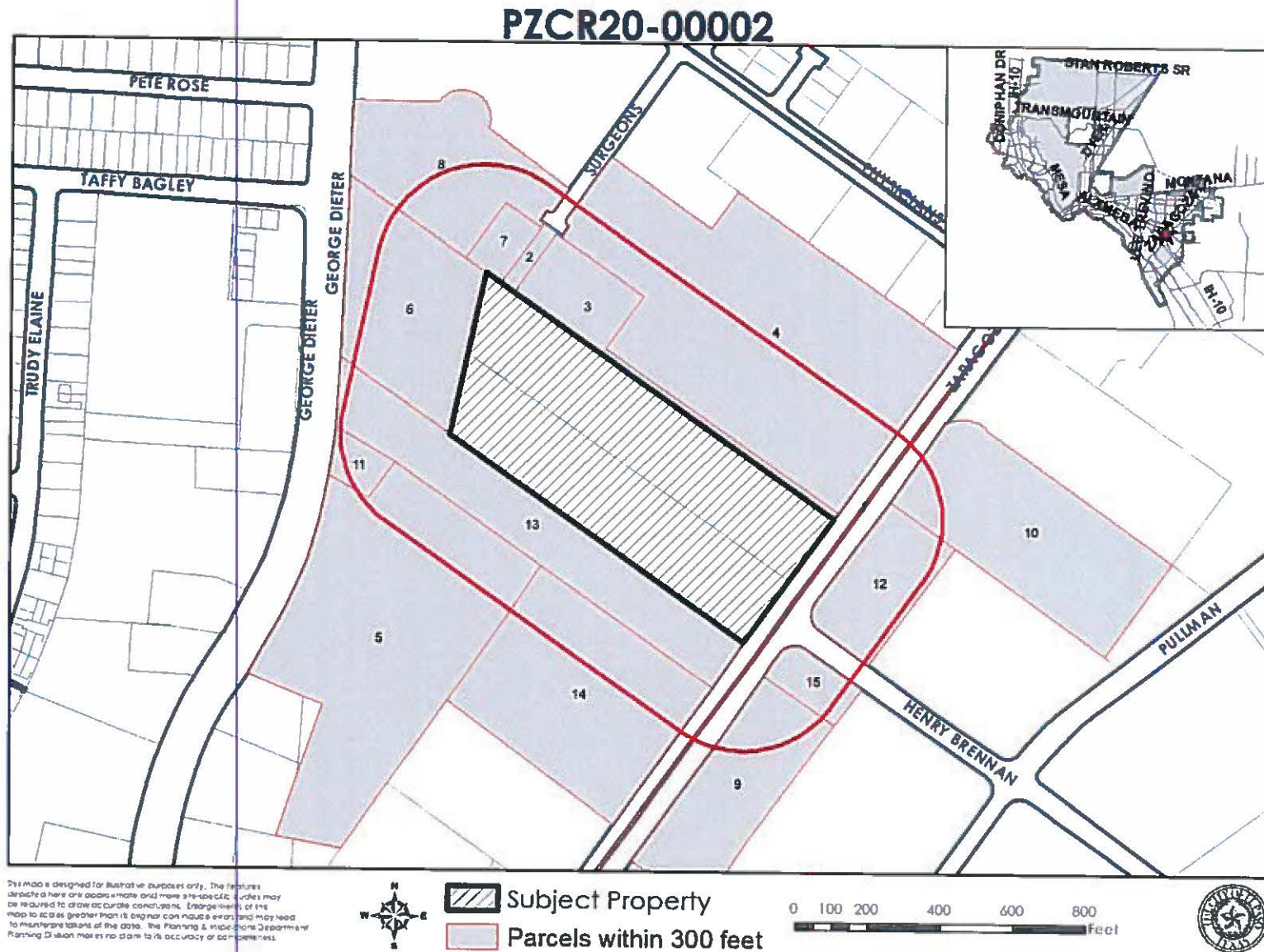
We have reviewed the property described above and provide the following comments:

1. Show drainage flow patterns on the plot plan and identify the discharge location for all storm water runoff.
2. Zaragoza Rd. is a state highway; consult TXDOT if runoff is proposed to flow into their ROW.
3. The developer may be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.
4. Verify that the existing pond adjacent to the subject property was designed to take in the developed runoff from this property.

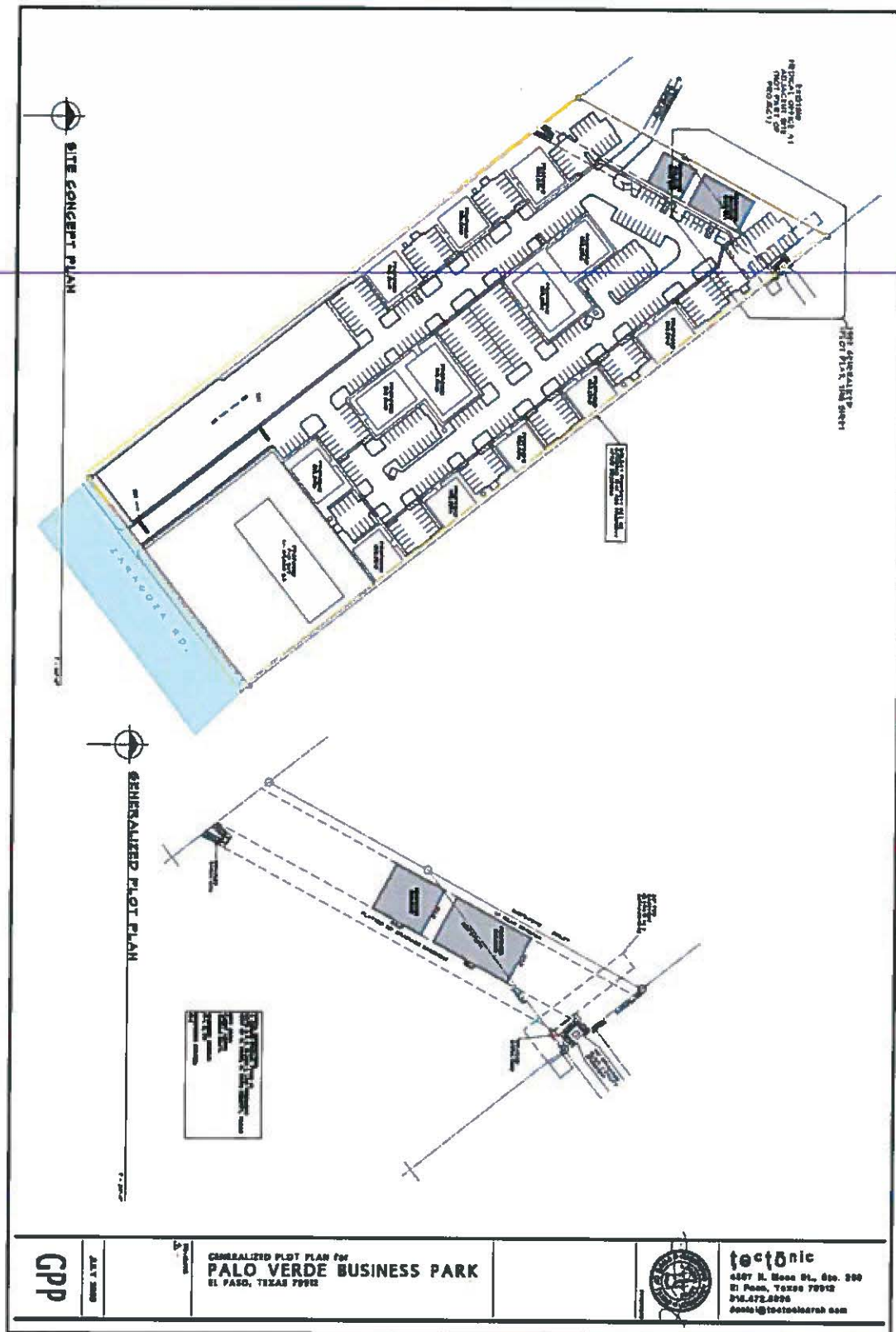
El Paso County Water Improvement District #1

The attached cases are not within the boundaries of EPCWID

ATTACHMENT 3



ATTACHMENT 4



ATTACHMENT 5

7313

AN ORDINANCE CHANGING THE ZONING OF
TRACTS 39A AND 39B, O.A. DANIELSON
SURVEY #310, 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 Tracts 39A and 39B, O. A. Danielson Survey #310, as more particularly described below, be changed A-O (Apartment-Office) District, and to C-4 (Commercial) District, within the meaning of the zoning ordinance, and the zoning map of the City be revised accordingly:

Parcel 1 to C-4 (Commercial) District.

All of Tract 39B, and a portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of the Ysleta-Carlsbad cutoff road; thence along said westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2177.30 feet to the point of beginning of the tracts being described;

Thence north 57°41' west a distance of 1075.0 feet to a point for a corner;

Thence south 32°19' west a distance of 422.81 feet to a point for a corner;

Thence south 57°41' east a distance of 1075.0 feet to a point for a corner;

Thence along said westerly right of way line of the Ysleta-Carlsbad cut-off road north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 10.43 acres, more or less.

Parcel 2 to A-O (Apartment-Office) District

A portion of Tract 39A, O. A. Danielson Survey No. 310, as more particularly described as follows:

Beginning at a point, said point being the southwest corner of O. A. Danielson Survey No. 310; thence east a distance of 252.47 feet to a point in the westerly right of way line of said Ysleta-Carlsbad cut-off road north 32°19' east a distance of 2,177.30 feet to the corner of Tract 38 & Tract 39A; thence north 57°41' west a distance of 1,075.0 feet to the point of beginning of the tract being described;

for files

Thence north 57°41' west a distance of 604.21 feet to a point for a corner;

Thence south a distance of 500.30 feet to a point for a corner;

Thence south 57°41' east a distance of 336.75 feet to a point for a corner;

Thence north 32°19' east a distance of 422.81 feet to the place of beginning, and containing 4.57 acres, more or less.

PASSED AND APPROVED this 8th day of Sept., 1981.

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor

APPROVED AS TO FORM:

[Signature]
Assistant City Attorney

APPROVED AS TO CONTENT:

[Signature]
Planning Department

I CERTIFY THAT THE FOLLOWING ZONING MAPS
HAVE BEEN REVISED: # 621,
12-1-81 COUNTER
12-1-81 ORIGINAL
12-1-81 Bldg. Inspection
12-1-81 CONTROL [Signature]

I certify that the zoning map has been revised to
reflect the amendment of ordinance # 7313
[Signature] Date 12-1-81

CONTRACT

THIS CONTRACT, made by and between HILANA, S.A., a Mexican corporation acting by and through its Attorney-in-Fact, ERNESTO MORENO, First Party, DELMO M. PEARCE and FLACHE FARMS, INC., Second Parties, and the CITY OF EL PASO, Third Party,

W I T N E S S E T H :

Application has been made to the City of El Paso for rezoning of Tracts 39A and 39B, O. A. Danielson Survey #310, in the City of El Paso, El Paso County, Texas, such property being more particularly described in Ordinance No. 7343,⁴⁴ now pending before the City Council of the City of El Paso, a copy of which is attached hereto, marked Exhibit "A" and made a part hereof by reference.

In order to remove certain objections to such rezoning, First Party covenants that if the property is rezoned as indicated in the attached ordinance, it shall be subject to the following restrictions, conditions and covenants:

No building permit shall be issued for construction on the property until a subdivision plat of the property has been submitted by First Party to the City Planning Commission of the City of El Paso and filed for record.

This contract is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Party and its successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

Second Parties are owners and holders of ~~title~~ ^{interests} in the above described property and consent to this contract.

81-4668

1981

11-19-81

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

HILANA, S.A., a Mexican corporation

By Ernesto Moreno, Attorney-in-Fact

Debra M. Pearce

PLACHE FARMS, INC.

By: President

THE CITY OF EL PASO

By [Signature]

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
Asst. City Attorney

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared ERNESTO MORENO, known to me to be the person whose name is subscribed to the foregoing instrument as Attorney-in-Fact of HILANA, S.A., a Mexican corporation, and acknowledged to me that he subscribed the name of HILANA, S.A. thereto as principal and his own name as Attorney-in-Fact, and executed the same for the purposes and consideration therein expressed, and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 1981.

My commission expires:

11/19/81

[Signature]
Notary Public in and for El Paso
County, Texas

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared DELMO M. PEARCE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 1981.

My commission expires: _____

Notary Public in and for El Paso
County, Texas
JUL 12 1981

THE STATE OF TEXAS)
DAWSON)
COUNTY OF TARRANTS)

BEFORE ME, the undersigned authority, on this day personally appeared G. PEARL FLACHE, President of FLACHE FARMS, INC., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 19th day of October, 1981.

My commission expires: _____

3-19-84

Notary Public in and for Tarrant
County, Texas
the State of Texas
(GUTH CLEON)

THE STATE OF TEXAS)
COUNTY OF EL PASO)

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan W. Rogers, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me that he executed the same for the purposes and consideration and the capacity therein expressed, and as the act and deed of the City of El Paso.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 3rd day of Nov. 1981.

My commission expires: _____

6-30-84

Billy Jean Frankham
Notary Public in and for El Paso
County, Texas

51-4668

POWER OF ATTORNEY

THE STATE OF TEXAS)
COUNTY OF EL PASO)

KNOW ALL MEN BY THESE PRESENTS:

That HILANA, S. A., a corporation duly organized and operating under the laws of the United Mexican States, and having its principal office in Ciudad Juarez, Chihuahua, Mexico, has this day made, constituted and appointed, and by these presents does make, constitute and appoint ERNESTO MORGHO of El Paso, Texas, the true and lawful Attorney of HILANA S. A. for said corporation and in its name, place and stead, to do any and every act and exercise any and every power that said corporation might or could do or exercise through any other person which the said Attorney shall deem proper and advisable, intending hereby to vest in him a full and universal Power-of-Attorney, and specifically including, but not by way of limitation: the power to purchase upon such terms and conditions as to the said Attorney shall seem proper, real property within El Paso County, Texas, and to borrow money without limitation in such amounts and upon such terms and conditions as to him shall seem proper, upon the security of said property and to execute and deliver promissory notes and to make, sign, execute, acknowledge and deliver to or for the benefit of the lender or lenders of such money, a mortgage or mortgages, whether with or without power of sale, or a deed or deeds of trust upon, covering or encumbering such real property or any part thereof or interest therein, containing such terms, stipulations, conditions, covenants, appointments of trustee and powers as to the said Attorney shall seem proper, to secure the payment of the notes or obligations given for such loan or loans; the power to contract to sell and to convey all or any part of any interest which said corporation has or to which it may be entitled in any and all real property located in El Paso County, Texas, to such parties and for such a price and upon such other terms and conditions as to the said Attorney shall seem proper, and to collect and receive all sums of money which may become due and owing to said corporation by reason of any such contract or conveyance; hereby giving and granting upon the said Attorney full power and authority to do and perform any and all things whatsoever requisite and necessary to be done in and about the premises as fully as to all intents and purposes as the undersigned

81-4665

corporation could do if personally present, hereby ratifying and confirming all that the said Attorney shall lawfully do in the premises by virtue hereof and the undersigned corporation agrees and represents to those dealing with the said Attorney that this Power-of-Attorney may be voluntarily revoked alone by revocation entered of record in the Office of the County Clerk of El Paso County, Texas.

IN WITNESS WHEREOF, this instrument is executed at Ciudad Juarez, Chihuahua, Mexico, on the 14th day of January, 1980.

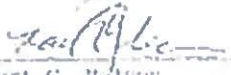
MILANA, S.A.


Hilario Castillo, President
of the Board of Directors

UNITED MEXICAN STATES)
STATE OF CHIHUAHUA)
CONSULATE GENERAL OF THE) SS.
UNITED STATES OF AMERICA)
AT CIUDAD JUAREZ)

I, Robert G. Nelson Vice Consul
of the United States of America at Ciudad Juarez, Mexico, duly commissioned and qualified, do hereby certify that on this the 14th day of January, 1980, before me personally appeared HILARIO CASTILLO, President of the Board of Directors of MILANA, S.A., to me personally known, and known to me to be the individual described in, whose name is subscribed to, and who executed the annexed instrument, and being informed by me of the contents of said instrument he duly acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set
my hand and official seal the day and
year last above written.


Robert G. Nelson
Vice Consul of the United States of America

Form #71
Fee \$3.00

81-4668

RESOLUTION

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

That the Mayor be authorized to sign a contract with
MILANA, S.A., et al, placing certain restriction, conditions
and covenants on the property being rezoned by Ordinance No. 7313 *del*

ADOPTED this 3rd day of November, 1981.

ATTEST:

W. K. Keger
City Clerk

James W. Keger
Mayor

APPROVED AS TO FORM:

John W. Keger
Assistant City Attorney

87-4668

ATTACHMENT 6

CITY CLERK DEPT.

2012 AUG 20 AM 7:25

15/14

9D

ORDINANCE NO. 017870

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 39-A, O.A. DANIELSON SURVEY NO 310, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) TO C-1/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

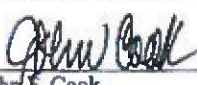
That the zoning of a portion of Tract 39-A, O.A. Danielson Survey No 310, City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from A-O/SC (APARTMENT-OFFICE/SPECIAL CONTRACT) to C-1/SC (COMMERCIAL/SPECIAL CONTRACT), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.

PASSED AND APPROVED this 18th day of September, 2012.

THE CITY OF EL PASO

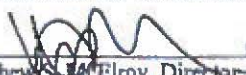

John F. Cook
Mayor


Richarda Duffy Momsen, City Clerk

APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

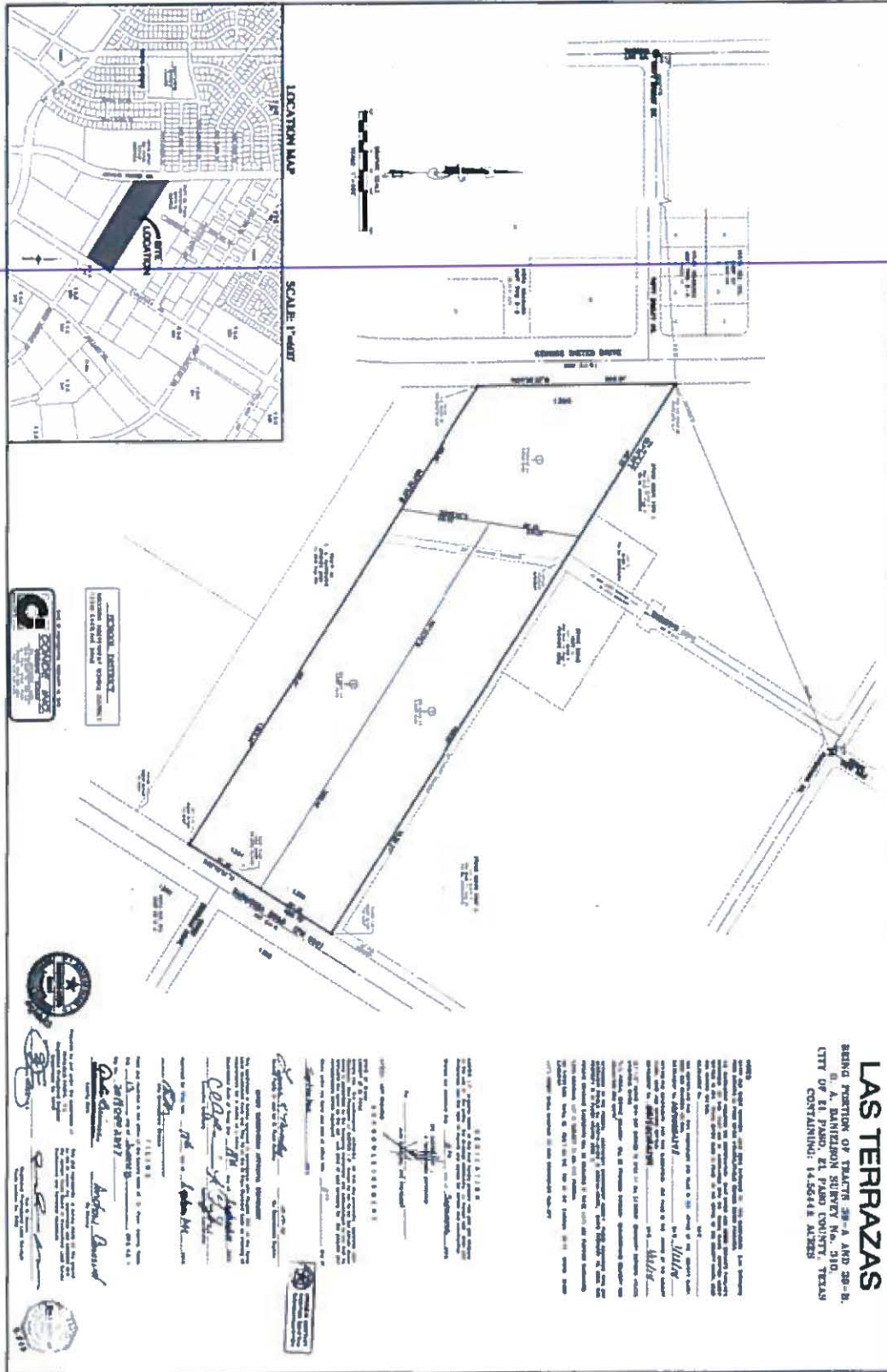

Matthew S. McElroy, Director
City Development Department

128793/12-1007-390 004 v1 - Planning/PZRZ12-00017/ORD/Rctoning ORD
Document Author: LCUE

ORDINANCE NO. 017870

Zoning Case No: PZRZ12-00017

ATTACHMENT 7





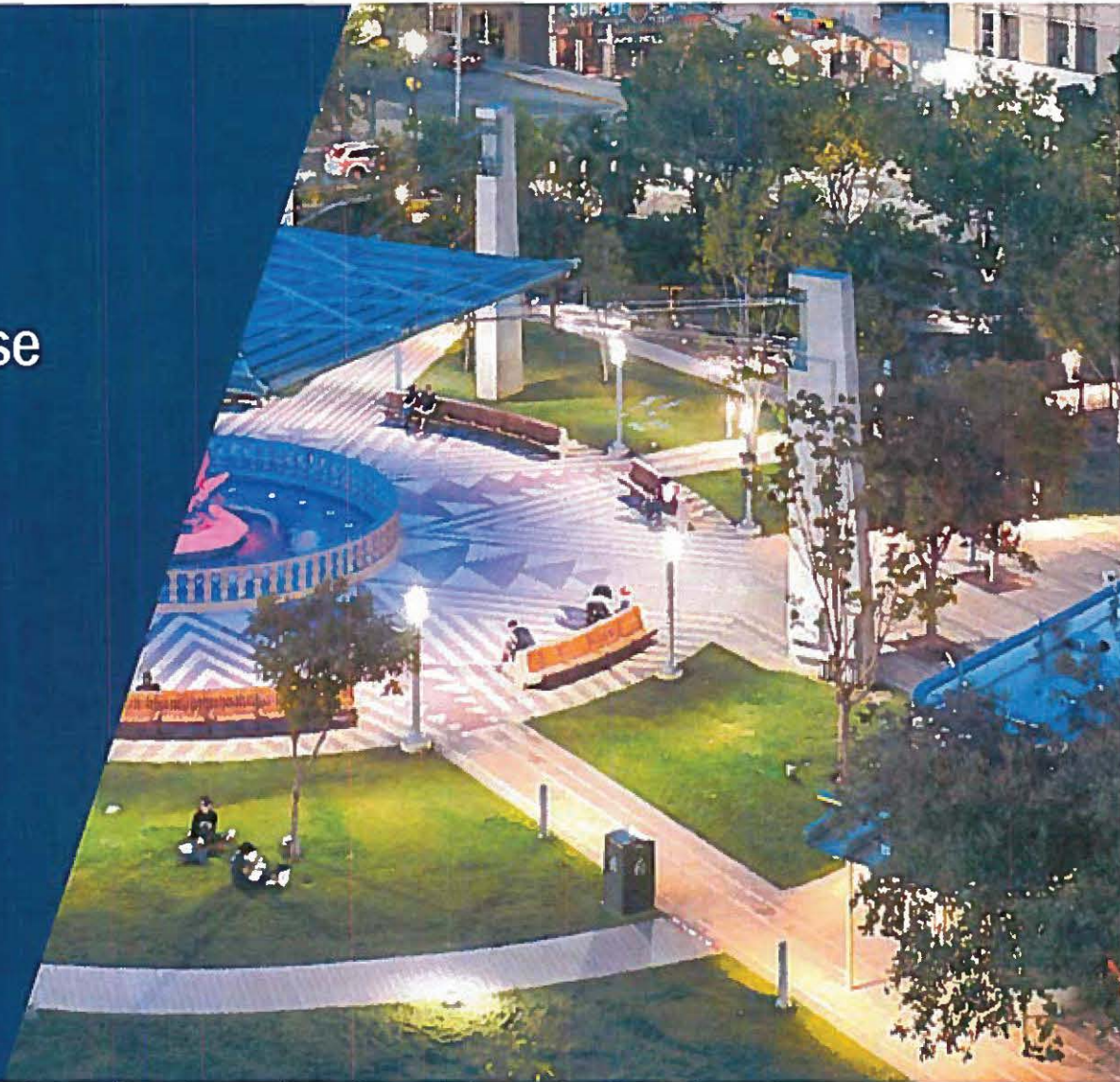
ITEM 8 & 10

1351 & 1355 Zaragoza Rd. Rezoning & Condition Release

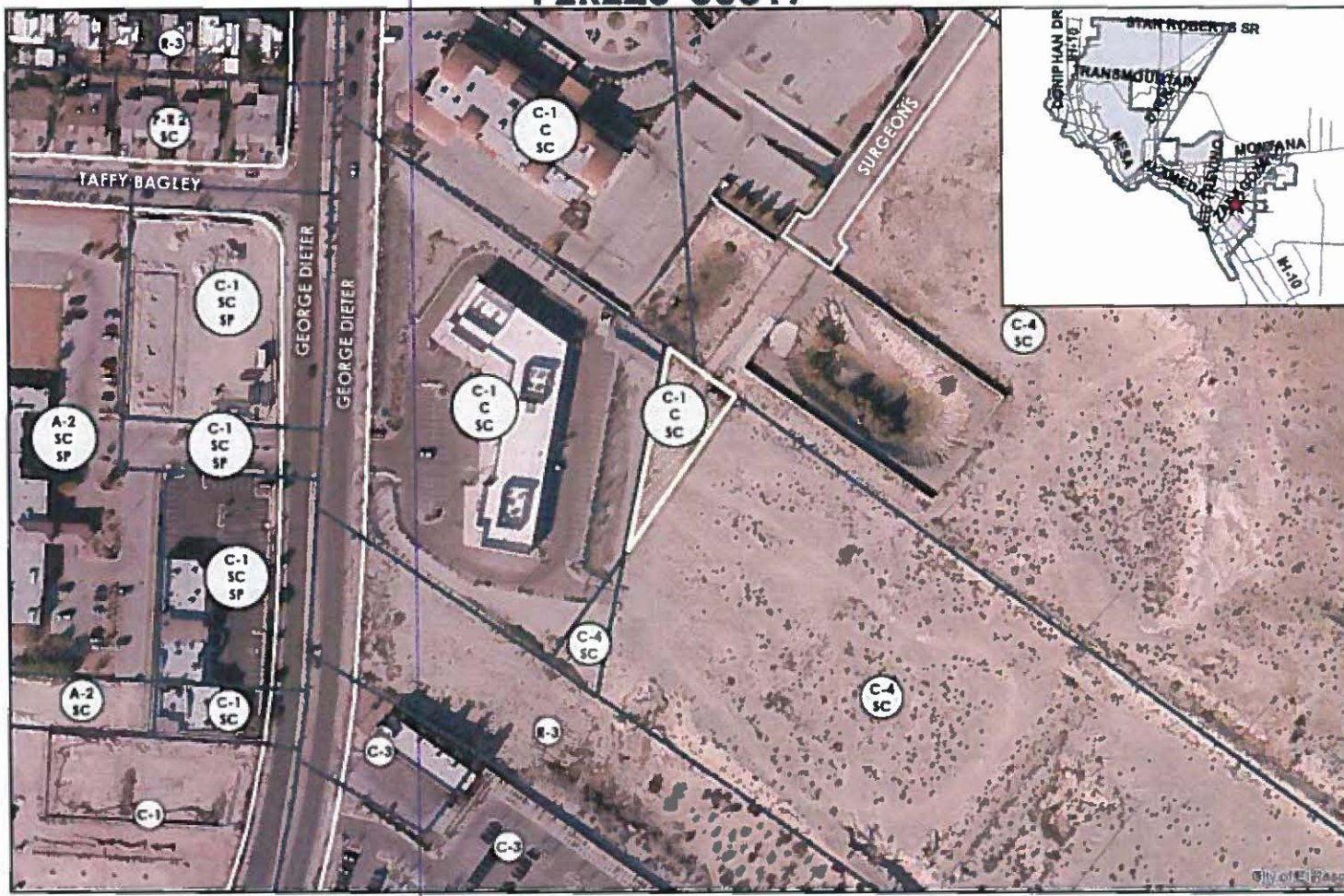
PZRZ20-00017 & PZCR20-00002

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ20-00017



This map is designed for illustrative purposes only. The features depicted here are approximate and more precise details may be required to determine the actual boundaries. The map is not intended to be used for any other purpose. The Planning & Mapping Division makes no claim to the accuracy or completeness of this map.

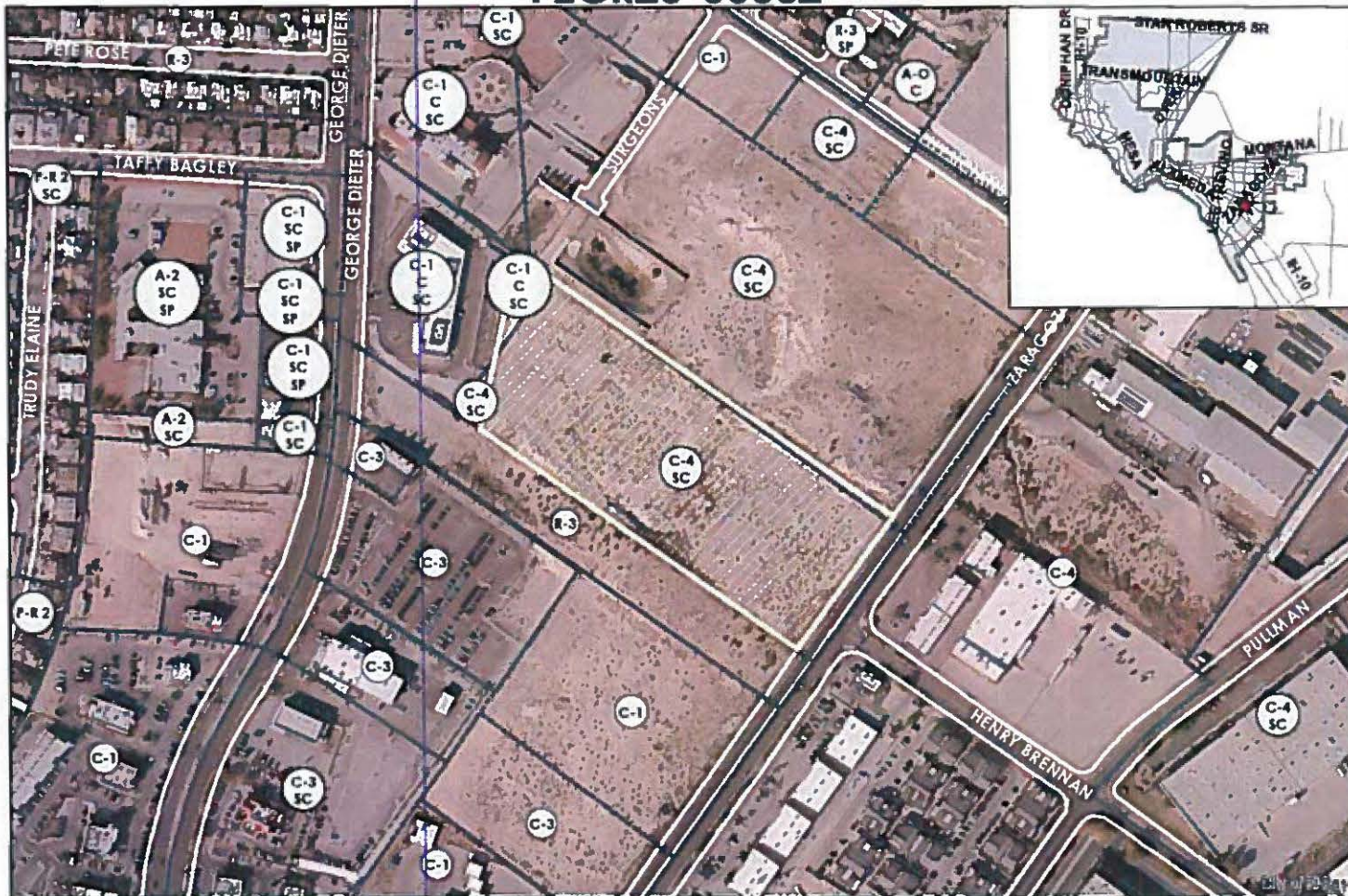


Subject Property



Aerial Rezoning

PZCR20-00002



This map is designed for illustrative purposes only. The features are not intended to be a substitute for a professional survey. The map is not to be used to draw accurate conclusions. Enlargement of this map to scales greater than its original can induce error and may lead to misinterpretation of the data. The Planning & Information Department of the City of El Paso makes no claim to its accuracy or completeness.



Subject Property

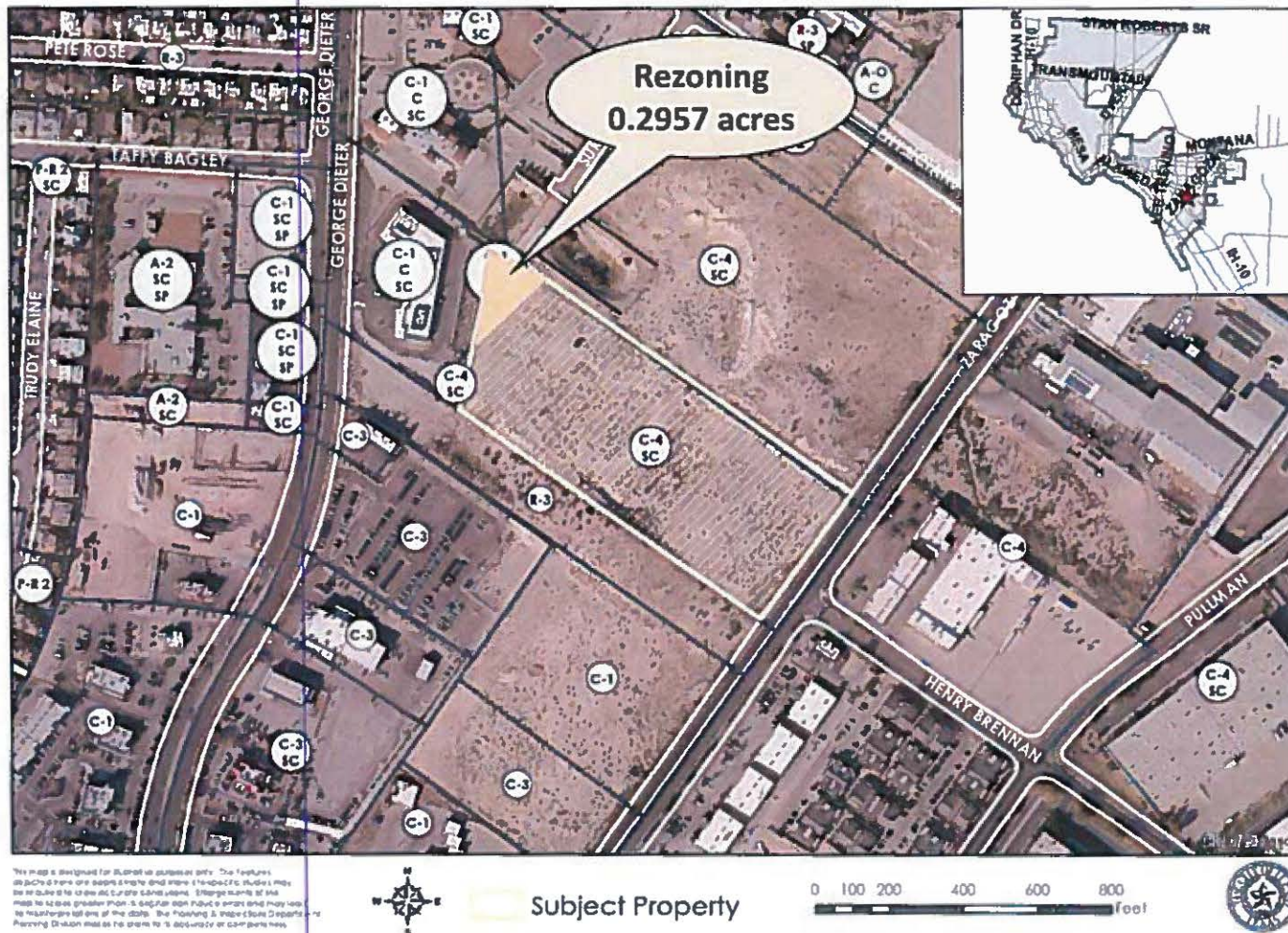
0 100 200 400 600 800 Feet



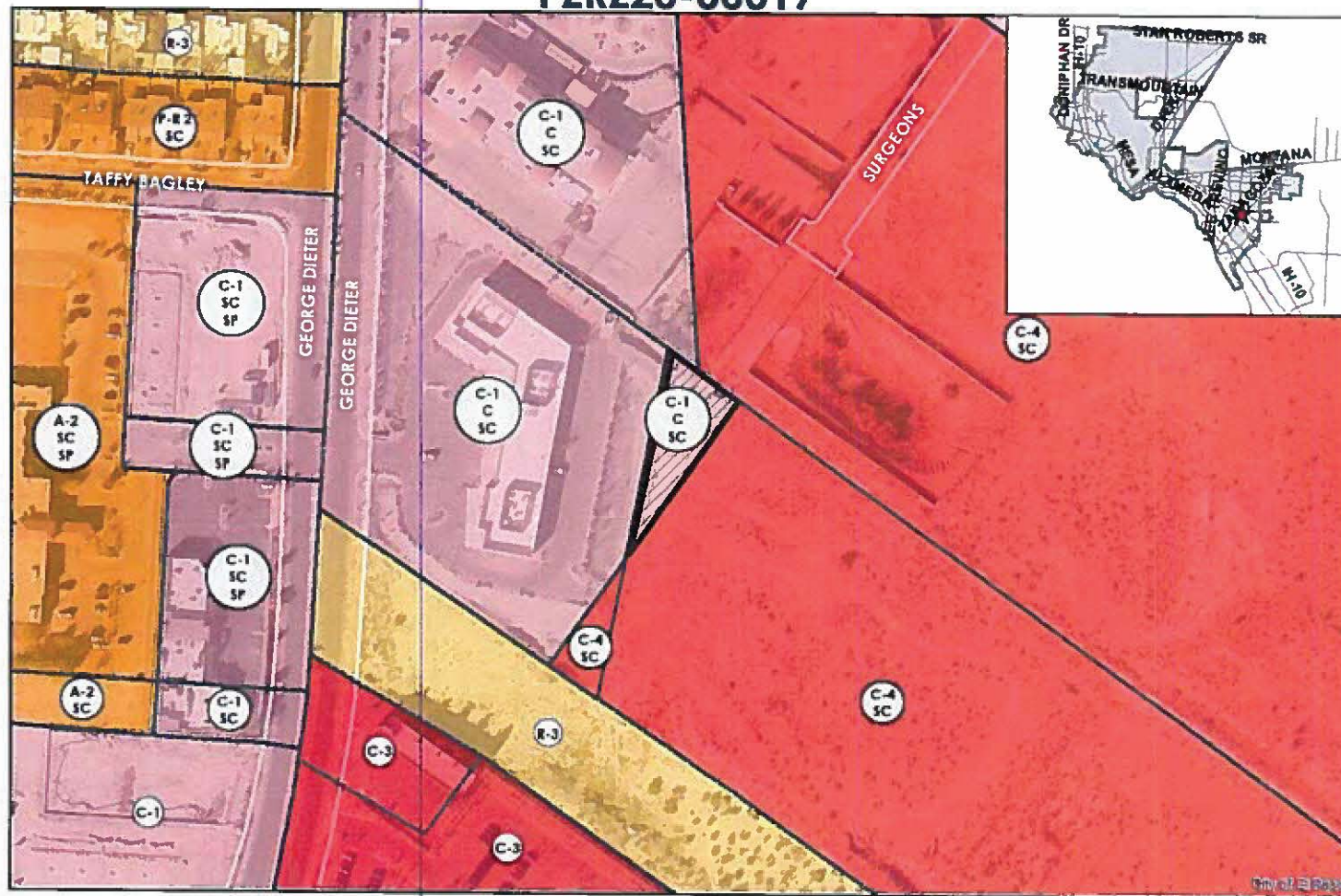
Aerial Condition Release



Aerial



PZRZ20-00017



This map is designed for illustrative purposes only. The features depicted here are approximate and more specific details may be required to show accurate dimensions. Enlarge prints of the map to scales greater than 1:10,000 may not reduce errors and may lead to misinterpretation of the data. The Planning & Information Department Planning Division makes no claim to its accuracy or completeness.



 Subject Property

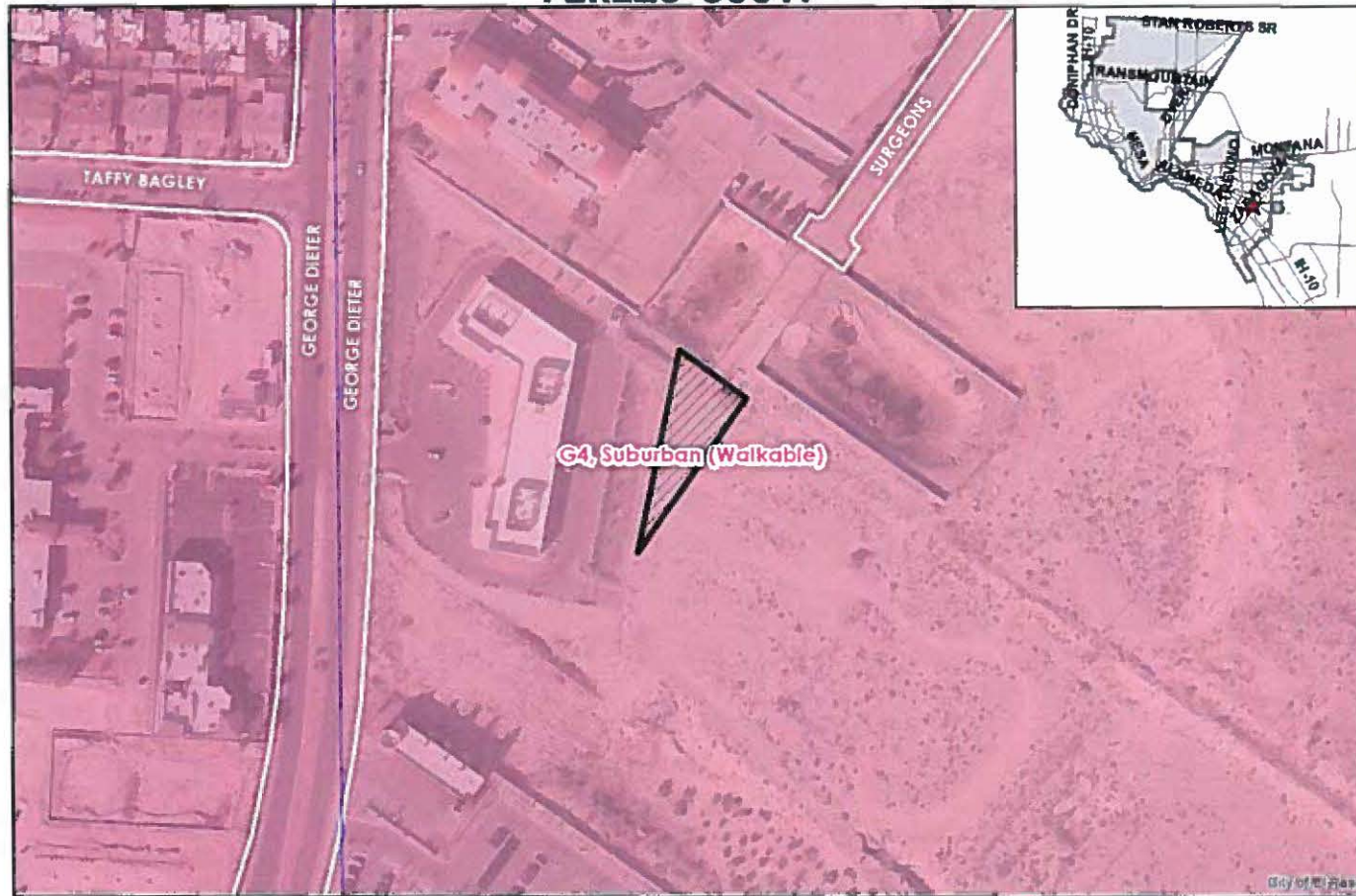
0 60 120 240 360 480 Feet



Existing Zoning



PZRZ20-00017



This map is designed for future use purposes only. The features depicted here are approximate and more detailed studies may be required to draw out precise conclusions. Enlargement of this map to scales greater than 1:10,000 can induce errors and may lead to misinterpretation of the data. The Planning & Information Department running at scale may be used to its accuracy in computer files.



 Subject Property

0 60 120 240 360 480 Feet

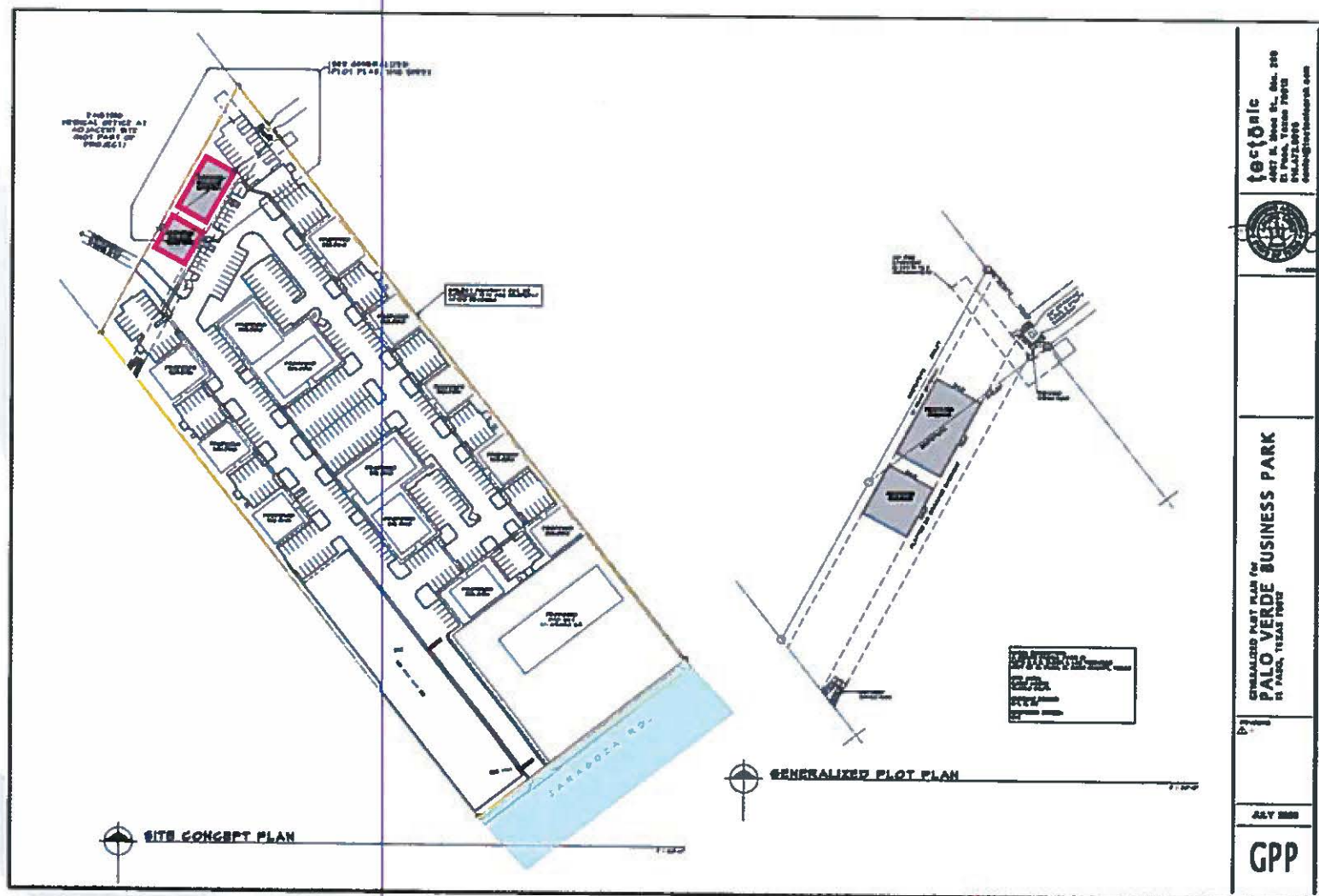


Future Land Use





Conceptual Site Plan



Condition Release

Description of request:

- Current condition per Ordinance No. 7313, dated September 8, 1981
 - *No building permit shall be issued for the construction on the property until a subdivision plat of the property has been submitted by First Party to the City Plan Commission of the City of El Paso and filed for record.*

The subject property is has been platted as part of Las Terrazas Subdivision which was filed and recorded as of January 13, 2013, this condition has been met and is no longer needed.

- Current condition per Ordinance No. 17870, dated September 18, 2012
 - *That a detailed site development plan be approved per City Code prior to the issuance of any building permits as per city code.*

The applicant is proposing to develop the subject property to be used for office, business which is a permitted use in both C-1 (Commercial) and C-4 (Commercial) districts. Considering that the subject property is surrounded by similar uses within the same zoning district, this condition is no longer necessary to protect the health, safety, and welfare of its established neighborhood.



Subject Property



Surrounding Development



W



N



S



E



Public Input

- Notices were mailed to property owners within 300 feet on November 5, 2020.
- The Planning Division has not received any communications in support nor opposition to the Rezoning & Condition Release request.





Recommendation

- Staff recommends APPROVAL of the rezoning and condition release request.



Mission

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



Vision

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



Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

File #: 21-165, **Version:** 1

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: 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 amending Title 2 (Administration and Personnel), Chapter 2.92 (Ethics) of the El Paso City Code in its entirety to clarify the rules and procedures related to the ethical requirements of City officers and employees by reorganizing the structure to create three articles: Code of Ethics; Standards of Conduct; and Ethics Review Commission; to amend, clarify and add definitions, to define the jurisdiction of the Ethics Review Commission, and to streamline the complaint process. The penalty for violations of Chapter 2.92 (Ethics) of the El Paso City Code is provided in Section 2.92.200 (Disposition) as amended in this Ordinance.

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: City Manager's Office and City Attorney's Office

AGENDA DATE: February 2, 2020

PUBLIC HEARING DATE: February 16, 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 IN ITS ENTIRETY TO CLARIFY THE RULES AND PROCEDURES RELATED TO THE ETHICAL REQUIREMENTS OF CITY OFFICERS AND EMPLOYEES BY REORGANIZING THE STRUCTURE TO CREATE THREE ARTICLES: CODE OF ETHICS; STANDARDS OF CONDUCT; AND ETHICS REVIEW COMMISSION; TO AMEND, CLARIFY AND ADD DEFINITIONS, TO DEFINE THE JURISDICTION OF THE ETHICS REVIEW COMMISSION, AND TO STREAMLINE THE COMPLAINT PROCESS. THE PENALTY FOR VIOLATIONS OF CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IS PROVIDED IN SECTION 2.92.200 (DISPOSITION) AS AMENDED IN THIS ORDINANCE.

BACKGROUND / DISCUSSION:

Reintroduction of Ethics ordinance amendment.

PRIOR COUNCIL ACTION:

Introduction December 15, 2020, public hearing on January 19, 2021 was postponed to February 2, 2021.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD: _____

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

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IN ITS ENTIRETY TO CLARIFY THE RULES AND PROCEDURES RELATED TO THE ETHICAL REQUIREMENTS OF CITY OFFICERS AND EMPLOYEES BY REORGANIZING THE STRUCTURE TO CREATE THREE ARTICLES: CODE OF ETHICS; STANDARDS OF CONDUCT; AND ETHICS REVIEW COMMISSION; TO AMEND, CLARIFY AND ADD DEFINITIONS, TO DEFINE THE JURISDICTION OF THE ETHICS REVIEW COMMISSION, AND TO STREAMLINE THE COMPLAINT PROCESS. THE PENALTY FOR VIOLATIONS OF CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IS PROVIDED 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 in its entirety 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

ORDINANCE NO. _____

19-1020-1221 | 1052048

2020 Ethics Ordinance Amendment-updated 1/26/2021

KMN

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. The filing of an ethics complaint pursuant to this ordinance does not prohibit a person from availing themselves of the various remedies available to them under state or federal laws.
- D. 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. "Substantial interest in business entity" means the definition provided in Texas Local Government Code Section 171.002 as may be amended.

32. "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;

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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;

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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 face 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 15th, 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 \$20,000 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 14 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;

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- 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

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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 1st. 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 issue advisory opinions to Officers upon written request. The

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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. Respondant has 14 days from receipt of the complaint to file a response with the City Clerk.
- 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 Commissioners of the Ethics Review Commission will hear matters referred to the Commission as a whole. If a Commissioner recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other Commissioners of the Ethics Review Commission. A Commissioner 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 Commissioner 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 Commissioner is not present during any portion of the hearing of the complaint. The Commissioner 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 in whose campaign the Commissioner, if during the last 12 months substantially participated by acting as a fundraiser or leader in the campaign, or contributing \$500 or more .
- 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 frivolous. If the Commission determines that a complaint is frivolous, they may issue a sanction provided in subsection D below. If within one year, a complainant is found to have filed more than one frivolous complaint, the complainant will not be able to file further complaints for the

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following 2 years. If a complainant 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.

- 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 one 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

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- 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 14th 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) of the El Paso City Code remains in full force and effect.

ADOPTED this _____ day of _____ 2021.


CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

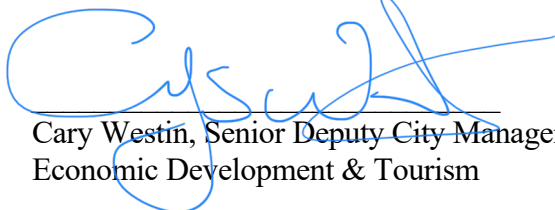
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Karla M. Nieman, City Attorney

APPROVED AS TO CONTENT:



Cary Westin, Senior Deputy City Manager
Economic Development & Tourism

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ORDINANCE NO. _____ REDLINE

~~AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS) OF THE EL PASO CITY CODE IN ITS ENTIRETY TO CLARIFY THE RULES AND PROCEDURES RELATED TO THE ETHICAL REQUIREMENTS OF CITY OFFICERS AND EMPLOYEES BY REORGANIZING THE STRUCTURE TO CREATE THREE ARTICLES: CODE OF ETHICS; STANDARDS OF CONDUCT; AND ETHICS REVIEW COMMISSION; TO AMEND, CLARIFY AND ADD DEFINITIONS, TO DEFINE THE JURISDICTION OF THE ETHIC REVIEW COMMISSION, AND TO STREAMLINE THE COMPLAINT PROCESS~~
~~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~~

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~~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 PROVIDED 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 in its entirety to read as follows:

Chapter 2.92 - ETHICS

Article I: Code of Ethics

2.92.010 - Policy and purpose.

- A. All ~~city officer~~ Ceity ~~O~~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~~ Ceity ~~O~~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~~Ceity ~~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. The filing of an ethics complaint pursuant to this ordinance does not prohibit a person from availing themselves of the various remedies available to them under state or federal laws.
- D. 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. "~~City~~City resources" means any ~~city~~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. ~~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 ~~city~~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~~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 ~~officer~~Officer, to include but not be limited to a hearing ~~officer~~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~~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. "Substantial interest in business entity" means the definition provided in Texas Local Government Code Section 171.002 as may be amended.

32. "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. OfficerOfficers or employees:

~~A. — Shall not solicit, 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 ~~officer~~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;~~

~~3E.~~ —Shall not participate in making or influencing any ~~city~~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~~City ~~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;

~~7GH.~~ —Shall not utilize ~~city~~City resources or by omission allow ~~city~~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~~City;

~~8H~~H. —Shall not transact any business (other than ministerial acts) on behalf of the ~~city~~City with any business entity of which they are ~~officer~~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:

~~a1~~1. 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 ~~city~~City government which may consider the matter; and

~~b2~~2. In the case of an employee, disclose the matter to an appropriate administrative authority within ~~city~~City government so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter;

~~9I~~I. —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 ~~city~~City, 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~~1. 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~~2. 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~~a. 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~~b. 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;

12LM. —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;

13MN. —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;

14NO. —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;~~

~~67.~~ 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;

78. An honorarium, transportation or lodging, the acceptance of which is not prohibited under Sections 36.07 and 36.08, Texas Penal Code;

89. 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;

910. 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

101. 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 Council, 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 15th, 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 clerk~~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~~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~~City Charter.

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- b. In the event that the board member is a member of the zoning board of adjustment, the ~~city clerk~~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~~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~~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~~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~~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~~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~~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~~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~~City Council. The ~~city clerk~~City Clerk shall prepare and send a notice of the removal to the board member and to the ~~city council~~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.

~~910.~~ _____—The removal provision established in ~~subsection 2.92.050(A)(9)(c).~~ 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~~City 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

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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

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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 cityCity 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 cityCity 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-clerkCity 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 cityCity 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 regulation~~this chapter.
2. A political committee which makes contributions or expenditures in connection with advocating or opposing a position or issue in a ~~city~~City 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 ~~city~~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~~City Clerk's office under the Texas Election Code must be filed and updated electronically except as provided in Section 2.92.~~07+00(-D)(-4)(-b)~~.
 - a. The ~~city~~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~~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 ~~\$20,000~~ 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

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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~~ Council has received campaign contributions from a contributor totaling ~~\$500five 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 Ceouncil~~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 ~~Ceouncil~~ 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 ~~Ceouncil~~ Council or the failure of a member to disclose a campaign contribution.

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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~~ 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~~2012, with the first refresher course of training to be offered during calendar year ~~2023~~2015.

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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 ~~city~~City Council, an ~~E~~ethics ~~R~~review ~~C~~ommission of nine members is hereby established.

- B. ~~Mission.~~ The ~~E~~ethics ~~R~~review ~~C~~ommission shall serve as an advisory body to the ~~M~~ayor and ~~city~~City ~~C~~ouncil on matters concerning ethics in government of the ~~city~~City.

2.92.110 - Membership

~~C. — Membership.~~

~~A.1~~ —All members of the ~~E~~ethics ~~R~~review ~~C~~ommission shall be residents of the ~~city~~City. ~~Members cannot be~~ ~~No member shall be a~~ ~~city~~City employees, hold any ~~city~~City elected office, or be a candidate for any ~~city~~City elected office. A member may contribute to a ~~city~~City 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 ~~E~~ethics ~~R~~review ~~C~~ommission shall be related within the third degree of consanguinity or within the third degree of affinity to a member of the ~~city~~City ~~C~~ouncil or the ~~city~~City ~~M~~anager.

~~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 1st. 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

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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)~~

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~~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

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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. Respondant has 14 days from receipt of the complaint to file a response with the City Clerk.
- 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.

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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 Commissioners of the Ethics Review Commission will hear matters referred to the Commission as a whole. If a Commissioner recuses himself or herself, they will refrain from voting on the matter and from discussing the matter at any time with other Commissioners of the Ethics Review Commission.

A Commissioner shall not be eligible to hear issues under this chapter and shall recuse himself or herself in the following situations:

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1. Where, because of familial relationship, employment, investments, or otherwise, his or her impartiality might be questioned;
2. When the Commissioner 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 Commissioner is not present during any portion of the hearing of the complaint. The Commissioner 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 in whose campaign the Commissioner, if during the last 12 months substantially participated by acting as a fundraiser or leader in the campaign, or contributing \$500 or more.

~~1. 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

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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 (D) below. ~~to the complainant. If within one year, a complainant is found to have filed more than one frivolous complaint, the complainant~~ The individual who filed a frivolous complaint will not be able to file further complaints for the following 2 years. If ~~an complainant 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.

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- ~~— 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;~~
 - ~~— Any evidence that the complainant knew or reasonably should have known that the allegations in the complaint were groundless; and~~
 - ~~c. Any evidence of the complainant's motives in filing the complaint; and~~
 - ~~— 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:~~commission 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 rRemoval from office. In addition to a letter of reprimand, rRemoval 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 clerk~~City Clerk ~~and be made available on the city's website for a period of one year.~~ The ~~city attorney~~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. ~~and mail a copy of the letter to the person receiving the sanction, certified, return receipt requested.~~

FJ. 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~~City Clerk who shall, within ~~fourteen~~14 days of receipt, place the matter on the ~~city council~~City Council agenda for discussion and action by the ~~city council~~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~~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~~City Clerk shall, within ~~fourteen~~14 days of the date of any ~~city council~~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 14th 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), all other Chapters 2.92(Ethics) of the El Paso City Code remains in full force and effect.

ADOPTED this _____ day of _____ 2021.

CITY OF EL PASO

Oscar Leeser, 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

ORDINANCE NO. _____
19-1020-1221 | 993559_2
KMN



Legislation Text

File #: 21-120, **Version:** 1

CITY OF EL PASO, TEXAS
AGENDA ITEM SUMMARY FORM

District 8

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 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, and cultural programs.

Award Summary:

Discussion and action on the award of Solicitation 2021-0260 Modesto Gomez Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated award of \$1,986,506.88. Park Improvements are to include stabilization and reconstruction of the walking/jogging path, rehabilitation of the two baseball and two soccer fields, installation of a desert garden. In addition, picnic tables, trash receptacles, accessible park benches, entry plaza, trees in raised planters and berms, a pet waste station, and exercise stations will also be installed.

Department:	Capital Improvement
Award to:	MARTINEZ BROS. CONTRACTORS, LLC
	El Paso, TX
Item(s):	All
Initial Term:	350 Consecutive Calendar Days
Base Bid:	\$1,986,506.88
Total Estimated Award:	\$1,986,506.88
Account No.:	190-29010-4800-580220- PCP13PRKA14
Funding Source:	2012 Quality of Life
District(s):	8

This is a Low Bid procurement, unit price contract.

The Purchasing and Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC 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 ITE
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Capital Improvement

AGENDA DATE: February 2, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, City Engineer – Chief Operations and Transportation Officer
(915) 212-1845
Bruce D. Collins, Purchasing Director (915) 212-1181

DISTRICT(S) AFFECTED: 8

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, and cultural programs.

SUBJECT:

Discussion and action on the award of solicitation 2021-0260 Modesto Gomez Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC, for an estimated total award of \$1,986,506.88.

BACKGROUND / DISCUSSION:

Modesto Gomez Park, located at 4600 Edna Ave., was constructed on a closed municipal landfill. Over the years, uneven settlement has affected the usability of sports fields and the walking/jogging path around the Park. Park Improvements are to include stabilization and reconstruction of the walking/jogging path, rehabilitation of the two baseball and two soccer fields, installation of a desert garden, the first in the El Paso Park system, in lieu of the costly rehabilitation a third baseball field, that would likely fail in the short term. In addition, picnic tables, trash receptacles, accessible park benches, entry plaza, trees in raised planters and berms, a pet waste station, and exercise stations will also be installed.

SELECTION SUMMARY:

Solicitation was advertised on November 3, 2020 and November 10, 2020. The solicitation was posted on City website on November 3, 2020. The email (Purmail) notification was sent out on November 5, 2020. There was a total of one hundred nine (109) viewers online; nine (9) bids were received; 8 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: \$1,986,506.88

Source: 2012 Quality of Life

Account No.: 190-29010-4800-580220- PCP13PRKA14

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: _____

Jerry DeMuro/for

Sam Rodriguez, Chief Operations and Transportation Officer

**COUNCIL PROJECT FORM
(Low Bid)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **FEBRUARY 2, 2021**.

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, and cultural programs.

Award Summary:

Discussion and action on the award of solicitation 2021-0260 Modesto Gomez Park Improvements to MARTINEZ BROS. CONTRACTORS, LLC for an estimated award of \$1,986,506.88. Park Improvements are to include stabilization and reconstruction of the walking/jogging path, rehabilitation of the two baseball and two soccer fields, installation of a desert garden. In addition, picnic tables, trash receptacles, accessible park benches, entry plaza, trees in raised planters and berms, a pet waste station, and exercise stations will also be installed.

Department:	Capital Improvement
Award to:	MARTINEZ BROS. CONTRACTORS, LLC
	El Paso, TX
Item(s):	All
Initial Term:	350 Consecutive Calendar Days
Base Bid:	\$1,986,506.88
Total Estimated Award:	\$1,986,506.88
Account No.:	190-29010-4800-580220- PCP13PRKA14
Funding Source:	2012 Quality of Life
District(s):	8

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to MARTINEZ BROS. CONTRACTORS, LLC 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.

Bid Tab Summary

2021-0260 Modesto Gomez Park Improvement

	Contractor	Base Bid
1	Martinez Bros Contractors, LLC	\$1,986,506.88
2	Horizone Construction I, LTD	\$2,222,420.41
3	Pride General Contractors, LLC	\$2,306,818.28
4	Spartan Consturction of Texas, Inc.	\$2,316,511.89
5	Noble General Contractors, LLC	\$2,572,091.12
6	Black Stallion Contractors, Inc	\$2,631,534.38
7	Karlsruher, Inc. DBA CSA Constuctors	\$2,799,000.00
8	Allen Concrete, LLC	\$3,077,836.51
9	Edgardo Madrid & Asscoiates LLC	\$3,198,394.09



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Allen Concrete, LLC		Black Stallion Contractors, Inc.		Edgardo Madrid & Associates LLC		Horizone Construction 1 LTD	
				El Paso, TX Bidder 1 of 9		El Paso, TX Bidder 2 of 9		Midland, TX Bidder 3 of 9		El Paso, TX Bidder 4 of 9	
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round
BASE BID I – UNIT PRICE SCHEDULE											
1.	283,100	SF	3" depth Screening with Weed Fabric Underlayment	\$1.21	\$342,551.00	\$0.81	\$229,311.00	\$1.10	\$311,410.00	\$0.90	\$254,790.00
2.	101,936	SF	1 ¼" depth Rock Mulch, 3" depth with Weed Fabric Underlayment	\$1.38	\$140,671.68	\$1.15	\$117,226.40	\$1.36	\$138,632.96	\$0.90	\$91,742.40
3.	81,400	SF	3" depth stabilized screening trail and walkways	\$1.27	\$103,378.00	\$0.92	\$74,888.00	\$3.43	\$279,202.00	\$1.20	\$97,680.00
4.	20,100	LF	Metal edging for landscape (3/8" X 6")	\$24.07	\$483,807.00	\$7.48	\$150,348.00	\$8.46	\$170,046.00	\$4.50	\$90,450.00
5.	2	EA	Park Name and Rules Signs	\$935.00	\$1,870.00	\$1,265.00	\$2,530.00	\$2,825.00	\$5,650.00	\$1,570.00	\$3,140.00
6.	2	EA	Reclaimed Water Signs	\$935.00	\$1,870.00	\$632.50	\$1,265.00	\$2,825.00	\$5,650.00	\$1,340.00	\$2,680.00
7.	153	LF	18" high Rockwall	\$55.00	\$8,415.00	\$69.00	\$10,557.00	\$141.25	\$21,611.25	\$155.00	\$23,715.00
8.	1	LS	Installation of concrete Planters provided by the City of El Paso	\$20,900.00	\$20,900.00	\$1,150.00	\$1,150.00	\$3,955.00	\$3,955.00	\$5,815.00	\$5,815.00



CITY OF EL PASO BID TABULATION FORM



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				El Paso, TX Bidder 1 of 9		El Paso, TX Bidder 2 of 9		Midland, TX Bidder 3 of 9		El Paso, TX Bidder 4 of 9	
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BASE BID I – UNIT PRICE SCHEDULE											
9.	4	EA	3' x 3' x 3' boulder (distance marker)	\$275.00	\$1,100.00	\$460.00	\$1,840.00	\$1,695.00	\$6,780.00	\$328.00	\$1,312.00
10.	8,993	SF	Engineered Wood Fiber 12" depth	\$5.59	\$50,270.87	\$3.29	\$29,586.97	\$7.91	\$71,134.63	\$3.60	\$32,374.80
11.	800	SF	Concrete – 4" depth	\$5.92	\$4,736.00	\$4.60	\$3,680.00	\$6.78	\$5,424.00	\$11.00	\$8,800.00
12.	39,200	SF	Infield Mix	\$1.83	\$71,736.00	\$3.68	\$144,256.00	\$4.85	\$190,120.00	\$0.40	\$15,680.00
13.	4	EA	ADA picnic table with canopy	\$10,450.00	\$41,800.00	\$15,406.56	\$61,626.24	\$7,345.00	\$29,380.00	\$16,200.00	\$64,800.00
14.	5	EA	Trash Receptacle	\$2,200.00	\$11,000.00	\$2,499.12	\$12,495.60	\$1,356.00	\$6,780.00	\$3,000.00	\$15,000.00
15.	8	EA	Bench	\$2,750.00	\$22,000.00	\$2,281.50	\$18,252.00	\$1,356.00	\$10,848.00	\$2,500.00	\$20,000.00
16.	1	EA	Bicycle Rack	\$650.00	\$650.00 Contractor's Price: \$605.00	\$1,287.00	\$1,287.00	\$1,356.00	\$1,356.00	\$2,500.00	\$2,500.00
17.	4	EA	Pet Waste Station	\$1,155.00	\$4,620.00	\$585.00	\$2,340.00	\$904.00	\$3,616.00	\$680.00	\$2,720.00
18.	1	LS	Exercise stations (6 stations)	\$18,480.00	\$18,480.00	\$33,696.00	\$33,696.00	\$13,560.00	\$13,560.00	\$37,550.00	\$37,550.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

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				El Paso, TX Bidder 1 of 9		El Paso, TX Bidder 2 of 9		Midland, TX Bidder 3 of 9		El Paso, TX Bidder 4 of 9	
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BASE BID 1 - UNIT PRICE SCHEDULE											
19.	202,705	SF	Hybrid Bermuda Sod (2 baseball and 2 soccer fields)	\$1.65	\$334,463.25	\$1.09	\$220,948.45	\$1.40	\$283,787.00	\$1.50	\$304,057.50
20.	265	EA	Trees 15 gallon	\$231.00	\$61,215.00	\$437.00	\$115,805.00	\$223.00	\$59,095.00	\$178.60	\$47,329.00
21.	674	EA	Shrubs, 5 gallon	\$30.80	\$20,759.20	\$28.75	\$19,377.50	\$42.00	\$28,308.00	\$31.00	\$20,894.00
22.	226,946	SF	Hydro mulching Seeding	\$0.72	\$163,401.12	\$0.58	\$131,628.68	\$0.50	\$113,473.00	\$0.40	\$90,778.40
23.	1	LS	New Irrigation System	\$495,000.00	\$495,000.00	\$713,000.00	\$713,000.00	\$883,150.00	\$883,150.00	\$540,000.00	\$540,000.00
24.	1	LS	Demolition of existing electrical services	\$577.50	\$577.50	\$4,025.00	\$4,025.00	\$13,560.00	\$13,560.00	\$4,740.00	\$4,740.00
25.	6	EA	Remove existing lights from light poles	\$420.00	\$2,520.00	\$1,150.00	\$6,900.00	\$1,356.00	\$8,136.00	\$1,125.00	\$6,750.00
26.	6	EA	Cut and Remove Existing Light Poles	\$5,985.00	\$35,910.00	\$1,150.00	\$6,900.00	\$904.00	\$5,424.00	\$4,400.00	\$26,400.00
27.	6	EA	Remove all wiring from light poles	\$420.00	\$2,520.00	\$575.00	\$3,450.00	\$1,356.00	\$8,136.00	\$1,660.00	\$9,960.00
28.	1	LS	New circuits for Irrigation Controllers	\$924.00	\$924.00	\$8,625.00	\$8,625.00	\$50,850.00	\$50,850.00	\$3,540.00	\$3,540.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 9		Black Stallion Contractors, Inc. El Paso, TX Bidder 2 of 9		Edgardo Madrid & Associates LLC Midland, TX Bidder 3 of 9		Horizone Construction 1 LTD El Paso, TX Bidder 4 of 9	
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BASE BID I – UNIT PRICE SCHEDULE											
29.	1	LS	Removal of electrical lines and transformers by EPE	\$23,100.00	\$23,100.00	\$7,475.00	\$7,475.00	\$8,475.00	\$8,475.00	\$5,960.00	\$5,960.00
30.	12,575	CYD	Grading	\$19.59	\$246,344.25	\$10.35	\$130,151.25	\$2.83	\$35,587.25	\$7.00	\$88,025.00
31.	8,000	SYD	Crush Stone Chat (1" thick)	\$0.94	\$7,520.00	\$4.03	\$32,240.00	\$11.30	\$90,400.00	\$0.90	\$7,200.00
32.	8,000	SYD	Aggregate Base (4" thick)	\$6.50	\$52,000.00	\$5.41	\$43,280.00	\$6.78	\$54,240.00	\$5.00	\$40,000.00
33.	8,000	SYD	Subgrade Scarify (4")	\$1.44	\$11,520.00	\$2.53	\$20,240.00	\$1.13	\$9,040.00	\$0.80	\$6,400.00 Contractor's Price: \$35,750.00
34.	1	LS	Insurance, Bonds, and Move-in Related Expenses, not to exceed 3% bid items	\$85,143.00	\$85,143.00	\$50,000.00	\$50,000.00	\$75,837.00	\$75,837.00	\$35,750.00	\$35,750.00
35.	1	LS	Construction Staking Performed by an R.P.L.S.	\$8,500.00	\$8,500.00	\$10,925.00	\$10,925.00	\$33,900.00	\$33,900.00	\$17,900.00	\$17,900.00
36.	1	LS	Pre & Post Construction Video Taping of Entire Project Site	\$2,500.00	\$2,500.00	\$5,750.00	\$5,750.00	\$9,040.00	\$9,040.00	\$1,200.00	\$1,200.00
37.	1	LS	Provide and Maintain Approved Traffic and Pedestrian Control	\$4,000.00	\$4,000.00	\$11,500.00	\$11,500.00	\$13,560.00	\$13,560.00	\$59,600.00	\$59,600.00
38.	1	LS	Implementation of SW3P Best Management Practices	\$20,700.00	\$20,700.00	\$17,250.00	\$17,250.00	\$20,340.00	\$20,340.00	\$34,000.00	\$34,000.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements BID DATE: December 23, 2020											BID NO: 2021-0260 DEPARTMENT: Capital Improvement	
				Allen Concrete, LLC El Paso, TX Bidder 1 of 9		Black Stallion Contractors, Inc. El Paso, TX Bidder 2 of 9		Edgardo Madrid & Associates LLC Midland, TX Bidder 3 of 9		Horizone Construction 1 LTD El Paso, TX Bidder 4 of 9		
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BASE BID I – UNIT PRICE SCHEDULE												
39.	2	EA	Furnish and Install Entrance Gate Complete in Place	\$950.00	\$1,900.00	\$4,025.00	\$8,050.00	\$2,825.00	\$5,650.00	\$2,380.00	\$4,760.00 Contractor's Price: \$2,380.00	
40.	1	LS	Demolition	\$20,900.00	\$20,900.00	\$47,150.00	\$47,150.00	\$28,250.00	\$28,250.00	\$725.00	\$725.00	
Sum Total Base Bid I (Item 1 – Item 40)				\$2,931,272.87 Contractor's Price: \$2,931,227.87		\$2,511,006.09		\$3,113,394.09		\$2,126,718.10		
Mobilization (Not to Exceed 5%)				\$146,563.64 Contractor's Price: \$148,561.39		\$120,528.29		\$85,000.00		\$95,702.31		
Sum Total Base Bid I and Mobilization				\$3,077,836.51 Contractor's Price: \$3,077,789.26		\$2,631,534.38		\$3,198,394.09		\$2,222,420.41		
Amendment(s) Acknowledged				YES		YES		YES		YES		
Bid Bond				YES		YES		YES		YES		



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Karlsruher, Inc. DBA CSA Constructors		Martinez Bros Contractors, LLC		Noble General Contractors, LLC		Pride General Contractors, LLC	
				El Paso, TX Bidder 5 of 9		El Paso, TX Bidder 6 of 9		El Paso, TX Bidder 7 of 9		El Paso, TX Bidder 8 of 9	
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BASE BID I – UNIT PRICE SCHEDULE											
1.	283,100	SF	3" depth Screening with Weed Fabric Underlayment	\$1.08	\$305,748.00	\$0.58	\$164,198.00	\$0.96	\$271,776.00	\$0.96	\$271,776.00
2.	101,936	SF	1 ¼" depth Rock Mulch, 3" depth with Weed Fabric Underlayment	\$1.36	\$138,632.96	\$0.91	\$92,761.76	\$1.20	\$122,323.20	\$0.91	\$92,761.76
3.	81,400	SF	3" depth stabilized screening trail and walkways	\$1.97	\$160,358.00	\$0.98	\$79,772.00	\$1.74	\$141,636.00	\$1.21	\$98,494.00
4.	20,100	LF	Metal edging for landscape (3/8" X 6")	\$11.10	\$223,110.00	\$8.38	\$168,438.00	\$9.81	\$197,181.00	\$4.54	\$91,254.00
5.	2	EA	Park Name and Rules Signs	\$509.00	\$1,018.00	\$1,875.00	\$3,750.00	\$2,811.80	\$5,623.60	\$968.00	\$1,936.00
6.	2	EA	Reclaimed Water Signs	\$509.00	\$1,018.00	\$1,500.00	\$3,000.00	\$1,687.08	\$3,374.16	\$968.00	\$1,936.00
7.	153	LF	18" high Rockwall	\$63.65	\$9,738.45	\$81.25	\$12,431.25	\$72.14	\$11,037.42	\$32.67	\$4,998.51
8.	1	LS	Installation of concrete Planters provided by the City of El Paso	\$4,455.00	\$4,455.00	\$1,500.00	\$1,500.00	\$3,936.52	\$3,936.52	\$1,815.00	\$1,815.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements

BID NO: 2021-0260

BID DATE: December 23, 2020

DEPARTMENT: Capital Improvement

				Karlsruher, Inc. DBA CSA Constructors El Paso, TX Bidder 5 of 9		Martinez Bros Contractors, LLC El Paso, TX Bidder 6 of 9		Noble General Contractors, LLC El Paso, TX Bidder 7 of 9		Pride General Contractors, LLC El Paso, TX Bidder 8 of 9	
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round
BASE BID I – UNIT PRICE SCHEDULE											
9.	4	EA	3' x 3' x 3' boulder (distance marker)	\$318.00	\$1,272.00	\$650.00	\$2,600.00	\$281.18	\$1,124.72	\$332.75	\$1,331.00
10.	8,993	SF	Engineered Wood Fiber 12" depth	\$3.82	\$34,353.26	\$4.00	\$35,972.00	\$3.37	\$30,306.41	\$3.40	\$30,576.20
11.	800	SF	Concrete – 4" depth	\$8.91	\$7,128.00	\$5.25	\$4,200.00	\$5.06	\$4,048.00	\$6.05	\$4,840.00
12.	39,200	SF	Infield Mix	\$5.98	\$234,416.00	\$3.18	\$124,656.00	\$5.29	\$207,368.00	\$3.48	\$136,416.00
13.	4	EA	ADA picnic table with canopy	\$16,388.00	\$65,552.00	\$11,250.00	\$45,000.00	\$15,379.42	\$61,517.68	\$15,577.54	\$62,310.16
14.	5	EA	Trash Receptacle	\$2,718.00	\$13,590.00	\$750.00	\$3,750.00	\$2,401.92	\$12,009.60	\$2,578.92	\$12,894.60
15.	8	EA	Bench	\$2,480.00	\$19,840.00	\$2,250.00	\$18,000.00	\$2,641.48	\$21,131.84	\$2,362.33	\$18,898.64
16.	1	EA	Bicycle Rack	\$1,388.00	\$1,388.00	\$687.50	\$687.50	\$1,564.00	\$1,564.00	\$1,312.05	\$1,312.05
17.	4	EA	Pet Waste Station	\$436.00	\$1,744.00	\$631.25	\$2,525.00	\$723.20	\$2,892.80	\$1,056.74	\$4,226.96
18.	1	LS	Exercise stations (6 stations)	\$36,621.00	\$36,621.00	\$62,500.00	\$62,500.00	\$37,079.80	\$37,079.80	\$72,264.49	\$72,264.49



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Karlsruher, Inc. DBA CSA Constructors		Martinez Bros Contractors, LLC		Noble General Contractors, LLC		Pride General Contractors, LLC	
				El Paso, TX Bidder 5 of 9		El Paso, TX Bidder 6 of 9		El Paso, TX Bidder 7 of 9		El Paso, TX Bidder 8 of 9	
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Martinez Bros Contractors LLC	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round
BASE BID 1 - UNIT PRICE SCHEDULE											
19.	202,705	SF	Hybrid Bermuda Sod (2 baseball and 2 soccer fields)	\$0.89	\$180,407.45	\$1.42	\$287,841.10	\$0.79	\$160,136.95	\$1.51	\$306,084.55
20.	265	EA	Trees 15 gallon	\$318.00	\$84,270.00	\$160.00	\$42,400.00	\$281.18	\$74,512.70	\$181.50	\$48,097.50
21.	674	EA	Shrubs, 5 gallon	\$31.83	\$21,453.42	\$28.00	\$18,872.00	\$28.12	\$18,952.88	\$31.46	\$21,204.04
22.	226,946	SF	Hydro mulching Seeding	\$0.41	\$93,047.86	\$0.12	\$27,233.52	\$0.36	\$81,700.56	\$0.39	\$88,508.94
23.	1	LS	New Irrigation System	\$571,785.00	\$571,785.00	\$538,000.00	\$538,000.00	\$505,183.42	\$505,183.42	\$548,372.00	\$548,372.00
24.	1	LS	Demolition of existing electrical services	\$1,909.00	\$1,909.00	\$1,875.00	\$1,875.00	\$686.08	\$686.08	\$784.66	\$784.66
25.	6	EA	Remove existing lights from light poles	\$1,018.00	\$6,108.00	\$375.00	\$2,250.00	\$686.08	\$4,116.48	\$575.96	\$3,455.76
26.	6	EA	Cut and Remove Existing Light Poles	\$1,209.00	\$7,254.00	\$1,875.00	\$11,250.00	\$686.08	\$4,116.48	\$983.33	\$5,899.98
27.	6	EA	Remove all wiring from light poles	\$827.00	\$4,962.00	\$562.50	\$3,375.00	\$686.08	\$4,116.48	\$108.98	\$653.88
28.	1	LS	New circuits for Irrigation Controllers	\$1,909.00	\$1,909.00	\$6,875.00	\$6,875.00	\$686.08	\$686.08	\$867.44	\$867.44



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Karlsruher, Inc. DBA CSA Constructors El Paso, TX Bidder 5 of 9		Martinez Bros Contractors, LLC El Paso, TX Bidder 6 of 9		Noble General Contractors, LLC El Paso, TX Bidder 7 of 9		Pride General Contractors, LLC El Paso, TX Bidder 8 of 9	
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round
BASE BID I – UNIT PRICE SCHEDULE											
29.	1	LS	Removal of electrical lines and transformers by EPE	\$11,457.00	\$11,457.00	\$8,125.00	\$8,125.00	\$8,997.76	\$8,997.76	\$24,200.00	\$24,200.00
30.	12,575	CYD	Grading	\$21.76	\$273,632.00	\$1.05	\$13,203.75	\$19.68	\$247,476.00	\$6.05	\$76,078.75
31.	8,000	SYD	Crush Stone Chat (1" thick)	\$3.18	\$25,440.00	\$0.38	\$3,040.00 Contractor's Price: \$3,000.00	\$3.83	\$30,640.00	\$3.93	\$31,440.00
32.	8,000	SYD	Aggregate Base (4" thick)	\$7.00	\$56,000.00	\$0.84	\$6,720.00	\$6.47	\$51,760.00	\$5.45	\$43,600.00
33.	8,000	SYD	Subgrade Scarify (4")	\$3.82	\$30,560.00	\$0.51	\$4,080.00	\$1.69	\$13,520.00	\$2.42	\$19,360.00
34.	1	LS	Insurance, Bonds, and Move-in Related Expenses, not to exceed 3% bid items	\$57,285.00	\$57,285.00	\$22,000.00	\$22,000.00	\$55,173.28	\$55,173.28	\$60,500.00	\$60,500.00
35.	1	LS	Construction Staking Performed by an R.P.L.S.	\$24,460.00	\$24,460.00	\$11,875.00	\$11,875.00	\$8,997.76	\$8,997.76	\$7,260.00	\$7,260.00
36.	1	LS	Pre & Post Construction Video Taping of Entire Project Site	\$5,092.00	\$5,092.00	\$1,875.00	\$1,875.00	\$4,498.88	\$4,498.88	\$968.00	\$968.00
37.	1	LS	Provide and Maintain Approved Traffic and Pedestrian Control	\$15,276.00	\$15,276.00	\$56,250.00	\$56,250.00	\$8,435.40	\$8,435.40	\$3,630.00	\$3,630.00
38.	1	LS	Implementation of SW3P Best Management Practices	\$12,730.00	\$12,730.00	\$6,875.00	\$6,875.00	\$9,560.12	\$9,560.12	\$6,050.00	\$6,050.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Karlsruher, Inc. DBA CSA Constructors El Paso, TX Bidder 5 of 9		Martinez Bros Contractors, LLC El Paso, TX Bidder 6 of 9		Noble General Contractors, LLC El Paso, TX Bidder 7 of 9		Pride General Contractors, LLC El Paso, TX Bidder 8 of 9	
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round
BASE BID I – UNIT PRICE SCHEDULE											
39.	2	EA	Furnish and Install Entrance Gate Complete in Place	\$4,455.00	\$8,910.00	\$8,125.00	\$16,250.00	\$1,968.26	\$3,936.52	\$1,089.00	\$2,178.00
40.	1	LS	Demolition	\$44,555.00	\$44,555.00	\$22,500.00	\$22,500.00	\$23,956.54	\$23,956.54	\$10,285.00	\$10,285.00
Sum Total Base Bid I (Item 1 – Item 40)				\$2,798,485.40		\$1,938,506.88 Contractor's Price: \$1,938,466.88		\$2,457,091.12		\$2,219,519.87	
Mobilization (Not to Exceed 5%)				\$514.60		\$48,000.00		\$115,000.00		\$87,298.41	
Sum Total Base Bid I and Mobilization				\$2,799,000.00		\$1,986,506.88 Contractor's Price: \$1,986,466.88		\$2,572,091.12		\$2,306,818.28	
Amendment(s) Acknowledged				YES		YES		YES		YES	
Bid Bond				YES		YES		YES		YES	



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Spartan Construction of Texas, Inc							
				El Paso, TX Bidder 9 of 9							
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round						
BASE BID I – UNIT PRICE SCHEDULE											
1.	283,100	SF	3" depth Screening with Weed Fabric Underlayment	\$0.91	\$257,621.00						
					Contractor's Price: \$259,093.00						
2.	101,936	SF	1 ¼" depth Rock Mulch, 3" depth with Weed Fabric Underlayment	\$0.91	\$92,761.76						
					Contractor's Price: \$93,292.00						
3.	81,400	SF	3" depth stabilized screening trail and walkways	\$0.91	\$74,074.00						
					Contractor's Price: \$74,497.00						
4.	20,100	LF	Metal edging for landscape (3/8" X 6")	\$13.72	\$275,772.00						
					Contractor's Price: \$275,933.00						
5.	2	EA	Park Name and Rules Signs	\$548.60	\$1,097.20						
					Contractor's Price: \$1,097.00						
6.	2	EA	Reclaimed Water Signs	\$548.60	\$1,097.20						
					Contractor's Price: \$1,097.00						
7.	153	LF	18" high Rockwall	\$80.08	\$12,252.24						
					Contractor's Price: \$12,252.00						
8.	1	LS	Installation of concrete Planters provided by the City of El Paso	\$2,288.00	\$2,288.00						



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 16, 2020 **DEPARTMENT:** Capital Improvement

				Spartan Construction of Texas, Inc							
				El Paso, TX Bidder 9 of 9							
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round						
BASE BID I – UNIT PRICE SCHEDULE											
9.	4	EA	3' x 3' x 3' boulder (distance marker)	\$411.84	\$1,647.36						
					Contractor's Price: \$1,647.00						
10.	8,993	SF	Engineered Wood Fiber 12" depth	\$3.26	\$29,317.18						
					Contractor's Price: \$29,321.00						
11.	800	SF	Concrete – 4" depth	\$7.02	\$5,616.00						
12.	39,200	SF	Infield Mix	\$1.65	\$64,680.00						
					Contractor's Price: \$65,025.00						
13.	4	EA	ADA picnic table with canopy	\$14,872.00	\$59,488.00						
14.	5	EA	Trash Receptacle	\$2,443.58	\$12,217.90						
					Contractor's Price: \$12,218.00						
15.	8	EA	Bench	\$2,288.00	\$18,304.00						
16.	1	EA	Bicycle Rack	\$1,258.40	\$1,258.40						
					Contractor's Price: \$1,258.00						
17.	4	EA	Pet Waste Station	\$457.60	\$1,830.40						
					Contractor's Price: \$1,830.00						
18.	1	LS	Exercise stations (6 stations)	\$33,176.00	\$33,176.00						



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260
BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Spartan Construction of Texas, Inc					
				El Paso, TX Bidder 9 of 9					
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round				
BASE BID 1 - UNIT PRICE SCHEDULE									
19.	202,705	SF	Hybrid Bermuda Sod (2 baseball and 2 soccer fields)	\$1.08	\$218,921.40				
					Contractor's Price: \$220,300.00				
20.	265	EA	Trees 15 gallon	\$211.64	\$56,084.60				
					Contractor's Price: \$56,085.00				
21.	674	EA	Shrubs, 5 gallon	\$34.32	\$23,131.68				
					Contractor's Price: \$23,132.00				
22.	226,946	SF	Hydro mulching Seeding	\$0.22	\$49,928.12				
					Contractor's Price: \$51,925.00				
23.	1	LS	New Irrigation System	\$372,944.00	\$372,944.00				
24.	1	LS	Demolition of existing electrical services	\$2,860.00	\$2,860.00				
25.	6	EA	Remove existing lights from light poles	\$1,144.00	\$6,864.00				
26.	6	EA	Cut and Remove Existing Light Poles	\$572.00	\$3,432.00				
27.	6	EA	Remove all wiring from light poles	\$343.20	\$2,059.20				
					Contractor's Price: \$2,059.00				
28.	1	LS	New circuits for Irrigation Controllers	\$2,860.00	\$2,860.00				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements										BID NO: 2021-0260	
BID DATE: December 23, 2020										DEPARTMENT: Capital Improvement	
				Spartan Construction of Texas, Inc El Paso, TX Bidder 9 of 9							
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round						
BASE BID I – UNIT PRICE SCHEDULE											
29.	1	LS	Removal of electrical lines and transformers by EPE	\$5,720.00	\$5,720.00						
30.	12,575	CYD	Grading	\$26.67	\$335,375.25 Contractor's Price: \$335,451.00						
31.	8,000	SYD	Crush Stone Chat (1" thick)	\$5.78	\$46,240.00 Contractor's Price: \$46,280.00						
32.	8,000	SYD	Aggregate Base (4" thick)	\$6.24	\$49,920.00 Contractor's Price: \$49,941.00						
33.	8,000	SYD	Subgrade Scarify (4")	\$2.39	\$19,120.00 Contractor's Price: \$19,178.00						
34.	1	LS	Insurance, Bonds, and Move-in Related Expenses, not to exceed 3% bid items	\$34,320.00	\$34,320.00						
35.	1	LS	Construction Staking Performed by an R.P.L.S.	\$13,728.00	\$13,728.00						
36.	1	LS	Pre & Post Construction Video Taping of Entire Project Site	\$1,144.00	\$1,144.00						
37.	1	LS	Provide and Maintain Approved Traffic and Pedestrian Control	\$4,004.00	\$4,004.00						
38.	1	LS	Implementation of SW3P Best Management Practices	\$27,456.00	\$27,456.00						



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Modesto Gomez Park Improvements Improvements **BID NO:** 2021-0260

BID DATE: December 23, 2020 **DEPARTMENT:** Capital Improvement

				Spartan Construction of Texas, Inc El Paso, TX Bidder 9 of 9						
ITEM NO.	APX QTY	UNIT	BRIEF DESCRIPTION OF ITEM	Unit Bid Price (In figures) Use 2 decimals Do Not Round	Total Amount (Quantity x Unit Price) (In Figures) Use 2 decimals Do Not Round					
BASE BID I – UNIT PRICE SCHEDULE										
39.	2	EA	Furnish and Install Entrance Gate Complete in Place	\$1,716.00	\$3,432.00					
40.	1	LS	Demolition	\$52,052.00	\$52,052.00					
Sum Total Base Bid I (Item 1 – Item 40)				\$2,276,094.89 Contractor's Price: \$2,282,599.00						
Mobilization (Not to Exceed 5%)				\$40,417.00						
Sum Total Base Bid I and Mobilization				\$2,316,511.89 Contractor's Price: \$2,323,016.00						
Amendment(s) Acknowledged				YES						
Bid Bond				YES						

2021-0260 Modesto Gomez Park Improvements		
Views		
No.	Name	Company Name
1	Aguilera, Benjamin	AB Powers, LLC.
2	Gallegos, Mari	Abescape
3	Counts, Tim	Accent Landscape Con
4	Magdaleno, Jesus	Allen Concrete Inc.
5	ortiz, abel	allied paving
6	Gomez, Priscilla	American Pavement Pr
7	Rugh, John	AMTEK
8	Olivas, Abelardo	AO General Contracto
9	martinez, ryan	ARS landscaping corp
10	Shane, Coler	Aztec Contractors
11	Fraire, Julio	B.F. Builders Group,
12	Guardado, Carlos	Best Ironworks
13	Bid, Judge	BidJudge.com
14	Luna, Hector	Black Stallion Contr
15	Keller, paulina	Blazing Property Ser
16	Anguiano, Carlos	Border Demolition
17	Aguilar, Francisco	Burman
18	Caballero, Luis	Caballero Electric C
19	Zumwalt, Roy	CAndE Industrial Ser
20	Concha, David	CEA Group
21	Huit, Jacob	Clowe And Cowan
22	comaduran, richard	comaduran constructi
23	Kyle, Bellomy	ConstructConnect
24	Gibson, Patty	construction Bid Sou
25	Exton, Pamela	Construction Journal
26	Wood, Jane	Construction Reporte
27	Deg, Maria	Contractors Register
28	Stallard, Robert	CSA Constructors
29	Mondello, Shannon	Dantex General Contr
30	HARRISON, MIKE	DEL MAR CONTRACTING,
31	Management, Source	Deltek
32	Villela, Kathleen	Desert Grace Managem
33	Hudson, Brad	Direx Construction,
34	GONZALEZ, ALEXANDER	DIVISION 7 LLC
35	Peggy, Koehn	Dodge Data
36	HINOJOS, HECTOR	Double H Contracting
37	Soto, Daniel	DRS Rock Materials,
38	Ragan, Bill	DUGOUTS USA
39	Massie, Scott	DYNAMO PLAYGROUNDS
40	Erick, Osorio	ecoReach, Inc.
41	Lujan, William	Elkins Electric
42	Wadlington, Jacob	EMJ Construction
43	Jaramillo, Jorge	Fulcrum Contracting
44	Gomez, Jesu	Gomez Concrete

2021-0260 Modesto Gomez Park Improvements		
Views		
No.	Name	Company Name
45	Sambrano, Michael	Gracen Eng. And Cons
46	Melvin, Craig	GreenBlue Urban
47	Jorge, Ojeda	HAWK
48	diaz, itzel	Home Expressions
49	Maldonado, Mariana	Horizone Constructio
50	Gilcrease, Paul	HUB
51	Balai, Rakesh	i- Sourcing Technolo
52	Gaynor, Shabron	IMS
53	Garcia, Carlos	INTEGRATED EARTHWORK
54	Molina, Marcos	International Eagle
55	Cervantes, Marlena	J. CARRIZAL GENERAL
56	Pinon, Jose	JAR Construction
57	Soto, Mauro	JMR Demolition
58	Lowrance, Gloria	Jobe Materials, L.P.
59	taylor, dallas	Kenkae industries
60	Puente, Ed	Kraftsman Commercial
61	Hernandez, Carlos	Lesna Construction,
62	Hamilton, Lloyd	LHC
63	Naranjo, Lizandro	Lizandro Naranjo
64	Gonzalez, Ruben	Lomeli and sons Land
65	Martinez, Heriberto	Martinez Bros. Contr
66	mota, pablo	Martinez Brothers Co
67	martinez, avelardo	martinez irrigation
68	matyear, william	matco
69	Reyes, Franco	Mijares-Mora Archite
70	Lopez, Jose	Mirador
71	Gallegos, Yahve	Mr.
72	Valdez, Teresa	MRD LANDSCAPING AND
73	Drapes, Michael	MTI Ready Mix
74	Stockton, Mitchell	Musco Sports Lightin
75	Nevarez, Christy	Noble General Contra
76	MELENDEZ, OSWALDO	NOMA COMMERCIAL LAND
77	Delgado, Rick	NRC Construction And
78	Lopez, Rafael	Perikin Enterprises,
79	arzaga, jesus	pmi
80	Hermosillo, Edgar	Prestige Constructio
81	Salgado, Ramon	Pride General Contra
82	Ortiz, Lupe	Prime Irrigation And
83	Jones, Kim	Prime Vendor Inc.
84	Ramirez, Diego	Ram landscape and re
85	Morris, Bryan	RBM Engineeering, In
86	colmenero, robert	rc enterprises inc
87	Mendivil, Michael	Rio Grande Lighting
88	Gribler, Amber	Rummel Construction,
89	Ochoa, Ernesto	SDV General Contract
90	Sergio, Castillo	SER Group

2021-0260 Modesto Gomez Park Improvements		
Views		
No.	Name	Company Name
91	White, Hugo	Sierra Vista Wholesa
92	Bjornsson, Ron	Smartprocure
93	Monsisvais, Mauro	SMG
94	ALLEN, STEVE	SPARTAN CONSTRUCTION
95	Thompson, Maria	Steel Specialties In
96	Acosta, Arami	Synergy Project Cons
97	Simental, Tony	Synergy Temperature
98	Locascio, Megan	The Blue Book
99	Hernandez, Cecilia	The PlanIt Room
100	Popenoe, Jeff	The PlayWell Group,
101	Diaz, Christian	TIA Facility Service
102	Motta, Alejandro	Tri-State Electric,
103	Ruiz, Erika	Vertex Contractors,
104	Olguin, Jeannette	Vitual Builders Exch
105	Austin, Fork	Wayne Enterprises
106	Gonzalez, Doroteo	West Texas Landscapi
107	Garcia, Mark	Win Supply
108	Acosta, German	Zayza Irrigation And
109	Royo, Joaquin	ZTEX Construction I

Modesto Gomez Park

Construction Services

February 2, 2021

Improvements

Request for Action

- Award of solicitation 2021-0260 construction services contract to Martinez Bros. Contractors, LLC
- Contract amount: \$1,986,506.88
- Funding Sources: \$1,450,506.88 (73%) Quality of Life
\$ 536,000.00 (27%) Capital Funding Plan

Project Location

- Location: 4600 Edna Ave.
- District: 8



Scope of Work

- Installation of a 12-Ft walking trail
- Installation of picnic tables
- Installation of trash receptacles
- Installation of park benches with accessible concrete slab and integrated wheelchair space for companion seating
- Planting of trees on raised planters
- Installation of pet waste station
- Installation of exercise stations
- Subgrade stabilization
- Rehabilitation of sports fields

Solicitation Summary

- Solicitation advertised November 3, 2020 and November 10, 2020
- Solicitation posted on City website November 3, 2020
- Email (Purmail) notification sent out November 5, 2020
- A total of one hundred nine (109) viewers online
- Total of nine (9) bids received, eight (8) local suppliers

Contractor Selection

- Low Bid procurement process was selected for the Modesto Gomez Park Improvement project
- Reason for selecting contractor
 - Demonstrated understanding of Parks standards, and similar project scope
 - Demonstrated successful completion of construction projects with similar characteristics
 - Contractor presented most cost effective bid

MISSION



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

VISION



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



VALUES

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

MISIÓN



Brindar servicios excepcionales
para respaldar una vida y un
lugar de alta calidad para
nuestra comunidad

VISIÓN



Desarrollar una economía regional
vibrante, vecindarios seguros y
hermosos y oportunidades
recreativas, culturales y educativas
excepcionales impulsadas por un
gobierno de alto desempeño



VALORES

Integridad, **R**espeto, **E**xcelencia,
Responsabilidad, **P**ersonas



Legislation Text

File #: 21-121, Version: 1

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

District 3

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.

Award Summary:

Discussion and action on the award of Solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated award of \$1,662,906.55. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation.

Department:	Capital Improvement
Award to:	International Eagle Enterprises, Inc. El Paso, TX
Item(s):	All
Initial Term:	180 Standard Workweek Days
Base Bid I:	\$1,592,578.55
Base Bid II:	\$58,800.00
Base Bid III:	\$11,528.00
Total Estimated Award:	\$1,662,906.55
Account No.:	190-580270-4743-38290-PCP18TRAN04 190-580270-4950-38170-PCP18TRAN04
Funding Source:	2018 Certificates of Obligation and Federal Highway Administration
District(s):	3

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. The award is contingent upon Texas Department of Transportation (TXDOT) concurrence of award.

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, contingent upon concurrence of award from TXDOT.

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 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: February 2, 2021

CONTACT PERSON/PHONE: Yvette Hernandez - Grant Funded Programs Director (915) 212-1860
Bruce D. Collins, Purchasing Director (915) 212-1181

DISTRICT(S) AFFECTED: 3

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.

SUBJECT:

Discussion and action on the award of solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated total award of \$1,662,906.55.

BACKGROUND / DISCUSSION:

The Delta 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 eighty (80) viewers online; three (3) bids were received; two (2) 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: \$1,662,906.55
Source: 2018 Certificates of Obligation and Federal Highway Administration
Account No. : 190-580270-4743-38290-PCP18TRAN04
190-580270-4950-38170-PCP18TRAN04

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD: *Yvette Hernandez*
Yvette Hernandez, Grant Funded Programs Director

**COUNCIL PROJECT FORM
(Low Bid)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **February 2, 2021**.

STRATEGIC GOAL 7 – Enhance and Sustain El Paso’s Infrastructure Network

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

Award Summary:

Discussion and action on the award of solicitation 2020-036 Delta Drive Bridge Replacement to International Eagle Enterprises, Inc. for an estimated award of \$1,662,906.55. This award will support the enhancement of pedestrian safety, provide ADA accessibility, and full-depth pavement rehabilitation

Department:	Capital Improvement
Award to:	International Eagle Enterprises, Inc. El Paso, TX
Item(s):	All
Initial Term:	180 Standard Workweek Days
Base Bid I:	\$1,592,578.55
Base Bid II:	\$58,800.00
Base Bid III:	\$11,528.00
Total Estimated Award:	\$1,662,906.55
Account No.:	190-580270-4743-38290-PCP18TRAN04 190-580270-4950-38170-PCP18TRAN04
Funding Source:	2018 Certificates of Obligation and Federal Highway Administration
District(s):	3

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. The award is contingent upon Texas Department of Transportation (TXDOT) concurrence of award.

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, contingent upon concurrence of award from TXDOT.

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.

Bid Tab Summary

2020-036 Delta Bridge Replacement

	Contractor	Base Bid I	Base Bid II	Base Bid III	Sum Total Base Bid 1-3
1	International Eagle Enterprise, Inc.	\$ 1,592,578.55	\$ 58,800.00	\$ 11,528.00	\$ 1,662,906.55
2	Lesna Construction Inc.	\$ 1,603,309.10	\$ 54,725.00	\$ 19,860.00	\$ 1,677,894.10
3	J.D. Abrams, L.P.	\$ 2,070,777.80	\$ 67,770.88	\$ 12,306.00	\$ 2,150,854.68



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
1	100	6002	PREPARING ROW	STA	7.00	\$1,000.00	\$7,000.00	\$30,500.00	\$213,500.00	\$1,000.00	\$7,000.00	
2	100	6004	PREPARING ROW(TREE)(12" TO 24" DIA)	EA	1.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$550.00	\$550.00	
3	104	6009	REMOVING CONC (RIPRAP)	SY	804.00	\$12.00	\$9,648.00	\$12.00	\$9,648.00	\$8.00	\$6,432.00	
4	104	6011	REMOVING CONC (MEDIANS)	SY	338.00	\$10.00	\$3,380.00	\$14.00	\$4,732.00	\$7.00	\$2,366.00	
5	104	6015	REMOVING CONC (SIDEWALKS)	SY	379.00	\$10.00	\$3,790.00	\$16.00	\$6,064.00	\$6.00	\$2,274.00	
6	104	6017	REMOVING CONC (DRIVEWAYS)	SY	316.00	\$13.00	\$4,108.00	\$22.00	\$6,952.00	\$10.00	\$3,160.00	
7	104	6027	REMOVING CONC (APPR SLAB)	SY	236.00	\$35.00	\$8,260.00	\$28.00	\$6,608.00	\$20.00	\$4,720.00	
8	104	6029	REMOVING CONC (CURB OR CURB & GUTTER)	LF	1321.00	\$8.00	\$10,568.00	\$4.70	\$6,208.70	\$5.00	\$6,605.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
9	104	6032	REMOVING CONC (WHEELCHAIR RAMP)	SY	31.00	\$10.00	\$310.00	\$26.00	\$806.00	\$6.00	\$186.00	
10	104	6044	REMOVING CONC (FLUME)	SY	62.00	\$15.00	\$930.00	\$19.00	\$1,178.00	\$8.00	\$496.00	
11	105	6002	REMOVING STAB BASE AND ASPH PAV (2")	SY	213.00	\$8.00	\$1,704.00	\$8.50	\$1,810.50	\$5.00	\$1,065.00	
12	105	6015	REM OVING STAB BASE & ASPH PAV (8"-10")	SY	3364.00	\$5.00	\$16,820.00	\$5.10	\$17,156.40	\$5.00	\$16,820.00	
13	110	6001	EXCAVATION (ROADWAY)	CY	604.00	\$13.00	\$7,852.00	\$2.50	\$1,510.00	\$9.00	\$5,436.00	
14	110	6003	EXCAVATION (SPECIAL)	CY	58.00	\$25.00	\$1,450.00	\$50.00	\$2,900.00	\$30.00	\$1,740.00	
15	132	6002	EMBANKMENT (FINAL)(DENS CONT)(TY A)	CY	12.00	\$100.00	\$1,200.00	\$25.00	\$300.00	\$20.00	\$240.00	
16	247	6230	FL BS (CMP IN PLACE)(TY A GR 1-2)(8")	SY	3075.00	\$15.00	\$46,125.00	\$10.00	\$30,750.00	\$15.00	\$46,125.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
17	251	6036	REWORK BS MTL (TY C) (8") (DENS CONT)	SY	3075.00	\$6.00	\$18,450.00	\$0.01	\$30.75	\$3.50	\$10,762.50	
18	310	6006	PRIME COAT (CSS-1H)	GAL	677.00	\$6.00	\$4,062.00	\$7.20	\$4,874.40	\$6.50	\$4,400.50	
19	400	6005	CEM STABIL BKFL	CY	253.00	\$105.00	\$26,565.00	\$120.00	\$30,360.00	\$110.00	\$27,830.00	
20	403	6001	TEMPORARY SPL SHORING	SF	77.00	\$15.00	\$1,155.00	\$15.00	\$1,155.00	\$16.00	\$1,232.00	
21	416	6004	DRILL SHAFT (36 IN)	LF	990.00	\$230.00	\$227,700.00	\$200.00	\$198,000.00	\$228.00	\$225,720.00	
22	416	6031	DRILL SHAFT (TRF SIG POLE) (30 IN)	LF	10.00	\$320.00	\$3,200.00	\$300.00	\$3,000.00	\$325.00	\$3,250.00	
23	416	6032	DRILL SHAFT (TRF SIG POLE) (36 IN)	LF	12.00	\$340.00	\$4,080.00	\$320.00	\$3,840.00	\$347.00	\$4,164.00	
24	420	6014	CL C CONC (ABUT)(HPC)	CY	81.00	\$750.00	\$60,750.00	\$1,400.00	\$113,400.00	\$680.00	\$55,080.00	

Approved By: /s/
Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
25	422	6002	REINF CONC SLAB (HPC)	SF	4877.00	\$21.00	\$102,417.00	\$40.00	\$195,080.00	\$17.00	\$82,909.00	
26	422	6014	BRIDGE SIDEWALK (HPC)	SF	550.00	\$7.00	\$3,850.00	\$11.00	\$6,050.00	\$11.00	\$6,050.00	
27	422	6016	APPROACH SLAB (HPC)	CY	142.00	\$635.00	\$90,170.00	\$540.00	\$76,680.00	\$430.00	\$61,060.00	
28	425	6020	PRESTR CONC BOX BEAM (5XB20)	LF	605.00	\$280.00	\$169,400.00	\$405.00	\$245,025.00	\$255.00	\$154,275.00	
29	432	6006	RIPRAP (CONC)(CL B)	CY	196.00	\$350.00	\$68,600.00	\$360.00	\$70,560.00	\$320.00	\$62,720.00	
30	432	6008	RIPRAP (CONC)(CL B)(RR8&RR9)	CY	21.00	\$350.00	\$7,350.00	\$490.00	\$10,290.00	\$340.00	\$7,140.00	
31	432	6044	RIPRAP (CONC)(FLUME)	CY	17.00	\$380.00	\$6,460.00	\$500.00	\$8,500.00	\$350.00	\$5,950.00	
32	442	6007	STR STEEL (MISC NON - BRIDGE)	LB	3020.00	\$6.00	\$18,120.00	\$12.00	\$36,240.00	\$5.00	\$15,100.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
33	450	6031	RAIL (TY C221)(HPC)	LF	110.00	\$75.00	\$8,250.00	\$200.00	\$22,000.00	\$250.00	\$27,500.00	
34	454	6018	SEALED EXPANSION JOINT (4 IN) (SEJ - M)	LF	1178.00	\$5.00	\$5,890.00	\$0.01	\$11.78	\$15.00	\$17,670.00	
35	479	6005	ADJUSTING MANHOLES (WATER VALVE BOX)	EA	5.00	\$800.00	\$4,000.00	\$400.00	\$2,000.00	\$850.00	\$4,250.00	
36	496	6009	REMOV STR (BRIDGE 0 - 99 FT LENGTH)	EA	1.00	\$40,000.00	\$40,000.00	\$37,500.00	\$37,500.00	\$50,000.00	\$50,000.00	
37	496	6032	REMOV STR (ROCKWALL)	EA	1.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	
38	496	6099	REMOVE STR (RAIL)	LF	8.00	\$20.00	\$160.00	\$14.00	\$112.00	\$40.00	\$320.00	
39	500	6001	MOBILIZATION	LS	1.00	\$40,000.00	\$40,000.00	\$208,000.00	\$208,000.00	\$80,000.00	\$80,000.00	
40	502	6001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	9.00	\$10,000.00	\$90,000.00	\$5,100.00	\$45,900.00	\$12,000.00	\$108,000.00 Contractor's Price: \$12,000.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
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	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
41	506	6001	ROCK FILTER DAMS (INSTALL) (TY 1)	LF	12.00	\$120.00	\$1,440.00	\$41.00	\$492.00	\$30.00	\$360.00	
42	506	6011	ROCK FILTER DAMS (REMOVE)	LF	12.00	\$15.00	\$180.00	\$24.00	\$288.00	\$6.00	\$72.00	
43	506	6020	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	156.00	\$25.00	\$3,900.00	\$32.00	\$4,992.00	\$25.00	\$3,900.00	
44	506	6024	CONSTRUCTION EXITS (REMOVE)	SY	156.00	\$10.00	\$1,560.00	\$8.00	\$1,248.00	\$6.00	\$936.00	
45	506	6035	SANDBAGS FOR EROSION CONTROL	EA	5.00	\$10.00	\$50.00	\$23.50	\$117.50	\$11.00	\$55.00	
46	506	6038	TEMP SEDMT CONT FENCE (INSTALL)	LF	284.00	\$4.20	\$1,192.80	\$6.50	\$1,846.00	\$4.00	\$1,136.00	
47	506	6039	TEMP SEDMT CONT FENCE (REMOVE)	LF	284.00	\$1.00	\$284.00	\$2.80	\$795.20	\$1.00	\$284.00	
48	506	6040	BIODEG EROSN CONT LOGS (INSTL) (8")	LF	40.00	\$15.00	\$600.00	\$17.00	\$680.00	\$6.00	\$240.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
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	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
49	506	6043	BIODEG EROSN CONT LOGS (REMOVE)	LF	40.00	\$1.00	\$40.00	\$2.50	\$100.00	\$1.00	\$40.00	
50	512	6029	PORT CTB (MOVE)(F-SHAPE)(TY 1)	LF	360.00	\$5.00	\$1,800.00	\$2.00	\$720.00	\$6.00	\$2,160.00	
51	512	6053	PORT CTB (REMOVE)(F-SHAPE)(TY 1)	LF	600.00	\$15.00	\$9,000.00	\$7.60	\$4,560.00	\$9.00	\$5,400.00	
52	512	6067	PTB (FRN&INSTL)(F SHAPE)(TY 1) OR (STL)	LF	600.00	\$50.00	\$30,000.00	\$45.00	\$27,000.00	\$82.00	\$49,200.00	
53	529	6008	CONC CURB & GUTTER (TY II)	LF	1063.00	\$14.00	\$14,882.00	\$13.50	\$14,350.50	\$15.00	\$15,945.00	
54	529	6013	CONC CURB (SPECIAL) (TYPE II)	LF	195.00	\$11.00	\$2,145.00	\$13.50	\$2,632.50	\$20.00	\$3,900.00	
55	530	6004	DRIVEWAYS (CONC)	SY	329.00	\$40.00	\$13,160.00	\$67.00	\$22,043.00	\$42.00	\$13,818.00	
56	531	6001	CONC SIDEWALKS (4")	SY	339.00	\$31.00	\$10,509.00	\$50.00	\$16,950.00	\$32.00	\$10,848.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
57	531	6034	CURB RAMPS (TY 7)(MOD)	EA	1.00	\$1,100.00	\$1,100.00	\$1,200.00	\$1,200.00	\$1,200.00	\$1,200.00	
58	531	6036	CURB RAMPS (TY 2)(MOD)	EA	1.00	\$1,100.00	\$1,100.00	\$1,300.00	\$1,300.00	\$1,500.00	\$1,500.00	
59	531	6040	CURB RAMPS (TY 2)(MOD)	EA	2.00	\$1,100.00	\$2,200.00	\$1,300.00	\$2,600.00	\$1,500.00	\$3,000.00	
60	531	6054	CURB RAMPS (TY 21) (MOD)	EA	2.00	\$1,200.00	\$2,400.00	\$1,200.00	\$2,400.00	\$1,750.00	\$3,500.00	
61	536	6002	CONC MEDIAN (NOSE)	SY	327.00	\$36.00	\$11,772.00	\$112.00	\$36,624.00	\$39.00	\$12,753.00	
62	536	6005	CONC MEDIAN	SY	25.00	\$50.00	\$1,250.00	\$126.00	\$3,150.00	\$39.00	\$975.00	
63	542	6001	REMOVE METAL BEAM GUARD FENCE	LF	26.00	\$5.00	\$130.00	\$6.80	\$176.80	\$4.00	\$104.00	
64	545	6003	CRASH CUSH ATTEN (MOVE & RESET)	EA	1.00	\$800.00	\$800.00	\$985.00	\$985.00	\$800.00	\$800.00	

Approved By: /s/
Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
65	545	6005	CRASH CUSH ATTEN (REMOVE)	EA	2.00	\$800.00	\$1,600.00	\$650.00	\$1,300.00	\$600.00	\$1,200.00	
66	545	6012	CRASH CUSH ATTEN (INSTL)(R)(N)(TL2)	EA	2.00	\$15,000.00	\$30,000.00	\$7,600.00	\$15,200.00	\$10,000.00	\$20,000.00	
67	610	6004	RELOCATE RD IL ASM (TRANS- BASE)	EA	1.00	\$1,300.00	\$1,300.00	\$1,150.00	\$1,150.00	\$1,210.00	\$1,210.00	
68	618	6023	CONDT (PVC) (SCH 40) (2")	LF	410.00	\$14.00	\$5,740.00	\$12.50	\$5,125.00	\$13.25	\$5,432.50	
69	618	6024	CONDT (PVC) (SCH 40) (2") (BORE)	LF	255.00	\$25.00	\$6,375.00	\$22.50	\$5,737.50	\$24.25	\$6,183.75	
70	618	6029	CONDT (PVC) (SCH 40) (3")	LF	15.00	\$28.00	\$420.00	\$26.00	\$390.00	\$27.50	\$412.50	
71	618	6030	CONDT (PVC) (SCH 40) (3") (BORE)	LF	110.00	\$31.00	\$3,410.00	\$29.00	\$3,190.00	\$31.00	\$3,410.00	
72	618	6033	CONDT (PVC) (SCH 40) (4")	LF	95.00	\$23.00	\$2,185.00	\$19.50	\$1,852.50	\$21.00	\$1,995.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
73	618	6034	CONDT (PVC) (SCH 40) (4") (BORE)	LF	100.00	\$34.00	\$3,400.00	\$31.00	\$3,100.00	\$33.00	\$3,300.00	
74	620	6010	ELEC CONDR (NO.6) INSULATED	LF	1095.00	\$3.75	\$4,106.25	\$2.80	\$3,066.00	\$3.00	\$3,285.00	
75	624	6001	GROUND BOX TY A (122311)	EA	1.00	\$1,100.00	\$1,100.00	\$860.00	\$860.00	\$935.00	\$935.00	
76	624	6010	GROUND BOX TY D (162922)W/APRON	EA	9.00	\$1,480.00	\$13,320.00	\$1,260.00	\$11,340.00	\$1,385.00	\$12,465.00	
77	624	6028	REMOVE GROUND BOX	EA	9.00	\$300.00	\$2,700.00	\$230.00	\$2,070.00	\$248.00	\$2,232.00	
78	644	6068	RELOCATE SM RD SN SUP&AM TY 10BWG	EA	5.00	\$800.00	\$4,000.00	\$655.00	\$3,275.00	\$715.00	\$3,575.00	
79	644	6076	REMOVE SM RD SN SUP&AM	EA	2.00	\$300.00	\$600.00	\$230.00	\$460.00	\$248.00	\$496.00	
80	662	6060	WK ZN PAV MRK REMOV (W)4"(BRK)	LF	420.00	\$2.25	\$945.00	\$2.10	\$882.00	\$2.20	\$924.00	

Approved By: /s/
Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
81	662	6061	WK ZN PAV MRK REMOV (W)4"(DOT)	LF	102.00	\$2.25	\$229.50	\$2.10	\$214.20	\$2.20	\$224.40	
82	662	6063	WK ZN PAV MRK REMOV (W)4"(SLD)	LF	3308.00	\$2.25	\$7,443.00	\$2.10	\$6,946.80	\$2.20	\$7,277.60	
83	662	6073	WK ZN PAV MRK REMOV (W)12"(SLD)	LF	200.00	\$8.00	\$1,600.00	\$6.10	\$1,220.00	\$6.60	\$1,320.00	
84	662	6075	WK ZN PAV MRK REMOV (W)24"(SLD)	LF	211.00	\$10.00	\$2,110.00	\$9.20	\$1,941.20	\$10.00	\$2,110.00	
85	662	6080	WK ZN PAV MRK REMOV (W)(ARROW)	EA	4.00	\$220.00	\$880.00	\$202.00	\$808.00	\$220.00	\$880.00	
86	662	6090	WK ZN PAV MRK REMOV (W)(WORD)	EA	4.00	\$280.00	\$1,120.00	\$255.00	\$1,020.00	\$275.00	\$1,100.00	
87	662	6094	WK ZN PAV MRK REMOV (Y)4"(DOT)	LF	30.00	\$2.25	\$67.50	\$1.55	\$46.50	\$1.65	\$49.50	
88	662	6095	WK ZN PAV MRK REMOV (Y)4"(SLD)	LF	6847.00	\$1.75	\$11,982.25	\$1.55	\$10,612.85	\$1.65	\$11,297.55	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
89	662	6109	WK ZN PAV MRK SHT TERM (TAB)TY W	EA	165.00	\$4.00	\$660.00	\$0.87	\$143.55	\$3.00	\$495.00	
90	662	6110	WK ZN PAV MRK SHT TERM (TAB)TY Y	EA	83.00	\$4.00	\$332.00	\$0.85	\$70.55	\$3.00	\$249.00	
91	666	6006	REFL PAV MRK TY I (W)4"(DOT)(100MIL)	LF	183.00	\$2.50	\$457.50	\$2.10	\$384.30	\$2.20	\$402.60	
92	666	6045	REFL PAV MRK TY I (W)18"(SLD)(100MIL)	LF	448.00	\$8.00	\$3,584.00	\$5.10	\$2,284.80	\$5.50	\$2,464.00	
93	666	6048	REFL PAV MRK TY I (W)24"(SLD)(100MIL)	LF	141.00	\$10.00	\$1,410.00	\$7.20	\$1,015.20	\$8.00	\$1,128.00	
94	666	6105	REFL PAV MRK TY I (W)(BIKE ARW)(100MIL)	EA	3.00	\$130.00	\$390.00	\$117.00	\$351.00	\$127.00	\$381.00	
95	666	6111	REFL PAV MRK TY I(W)(BIKE SYML)(100MIL)	EA	3.00	\$230.00	\$690.00	\$202.00	\$606.00	\$220.00	\$660.00	
96	666	6138	REFL PAV MRK TY I (Y)8"(SLD)(100MIL)	LF	104.00	\$5.00	\$520.00	\$4.10	\$426.40	\$4.50	\$468.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
97	666	6224	PAVEMENT SEALER 4"	LF	125.00	\$5.00	\$625.00	\$4.20	\$525.00	\$4.50	\$562.50	
98	666	6225	PAVEMENT SEALER 6"	LF	145.00	\$7.00	\$1,015.00	\$6.10	\$884.50	\$6.60	\$957.00	
99	666	6229	PAVEMENT SEALER 18"	LF	135.00	\$6.00	\$810.00	\$4.10	\$553.50	\$4.50	\$607.50	
100	666	6230	PAVEMENT SEALER 24"	LF	40.00	\$10.00	\$400.00	\$7.20	\$288.00	\$8.00	\$320.00	
101	666	6300	RE PM W/RET REQ TY I (W)4"(BRK)(100MIL)	LF	680.00	\$1.50	\$1,020.00	\$1.05	\$714.00	\$1.10	\$748.00	
102	666	6303	RE PM W/RET REQ TY I (W)4"(SLD)(100MIL)	LF	570.00	\$1.50	\$855.00	\$1.05	\$598.50	\$1.10	\$627.00	
103	666	6309	RE PM W/RET REQ TY I (W)6"(SLD)(100MIL)	LF	891.00	\$2.00	\$1,782.00	\$1.55	\$1,381.05	\$1.65	\$1,470.15	
104	666	6312	RE PM W/RET REQ TY I (Y)4"(BRK)(100MIL)	LF	205.00	\$2.00	\$410.00	\$1.05	\$215.25	\$1.10	\$225.50	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
105	666	6315	RE PM W/RET REQ TY I (Y)4"(SLD)(100MIL)	LF	822.00	\$2.00	\$1,644.00	\$1.05	\$863.10	\$1.10	\$904.20	
106	677	6001	ELIM EXT PAV MRK & MRKS (4")	LF	1936.00	\$1.25	\$2,420.00	\$0.82	\$1,587.52	\$0.90	\$1,742.40	
107	677	6005	ELIM EXT PAV MRK & MRKS (12")	LF	286.00	\$4.00	\$1,144.00	\$2.10	\$600.60	\$2.20	\$629.20	
108	677	6021	ELIM EXT PAV MRK & MRKS (JIGGLE)	EA	100.00	\$10.00	\$1,000.00	\$5.20	\$520.00	\$5.50	\$550.00	
109	680	6011	INSTALL HWY TRF SIG (UPGRADE)	EA	1.00	\$7,000.00	\$7,000.00	\$5,600.00	\$5,600.00	\$6,100.00	\$6,100.00	
110	681	6001	TEMP TRAF SIGNALS	EA	1.00	\$25,000.00	\$25,000.00	\$22,500.00	\$22,500.00	\$24,200.00	\$24,200.00	
111	682	6018	PED SIG SEC (LED)(COUNTDOWN)	EA	4.00	\$600.00	\$2,400.00	\$430.00	\$1,720.00	\$468.00	\$1,872.00	
112	684	6007	TRF SIG CBL (TY A)(12 AWG)(2 CONDR)	LF	1567.00	\$4.50	\$7,051.50	\$3.30	\$5,171.10	\$3.60	\$5,641.20	

Approved By: /s/
Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
113	684	6010	TRF SIG CBL (TY A)(12 AWG)(5 CONDR)	LF	2275.00	\$5.50	\$12,512.50	\$4.00	\$9,100.00	\$4.40	\$10,010.00	
114	684	6012	TRF SIG CBL (TY A)(12 AWG)(7 CONDR)	LF	597.00	\$6.00	\$3,582.00	\$4.10	\$2,447.70	\$4.40	\$2,626.80	
115	684	6017	TRF SIG CBL (TY A)(12 AWG)(12 CONDR)	LF	567.00	\$10.00	\$5,670.00	\$9.00	\$5,103.00	\$10.00	\$5,670.00	
116	686	6282	RELOC TRF SG PL AM(S)SNGL MST ARM POLE	EA	2.00	\$3,500.00	\$7,000.00	\$3,000.00	\$6,000.00	\$3,296.00	\$6,592.00	
117	687	6001	PED POLE ASSEMBLY	EA	5.00	\$2,600.00	\$13,000.00	\$2,300.00	\$11,500.00	\$2,475.00	\$12,375.00	
118	688	6001	PED DETECT PUSH BUTTON (APS)	EA	6.00	\$950.00	\$5,700.00	\$800.00	\$4,800.00	\$878.00	\$5,268.00	
119	690	6001	REMOVAL OF CONDUIT	LF	298.00	\$6.00	\$1,788.00	\$5.20	\$1,549.60	\$5.50	\$1,639.00	
120	690	6030	REMOVAL OF PEDESTRIAN PUSH BUTTONS	EA	4.00	\$180.00	\$720.00	\$110.00	\$440.00	\$116.00	\$464.00	

Approved By: /s/
Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Delta Bridge Replacement

BID NO: 2020-036

BID DATE: 08/26/2020

DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
121	690	6089	REMOVE PED POLE ASSM	EA	1.00	\$1,800.00	\$1,800.00	\$1,650.00	\$1,650.00	\$1,810.00	\$1,810.00	
122	3076	6031	D-GR HMA TY-C PG76-22	TON	542.00	\$100.00	\$54,200.00	\$113.00	\$61,246.00	\$98.00	\$53,116.00	
123	5009	6001	STONE MASONRY (ROCK WALL)	CY	20.00	\$300.00	\$6,000.00	\$99.00	\$1,980.00	\$300.00	\$6,000.00	
124	5094	6001	AESTHETIC FENCE (CRIMPED)	LF	106.00	\$350.00	\$37,100.00	\$245.00	\$25,970.00	\$485.00	\$51,410.00	
125	6001	6002	PORTABLE CHANGEABLE MESSAGE SIGN	EA	1.00	\$8,000.00	\$8,000.00	\$3,950.00	\$3,950.00	\$15,000.00	\$15,000.00	
126	6016	6013	ITS MULTI-DUCT CND (RMC)	LF	75.00	\$190.00	\$14,250.00	\$170.00	\$12,750.00	\$185.00	\$13,875.00	
127	6306	6001	VIVDS PROSR SYS	EA	1.00	\$7,300.00	\$7,300.00	\$6,900.00	\$6,900.00	\$7,540.00	\$7,540.00	
128	6306	6002	VIVDS CAM ASSY FXD LNS	EA	2.00	\$2,400.00	\$4,800.00	\$2,000.00	\$4,000.00	\$4,367.00	\$8,734.00	

Approved By: /s/
Date: 9/1/2020



BID TABULATION FORM



BID TITLE: Delta Bridge Replacement											BID NO: 2020-036	
BID DATE: 08/26/2020											DEPARTMENT: Capital Improvement	
<div style="text-align: center;"> International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 3 </div>						<div style="text-align: center;"> J. D. Abrams, L. P. Austin, TX BIDDER 2 OF 3 </div>		<div style="text-align: center;"> Lesna Construction, Inc El Paso, TX BIDDER 3 OF 3 </div>				
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID I UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
129	6306	6005	VIVDS CNTRL SOFTWARE	EA	1.00	\$700.00	\$700.00	\$550.00	\$550.00	\$600.00	\$600.00	
130	6306	6007	VIVDS CABLING	LF	595.00	\$3.25	\$1,933.75	\$2.60	\$1,547.00	\$2.75	\$1,636.25	
SUM TOTAL BASE BID I; Items 1 – 130:							\$1,592,578.55		\$2,070,777.80		\$1,603,309.10	

Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc.		J. D. Abrams, L. P.		Lesna Construction, Inc		
						El Paso, TX BIDDER 1 OF 3		Austin, TX BIDDER 2 OF 3		El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P NO.										
BASE BID II (EPWU FUNDING) UNIT PRICE SCHEDULE - TXDOT CSJ: 0924-06-421												
1	402	6001	TRENCH EXCAVATION PROTECTION	LF	428	\$10.00	\$4,280.00	\$4.46	\$1,908.88	\$9.00	\$3,852.00	
2	7016	6004	WATER MAIN PVC (C-900) 8- INCH	LF	315	\$74.00	\$23,310.00	\$86.00	\$27,090.00	\$68.00	\$21,420.00	
3	7016	6009	WATER MAIN(DIP)(PC 350)(8")	LF	113	\$145.00	\$16,385.00	\$253.00	\$28,589.00	\$143.00	\$16,159.00	
4	7016	6019	ABAND/FILL EXIST WATER PIPE (8")	LF	317	\$25.00	\$7,925.00	\$24.00	\$7,608.00	\$22.00	\$6,974.00	
5	7016	6033	ADDITIONAL FITTINGS	LB	500	\$11.00	\$5,500.00	\$1.65	\$825.00	\$10.00	\$5,000.00	
6	7016	6034	WATER SERVICE RPL & RECON (3/4")	EA	1	\$1,400.00	\$1,400.00	\$1,750.00	\$1,750.00	\$1,320.00	\$1,320.00	
7	0	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
SUM TOTAL BASE BID II; Items 1 – 7:							\$58,800.00		\$67,770.88		\$54,725.00	

 Approved By: /s/
 Date: 9/1/2020



CITY OF EL PASO BID TABULATION FORM


BID TITLE: Delta Bridge Replacement
BID NO: 2020-036
BID DATE: 08/26/2020
DEPARTMENT: Capital Improvement

						International Eagle Enterprises, Inc. El Paso, TX BIDDER 1 OF 3		J. D. Abrams, L. P. Austin, TX BIDDER 2 OF 3		Lesna Construction, Inc El Paso, TX BIDDER 3 OF 3		
NO.	ITEM-CODE		BRIEF DESCRIPTION OF ITEM	UNIT	APPROX. QTY.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	DEPT USE ONLY
	ITEM NO.	S.P. NO.										
BASE BID III (EPWU FUNDING) UNIT PRICE SCHEDULE: TXDOT CSJ: 0924-06-421												
1	7016	6061	SAN SEWER MANHOLE (48 IN)(6FT)	EA	2	\$4,100.00	\$8,200.00	\$3,600.00	\$7,200.00	\$8,500.00	\$17,000.00	
2	7016	6071	ABAND/FILL EXIST SAN SEWER PIPE (8")	LF	46	\$32.00	\$1,472.00	\$53.00	\$2,438.00	\$27.50	\$1,265.00	
3	7016	6073	ABAND/FILL EXIST SAN SEWER PIPE (12")	LF	58	\$32.00	\$1,856.00	\$46.00	\$2,668.00	\$27.50	\$1,595.00	
SUM TOTAL BASE BID III; Items 1 – 3:							\$11,528.00		\$12,306.00		\$19,860.00	
Sum Total Base Bid I, Base Bid II, Base Bid III							\$1,662,906.55		\$2,150,854.68		\$1,677,894.10	
AMENDMENT ACKNOWLEDGED:						Yes		Yes		Yes		
BID BOND SUBMITTED						Yes		Yes		Yes		

 Approved By: /s/
 Date: 9/1/2020

2020-036 Delta Bridge Replacement		
Views		
No.	Name	Company Name
1	Gallegos, Mari	Abescape
2	Rugh, John	AMTEK
3	David, McGlohon	Arrow Building Corp.
4	Leanos, Nancy	Aztec Contractors In
5	Guardado, Carlos	Best Ironworks
6	Luna, Hector	Black Stallion Contr
7	Becker, Roberta	Blanton And Associat
8	Anguiano, Carlos	Border Demolition
9	Hessney, Steve	Bowen Industrial Con
10	burke, wiliam	Burke Insurance Grou
11	Caballero, Luis	Caballero Electric C
12	Concha, David	CEA Group
13	Hernandez, Oscar	CMD Endeavors
14	Kyle, Bellomy	ConstructConnect
15	Gibson, Patty	construction Bid Sou
16	Exton, Pamela	Construction Journal
17	Wood, Jane	Construction Reporte
18	Deg, Maria	Contractors Register
19	Vazquez, Fernando	Corner Stone Cutting
20	Oney, Hilary	CSA Constructors
21	Mendoza, Pedro	Dan Williams Company
22	HARRISON, MIKE	DEL MAR CONTRACTING,
23	Management, Source	Deltek
24	Hudson, Brad	Direx Construction,
25	Peggy, Koehn	Dodge Data
26	HINOJOS, HECTOR	Double H Contracting
27	Soto, Daniel	DRS Rock Materials,
28	Alshouse, Aaron	Dustrol Inc.
29	Garcia, Gerardo	ECM International, I
30	Soto, Lorena	El Paso Sanitation S
31	Falcone, John	Envirobidnet an Entr
32	Tucker, Michelle	Fuels, LLC
33	Jaramillo, Jorge	Fulcrum Contracting
34	Salazar, Victor	GCC Sun City Materia
35	Medina, Steve	GRV IES
36	Hasse, Christian	Hasse Contracting Co
37	Jorge, Ojeda	HAWK
38	Maldonado, Mariana	Horizone Constructio
39	Gonzales, Bobbie Jo	Hunter Demolition An
40	Balai, Rakesh	i- Sourcing Technolo
41	von Holstein, Jo Ann	International Eagle
42	Vick, Thomas	Intertek-PSI
43	Poduska, Martin	J.D. Abrams,L.P.
44	Pinon, Jose	JAR Construction

2020-036 Delta Bridge Replacement		
Views		
No.	Name	Company Name
45	Soto, Mauro	JMR Demolition
46	Favela, Melissa	Jobe Materials
47	Lowrance, Gloria	Jobe Materials, L.P.
48	Figueroa, Joseph	Jordan Foster Constr
49	Douglass, Ashley	LAndM Supply Co
50	Stephen, Dowdy	Larwel Industries
51	Hernandez, Carlos	Lesna Construction,
52	Naranjo, Lizandro	Lizandro Naranjo
53	Martinez, Heriberto	Martinez Bros. Contr
54	Williams P.E., Dave	Mr.
55	Drapes, Michael	MTI Ready Mix
56	Doe, John	Pacific Inc
57	Jaynes, Dan	Paradigm Traffic Sys
58	arzaga, jesus	pmi
59	Jones, Kim	Prime Vendor Inc.
60	Morris, Bryan	RBM Engineeering, In
61	Valdespino, Carlos	Roman Construction
62	Satarain, Joe	Satarain Constructio
63	Bjornsson, Ron	Smartprocure
64	ALLEN, STEVE	SPARTAN CONSTRUCTION
65	Thompson, Maria	Steel Specialties In
66	Jesus, Mesta	Straight Edge Contra
67	Haby, Logan	TAMUCOSC STUDENT
68	Young, Courtney	Texas Corrugators
69	Hernandez, Cecilia	The PlanIt Room
70	Motta, Alejandro	Tri-State Electric,
71	Maynez, Alejandra	VEMAC
72	Ruiz, Erika	Vertex Contractors,
73	Rivera, Delia	Vistacon Ventures
74	Olguin, Jeannette	Vitual Builders Exch
75	Austin, Fork	Wayne Enterprises
76	Thomas, Ingo	yes
77	Martinez, Jessica	
78	Banquil, Lovely	
79	Saab, Edward	
80	Watson, Frank	



Delta Bridge Replacement Construction Award

February 02, 2020



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

Project Scope

- The Delta Bridge Replacement project consists of a bridge replacement, culvert replacement, pedestrian safety, providing ADA accessibility, and full-depth pavement rehabilitation.



Project Location – Delta Drive Bridge

Between NRE Thomason Loop to Alameda Avenue

3



Recommendations

- To award Solicitation No. 2020-036 Delta Bridge Replacement to **International Eagle Enterprises, Inc.**
- Estimated total amount **\$1,662,906.55**
- Three bids received,
Two from local vendors

Funding Source:

Federal Highway
Administration (FHWA)

Certificate of Obligation



An aerial night photograph of a city, likely Las Vegas, with the words "THANK YOU" overlaid in large white capital letters. The city lights are visible against a dark sky with a colorful sunset or sunrise glow. Mountains are visible in the background. The text "THANK YOU" is centered horizontally and vertically across the middle of the image.

THANK YOU



Legislation Text

File #: 20-42, Version: 1

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. **[POSTPONED FROM 01-05-2021]**

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

*****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

Page 1 of 29

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 15th, 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

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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.

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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

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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 1st. 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, declines 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 14th 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


Page **28** of **29**

ORDINANCE NO. _____
19-1020-1221 | 994153
2020 Ethics Ordinance Amendment

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.

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 ~~officer~~Officer, to include but not be limited to a hearing ~~officer~~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~~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. ~~Officer~~Officers or employees:

- A. — Shall not solicit, 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 ~~officer~~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 ~~city~~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~~City ~~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 ~~city~~City resources or by omission allow ~~city~~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~~City;
- ~~8H~~I. —Shall not transact any business (other than ministerial acts) on behalf of the ~~city~~City with any business entity of which they are ~~officer~~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:
- ~~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 ~~city~~City government which may consider the matter; and
- ~~b2~~. In the case of an employee, disclose the matter to an appropriate administrative authority within ~~city~~City government so that reassignment or other suitable action may be taken to remove the employee from any further involvement in the matter;
- ~~9J~~. —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;
- ~~10K~~. —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~~City, 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 CityCity 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 Council, a statement disclosing:
 - a. Where, by whom and in what specific capacity~~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 clerkCity 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. CityCity 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 15th, 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 clerk~~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~~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~~City Charter.
- b. In the event that the board member is a member of the zoning board of adjustment, the ~~city clerk~~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~~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~~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~~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~~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~~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~~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~~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~~City Council. The ~~city clerk~~City Clerk shall prepare and send a notice of the removal to the board member and to the ~~city council~~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.

910. —The removal provision established in subsection 2.92.050(A)(9)(c)- 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~~City 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.

~~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.~~1608~~0 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.~~0811~~0 - 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~~ 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 ~~city~~City ~~C~~o~~uncil~~, an ~~E~~E~~thics~~ ~~R~~r~~eview~~ ~~C~~e~~ommission~~ of nine members is hereby established.
- B. ~~Mission.~~ The ~~E~~E~~thics~~ ~~R~~r~~eview~~ ~~C~~e~~ommission~~ shall serve as an advisory body to the ~~M~~m~~ayor~~ and ~~city~~City ~~C~~o~~uncil~~ on matters concerning ethics in government of the ~~city~~City.

2.92.110 - Membership

C.—Membership.

- A.1 —All members of the ~~E~~E~~thics~~ ~~R~~r~~eview~~ ~~C~~e~~ommission~~ shall be residents of the ~~city~~City. ~~Members cannot be~~ ~~No member shall be a~~ ~~city~~City ~~employees~~, hold any ~~city~~City elected office, or be a candidate for any ~~city~~City elected office. A member may contribute to a ~~city~~City 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 ~~E~~E~~thics~~ ~~R~~r~~eview~~ ~~C~~e~~ommission~~ shall be related within the third degree of consanguinity or within the third degree of affinity to a member of the ~~city~~City ~~C~~o~~uncil~~ or the ~~city~~City ~~M~~m~~anager~~.
- 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~~ Fsection 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 1st. 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 ~~Ce~~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:~~commission 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 rRemoval from office. In addition to a letter of reprimand, rRemoval from office may be recommended to the ~~city 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 clerk~~City Clerk ~~and be made available on the city's website for a period of one year.~~ The ~~city attorney~~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. ~~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 clerk~~City Clerk who shall, within ~~fourteen~~14 days of receipt, place the matter on the ~~city council~~City Council agenda for discussion and action by the ~~city council~~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~~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~~City Clerk shall, within ~~fourteen~~14 days of the date of any ~~city council~~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 14th 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

File #: 21-62, Version: 1

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

All Districts

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

PUBLIC HEARING DATE: 2/2/2021

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.

An Ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.

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 recently completed Analysis of Impediments to Fair Housing Choice identified a lack of protections from housing discrimination for LGBTQ individuals. Many cities have local ordinances that expand protections against housing discrimination, beyond those identified by the Fair Housing Act, in order to protect LGBTQ individuals. The Department of Housing and Urban Development (HUD) will investigate fair housing complaints based on those expanded local protections. This update to the Fair Housing Ordinance adds sexual orientation and gender identity to those protected from housing discrimination and updates the word "handicap" to "disability".

PRIOR COUNCIL ACTION:

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

City Council was presented the 2020 Analysis of Impediments to Fair Housing Choice (AI) on October 27, 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?

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: Community and Human Development

AGENDA DATE: January 19, 2021 (Introduction)

CONTACT PERSON/PHONE: Nicole Ferrini, Chief Resilience Officer, 212-1659, ferrininm@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An ordinance amending Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code to amend in its entirety the Chapter to change the word handicap to disability and to include protections against discrimination for reasons of sexual orientation and gender identity.

BACKGROUND / DISCUSSION:

The recently completed Analysis of Impediments to Fair Housing Choice identified a lack of protections from housing discrimination for LGBTQ individuals. Many cities have local ordinances that expand protections against housing discrimination, beyond those identified by the Fair Housing Act, in order to protect LGBTQ individuals. The Department of Housing and Urban Development (HUD) will investigate fair housing complaints based on those expanded local protections. This update to the Fair Housing Ordinance adds sexual orientation and gender identity to those protected from housing discrimination and updates the word "handicap" to "disability".

PRIOR COUNCIL ACTION:

- City Council was presented the 2020 Analysis of Impediments to Fair Housing Choice (AI) on October 27, 2020.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Fair Housing Task Force Coordinated with Staff on the development of the 2020 AI, and provided only positive comment on these proposed changes to the Fair Housing Ordinance.

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

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

DEPARTMENT HEAD:



Nicole Ferrini, Chief Resilience Officer

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 17 (HOUSING), CHAPTER 17.20 (FAIR HOUSING ORDINANCE) OF THE EL PASO CITY CODE TO AMEND IN ITS ENTIRETY THE CHAPTER TO CHANGE THE WORD HANDICAP TO DISABILITY AND TO INCLUDE PROTECTIONS AGAINST DISCRIMINATION FOR REASONS OF SEXUAL ORIENTATION AND GENDER IDENTITY. THE PENALTY IS AS PROVIDED UNDER SECTION 17.20.150 OF THE EL PASO CITY CODE.

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

Section 1. Title 17 (Housing), Chapter 17.20 (Fair Housing Ordinance) of the El Paso City Code is amended in its entirety to read as follows:

Chapter 17.20 - FAIR HOUSING ORDINANCE

Sections:

17.20.010 - Title.

This chapter may be cited as the "City of El Paso Fair Housing Ordinance."

17.20.020 - Policy.

Through fair, orderly and lawful procedures, it is the policy of the city to promote the opportunity for each person to obtain housing without regard to race, color, sex, sexual orientation, gender identity, religion, national origin, disability or familial status. This policy is grounded upon the recognition of the right of every person to have access to adequate housing of the person's choice, and the denial of this right because of race, color, sex, sexual orientation, gender identity, religion, national origin, disability or familial status is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent and to create a procedure for investigating and settling complaints of discriminatory housing practices; and to provide rights and remedies substantially equivalent to those granted under federal law.

17.20.030 - Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

- A. "Actor" means a person identified in a complaint as having committed an unlawful act under this chapter.
- B. "Complainant" means a person, including the city, who files a written complaint under Section 17.20.070 of this chapter.

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- C. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the actor, and the city.
- D. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
- E. "Discriminatory housing practice" means an act that is unlawful under Section 17.20.040 or declared unlawful under the Federal Fair Housing Act of 1968 (Public Law 90-284) or the Federal Fair Housing Amendments Act of 1988 (Public Law 100-430).
- F. "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with:
1. A parent or another person having legal custody of such individual or individuals; or
 2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the of eighteen years.
- G. "Family" includes a single individual.
- H. "Grievance officer" means the person serving as fair housing grievance officer and includes the assistants, agents or employees assigned to work with the grievance officer.
- I. "Disability" means, with respect to a person:
1. A physical or mental impairment which substantially limits one or more of such person's major life activities;
 2. A record of having such an impairment; or
 3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802).
- J. "Housing unit" means any building, structure, mobile home, or portion thereof, which is occupied, designed, or intended for occupancy by a family or families as a residence, and any vacant land offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
- K. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries whether acting as principal or agent in the transaction, or two or more persons having a joint or common economic interest.
- L. "Person(s) aggrieved" means any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by a discriminatory practice that is about to occur.

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- M. "Rent" includes to lease, sublease, and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

17.20.040 - Unlawful discriminatory housing practices.

- A. It is unlawful for a person, on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability or familial status:
1. To refuse to sell or rent an available housing unit to another person after the other person makes a bona fide offer to buy or rent the housing unit;
 2. To refuse to negotiate with a person for the sale or rental of a housing unit;
 3. To discriminate against a prospective buyer or renter in connection with the showing of a housing unit;
 4. To discriminate against a person in the terms, conditions or privileges of sale or rental of a housing unit, or in the provision of services or facilities in connection therewith;
 5. To represent to a person that any housing unit is not available for inspection, sale or rental when such housing unit is in fact so available, or to otherwise make unavailable or deny such housing unit to any person;
 6. As to a multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing units:
 - a. To deny a person access to or membership or participation in the service, organization or facility, or
 - b. To discriminate against a person in the terms or conditions of such access, or membership or participation.
- B. It is unlawful:
1. To make an oral or written statement indicating a policy of the actor or of a person represented by the actor to discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability or familial status in the selling or renting of a housing unit;
 2. For gain or profit, to induce or attempt to induce a person to sell or rent a housing unit by a representation that a person of a particular race, color, religion, sex, sexual orientation, gender identity, national origin, disability or familial status is in proximity to, is present in or may enter into the neighborhood in which such housing unit is located;
 3. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement which with respect to the sale or rental of a housing unit that indicates any preference, limitation or discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, disability or familial status or an intention to make any such preference, limitation or discrimination;

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4. For a person whose business consists in whole or in part in the making or purchasing of any real estate loans, whether commercial or residential, with respect to such loans or financial assistance for the purpose of purchasing, constructing, improving, repairing, or maintaining a housing unit(s) to make any preferential determinations based on color, sex, sexual orientation, gender identity, religion, national origin, disability or familial status, such acts include but are not limited to the following:
 - a. To deny such loan or other financial assistance to a person, or
 - b. To discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance,
 - c. To refuse to provide loans or other financial assistance to a person, secured by residential real estate.
5. With respect to persons with disabilities, not to:
 - a. Allow reasonable modifications in existing housing,
 - b. Allow reasonable accommodations in rules, practices, or
 - c. Meet the requirement for new designs and construction all as set forth in the Fair Housing Amendments Act, referenced above. It is expressly intended that this chapter provide at least the minimum coverage allowed by the above-referenced Act, and is in no way intended to reduce the coverage provided by said Act.
6. To coerce, intimidate, threaten or otherwise interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 803, 804, 805 or 806 of the Federal Act.

17.20.050 - Exemptions.

A. Nothing in Section 17.20.040 (other than Section 17.20.040(B)(3)) shall apply to:

1. The sale or rental of any single-family house by an owner, provided the following conditions are met:
 - a. The owner does not own or have an interest in more than three such single-family houses at any one time,
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this paragraph (A)(1) of this section applies to only one such sale in any twenty-four-month period.
2. Rooms or units containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

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B. Nothing in Section 17.20.040 shall prohibit:

1. A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of housing units which it owns or operates to persons of the same religion or from giving preference to such persons, provided that:
 - a. Such sale, rental or occupancy is not for a commercial purpose,
 - b. Membership in such religion is not restricted because of race, color, sex, sexual orientation, gender identity, national origin, disability or familial status;
2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members; provided, that such lodging is not owned or operated for a commercial purpose;
3. Nothing in this chapter shall be deemed to prevent operating housing primarily for persons fifty-five or older or sixty-two and older as long as such operations comply with the limitations set forth in the Fair Housing Amendments Act of 1988, referenced in this chapter.
4. Appraisal Exemption. This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, sexual orientation, gender identity, disability, familial status or national origin. Discriminatory appraisals are intended to be specifically prohibited under this chapter;
5. Effect on Other Law.
 - a. This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.
 - b. This chapter does not affect a requirement of nondiscrimination in any other state or federal law.

17.20.060 - Fair housing grievance officer—Appointment—Duty to implement and enforcement of provisions.

The city council shall appoint a fair housing grievance officer and provide the grievance officer with a staff adequate to effectively enforce this chapter. The fair housing grievance officer shall implement and enforce this chapter in a manner affirmatively to further the purpose of this chapter. The grievance officer shall cooperate with the secretary of housing and urban development and the attorney general of the United States in the enforcement of the Fair Housing Act of 1968, Public Law 90-284 and the Fair Housing Amendments Act of 1988, and may assist the secretary or attorney general in any way consistent with the purpose and policy of this chapter.

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17.20.070 - Discriminatory housing practices—Reporting.

A. An aggrieved person may report any discriminatory housing practice to the grievance officer and may file a complaint not more than one hundred and eighty days after the commission of the practice of which complaint is made. A complaint may also be filed by the grievance officer, if such officer has evidence to believe that a person has committed a discriminatory housing practice.

B. The grievance officer shall treat a complaint referred by the secretary of housing and urban development or the attorney general of the United States under the Fair Housing Act of 1968, Public Law 90-284 and the Fair Housing Amendments Act of 1988, as a complaint filed under subsection A of this section.

C. A complaint shall be in writing, verified, and contain the following information:

1. Name of aggrieved person;
2. Street address of current residence of aggrieved person;
3. Telephone number, if any, of aggrieved person;
4. Name of actor;
5. Street address of actor, if known to the aggrieved person;
6. Date of alleged discriminatory practice;
7. Street address of property involved;
8. General statement of facts pertaining to the offense, including the basis of the alleged discriminatory practice (race, color, religion, sex, sexual orientation, gender identity, familial status, disability or national origin);
9. Date of filing complaint;
10. Signature of aggrieved person;
11. If complainant is other than aggrieved person, the signature, name and street address of the complainant, in addition to the preceding information.

D. Not more than ten working days after the filing of complaint by certified mail, the grievance officer shall notify the actor named in the complaint that:

1. A complaint alleging the commission of a discriminatory housing practice has been filed against the actor and of his rights. The grievance officer shall furnish a copy of the complaint to the actor;

2. The actor may file a verified written answer to the complaint within seven days after the complaint is received by the actor.

E. A complaint or answer may be reasonably and fairly amended at any time. The grievance officer by certified mail shall furnish a copy of each amended complaint or answer the actor or the complaint, respectively, as promptly as practicable.

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F. The grievance officer and staff may not make public, without the written consent of the persons concerned, the name of the actor or the aggrieved person or any information relative to a complaint, before the grievance officer notifies the city attorney of a discriminatory housing practice alleged to have been committed in a complaint or while the complaint is in the process of being investigated and prior to completion of all negotiations.

17.20.080 - Discriminatory housing practices—Investigation.

A. Upon receiving a properly completed complaint, the grievance officer must process the complaint no later than thirty days. The grievance officer must also serve notice upon the complainant acknowledging the filing and advising the complainant of the time limits and forums provided under the law. The grievance officer must complete its investigation of the complaint within one hundred days of the date of the receipt of the complaint. If impracticable to do so, the officer must notify the complainant and the respondent actor in writing of this fact and the reason(s) for same.

B. If the grievance officer determines that there is not probable cause to believe that a particular alleged or suspected discriminatory housing practice has been committed, the grievance officer shall take no further action with respect to the alleged or suspected discriminatory housing practice.

C. The grievance officer shall have comprehensive authority, including but not limited to subpoena power to investigate allegations of complaints.

17.20.090 - Discriminatory housing practices—Conciliation.

A. It is required that conciliation be attempted during the period after the filing of the complaint and prior to the filing of a charge or dismissal.

B. It is required that any conciliation agreement arising out of conciliation efforts by the grievance officer shall be an agreement between the actor and the complainant and shall be subject to the grievance officer's approval. Such conciliation shall be made public unless the complainant and respondent actor otherwise agree and the grievance officer determines that disclosure is not required to further the purposes of the law.

C. If the grievance officer determines that there is probable cause to believe that a discriminatory housing practice alleged in a complaint has been committed, the grievance officer and the actor, or a person who owns, controls or manages the housing unit involved in the discriminatory practice, or a person who employs the actor, may voluntarily enter into a conciliation agreement.

D. If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court for an offense specified in the agreement (as provided under subsection F(1) of this section) unless the grievance officer determines that the agreement has been violated and notifies the city attorney in writing of the violation.

E. A conciliation agreement must be in writing in a form approved by the city attorney and must be signed and verified by the grievance officer and each other party to the agreement. A

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conciliation agreement that is not executed before the expiration of thirty days after the notification to the actor (as required under Section 17.20.070(D)) must be specifically approved by the city attorney prior to its execution. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

F. A conciliation agreement executed under this section must contain:

1. An identification of the discriminatory housing practice and corresponding actor that gives rise to the conciliation agreement under subsection C of this section and the identification of any other discriminatory housing practice and actor that the parties agree to make subject to the limitation on prosecution in subsection D of this section; and

2. Identification of the housing unit subject to the conciliation agreement; and

3. A statement that each party entering into the conciliation agreement with the grievance officer agrees:

a. Not to violate this chapter or the conciliation agreement, and

b. To file with the grievance officer a monthly activity report, in accordance with the following regulations:

i. If the practice giving rise to the conciliation agreement under subsection C of this section involves:

(A) An actor who engages in a business relating to the selling or renting of housing units, or

(B) A housing unit occupied or intended for occupancy on a rental or sale basis, or

(C) A violation of Section 17.20.040(B)(4). The activity report must state, with respect to each person of the specified class discrimination in the complaint who in person contacts a party to the conciliation agreement concerning the sale, rental or financing of a housing unit, the name and street address and telephone number, if any, of such person, the date of each contact and the result of each contact,

ii. If the practice giving rise to the conciliation agreement under subsection C of this section involves a violation of Section 17.20.040(B)(2), the activity report must state the number and manner of solicitations concerning housing units made by the party and the approximate boundaries of each neighborhood in which the solicitations are made,

iii. The party who prepares the activity report shall sign and verify the report,

iv. An activity report must be filed each month with the grievance officer on the date specified in the conciliation agreement for a period of not less than three months nor more than twenty-four months, as required by the conciliation agreement.

G. In addition to the requirements of subsection F of this section, a conciliation agreement may include any other term or condition agreed to by the parties.

H. If the grievance officer determines that a conciliation agreement has been violated, the grievance officer shall give written notice by certified mail to all actors subject to the agreement.

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I. The grievance officer must make a final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If it is impracticable, the grievance officer shall notify the complainant and actor in writing.

17.20.100 - Violation of conciliation agreement.

A. A person commits an offense if, after such person and the grievance officer execute a conciliation agreement under Section 17.20.090, such person violates Section 17.20.090(F)(3)(a) or (b).

B. It is no defense to prosecution under this section that, with respect to a discriminatory housing practice gave rise to the conciliation agreement under Section 17.20.090(C):

1. The actor did not commit the offense; or
2. The grievance officer did not have probable cause to believe the offense was committed.

17.20.105 - Remedies—Prompt judicial action.

The grievance officer shall have authority to seek prompt judicial action for appropriate temporary or preliminary relief pending final disposition of a complaint if the grievance officer concludes such action is necessary to carry out the purposes of the law or this chapter.

17.20.110 - Discriminatory housing practices—Notification of city attorney.

A. Except as otherwise provided in subsection B of this section, if the grievance officer determines that there is probable cause to believe that a discriminatory housing practice alleged in a complaint has been committed, the grievance officer shall promptly notify the city attorney in writing of the identification of the actor and the discriminatory housing practice and direct that appropriate action be taken using the grievance officer's subpoena power if necessary. The grievance officer has the power to grant actual damages or to arrange to have the dispute adjudicated in court, at the expense of the office of the grievance officer, the claim to an award of actual damages, to an aggrieved person. The grievance officer is further authorized to seek injunctive or equitable relief in a court of competent jurisdiction, as well as assess a civil penalty or arrange to have the matter adjudicated in court at the grievance officer's agency's expenses, and may assess an award of punitive damages against the actor. It is further intended that the complainant may instead seek enforcement through a judicial election procedure with the remedies available under the above-referenced Act brought at the grievance officer's expense on behalf of the complainant.

B. After the grievance officer attempts a conciliation under Section 17.20.090, the grievance officer may postpone the notification to the city attorney required under subsection A of this section for a period of not more than thirty days after notification to the actor of a complaint (as required under Section 17.20.070(D)). However, if a conciliation agreement is executed during the thirty-day period of postponement, the grievance officer is not required to notify the city attorney of the identification of the actor or of a discriminatory housing practice specified in the

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conciliation agreement (as provided in Section 17.20.090(F)(1)) unless the grievance officer determines that the agreement has been violated.

C. Notification required under subsection A of this section is not a prerequisite to prosecution or referral to HUD as a discriminatory housing practice under this chapter. This section does not limit any communications, otherwise lawful, between the grievance officer and the city attorney.

17.20.120 - Discriminatory housing practices—Dismissal of complaint.

If, after the city attorney files a complaint in the municipal court charging an actor with a discriminatory housing practice, a conciliation agreement is executed under Section 17.20.090 before commencement of trial on the discriminatory housing practice, the city attorney may cease prosecution and move for dismissal of the complaint.

17.20.125 - Enforcement by private persons.

This chapter may be enforced by an aggrieved person by the commencement of an action in an appropriate court not less than one year after the occurrence or termination of an alleged discriminatory housing practice; said court may: (1) award the plaintiff actual and punitive damages; (2) grant as relief as it deems appropriate, any temporary or permanent injunction, temporary restraining order, or other order, and allow reasonable attorneys' fees and costs. It is expressly intended that any grievance officer's actions are subject to judicial review upon application by any party aggrieved by a final order of such grievance officer. Such review process must include access to all remedies contemplated by the Fair Housing Act. Such court's authority must include authority to grant the petitioner, or any other party, such temporary relief, restraining order, or other order as the court determines is just and proper; to affirm, modify, set aside in whole or in part, the order, or remand the order for further proceedings and enforce the order to the extent the order is affirmed or modified.

17.20.130 - Discriminatory housing practices—Additional remedies.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available under other law.

17.20.140 - Educational and public information activities.

The grievance officer may conduct such educational and public information activities as are designed to promote the policy of this chapter.

17.20.150 - Violation—Penalty.

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Any person who violates this chapter is guilty of a separate offense for each day or portion of a day on which the violation is committed, and each offense is punishable by a fine of not more than five hundred dollars.

Section 2. Except as herein amended, Title 17 (Housing) of the El Paso City Code remains in full force and effect.

ADOPTED this _____ day of _____, 20__.


CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:


Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Omar De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Nicole Ferrini,
Chief Resilience Officer

ORDINANCE NO. _____

Chapter 17.20 - FAIR HOUSING ORDINANCE*

Sections:

17.20.010 - Title.

This chapter may be cited as the "City of El Paso Fair Housing Ordinance."

(Ord. 11230 § 1 (part), 1992)

17.20.020 - Policy.

Through fair, orderly and lawful procedures, it is the policy of the city to promote the opportunity for each person to obtain housing without regard to race, color, ~~sexsex~~, sexual orientation, gender identity, religion, national origin, handicapdisability or familial status. This policy is grounded upon the recognition of the right of every person to have access to adequate housing of the person's choice, and the denial of this right because of race, color, ~~sexsex~~, sexual orientation, gender identity, religion, national origin, handicapdisability or familial status is detrimental to the health, safety and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent and to create a procedure for investigating and settling complaints of discriminatory housing practices; and to provide rights and remedies substantially equivalent to those granted under federal law.

(Ord. 11230 § 1 (part), 1992)

17.20.030 - Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

- A. "Actor" means a person identified in a complaint as having committed an unlawful act under this chapter.
- B. "Complainant" means a person, including the city, who files a written complaint under Section 17.20.070 of this chapter.
- C. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint, through informal negotiations involving the aggrieved person, the actor, and the city.
- D. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
- E. "Discriminatory housing practice" means an act that is unlawful under Section 17.20.040 or declared unlawful under the Federal Fair Housing Act of 1968 (Public Law 90-284) or the Federal Fair Housing Amendments Act of 1988 (Public Law 100-430).
- F. "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with:
 - 1. A parent or another person having legal custody of such individual or individuals; or
 - 2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the of eighteen years.

- G. "Family" includes a single individual.

H. "Grievance officer" means the person serving as fair housing grievance officer and includes the assistants, agents or employees assigned to work with the grievance officer.

I. ~~"HandicapDisability" means, with respect to a person:~~

1. A physical or mental impairment which substantially limits one or more of such person's major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802). ~~In this chapter, a reference to "an individual with a handicap" or to "handicap" does not apply to an individual because of that individual's sexual orientation or because that individual is a transvestite.~~

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J. "Housing unit" means any building, structure, mobile home, or portion thereof, which is occupied, designed, or intended for occupancy by a family or families as a residence, and any vacant land offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

K. "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries whether acting as principal or agent in the transaction, or two or more persons having a joint or common economic interest.

L. "Person(s) aggrieved" means any person who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by a discriminatory practice that is about to occur.

M. "Rent" includes to lease, sublease, and otherwise grant for a consideration the right to occupy premises not owned by the occupant.

(Ord. 11230 § 1 (part), 1992)

17.20.040 - Unlawful discriminatory housing practices.

A. It is unlawful for a person, on the basis of race, color, ~~sexsex, sexual orientation, gender identity,~~ religion, national origin, ~~handicapdisability~~ or familial status:

1. To refuse to sell or rent an available housing unit to another person after the other person makes a bona fide offer to buy or rent the housing unit;
2. To refuse to negotiate with a person for the sale or rental of a housing unit;
3. To discriminate against a prospective buyer or renter in connection with the showing of a housing unit;
4. To discriminate against a person in the terms, conditions or privileges of sale or rental of a housing unit, or in the provision of services or facilities in connection therewith;
5. To represent to a person that any housing unit is not available for inspection, sale or rental when such housing unit is in fact so available, or to otherwise make unavailable or deny such housing unit to any person;
6. As to a multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing units:
 - a. To deny a person access to or membership or participation in the service, organization or facility, or

- b. To discriminate against a person in the terms or conditions of such access, or membership or participation.

B. It is unlawful:

1. To make an oral or written statement indicating a policy of the actor or of a person represented by the actor to discriminate on the basis of race, color, ~~sexsex~~, sexual orientation, gender identity, religion, national origin, handicapdisability or familial status in the selling or renting of a housing unit;
2. For gain or profit, to induce or attempt to induce a person to sell or rent a housing unit by a representation that a person of a particular race, color, religion, ~~sexsex~~, sexual orientation, gender identity, national origin, handicapdisability or familial status is in proximity to, is present in or may enter into the neighborhood in which such housing unit is located;
3. To make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement which with respect to the sale or rental of a housing unit that indicates any preference, limitation or discrimination based on race, color, religion, ~~sexsex~~, sexual orientation, gender identity, national origin, handicapdisability or familial status or an intention to make any such preference, limitation or discrimination;
4. For a person whose business consists in whole or in part in the making or purchasing of any real estate loans, whether commercial or residential, with respect to such loans or financial assistance for the purpose of purchasing, constructing, improving, repairing, or maintaining a housing unit(s) to make any preferential determinations based on color, ~~sexsex~~, sexual orientation, gender identity, religion, national origin, handicapdisability or familial status, such acts include but are not limited to the following:
 - a. To deny such loan or other financial assistance to a person, or
 - b. To discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance,
 - c. To refuse to provide loans or other financial assistance to a person, secured by residential real estate.
5. With respect to ~~handicapped~~-persons with disabilities, not to:
 - a. Allow reasonable modifications in existing housing,
 - b. Allow reasonable accommodations in rules, practices, or
 - c. Meet the requirement for new designs and construction all as set forth in the Fair Housing Amendments Act, referenced above. It is expressly intended that this chapter provide at least the minimum coverage allowed by the above-referenced Act, and is in no way intended to reduce the coverage provided by said Act.
6. —To coerce, intimidate, threaten or otherwise interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Sections 803, 804, 805 or 806 of the Federal Act.

(Ord. 11230 § 1 (part), 1992)

17.20.050 - Exemptions.

A. Nothing in Section 17.20.040 (other than Section 17.20.040(B)(3)) shall apply to:

1. The sale or rental of any single-family house by an owner, provided the following conditions are met:

- a. The owner does not own or have an interest in more than three such single-family houses at any one time,
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this paragraph (A)(1) of this section applies to only one such sale in any twenty-four-month period.
2. Rooms or units containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.
- B. Nothing in Section 17.20.040 shall prohibit:
1. A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of housing units which it owns or operates to persons of the same religion or from giving preference to such persons, provided that:
 - a. Such sale, rental or occupancy is not for a commercial purpose,
 - b. —Membership in such religion is not restricted because of race, color, ~~sex~~sex, sexual orientation, gender identity, national origin, ~~handicap~~disability or familial status;
 2. A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members; provided, that such lodging is not owned or operated for a commercial purpose;
 3. Nothing in this chapter shall be deemed to prevent operating housing primarily for persons fifty-five or older or sixty-two and older as long as such operations comply with the limitations set forth in the Fair Housing Amendments Act of 1988, referenced in this chapter.
 4. Appraisal Exemption. This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, ~~sex~~sex, sexual orientation, gender identity, handicapdisability, familial status or national origin. Discriminatory appraisals are intended to be specifically prohibited under this chapter;
 5. Effect on Other Law.
 - a. This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or restriction relating to health or safety standards.
 - b. This chapter does not affect a requirement of nondiscrimination in any other state or federal law.

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(Ord. 11230 § 1 (part), 1992)

17.20.060 - Fair housing grievance officer—Appointment—Duty to implement and enforcement of provisions.

The city council shall appoint a fair housing grievance officer and provide the grievance officer with a staff adequate to effectively enforce this chapter. The fair housing grievance officer shall implement and enforce this chapter in a manner affirmatively to further the purpose of this chapter. The grievance officer shall cooperate with the secretary of housing and urban development and the attorney general of the United States in the enforcement of the Fair Housing Act of 1968, Public Law 90-284 and the Fair

Housing Amendments Act of 1988, and may assist the secretary or attorney general in any way consistent with the purpose and policy of this chapter.

(Ord. 11230 § 1 (part), 1992)

17.20.070 - Discriminatory housing practices—Reporting.

A. An aggrieved person may report any discriminatory housing practice to the grievance officer and may file a complaint not more than one hundred and eighty days after the commission of the practice of which complaint is made. A complaint may also be filed by the grievance officer, if such officer has evidence to believe that a person has committed a discriminatory housing practice.

B. The grievance officer shall treat a complaint referred by the secretary of housing and urban development or the attorney general of the United States under the Fair Housing Act of 1968, Public Law 90-284 and the Fair Housing Amendments Act of 1988, as a complaint filed under subsection A of this section.

C. A complaint shall be in writing, verified, and contain the following information:

1. Name of aggrieved person;
2. Street address of current residence of aggrieved person;
3. Telephone number, if any, of aggrieved person;
4. Name of actor;
5. Street address of actor, if known to the aggrieved person;
6. Date of alleged discriminatory practice;
7. Street address of property involved;

8. General statement of facts pertaining to the offense, including the basis of the alleged discriminatory practice (race, color, religion, sex, sexual orientation, gender identity, familial status, disability or national origin);

9. Date of filing complaint;

10. Signature of aggrieved person;

11. If complainant is other than aggrieved person, the signature, name and street address of the complainant, in addition to the preceding information.

D. Not more than ten working days after the filing of complaint by certified mail, the grievance officer shall notify the actor named in the complaint that:

1. A complaint alleging the commission of a discriminatory housing practice has been filed against the actor and of his rights. The grievance officer shall furnish a copy of the complaint to the actor;

2. The actor may file a verified written answer to the complaint within seven days after the complaint is received by the actor.

E. A complaint or answer may be reasonably and fairly amended at any time. The grievance officer by certified mail shall furnish a copy of each amended complaint or answer the actor or the complaint, respectively, as promptly as practicable.

F. The grievance officer and staff may not make public, without the written consent of the persons concerned, the name of the actor or the aggrieved person or any information relative to a complaint, before the grievance officer notifies the city attorney of a discriminatory housing practice alleged to have been committed in a complaint or while the complaint is in the process of being investigated and prior to completion of all negotiations.

(Ord. 11230 § 1 (part), 1992)

17.20.080 - Discriminatory housing practices—Investigation.

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A. Upon receiving a properly completed complaint, the grievance officer must process the complaint no later than thirty days. The grievance officer must also serve notice upon the complainant acknowledging the filing and advising the complainant of the time limits and forums provided under the law. The grievance officer must complete its investigation of the complaint within one hundred days of the date of the receipt of the complaint. If impracticable to do so, the officer must notify the complainant and the respondent actor in writing of this fact and the reason(s) for same.

B. If the grievance officer determines that there is not probable cause to believe that a particular alleged or suspected discriminatory housing practice has been committed, the grievance officer shall take no further action with respect to the alleged or suspected discriminatory housing practice.

C. The grievance officer shall have comprehensive authority, including but not limited to subpoena power to investigate allegations of complaints.

(Ord. 11230 § 1 (part), 1992)

17.20.090 - Discriminatory housing practices—Conciliation.

A. It is required that conciliation be attempted during the period after the filing of the complaint and prior to the filing of a charge or dismissal.

B. It is required that any conciliation agreement arising out of conciliation efforts by the grievance officer shall be an agreement between the actor and the complainant and shall be subject to the grievance officer's approval. Such conciliation shall be made public unless the complainant and respondent actor otherwise agree and the grievance officer determines that disclosure is not required to further the purposes of the law.

C. If the grievance officer determines that there is probable cause to believe that a discriminatory housing practice alleged in a complaint has been committed, the grievance officer and the actor, or a person who owns, controls or manages the housing unit involved in the discriminatory practice, or a person who employs the actor, may voluntarily enter into a conciliation agreement.

D. If a conciliation agreement is executed under this section, a party to the agreement may not be prosecuted in municipal court for an offense specified in the agreement (as provided under subsection F(1) of this section) unless the grievance officer determines that the agreement has been violated and notifies the city attorney in writing of the violation.

E. A conciliation agreement must be in writing in a form approved by the city attorney and must be signed and verified by the grievance officer and each other party to the agreement. A conciliation agreement that is not executed before the expiration of thirty days after the notification to the actor (as required under Section 17.20.070(D)) must be specifically approved by the city attorney prior to its execution. A conciliation agreement is executed upon its signing and verification by all parties to the agreement.

F. A conciliation agreement executed under this section must contain:

1. An identification of the discriminatory housing practice and corresponding actor that gives rise to the conciliation agreement under subsection C of this section and the identification of any other discriminatory housing practice and actor that the parties agree to make subject to the limitation on prosecution in subsection D of this section; and

2. Identification of the housing unit subject to the conciliation agreement; and

3. A statement that each party entering into the conciliation agreement with the grievance officer agrees:

a. Not to violate this chapter or the conciliation agreement, and

b. To file with the grievance officer a monthly activity report, in accordance with the following regulations:

i. If the practice giving rise to the conciliation agreement under subsection C of this section involves:

(A) An actor who engages in a business relating to the selling or renting of housing units, or

(B) A housing unit occupied or intended for occupancy on a rental or sale basis, or

(C) A violation of Section 17.20.040(B)(4). The activity report must state, with respect to each person of the specified class discrimination in the complaint who in person contacts a party to the conciliation agreement concerning the sale, rental or financing of a housing unit, the name and street address and telephone number, if any, of such person, the date of each contact and the result of each contact,

ii. If the practice giving rise to the conciliation agreement under subsection C of this section involves a violation of Section 17.20.040(B)(2), the activity report must state the number and manner of solicitations concerning housing units made by the party and the approximate boundaries of each neighborhood in which the solicitations are made,

iii. The party who prepares the activity report shall sign and verify the report,

iv. An activity report must be filed each month with the grievance officer on the date specified in the conciliation agreement for a period of not less than three months nor more than twenty-four months, as required by the conciliation agreement.

G. In addition to the requirements of subsection F of this section, a conciliation agreement may include any other term or condition agreed to by the parties.

H. If the grievance officer determines that a conciliation agreement has been violated, the grievance officer shall give written notice by certified mail to all actors subject to the agreement.

I. The grievance officer must make a final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If it is impracticable, the grievance officer shall notify the complainant and actor in writing.

(Ord. 11230 § 1 (part), 1992)

17.20.100 - Violation of conciliation agreement.

A. A person commits an offense if, after such person and the grievance officer execute a conciliation agreement under Section 17.20.090, such person violates Section 17.20.090(F)(3)(a) or (b).

B. It is no defense to prosecution under this section that, with respect to a discriminatory housing practice gave rise to the conciliation agreement under Section 17.20.090(C):

1. The actor did not commit the offense; or

2. The grievance officer did not have probable cause to believe the offense was committed.

(Ord. 11230 § 1 (part), 1992)

17.20.105 - Remedies—Prompt judicial action.

The grievance officer shall have authority to seek prompt judicial action for appropriate temporary or preliminary relief pending final disposition of a complaint if the grievance officer concludes such action is necessary to carry out the purposes of the law or this chapter.

(Ord. 11230 § 1 (part), 1992)

17.20.110 - Discriminatory housing practices—Notification of city attorney.

A. Except as otherwise provided in subsection B of this section, if the grievance officer determines that there is probable cause to believe that a discriminatory housing practice alleged in a complaint has been committed, the grievance officer shall promptly notify the city attorney in writing of the identification of the actor and the discriminatory housing practice and direct that appropriate action be taken using the grievance officer's subpoena power if necessary. The grievance officer has the power to grant actual damages or to arrange to have the dispute adjudicated in court, at the expense of the office of the grievance officer, the claim to an award of actual damages, to an aggrieved person. The grievance officer is further authorized to seek injunctive or equitable relief in a court of competent jurisdiction, as well as

assess a civil penalty or arrange to have the matter adjudicated in court at the grievance officer's agency's expenses, and may assess an award of punitive damages against the actor. It is further intended that the complainant may instead seek enforcement through a judicial election procedure with the remedies available under the above-referenced Act brought at the grievance officer's expense on behalf of the complainant.

B. After the grievance officer attempts a conciliation under Section 17.20.090, the grievance officer may postpone the notification to the city attorney required under subsection A of this section for a period of not more than thirty days after notification to the actor of a complaint (as required under Section 17.20.070(D)). However, if a conciliation agreement is executed during the thirty-day period of postponement, the grievance officer is not required to notify the city attorney of the identification of the actor or of a discriminatory housing practice specified in the conciliation agreement (as provided in Section 17.20.090(F)(1)) unless the grievance officer determines that the agreement has been violated.

C. Notification required under subsection A of this section is not a prerequisite to prosecution or referral to HUD as a discriminatory housing practice under this chapter. This section does not limit any communications, otherwise lawful, between the grievance officer and the city attorney.

(Ord. 11230 § 1 (part), 1992)

17.20.120 - Discriminatory housing practices—Dismissal of complaint.

If, after the city attorney files a complaint in the municipal court charging an actor with a discriminatory housing practice, a conciliation agreement is executed under Section 17.20.090 before commencement of trial on the discriminatory housing practice, the city attorney may cease prosecution and move for dismissal of the complaint.

(Ord. 11230 § 1 (part), 1992)

17.20.125 - Enforcement by private persons.

This chapter may be enforced by an aggrieved person by the commencement of an action in an appropriate court not less than one year after the occurrence or termination of an alleged discriminatory housing practice; said court may: (1) award the plaintiff actual and punitive damages; (2) grant as relief as it deems appropriate, any temporary or permanent injunction, temporary restraining order, or other order, and allow reasonable attorneys' fees and costs. It is expressly intended that any grievance officer's actions are subject to judicial review upon application by any party aggrieved by a final order of such grievance officer. Such review process must include access to all remedies contemplated by the Fair Housing Act. Such court's authority must include authority to grant the petitioner, or any other party, such temporary relief, restraining order, or other order as the court determines is just and proper; to affirm, modify, set aside in whole or in part, the order, or remand the order for further proceedings and enforce the order to the extent the order is affirmed or modified.

(Ord. 11230 § 1 (part), 1992)

17.20.130 - Discriminatory housing practices—Additional remedies.

The procedures prescribed by this chapter do not constitute an administrative prerequisite to another action or remedy available under other law.

(Ord. 11230 § 1 (part), 1992)

17.20.140 - Educational and public information activities.

The grievance officer may conduct such educational and public information activities as are designed to promote the policy of this chapter.

(Ord. 11230 § 1 (part), 1992)

17.20.150 - Violation—Penalty.

Any person who violates this chapter is guilty of a separate offense for each day or portion of a day on which the violation is committed, and each offense is punishable by a fine of not more than five hundred dollars.

(Ord. 11230 § 1 (part), 1992)



Legislation Text

File #: 21-122, Version: 1

**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:

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 2019 City of El Paso Eastside Growth Management Plan and directing City Manager to create a cross functional team to report recommendations to City Council regarding the implementation of the plan.

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 Department

AGENDA DATE: February 2, 2021

CONTACT PERSON/PHONE: Sam Rodriguez, P.E., City Engineer, 212-0065

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

Discussion and action on a Resolution adopting the 2019 City of El Paso Eastside Growth Management Plan and directing City Manager to create a cross functional team to report recommendations to City Council regarding the implementation of the plan.

BACKGROUND / DISCUSSION:

This presentation will provide a summary of the facility needs within the study area defined by the Eastside Master Plan.

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:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

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

DEPARTMENT HEAD:

Alex Hoffman

For: Sam Rodriguez

RESOLUTION

WHEREAS, the City Council of the City of El Paso recognizes the need for an updated assessment of current public services, facilities, and infrastructure deficiencies on the Eastside of the City and as such has moved forward with the creation of the 2019 City of El Paso Eastside Growth Management Plan; and

WHEREAS, a primary objective of the Plan is to create a data driven growth management plan for the Eastside that results in a realignment of strategies and priorities to ensure concurrent delivery of facilities and services as part of a new development by providing an inventory and gap analysis of existing City services, facilities, and infrastructure as well as projected future needs.

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

1. That the 2019 City of El Paso Eastside Growth Management Plan (“Plan”), attached hereto, is hereby officially adopted.
2. That the Plan be used to, among other things, prioritize and guide the provision of services, facilities, and infrastructure to the Eastside area of El Paso.
3. That adoption of the Plan shall not commit the City of El Paso to specific funding levels or implementation strategies, but shall provide guidance for the City’s vision for growth and development of the Eastside of El Paso.
4. That the City Manager is directed to work with the Eastside City Representatives from Districts 3, 5, 6, and 7 in conjunction with the City Manager’s Eastside Policies Cross Functional Team to develop recommendations for the implementation of the Plan.

ADOPTED this _____ day of _____, 2021.


CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:

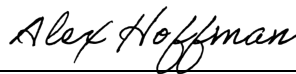
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar De la Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



For: Samuel Rodriguez
City Engineer



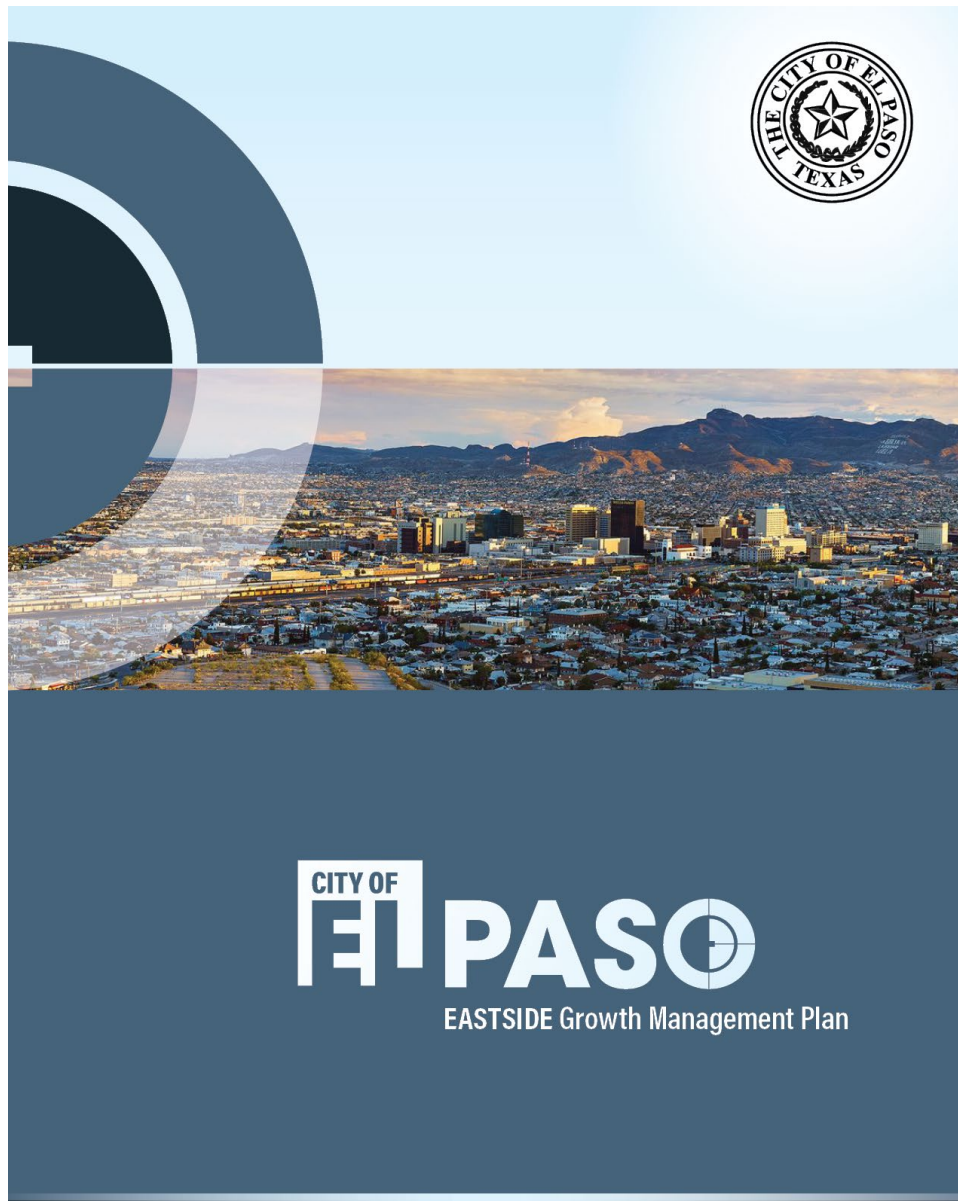
CITY OF
PASO
**EAST SIDE MASTER PLAN
& GROWTH MANAGEMENT POLICIES**

**City Council Meeting
2/2/2021**



Presentation Overview

- Plan Purpose
- Existing Development Conditions and Facility Gap Analysis
- Buildout Analysis and Future Demand
- Growth Management Strategies/Eastside Policies CFT
- Schedule



Manage outward growth, encourage infill development and redevelopment, and balance the cost to deliver public services and facilities with anticipated revenues.



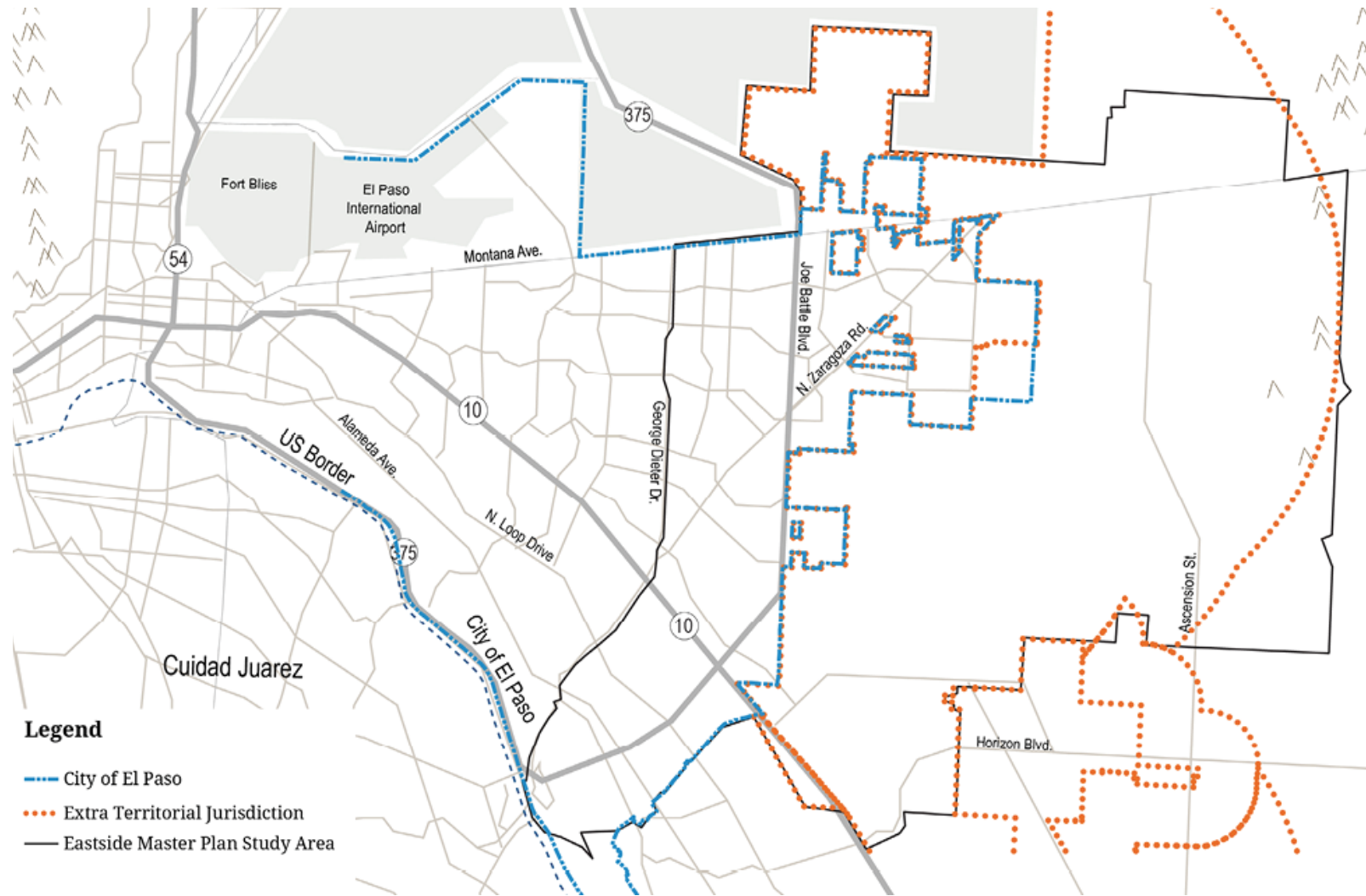


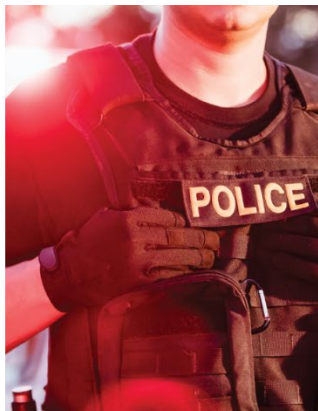
Eastside Public Facilities Master Plan

- Introduction and General Goals
- Facility Demand Analysis
- Appendix 1: Public and Stakeholder Outreach
- Appendix 2: Facility Inventory
- Appendix 3: El Paso Public Library: Site Location Study
- Appendix 4: The 2019 Public Safety Bond

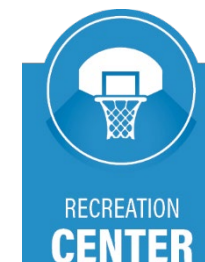


Eastside Master Plan Study Area





Eastside Public Facilities Master Plan



Existing Development Conditions

Current Development Pattern					
City Zoning/ County Land Use Classification	Label	No. of Parcels	Acreage	Average Parcel Size	Percentage of Total
Light Density Residential	R1 R2 R2A R6 RE E	3,336	2,742	0.82	13%
	R3 R3A	23,938	4,170	0.17	19%
	R4 R5	29,124	4,288	0.15	20%
	RMH	734	162	0.22	1%
Medium Density Residential	A1 A2 A2SC	578	362	0.63	2%
	A0 A0S A0SC	367	129	0.35	1%
High Density Residential	AM AMC	643	110	0.17	1%
Planned Residential Districts I II	PR1 PR2 PR2SC	3,189	407	0.13	2%
Residential / Mixed Use	R-MU	1	17	17	0.1%
Neighborhood Commercial	C1 COP HC1	511	1,634	3.20	7%
Community Commercial	C2 C3	185	494	2.67	2%
Regional Commercial	C4	494	2,050	4.15	9%
General Mixed Use	GMU	2	5	2.50	0.2%
Light Industrial	M1	212	574	2.71	3%
Heavy Industrial	M2 Q	16	444	27.78	2%
Parks and Recreation/Open Space	PR OS	94	621	6.61	3%
Ranch and Farm District	R-F	137	675	4.93	3%
Regional Flood Storage	RFS	337	896	2.66	4%
Public Facilities	PF	142	1,975	13.91	9%
Special Development District	SD SDC SDH	331	55	0.17	0.3%
Total		64,371 Parcels	21,810 Acres		100%

Table 2.1: Current Development Pattern by City Zoning/ County Land Use Classification
Source: City of El Paso; Stantec Consulting

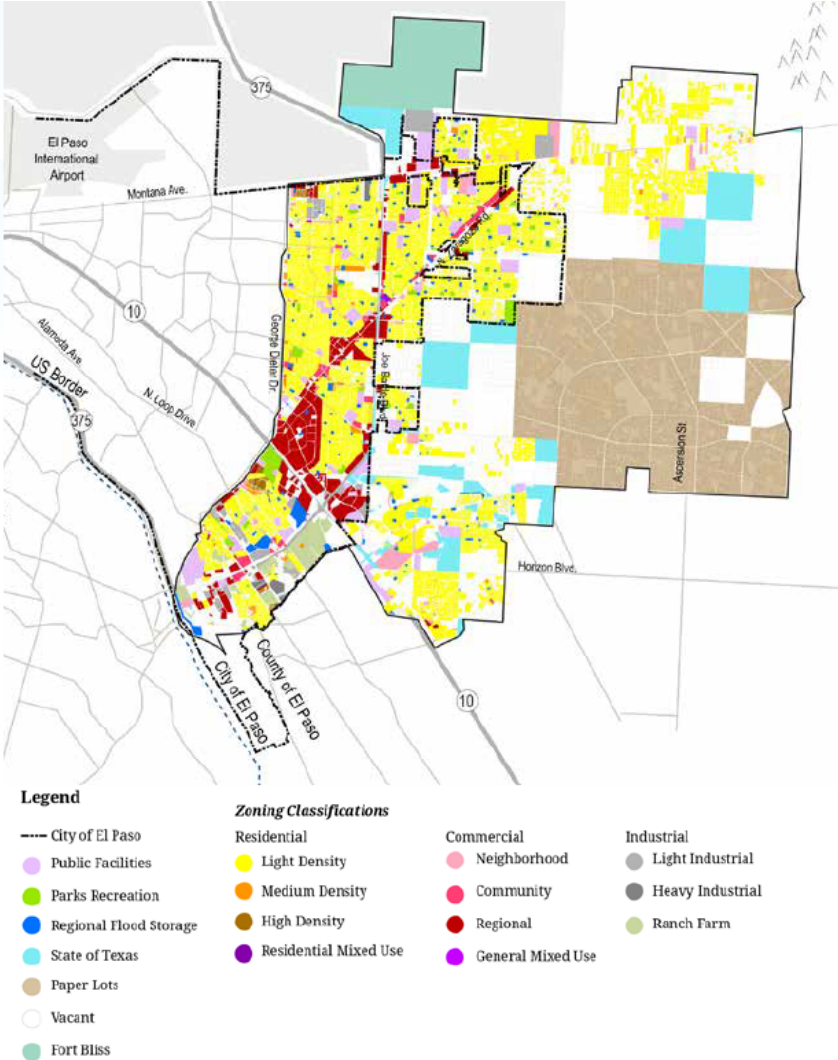


Figure 2.8: Current Development Pattern
Source: City of El Paso; Stantec Consulting

Facility Needs - Existing



Type of Facility Primary Classification	Target Level of Service	Current Conditions			2017 Shortfall	
		# of Facilities	Building Square Footage	Total Acreage	# of Facilities	Sq.Ft or Acreage
Libraries	2 mile radius	3	55,165	5.8	2	40,000
Senior Centers	2 mile radius	2	10,000	2.0	2	20,000
Fire Stations	1 mile radius	6	45,012	10.7	2	18,000
Police Stations	n/a	1	24,100	10.4	1	25,000
Recreation Centers	1 sf/resident	2	78,588	n/a	3	116,548
Pools	25 sf/ 0.75% of residents	2	17,364	n/a	2	19,224
TOTAL		16	230,229	27.90	11	238,772
Parks	6 acres/1000 residents					
Regional ¹	2 acres/1000 residents	1		10.7	1.5	380
Community ²	2 acres/1000 residents	6		162.8	7	227
Neighborhood ³	2 acres/1000 residents	47		206.7	36	184
Pocket	n/a	10		9.1		-
Linear (mile segments) ⁴	n/a	4		25.9		-
TOTAL		68		415.2	44.5	791

	City of El Paso				El Paso County			
Land Use	Parcels	Potential DUs	Acres	%Total	Parcels	Potential DUs	Acres	%Total
Residential								
Subdivided	1,680	1,680	295	8%	2475	2,475	4,095	18%
Unsubdivided	77	7,540	1,223	33%	483	37,558	12,061	53%
High Density	24	950	86	2%	46	1,769	163	1%
Mixed Use	20	2,533	304	8%	22	8,063	1,603	7%
Commercial	221		933	25%	184		1,122	5%
Industrial	60		327	9%	50		1,111	5%
Farm land	34		459	12%	0		0	0%
Public Facility	11		89	2%	39		195	1%
Undevelopable	19		25	1%	11		38	0%
Fort Bliss	0		0	0	4		2,496	11%
TOTAL	2,146	12,703	3,741	100.0%	3,314	49,865	22,884	100.0%
City of El Paso + El Paso County	5,460 Parcels	62,568 Potential DUs	26,625 Acres					

Notes:

‘Subdivided’ indicates the parcel has municipal services or is vacant reliant upon individual water and sewer.
‘Unsubdivided’ is a parcel count of raw land without municipal or individual services.

Build-Out Analysis

2017 Population **195,136**
(Estimate)

Build-Out Population **369,165**
(Estimate)

Total Needs – Existing and at Build-Out



INFRASTRUCTURE	EXISTING		BUILD OUT	
	TOTAL DEFICIENCY	COST ESTIMATE MILLIONS (2019)	TOTAL DEFICIENCY	COST ESTIMATE MILLIONS (2019)
Libraries	2	\$7	2	\$7
Senior Centers	2	\$10.5	4	\$21
Fire Stations	2	23.6	4	\$47.2
Police Command Centers	1	\$38	1	\$38
Recreation Centers/Pools	2	\$22	3	\$33
Parks	791 (acres)	\$593	944 (acres)	\$708
Total	9	\$694	14	\$854.2

Key Findings



- With the Public Safety Bond addressing the Police and Fire needs, there is still a **9-facility** deficit within the study area totaling **\$39.5 million**.
- There is a shortfall of **791 acres of parkland** with an estimated cost of **\$593 million**.
- If no action is taken to strengthen City Policies to ensure future development pays for itself, **14 additional facilities and 944 acres of additional parkland** will be necessary to meet service demand and cost an additional **\$854 million**.
- Current development pattern is **financially unsustainable**.
 - 1). Ensure future development pays for itself by growing up rather than out; or
 - 2). Adjust service area boundaries and reduce the level of service

Addressing the Facility and Service Gap

Significant Progress is Already Underway

- Have addressed the gap in police and fire service through the 2020 Public Safety Bond
- Eastside Regional Park has reduced the shortage of parkland

More Work to be Done

- Need to address various City policies and Code text to give staff the ability to address the problem on an administrative level.



Key Policies/Codes for Amendment Consideration



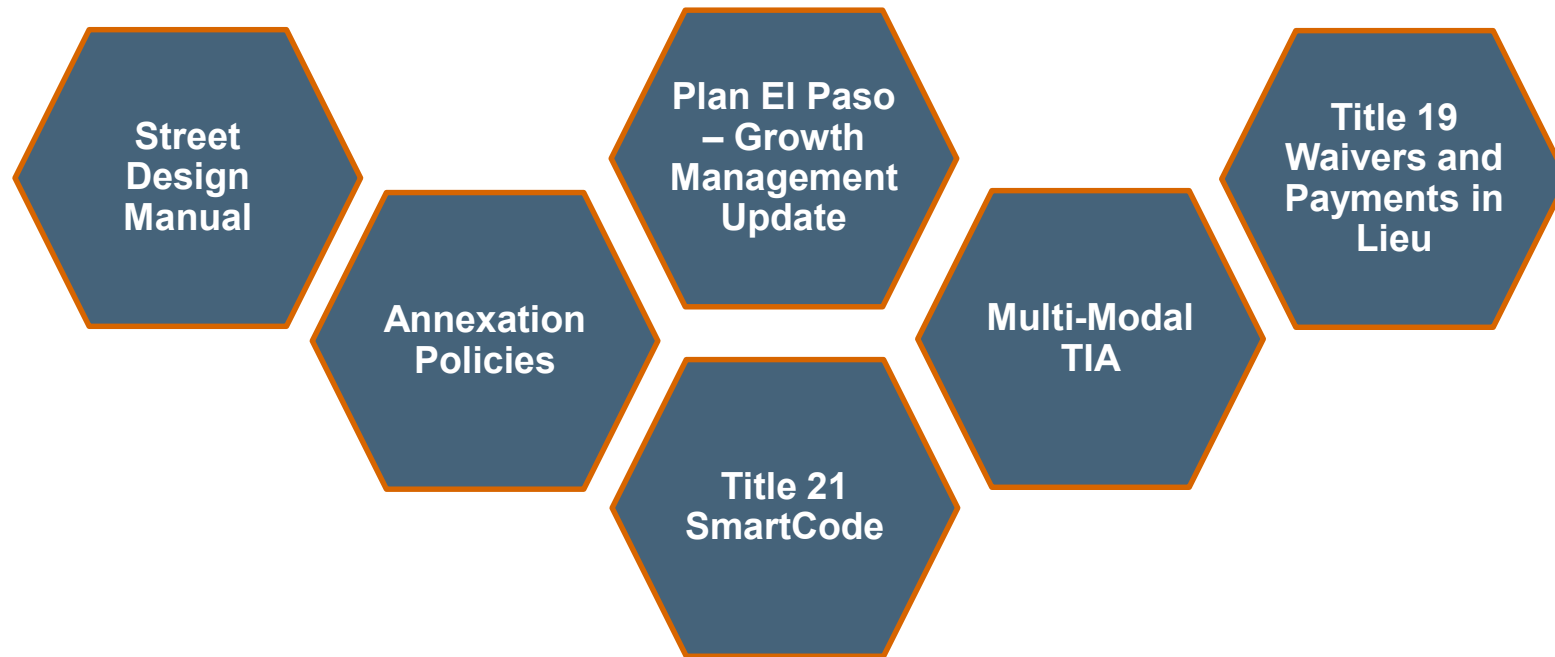
- Waivers and Exceptions
- Major Thoroughfare Plan (MTP)
- Annexation and Land Study Requirements
- City/County Coordination
- Street Design Manual
- Traffic Impact Analysis Requirements
- Title 21: Smart Code Update



Draft 9/13/2020

Requested Action

- Acceptance of Eastside Master Plan and direction of staff to implement the recommended growth management strategies.
- Addition of Representatives from Districts 3,5,6 and 7 to the Eastside Policies Cross Functional Team.



- **Purpose:** Evaluate policies and ordinance changes related to: growth management, land use, annexation and transportation in alignment with our Strategic Plan.
- **Role:** Review the various policies identified as deliverables of the Eastside Master Plan and provide recommendations to Staff and City Council as a whole.
- **Outcomes:** New policies and code language aimed at addressing the City's outward growth.

Eastside Facilities Master Plan findings were presented at the following events:

- **Public Outreach conducted at multiple public meetings from 2019-2020 in Districts 3,5,6 and 7**
- **Developer's Focus Group 1/20/21**
- **Commissioners Court 1/21/21**

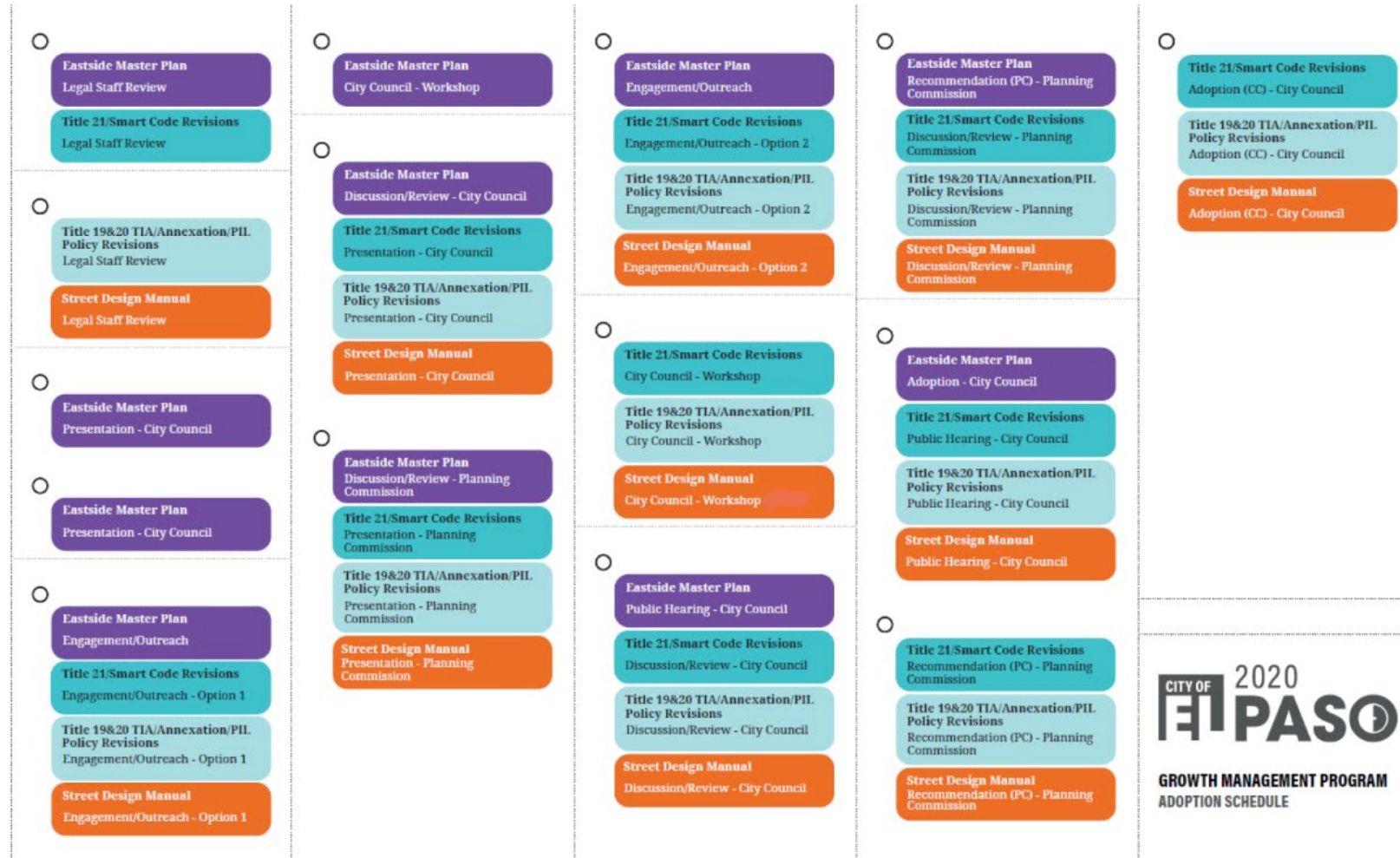
Creation of Eastside Policy Cross Functional Team

- **Used to address major Community Issues (i.e. COVID CFT)**
- **Composed of Representatives from District 3,5,6 and 7 to help guide and have an in-depth discussion of the issues. Presentations to Council will be regularly scheduled in order to brief the full Council.**

Adoption Schedule

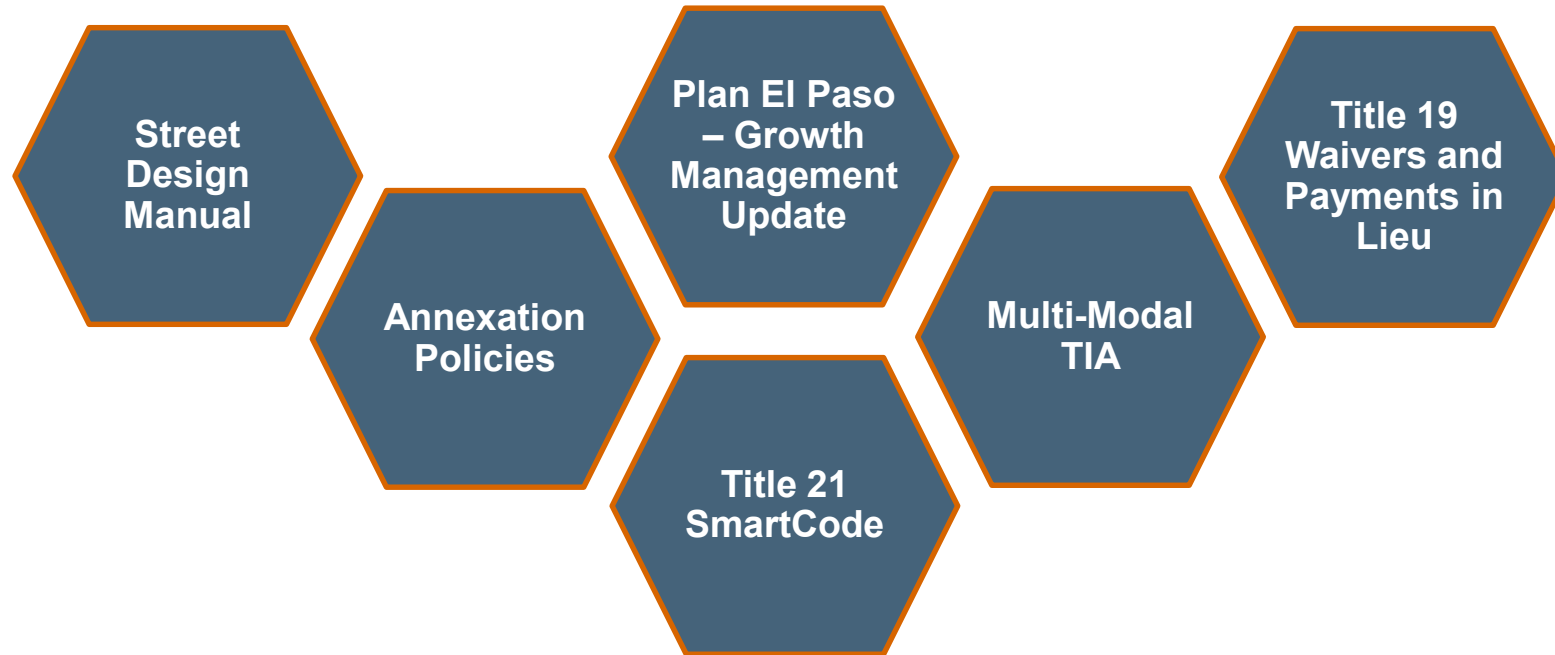
January

September



Requested Action

- Acceptance of Eastside Master Plan and direction of staff to implement the recommended growth management strategies.
- Addition of Representatives from Districts 3,5,6 and 7 to the Eastside Policies Cross Functional Team.





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



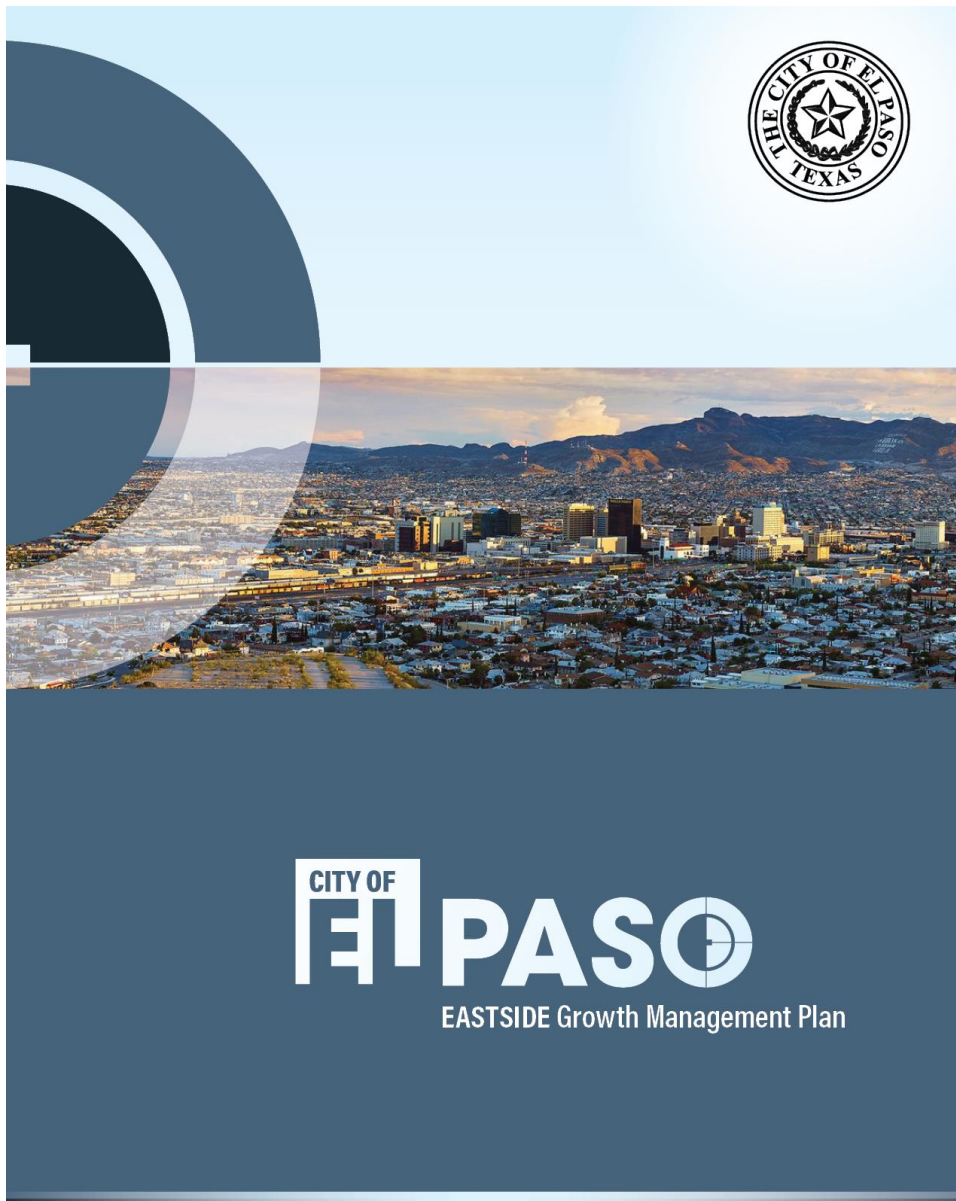
CITY OF
Ft PASO
**EAST SIDE MASTER PLAN
& GROWTH MANAGEMENT POLICIES**

**City Council Meeting
2/2/2021**



Presentation Overview

- Plan Purpose
- Existing Development Conditions and Facility Gap Analysis
- Buildout Analysis and Future Demand
- Growth Management Strategies/Eastside Policies CFT
- Schedule



Manage outward growth, encourage infill development and redevelopment, and balance the cost to deliver public services and facilities with anticipated revenues.



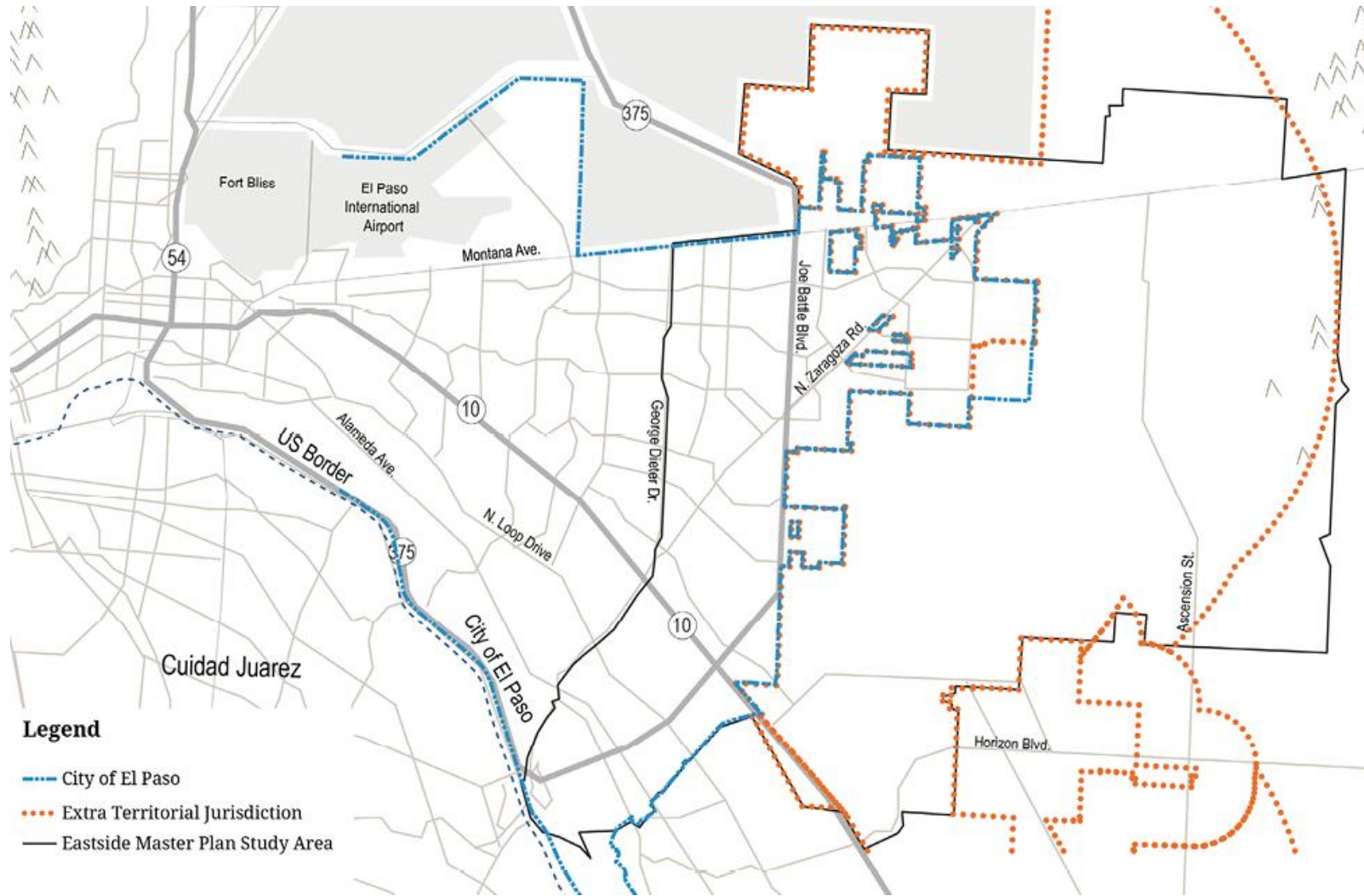


Eastside Public Facilities Master Plan

- Introduction and General Goals
- Facility Demand Analysis
- Appendix 1: Public and Stakeholder Outreach
- Appendix 2: Facility Inventory
- Appendix 3: El Paso Public Library: Site Location Study
- Appendix 4: The 2019 Public Safety Bond



Eastside Master Plan Study Area





Eastside Public Facilities Master Plan



Existing Development Conditions

Current Development Pattern					
City Zoning/ County Land Use Classification	Label	No. of Parcels	Acreage	Average Parcel Size	Percentage of Total
Light Density Residential	R1 R2 R2A R6 RE E	3,336	2,742	0.82	13%
	R3 R3A	23,938	4,170	0.17	19%
	R4 R5	29,124	4,288	0.15	20%
	RMH	734	162	0.22	1%
Medium Density Residential	A1 A2 A2SC	578	362	0.63	2%
	A0 A0S A0SC	367	129	0.35	1%
High Density Residential	AM AMC	643	110	0.17	1%
Planned Residential Districts I II	PR1 PR2 PR2SC	3,189	407	0.13	2%
Residential / Mixed Use	R-MU	1	17	17	0.1%
Neighborhood Commercial	C1 COP HC1	511	1,634	3.20	7%
Community Commercial	C2 C3	185	494	2.67	2%
Regional Commercial	C4	494	2,050	4.15	9%
General Mixed Use	GMU	2	5	2.50	0.2%
Light Industrial	M1	212	574	2.71	3%
Heavy Industrial	M2 Q	16	444	27.78	2%
Parks and Recreation/Open Space	PR OS	94	621	6.61	3%
Ranch and Farm District	R-F	137	675	4.93	3%
Regional Flood Storage	RFS	337	896	2.66	4%
Public Facilities	PF	142	1,975	13.91	9%
Special Development District	SD SDC SDH	331	55	0.17	0.3%
Total		64,371 Parcels	21,810 Acres		100%

Table 2.1: Current Development Pattern by City Zoning/ County Land Use Classification
Source: City of El Paso; Stantec Consulting

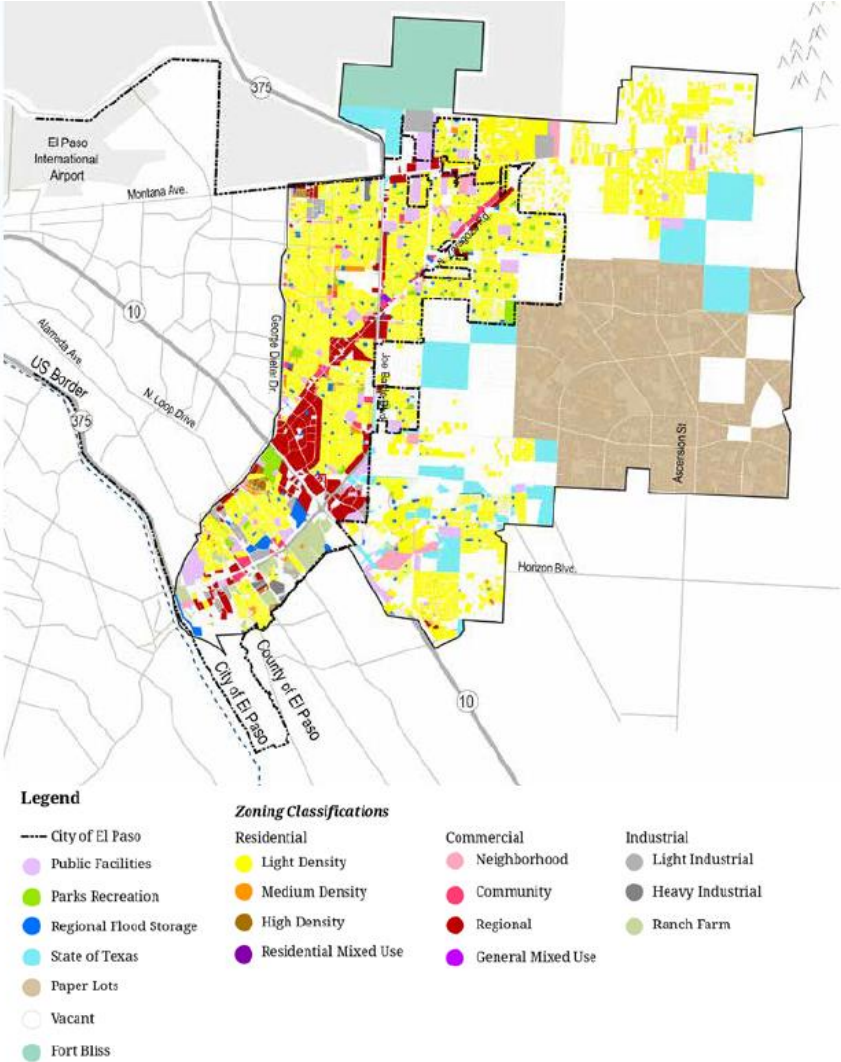
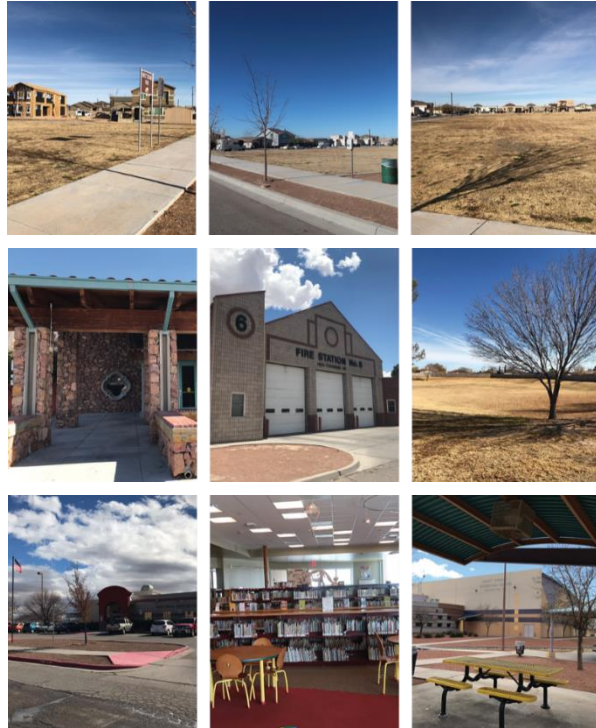


Figure 2.8: Current Development Pattern
Source: City of El Paso; Stantec Consulting

Facility Needs - Existing



Type of Facility Primary Classification	Target Level of Service	Current Conditions			2017 Shortfall	
		# of Facilities	Building Square Footage	Total Acreage	# of Facilities	Sq.Ft or Acreage
Libraries	2 mile radius	3	55,165	5.8	2	40,000
Senior Centers	2 mile radius	2	10,000	2.0	2	20,000
Fire Stations	1 mile radius	6	45,012	10.7	2	18,000
Police Stations	n/a	1	24,100	10.4	1	25,000
Recreation Centers	1 sf/resident	2	78,588	n/a	3	116,548
Pools	25 sf/ 0.75% of residents	2	17,364	n/a	2	19,224
TOTAL		16	230,229	27.90	11	238,772
Parks	6 acres/1000 residents					
Regional ¹	2 acres/1000 residents	1		10.7	1.5	380
Community ²	2 acres/1000 residents	6		162.8	7	227
Neighborhood ³	2 acres/1000 residents	47		206.7	36	184
Pocket	n/a	10		9.1		-
Linear (mile segments) ⁴	n/a	4		25.9		-
TOTAL		68		415.2	44.5	791

	City of El Paso				El Paso County			
Land Use	Parcels	Potential DUs	Acres	%Total	Parcels	Potential DUs	Acres	%Total
Residential								
Subdivided	1,680	1,680	295	8%	2475	2,475	4,095	18%
Unsubdivided	77	7,540	1,223	33%	483	37,558	12,061	53%
High Density	24	950	86	2%	46	1,769	163	1%
Mixed Use	20	2,533	304	8%	22	8,063	1,603	7%
Commercial	221		933	25%	184		1,122	5%
Industrial	60		327	9%	50		1,111	5%
Farm land	34		459	12%	0		0	0%
Public Facility	11		89	2%	39		195	1%
Undevelopable	19		25	1%	11		38	0%
Fort Bliss	0		0	0	4		2,496	11%
TOTAL	2,146	12,703	3,741	100.0%	3,314	49,865	22,884	100.0%
City of El Paso + El Paso County	5,460 Parcels	62,568 Potential DUs	26,625 Acres					

Notes:

‘Subdivided’ indicates the parcel has municipal services or is vacant reliant upon individual water and sewer.
‘Unsubdivided’ is a parcel count of raw land without municipal or individual services.

Build-Out Analysis

2017 Population **195,136**
(Estimate)

Build-Out Population **369,165**
(Estimate)

Total Needs – Existing and at Build-Out



INFRASTRUCTURE	EXISTING		BUILD OUT	
	TOTAL DEFICIENCY	COST ESTIMATE MILLIONS (2019)	TOTAL DEFICIENCY	COST ESTIMATE MILLIONS (2019)
Libraries	2	\$7	2	\$7
Senior Centers	2	\$10.5	4	\$21
Fire Stations	2	23.6	4	\$47.2
Police Command Centers	1	\$38	1	\$38
Recreation Centers/Pools	2	\$22	3	\$33
Parks	791 (acres)	\$593	944 (acres)	\$708
Total	9	\$694	14	\$854.2

Key Findings



- With the Public Safety Bond addressing the Police and Fire needs, there is still a **9-facility** deficit within the study area totaling **\$39.5 million**.
- There is a shortfall of **791 acres of parkland** with an estimated cost of **\$593 million**.
- If no action is taken to strengthen City Policies to ensure future development pays for itself, **14 additional facilities and 944 acres of additional parkland** will be necessary to meet service demand and cost an additional **\$854 million**.
- Current development pattern is **financially unsustainable**.
 - 1). Ensure future development pays for itself by growing up rather than out; or
 - 2). Adjust service area boundaries and reduce the level of service

Addressing the Facility and Service Gap

Significant Progress is Already Underway

- Have addressed the gap in police and fire service through the 2020 Public Safety Bond
- Eastside Regional Park has reduced the shortage of parkland

More Work to be Done

- Need to address various City policies and Code text to give staff the ability to address the problem on an administrative level.



Key Policies/Codes for Amendment Consideration



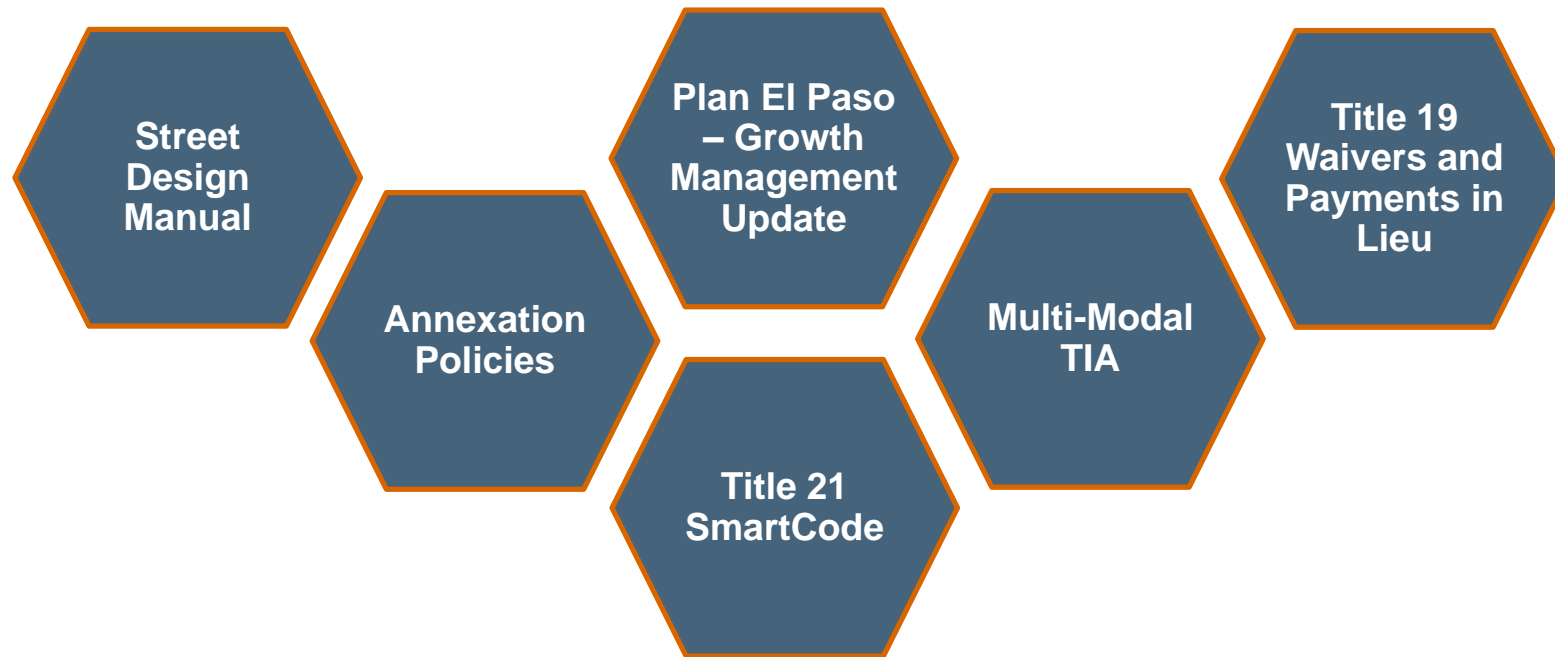
- Waivers and Exceptions
- Major Thoroughfare Plan (MTP)
- Annexation and Land Study Requirements
- City/County Coordination
- Street Design Manual
- Traffic Impact Analysis Requirements
- Title 21: Smart Code Update



Draft 9/13/2020

Requested Action

- Acceptance of Eastside Master Plan and direction of staff to implement the recommended growth management strategies.
- Addition of Representatives from Districts 3,5,6 and 7 to the Eastside Policies Cross Functional Team.



- **Purpose:** Evaluate policies and ordinance changes related to: growth management, land use, annexation and transportation in alignment with our Strategic Plan.
- **Role:** Review the various policies identified as deliverables of the Eastside Master Plan and provide recommendations to Staff and City Council as a whole.
- **Outcomes:** New policies and code language aimed at addressing the City's outward growth.

Eastside Facilities Master Plan findings were presented at the following events:

- **Public Outreach conducted at multiple public meetings from 2019-2020 in Districts 3,5,6 and 7**
- **Developer's Focus Group 1/20/21**
- **Commissioners Court 1/21/21**

Creation of Eastside Policy Cross Functional Team

- **Used to address major Community Issues (i.e. COVID CFT)**
- **Composed of Representatives from District 3,5,6 and 7 to help guide and have an in-depth discussion of the issues. Presentations to Council will be regularly scheduled in order to brief the full Council.**

Adoption Schedule

January

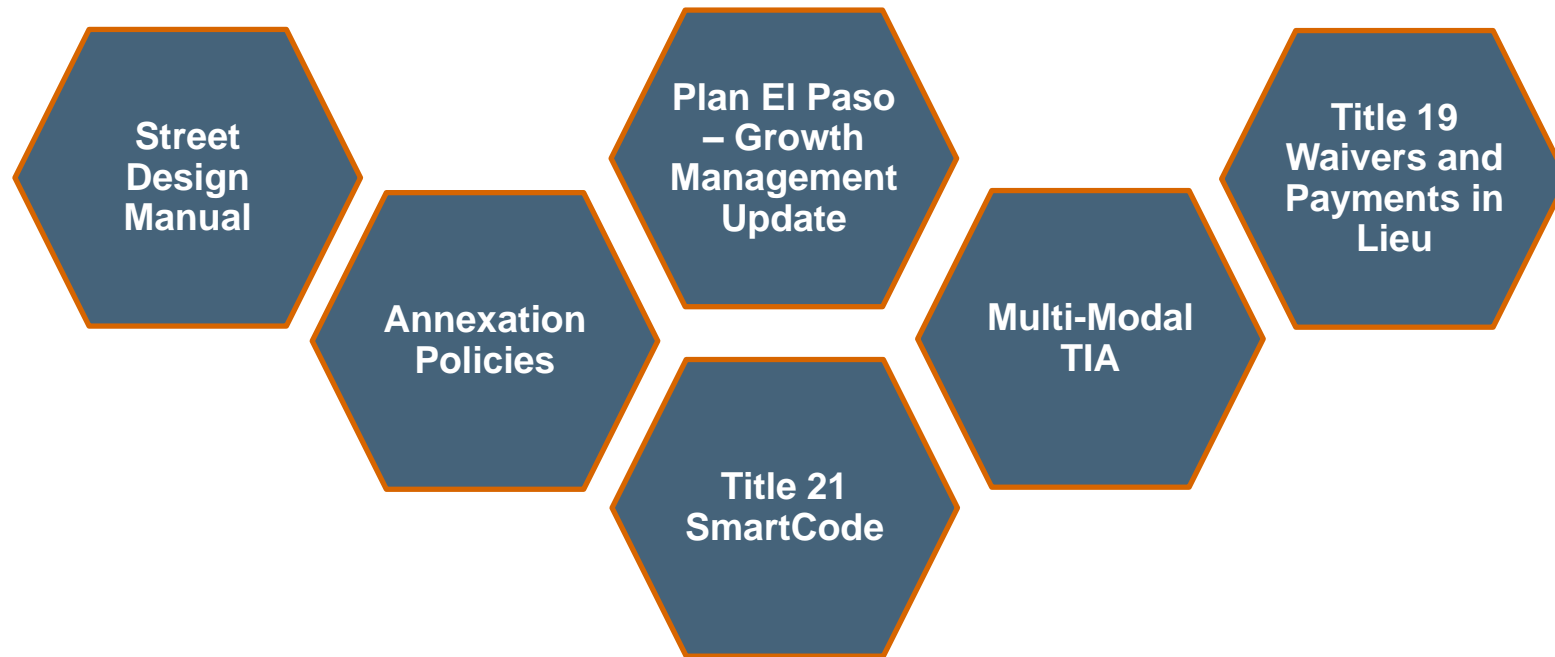


September



Requested Action

- Acceptance of Eastside Master Plan and direction of staff to implement the recommended growth management strategies.
- Addition of Representatives from Districts 3,5,6 and 7 to the Eastside Policies Cross Functional Team.





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 #: 21-162, **Version:** 1

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

All Districts

Mayor and Council, Representative Isabel Salcido, (915) 212-0005
Mayor and Council, Representative Henry Rivera, (915) 212-0007
Mayor and Council, Representative Cissy Lizarraga, (915) 212-0008

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 amending the City Council's adopted Rules of Order, including but not limited to the rules governing debate.

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
AGENDA SUMMARY FORM**

DEPARTMENT: Mayor and Council

AGENDA DATE: 02/02/2021

CONTACT PERSON NAME AND PHONE NUMBER:

Rep. Isabel Salcido, 915-212-0005

Rep. Henry Rivera, 915-212-0007

Rep. Cissy Lizarraga, 915-212-0008

DISTRICT(S) AFFECTED: N/A

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

SUBJECT:

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

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During the Regular City Council meeting on January 20, 2021 (recessed from January 19, 2021), Mayor Oscar Leaser and other members of Council indicated that they had received public complaints about the meetings lasting too long and too late into the evening. When the City Council adopted the current Rules of Order during its regular meeting on January 5, 2021 (item #21-27), the limit of two speaking periods per member of maximum 10 minutes in length (as is standard in the ubiquitously used Robert's Rules of Order) was removed. This item intends to consider adding that previously removed provision, or some other similar provision limiting debate time to a different length or by different means, back into the City Council's adopted Rules of Order.

PRIOR COUNCIL ACTION:

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

The City Council adopted the current Rules of Order during its regular meeting on January 5, 2021 (item #21-27).

AMOUNT AND SOURCE OF FUNDING:

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

N/A

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