Oscar Leeser Mayor



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

Tommy Gonzalez City Manager

# Final AGENDA FOR THE REGULAR COUNCIL MEETING

# August 31, 2021 9:00 AM Teleconference phone number: 1-915-213-4096 Toll free number: 1-833-664-9267 Conference ID: 598-882-144#

AND

# AGENDA REVIEW MEETING August 30, 2021 9:00 AM Teleconference phone number: 1-915-213-4096 Toll free number: 1-833-664-9267 Conference ID: 175-167-200#

# 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 August 30, 2021at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on August 31, 2021 at 9:00 A.M. Members of the public may view the meeting via the following means:

Via the City's website. http://www.elpasotexas.gov/videos Via television on City15, YouTube: https://www.youtube.com/user/cityofelpasotx/videos

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

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

At the prompt please enter the corresponding Conference ID:

Agenda Review, August 30, 2021 Conference ID: 175-167-200# Regular Council Meeting, August 31, 2021 Conference ID: 598-882-144#

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 Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga

A quorum of City Council must participate in the meeting.

# ROLL CALL

# **INVOCATION**

# PLEDGE OF ALLEGIANCE

J. M. Whitaker Elementary School

Jorge Chávez Isabela Maestas Abby Ramírez Yaretzi Robles Andrea Vásquez

Teacher: Hugo Hernandez

## **MAYOR'S PROCLAMATIONS**

**Hunger Action Month** 

Israel Rodríguez Bertorelli and Julia Chávez Recognition Day

# NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate

Page 2 of 20

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 August 17, 2021. <u>21-1024</u>

## 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.** That the City Manager be authorized to sign an Independent Contractor Agreement between the City of El Paso, Texas and Dr. Russell Baker, for the latter to provide Medical Director services to the emergency medical staff of the City of El Paso, for the monthly amount of \$6,000.00 from September 1, 2021 through August 31, 2023, for a total amount of \$144,000, with the City Manager being authorized to administratively extend the Agreement for an additional twelve-month period.

#### All Districts

Fire, Mario M. D'Agostino, (915) 212-5605

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

**4.** Resolution authorizing the City Manager, or designee, to sign a Parking License <u>21-982</u> Agreement between the City of El Paso and the El Paso Chamber of Commerce for the use of 25 parking spaces at Civic Center Parking Garage.

## District 8

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

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

5. That the closure of rights-of-way within the City of El Paso for the Sun City

21-988

	CRIT El Paso from 5:00 a.m. Saturday, September 11, 2021, to 5:00 a.m. on Sunday, September 12, 2021, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV21-00031)	
	<b>District 8</b> Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Klarissa Mijares, (915) 212-1544	
6.	Approve a Resolution accepting the recommendation from the Parks and Recreation Advisory Board and hereby approves the renaming of the gymnasium at the Sylvia A. Carreon Community Center, located at 715 Lomita, within the City of El Paso, El Paso County, Texas, as David Ransom Gymnasium.	<u>21-999</u>
	<b>District 7</b> Parks and Recreation, Ben Fyffe, (915) 212-1766	
Goal 6	6: Set the Standard for Sound Governance and Fiscal Management	
7	Approve a Resolution to undete the City of El Reso Investment Deliev for field	24.070
7.	Approve a Resolution to update the City of El Paso Investment Policy for fiscal year 2022.	<u>21-979</u>
	All Districts Office of the Comptroller, Margarita Munoz, (915) 212-1174	
8.	A Resolution amending Exhibit "B" of the Rules of Order for the El Paso City Council revised, as effective August 31, 2021.	<u>21-1021</u>
	All Districts City Clerk's Office, Laura D. Prine, (915) 212-0049	
Goal 7	7: Enhance and Sustain El Paso's Infrastructure Network	
9.	The linkage to the Strategic Plan is subsection 7.4 Continue the strategic investment in City facilities and technology	<u>21-1000</u>
	Request that the Purchasing Director is authorized to notify Francisco Corral dba Eagle Janitorial Service that the City is terminating Contract No. 2019-281 Janitorial Services - Police Department Facilities for convenience, pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the	

awarding a replacement contract with staffing fulfillment plans and requirements.

## All Districts

Streets and Maintenance, Richard J. Bristol, (915) 212-7001 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

10. A Resolution for the City of El Paso to recognize and support Military and Veteran caregivers and, in support of this goal, desires to join the network of "Hidden Heroes Cities", a program established by the Elizabeth Dole Foundation to encourage cities to increase resources for military and veteran caregivers.

#### All Districts

Airport, Sam Rodriguez, (915) 212-7301

# **CONSENT AGENDA - BOARD APPOINTMENTS:**

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

**11.** Omar Garcia-Bracho to the Regional Renewable Energy Advisory Council (RREAC), as a non-voting member, by Nicole Ferrini, Chief Resilience Officer.

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

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

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

12.That the tax refunds listed on the attachment posted with this agenda be<br/>approved. This action would allow us to comply with state law which requires<br/>approval by the legislative body of refunds of tax overpayments greater than<br/>\$2,500.00. (See Attachment A)21-990

## **All Districts**

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

**13.** That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three (3) year limit. (See Attachment B)

## All Districts

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

# CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

21-978

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

**14.** The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness <u>21-1010</u> through infrastructure improvements impacting the quality of life.

## Award summary:

That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509. The change order will mitigate risk associated with re-biding and receiving higher prices, Federal Transit Administration (FTA) is requesting that the City moves forward based on the minimal increase of this change order to complete the station on time for the Montana RTS. There shall be no additional time added to the contract as a result of this change order.

This is a Competitive Sealed Proposal, lump sum contract.

## All Districts

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

## CONSENT AGENDA - BEST VALUE PROCUREMENTS:

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

**15.** The linkage to the Strategic Plan is subsection 8.6 - Provide long-term, cost <u>21-991</u> effective, sustainable regional solid waste solution.

Award Summary:

The award of Solicitation 2021-1165 Janitorial Services - ESD Various Facilities to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$81,745.20. The award also includes two (2) year option for an estimated amount of \$54,496.80. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$136,242.00. The award of this contract will provide janitorial services for the Environmental Service facilities.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: a decrease of \$71,892.00 for the initial term, which represents a 63.76% decrease from the previous contract. The decrease is due to a reduction in the required cleaning hours.

Department:	Environmental Services
Award to:	Ace Government Services, LLC
	El Paso, TX

Items:	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$27,248.40
Initial Term Estimated Award:	\$81,745.20 (3 years)
Total Estimated Award:	\$136,242.00 (5 years)
Account No.:	334-34100-3100-P3410-522060
	334-34130-3100-P3470-522060
Funding Source:	General Funds
Districts:	All

This is a Best Value, service contract.

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

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

### All Districts

Environmental Services, Ellen Smyth, (915) 212-6060 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

# **CONSENT AGENDA - REQUEST FOR PROPOSAL:**

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

**16.** The linkage to the Strategic Plan is subsection 7.4 Continue the strategic <u>21-1004</u> investment in City facilities and technology.

Award Summary:

That the Purchasing and Strategic Sourcing Director be authorized to issue Purchase Order(s) for 2021-1454 Emergency Janitorial Services for Police Department Facilities to ACE Government Services LLC for six (6) months estimated amount of \$332,292.15. This contract will provide janitorial services for Police Department Facilities on a daily basis.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$4.39 per hour, which represents a 41.89% increase.

Streets and Maintenance
ACE Government Services LLC
El Paso, TX
All
6 months
N/A
\$332,292.15 (6 months)

Account No.: Funding Source: District(s): 532-1000-31040-522060-P3120 General Fund All

This is a non-competitive service requirement contract pursuant Exemption 252.022 (a) (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents of the Texas Local Government Code.

### All Districts

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

# **CONSENT AGENDA - BIDS:**

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

**17.** The linkage to the Strategic Plan is subsection 7.2 - Improve competitiveness <u>21-985</u> through infrastructure improvements impacting the quality of life.

Award Summary:

The award of Solicitation 2021-0760 Tree and Stump Removal to EGL Construction Inc. for a three (3) year initial term estimated amount of \$279,600.00. The award also includes a two (2) year option for an estimated amount of \$186,400.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$466,000.00. This contract will allow for the removing of trees and stumps near private property and utility lines.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$195,000.00 for the initial term, which represents a 230.5% increase due to price increases and the additional services.

Department:	Streets and Maintenance	
Vendor:	EGL Construction Inc.	
	El Paso, TX	
Items:	All	
Initial Term:	3 years	
Option to Extend:	2 years	
Annual Estimated Award:	\$93,200.00	
Initial Term Estimated Award:	\$279,600.00 (3 years)	
Total Estimated Award:	\$466,000.00 (5 years)	
Account No.:	451-1000-51295-531130-P5120	
Funding Source:	General Fund	
Districts:	All	
This is a Low Bid, unit price contract.		

The Purchasing & Strategic Sourcing and Streets and Maintenance

Departments recommend award as indicated to EGL Construction Inc., the sole lowest responsive, responsible bidder.

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

## All Districts

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

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

**18.** Discussion and action to override the Mayor's Veto of the Resolution adopting21-1025the FY 2021 - 2022 Budget and/or the property tax rate ordinance.21-1025

## **All Districts**

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

19. Discussion and action to override the Mayor's Veto of the Ordinance authorizing the issuance of City of El Paso, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021C; levying a continuing direct annual ad valorem tax for the payment of such certificates; and resolving other matters which are necessary to effectuate such issuance, including the delegation of matters relating to the sale and issuance of such certificates to an authorized City official within certain specified parameters.

#### All Districts

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

## **REGULAR AGENDA - OPERATIONAL FOCUS UPDATES**

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

20. Update on the status of the Lost Dog & Knapp Land Conservation Easement. 21-984

#### District 1

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

# CALL TO THE PUBLIC – PUBLIC COMMENT:

Call to the Public will begin at 12:00 p.m. Requests to speak must be received by 9:00 a.m. on the date of the meeting. Sixty minutes in total will be devoted for Call to the Public. This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

Members of the public may communicate with Council during public comment, and regarding agenda items by calling 1-915-213-4096 or toll free number 1-833-664-9267 at the prompt please enter the following Conference ID: 598-882-144#

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 9:00 a.m. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances; no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 300 N. Campbell, Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

21. An Ordinance authorizing the City Manager to sign a Purchase and Sale Agreement, Special Warranty Deed and any other documents necessary to convey to VJ Capital Properties, Ltd., approximately 3.15 acres of land being described as a portion of Tracts 23-G-1 and 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas. <u>21-1017</u>

#### **District 7**

El Paso Water, Alex Vidales, (915) 594-5636

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2021

# Goal 3: Promote the Visual Image of El Paso

22. An Ordinance amending Title 19 (Subdivision and Development Plats) Sections: 21-1002 19.01.010 (Authority, Purpose and Applicability), 19.01.020 (Types of plats required), 19.01.030 (Exemptions), 19.01.050 (Application and Procedures), 19.02.020 (Application and Procedures), 19.03.020 (Application and Procedures), 19.04.020 (Application and Procedures), 19.04.070 (Plat Recordation), 19.05.020 (Application and Procedures), 19.06.020 (Application and Procedures), 19.07.040 (Amending Plats), 19.10.020 (In General), 19.31.030 (City Development Director), 19.37.060 (Application Contents), and 19.37.070 (Application Fees) of the El Paso City Code to update references in the Title, correct typographical errors, provide for the submittal of electronic applications, clarify presentation of final plats to City Plan Commission, provide for signature of Planning and Inspections Director on final plats, update figures, and remove reduction of certain fees for properties located within the boundaries of Tax Increment Zones or Empowerment Zones. The penalty is as provided under Title 19, Chapter 19.42 of the El Paso City Code. (Citywide)

# Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Raul Garcia, (915) 212-1643 PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2021 23. An Ordinance Amending various sections of Title 20 (Zoning), Chapters 20.04 21-986 (Administrative Provisions), 20.08 (Permissible Uses), and 20.10 (Supplemental Use Regulations) to update Code reference language, delete language regarding fee reductions for detailed site development plans pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone. The penalty being as provided in Section 20.24 of the El Paso City Code. The proposed amendments meet the intent of and are in accordance with *Plan* El Paso, the City's Comprehensive Plan. All Districts Planning and Inspections, Philip Etiwe, (915) 212-1553 Planning and Inspections, Anne Guayante, (915) 212-1814 PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2021 24. An Ordinance amending Title 21 (SmartCode), Chapter 20.50 (Building Scale 721-980 Plans), Section 20.50.060 (Building Disposition), to calibrate the SmartCode to the local character of the place and local conditions. The penalty being as provided in Section 21.60 of the El Paso City Code. All Districts Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Karina Brasgalla, (915) 212-1604 PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2021 25. An Ordinance annexing the following real property described as a Portion of 21-983 Berryville Street and Triumph Street, Horizon City Estates Unit 54, El Paso County, Texas. Subject Property: Berryville Street South of Montwood Dr. Applicant: El Paso County SUAX20-00002 District 5 Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Karina Brasgalla, (915) 212-1604

All Districts

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2021

26. An Ordinance changing the zoning of a portion of Lots 1 and 2, Block 113, Vista 21-992

Del Sol Unit Sixteen Replat "S", 11101 Armour Street, City of El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 11101 Armour Dr. Applicant: Mast Partners LP, PZRZ21-00011

## **District 7**

Planning and Inspections, Phillip F. Etiwe, (915) 212-1553 Planning and Inspections, David Samaniego, (915) 212-1608

## PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2021

27. An Ordinance changing the zoning for the property described as a Portion of Tract 4D, of First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 10032 Cross St. Applicant: Premium Intercapital Group, Inc., PZRZ21-00013

## District 4

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, David Samaniego, (915) 212-1608

# PUBLIC HEARING WILL BE HELD ON SEPTEMBER 28, 2021

**28.** An Ordinance vacating the 20-foot alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: West of St. Vrain St. and North of Paisano Dr. Applicant: Sisu Environ Development, LLC (SURW20-00005)

**District 8** Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Raul Garcia, (915) 212-1643

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2021

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

29. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 2 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on certain streets) of the City Code, to add portions of South El Paso Street; the penalty being provided in Chapter 12.84 of the El Paso City Code.

Page 12 of 20

21-993

**District 8** Streets and Maintenance, Richard Bristol, (915) 212-0118 Streets and Maintenance, Hannah Adele Allen, (915) 212-7003

## PUBLIC HEARING WILL BE HELD ON SEPTEMBER 14, 2021

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

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

**30.** The linkage to the Strategic Plan is subsection 4.1 - Deliver bond projects <u>21-987</u> impacting quality of life across the city in a timely, efficient manner.

Award Summary:

Discussion and action on the award of Solicitation 2021-1233 Pavo Real Recreation Center Improvements to Gracen Engineering & Construction, Inc. for an estimated award of \$1,209,000.00. The project consists of reroofing, mechanical and electrical improvements, replacement of flooring materials, and new casework to an existing public recreation facility.

Department:	Capital Improvement
Award to:	Gracen Engineering & Construction, Inc
	El Paso, TX
Items:	Base Bid I, Base Bid II, Additive Alternate I and
Additive	Alternate II
Initial Term:	180 Consecutive Calendar Days
Base Bid I:	\$1,160,000.00
Base Bid II:	\$24,000.00
Additive Alternate I:	\$18,000.00
Additive Alternate II:	\$7,000.00
Total Estimated Award:	\$1,209,000.00
Funding Source:	2012 Quality of Life Bond
Account:	190-4800-29010- 580270-PCP13PRKD08
District:	6

This is a Low Bid procurement, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Gracen Engineering & Construction, Inc., the lowest responsive and responsible bidder.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

**District 6** Capital Improvement Department, Sam Rodriguez, (915) 212-0065 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

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

**31.** The linkage to the Strategic Plan is subsection: 6.7 Deliver effective and <u>21-1009</u> efficient processes to maximize value in obtaining goods and services.

Award Summary:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order to Texas- New Mexico Newspaper LLC dba El Paso Times the sole source provider for the newspaper legal notices, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

#### Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: increase average from \$2.62 to \$4.85 per line, which represents an 85.11% increase for the same services.

Department:	Purchasing & Strategic Sourcing
Award to:	Texas- New Mexico Newspaper LLC dba El
	Paso Times
	Dallas, TX
Initial Term:	3 years
Annual Estimated Amount:	\$600,000.00
Total Estimated Award:	\$1,800,000.00 (3 years)
Account No.:	Various Accounts
Funding Source:	Various Sources
Districts(s):	All
Sole Source No.:	2021-1480

This is a Sole source, service contract.

#### All Districts

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

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

**32.** The linkage to the strategic plan is subsection 7.2 Improve competitiveness <u>21-989</u> through infrastructure improvements impacting the quality of life.

#### Award Summary:

Discussion and action on the award of Solicitation 2021-1263 2021

Thermoplastic Striping to Pavement Marking, LLC dba PMI Pavement Marking LLC for seven hundred fifty (750) consecutive calendar days as initial term for an estimated award of \$332,000.00. The award also includes a seven hundred fifty (750) consecutive calendar day's option in the amount of \$332,000.00. The total value of the contract is, including the initial term plus the option for a total of one thousand five hundred (1,500) consecutive calendar days, for an estimated total award of \$664,000.00. This contract will consist of on demand application of thermoplastic striping and markings on City owned right-of-way, in accordance with TXDoT Manual of Uniform Traffic Control Devices, as needed or required for special projects and/or maintenance activities.

Capital Improvement
Pavement Marking, LLC dba PMI Pavement
Marking LLC
Tempe, AZ
Base Bid I
750 Consecutive Calendar Days
750 Consecutive Calendar Days
\$332,000.00
\$332,000.00 (750 Consecutive Calendar Days)
\$332,000.00 (750 Consecutive Calendar Days)
\$664,000.00 (1,500 Consecutive Calendar Days)
General Fund
532-1000-32020-522270-P3254
All

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Pavement Marking, LLC dba PMI Pavement Marking LLC the sole responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

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.

## All Districts

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

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

**33.** The linkage to the Strategic Plan is subsection 8.6 - Provide long-term, cost <u>21-994</u> effective, sustainable regional solid waste solution.

### Award Summary:

Discussion and action on the award of Solicitation 2021-1231 Household Hazardous Waste Disposal to Green Planet, Inc. for an initial term of three (3) years for an estimated amount of \$345,561.50. The award also includes one, two-year option for an estimated amount of \$230,374.34. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$575,935.84. The award of this contract will provide Household Hazardous Waste Disposal for the Environmental Services Department.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$5,151.50 for the initial term, which represents a 1.5% increase from the previous contract.

Department:	Environmental Services
Award to:	Green Planet, Inc.
	Royse City, TX
Items:	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$115,187.17
Initial Term Estimated Award:	\$345,561.50 (3 years)
Total Estimated Award:	\$575,935.84 (5 years)
Account No.:	334-34100-3100-P3410-522040
Funding Source:	General Funds
Districts:	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Environmental Services Departments recommend award as indicated to Green Planet, Inc. the bidder offering the best value bid.

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

## All Districts

Environmental Services, Ellen Smyth, (915) 212-6060 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

# **REGULAR AGENDA – OTHER BUSINESS:**

**34.** Presentation and discussion by the City Attorney's Office providing information on the Firearm Carry Act of 2021 - House Bill No. 1927.

21-1027

## All Districts

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

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

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

35. An Ordinance Amending Title 10.12.020 - Firearms - Carrying Prohibited. <u>21-946</u>

Texas House Bill 1927 authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster and also modifies the ability of municipalities to restrict firearms in certain areas. City Council wishes to modify Chapter 10.12 Offenses against Public Peace, Section 10.12.020 - Firearms-Carrying prohibited to align with Texas House Bill 1927.

### **All Districts**

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

**36.** An Ordinance Amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.24 (City Parks and Recreation Areas), 13.24.070 (Dangerous Amusements), to allow a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun.

## **All Districts**

Parks and Recreation, Ben Fyffe, (915) 212-1766

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

37. An Ordinance granting Special Permit NO. PZST21-00008, to allow for a 55' <u>21-631</u>
 Ground-Mounted Personal Wireless Service Facility on the property described as a portion of Tracts 9B, 9C, and 10A, Block 48, Ysleta Grant, 9100 Alameda Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. THIS IS AN APPEAL.

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

Subject Property: 9100 Alameda Avenue Applicant: Verizon c/o Les Gutierrez, PZST21-00008

[POSTPONED FROM 07-07-2021 AND 08-03-2021]

### **District 6**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Andrew Salloum, (915) 212-1603 38. An Ordinance changing the zoning of a 0.376-acre portion of Tract 1B, Nellie D. Mundy Survey 242 and Tract 2E4, Nellie D. Mundy Survey 243, 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 Future Land Use designation for 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, PZRZ21-00015

District 1

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

# **REGULAR AGENDA - OTHER BUSINESS:**

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

**39.** Discussion and action that the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between CITY OF EL PASO ("City") ROCCO Developers LLC ("Applicant") in support of an infill development project located at 9740 Galilee Drive, El Paso, Texas, 79927. The project includes the construction of a 170,000 sq. ft. residential development on what is currently, vacant land located at 9740 Galilee Drive, El Paso, TX 79927. The Agreement requires the Applicant to make a minimum investment of \$15,285,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$416,110.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

## **District 6**

Economic and International Development, Jessica Herrera, (915) 212-1624

**40.** Discussion and action on a Resolution approving a list of projects totaling approximately \$4,496,619, updating the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark" for FY2021 through FY2025 and approving the use of ballpark Capital Repairs Reserve Fund and Surplus Ballpark Revenues as funding sources for the Plan and authorizing the City Manager to make all necessary transfers.

## All Districts

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

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

<u>21-823</u>

21-1003

21-997

**41.** Discussion and action to approve the Resolution that the appropriation for personnel and essential operating supplies made during the 2020 - 2021 fiscal year shall be extended until the FY 2021-2022 Budget is adopted and expenditures may be made only in accordance with that appropriation.

21-1005

#### All Districts

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

# **EXECUTIVE SESSION**

## 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, Alexsandra Annello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga

The City Council of the City of El Paso may retire into EXECUTIVE SESSION pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

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

## ADJOURN

#### NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. If you need Spanish Translation Services, you must email CityClerk@elpasotexas.gov at least 48 hours in advance of the meeting.

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

http://www.elpasotexas.gov/



Legislation Text

File #: 21-1024, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

## AGENDA LANGUAGE:

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.* Approval of Minutes of the Regular City Council Meeting of August 17, 2021. 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

# August 17, 2021 9:00 AM

Due to the temporary suspension of specified provisions of Texas 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 9:00 a.m. Mayor Oscar Leeser present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera and Cissy Lizarraga. Late arrival: Representative Cassandra Hernandez joined the meeting at 9:03 a.m.

# INVOCATION BY POLICE CHAPLAIN DENNIS COFFMAN

# PLEDGE OF ALLEGIANCE

# MAYOR'S PROCLAMATIONS

El Paso Athletic Hall of Fame and El Paso Sports Commission Week - Class of 2021

David L. Carrasco Job Corps Graduation Day

# - - -

# NOTICE TO THE PUBLIC

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **APPROVE** 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, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera and Lizarraga

NAYS: None

# .....

# **CONSENT AGENDA - APPROVAL OF MINUTES:**

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

 \*Motion made, seconded, and unanimously carried to APPROVE the Minutes of the Regular City Council Meeting of August 3, 2021, Agenda Review of August 2, 2021, the Work Session of August 2, 2021, the Special Meeting of July 27, 2021 and the Special Meeting of March 17, 2020.

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

# 2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

**NO ACTION** was taken on this item

# **CONSENT AGENDA - RESOLUTIONS:**

Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development3.\*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 or designee, is authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso, Croucher Family Limited Partnership, LLC., and LuLu Lots LLC for the following described property:

Lot 7, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas, commonly known as 7505 Lockheed Dr., El Paso, Texas.

.....

#### 4.

5.

## \*RESOLUTION

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

That the City Manager be authorized to sign a Southern Industrial Site Lease by and between the City of El Paso (.'Lessor") and NOFVBC, LLC ("Lessee") regarding the following described property:

Lot 1 and the Westerly 34 feet of Lot 2, Block 8, El Paso International Tracts, Unit 2, City of El Paso, El Paso County, Texas comprised of 38,548.20 sq. ft., more commonly referred to as 7600 Boeing, El Paso, Texas.

# \*RESOLUTION

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

That the City Manager be authorized to sign Lease No. GS-07P-LTX00553 by and between the City of El Paso and the United States of America, by and through the designated representative of the General Services Administration, for office space and related areas, including parking, used by the Transportation Security Administration at the El Paso International Airport terminal building, located at 6701 Convair Rd., El Paso, Texas, to begin on September 1, 2021, for a ten year term with five of those years being firm; and that the City Manager or designee is authorized to sign lease amendments that do not affect the rent, term or leased premises area, so that, by way of example, City Manager or designee could sign a lease amendment to the exhibits.

.....

### \*RESOLUTION

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

6.

7.

Establishes and creates the Streetcar Cross-Functional Team, to include different City of El Paso stakeholders and Representatives from Districts 1, 3 and 8. The Cross Functional Team will work to develop and deploy various approaches to support the sustainability of the streetcar by building brand recognition, ridership and supporting economic development and tourism for Uptown and Downtown.

.....

## \*RESOLUTION

**WHEREAS**, Visit El Paso/Destination El Paso, the City of El Paso (the "City") was selected to host the 2020 Sun City Crit on March 28, 2020; and

**WHEREAS**, Due to the COVID-19 Pandemic that affected the world the event was postponed; and

**WHEREAS**, Visit El Paso/Destination El Paso, the City of El Paso (the "City") was selected to host the 2021 Sun City Crit on September 11, 2021; and

**WHEREAS**, the City supported the 2020 event by entering into a contract ("Event Support Contract") with Consortium Products, Inc. ("CRIT") including a \$120,000.00 site fee ("Site Fee"); and other miscellaneous expenses not to exceed \$10,000.00 ("Miscellaneous Expenses") paid to CRIT; and

**WHEREAS**, the City has paid 75% of the Site Fee in 2020 which will be applied to the 2021 Sun City Crit event.

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

That, the City Manager is authorized to make necessary budget transfers and sign the Event Support Contract between the City and CRIT in order for the City to host the 2021 Sun City Crit, including the remaining amount of the \$120,000.00 Site Fee and Miscellaneous Expenses not to exceed \$10,000.00 to be paid to CRIT.

Goal 2: Set the Standard for a Safe and Secure City			
8.	*RESOLUTION		
	REGULAR CITY COUNCIL MEETING MINUTES AUGUST 17, 2021	3	

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

That the City Manager or Designee be authorized to sign the Interlocal Agreement between the County of El Paso, Texas and the City of El Paso, Texas to submit a joint application to the Department of Justice under the 2021 Edward Byrne Memorial Justice Assistance Grant Program (JAG), in the amount of \$217,701.00. The funds received under the JAG program will be allocated 50% to the County of El Paso, Texas, \$108,850.50 and 50% to the City of El Paso, Texas, \$108,850.50.

That the City Manager or designee be authorized to sign any grant related paperwork, including all understanding and assurances contained therein, and accept, reject, alter, or terminate the resulting grant, authorize budget transfer and submit necessary revisions to the operational plan. No cash match or in-kind is required.

.....

# Goal 3: Promote the Visual Image of El Paso

9.

## ..... \*RESOLUTION

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

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

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

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

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

to be \$859.92, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 16th day of June, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount EIGHT HUNDRED FIFTY NINE AND 92/100 DOLLARS (\$859.92) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

# **\*RESOLUTION**

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

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

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

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

848 Cresta Alta Dr., more particularly described as Lot 27, Block 99, Chaparral Park Subdivision, City of El Paso, El Paso County, Texas, PID #C340-999-0990-5300

to be \$505.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 4th day of November, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED FIVE AND 50/100 DOLLARS (\$505.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

# \*RESOLUTION

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

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

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

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

5156 Mace St., more particularly described as Lot 54, Block 6, Town & Country Village Subdivision, City of El Paso, El Paso County, Texas, PID #T645-999-0060-5400

to be \$329.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 10th day of November, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED TWENTY NINE AND 00/100 DOLLARS (\$329.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

116 N Clark Dr., more particularly described as Pt of Lot 3 & 4 (TR 7 Unrecorded Map) 75 Ft. On N. & S. 95 Ft. On E. & W. (7125 Sq. Ft.), Block C, Collingsworth Subdivision, City of El Paso, El Paso County, Texas, PID #C730-999-000C-3100

to be \$343.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30th day of September, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED FOURTY THREE AND 50/100 DOLLARS (\$343.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

6206 Weems Way, more particularly described as Lot 59 (8054.25 Sq. Ft.), Corbin Replat Subdivision, City of El Paso, El Paso County, Texas, PID #C776-999-0000-6200

to be \$509.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30th day of September, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED NINE AND 50/100 DOLLARS (\$509.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## \*RESOLUTION

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

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

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

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

9555 Dyer St., more particularly described as Lot 1-C-1 (0.23 AC) & 1-C-2-B (0.2112 AC) (0.4412 AC), Block 81, TSP 2 SEC 1 T & P SURV Subdivision, City of El Paso, El Paso County, Texas, PID #X581-999-2010-0104

to be \$336.53, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 25th day of February, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED THIRTY SIX AND 53/100 DOLLARS (\$336.53) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## \*RESOLUTION

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

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

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

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

10745 Onyxstone St., more particularly described as Lot 35, Block 8, Shearman Subdivision, City of El Paso, El Paso County, Texas, PID #S363-999-0080-6900

to be \$343.03, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 27th day of January, 2020, and approves the costs described herein.

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

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

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

## \*RESOLUTION

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

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

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

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

4741 Tumbleweed Ave., more particularly described as Lot 3, Block 1, Glen Arbor Subdivision, City of El Paso, El Paso County, Texas, PID #G431-999-0010-0500

to be \$431.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 28th day of September, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED THIRTY ONE AND 00/100 DOLLARS (\$431.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## \*RESOLUTION

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, GAYTAN, B. EVA L. & CONCEPCION, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed

to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

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

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

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

1749 Dean Jones St., more particularly described as Lot 13 (5722.50 Sq. Ft.), Block 101, Vista Hills #30 Subdivision, City of El Paso, El Paso County, Texas, PID #V897-999-1010-1300

to be \$649.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 10th day of November, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount SIX HUNDRED FORTY NINE AND 50/100 DOLLARS (\$649.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

9731 Vallarta Dr, more particularly described as Lot 26, Block 10, Colonia Del Prado Subdivision, City of El Paso, El Paso County, Texas, PID #C729-999-0100-5100

to be \$319.50, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 3rd day of November, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount THREE HUNDRED NINETEEN AND 50/100 DOLLARS (\$319.50) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

131 Palla PL., more particularly described as Lot 8 EXC W 60 FT (8546 Sq Ft.), North Valumbrosa Subdivision, City of ElPaso, El Paso County, Texas, PID #N515-999-0010-0950

to be \$456.69, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 19th day of February, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTY SIX AND 69/100 DOLLARS (\$456.69) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

7736 Phoenix Ave., more particularly described as Lot 6, Block 6, Ranchland Hills Subdivision, City of El Paso, El Paso County, Texas, PID #R200-999-0060-1600

to be \$343.03, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of February, 2020, and approves the costs described herein.

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

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

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

# **\*RESOLUTION**

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

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

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

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

265 Princeton Way., more particularly described as Lot 8 (0.39 Ac), Block 10, Pasodale Subdivision, City of El Paso, El Paso County, Texas, PID #P591-999-0100-4300

to be \$533.00, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 3rd day of November, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED THIRTY THREE AND 00/100 DOLLARS (\$533.00) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

# \*RESOLUTION

**WHEREAS**, in accordance with Chapter 9.04 of the El Paso City Code, SULLIVAN E J & CELIA, referred to as owner, regardless of number, of the hereinafter described

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

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

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

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

401 Riverside Dr., more particularly described as Lot E. 192.5 Ft. of N. 185.18 Ft. & W 68.99 Ft. of N. 105 Ft. of TR 1 EXC 0.062 ACRE NEC (40206 Sq. Ft.), Block B, Christy Subdivision, City of El Paso, El Paso County, Texas, PID #C454-999-000B-0100

to be \$589.84, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30th day of January, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FIVE HUNDRED EIGHTY NINE AND 84/100 DOLLARS (\$589.84) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

1015 N. Zaragoza Rd, more particularly described as Lot REST 2 & 3-G (0.0060 AC) & 3-H (0.0030 AC) in BLK 55 YSLETA & PTS of 1 & 3 (182.50 Ft. on ST-175.93 Ft. on SLY-188.31 Ft. on WLYIRREG on NLY) (26458.34 Sq. Ft.), Rangers Subdivision, City of El Paso, El Paso County, Texas, PID #R265-999-0010-0400

to be \$453.44, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 20th day of February, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount FOUR HUNDRED FIFTY THREE AND 44/100 DOLLARS (\$453.44) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

## **\*RESOLUTION**

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

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

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

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

304 Turnstone Dr., more particularly described as Lot 5 (8378.02 Sq. Ft.), Block 3, River Bend Estates Subdivision, City of El Paso, El Paso County, Texas, PID #R570-999-0030-0900

to be \$891.85, in accordance with the El Paso City Code Section 9.04.880 and the Texas Health & Safety Code Section 342.007. The City Council finds that the work was completed on the 30th day of January, 2020, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount EIGHT HUNDRED NINETY ONE AND 85/100 DOLLARS (\$891.85) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

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

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

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

.....

10.

# \*RESOLUTION

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

That the City Mayor be authorized to sign a First Amendment Facility Use Agreement by and between the City of El Paso and the County of El Paso in connection with the El Paso City-County Nutrition Program to senior citizens who reside in El Paso County.

.....

11.

# \*RESOLUTION

**WHEREAS**, on May 22, 2007, the City Council of the City of El Paso adopted a policy for naming spaces at the El Paso Museum of History ("Museum"); and

**WHEREAS**, since opening in 2007, the downtown location of the Museum secured the naming of the outside pavilion as the "Hunt Family Pavilion" in 2016, and the upstairs lobby as the "Frank W. Gorman Lobby" in 2018; and

**WHEREAS**, on July 25, 2017 the City Council approved an amendment to the Naming Policy for the Museum reducing the donation amounts required to name spaces with the Museum allowing MCAD's Museum of History to be more competitive; and

**WHEREAS**, Nora and Ernesto Herrera are donating \$100,000 in the form of five yearly installments of \$20,000 to run from July 1, 2020 to July 1, 2024; and

**WHEREAS**, this is the second named space secured inside the Museum and due to the terms of the Museum's Hunt Family Foundation (HFF) Challenge Grant, the donation will be matched dollar by the HFF; and

**WHEREAS**, the naming policy provides that a space in the Museum may be named for a donor if the donor's gift meets or exceeds the giving guidelines for that space and the space has not been previously named; and

**WHEREAS**, fundraising at the Museum is used for exhibitions, programming and conservation of artifacts.

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

That the main lobby space at the El Paso Museum of History is hereby named "Nora and Ernesto Herrera Lobby" in honor of their \$100,000 gift to the Museum of History Foundation's endowment in accordance with the Museum's giving guidelines.

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

..... 12.

\*RESOLUTION

**WHEREAS**, pursuant to Section 33.01 I(a)(I) of the Tax Code, the governing body of a taxing unit shall waive penalties and may provide for the waiver of interest on a delinquent tax in an act or omission of an officer, employee, or agent of the taxing unit or appraisal district in which the taxing unit participates caused or resulted in the taxpayer's failure to pay the tax before delinguency and if the tax is paid not later than the 21st day after the taxpayer knows or should know or should know of the delinquency; and

WHEREAS, pursuant to Section 33.01 I(d) a request for waiver of penalties and interest pursuant to Section 33.0 I I(a)(I) must be made before the 181st day after the delinguency date; and

WHEREAS, pursuant to Section 33.01 I(d) of the Tax Code, taxpayer, DAN & CAROLYN A. GONZALEZ ("Taxpayer") requested a waiver of penalties and interest on July 16, 2021, before the 18 J S' day after the delinquency date, in the amount of \$2,093.72 for the 2020 delinquent taxes for the property with the following legal description:

100 CHAPARRAL PARK #20 LOT 9 (12076.00 SQ FT)

WHEREAS, the Taxpayer paid the taxes owed on the property on July 16, 2021, which is not later than the 21 st day after the date the taxpayer knew or should have known of the delinquency; and

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

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

**THAT** the Taxpayer, DAN & CAROLYN A. GONZALEZ, has met the requirements of Section 33.01 I of the Tax Code for the request of waiver of penalties and interest and the City waives the penalty and interest amount on the 2020 delinquent taxes pursuant **to** Section 33.011 (a)(1) of the Tax Code in the amount of \$2,093.72, for the property with the following legal description:

100 CHAPARRAL PARK #20 LOT 9 ( 12076.00 SQ FT)

13. \*RESOLUTION

WHEREAS, although the nation is still experiencing the Pandemic caused by the novel Coronavirus that causes the disease COVID-19, the Texas Governor and Attorney General have lifted the suspension of certain provisions of the Texas Open Meetings Act ("TOMA"), and on September 1, 2021, all Council meetings must adhere to the full TOMA requirements; and

WHEREAS, the TOMA allows members of the governing body to attend by videoconference, and the City's Rules of Order require that members notify the City Clerk no later than the Wednesday before each meeting at noon if attending by videoconference in order to post on the agenda; and

**WHEREAS**, the TOMA requires that a quorum of Council be present at the meeting location in order to constitute a meeting; and

**WHEREAS**, the COVID-19 pandemic is still a concern for the residents of the City of El Paso and the members of Council; and

**WHEREAS**, in order to allow for safe distancing and to maintain a quorum during each meeting, beginning on September 1, 2021, up to two members of Council may appear by videoconference at each meeting in accordance with this resolution.

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

That, during the declared disaster related to the COVID-19 Pandemic, two members of City Council may attend the City Council Meetings by videoconference on a rotating basis each meeting week beginning September 13-14, 2021.

If the scheduled members plan to attend by videoconference, they must notify the City Clerk no later than noon on the Wednesday before each meeting if choosing to attend by video conference, as follows:

Meeting week 1:	Districts 1 and 5
Meeting week 2:	Districts 2 and 6
Meeting week 3:	Districts 3 and 7
Meeting week 4:	Districts 4 and 8

This rotation shall continue as necessary during the declared disaster.

In order to prevent confusion by members of the public, and to ensure equity among the members of Council, there shall be no exchanges of meeting weeks allowed for attendance by videoconference.

If Special Meetings are scheduled, up to two members of Council may attend by videoconference on a first come, first served basis.

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

Goal /: Enhance and Sustain El Paso's infrastructure Network

14.

\*RESOLUTION

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

**THAT** the City Manager, or designee, be authorized to sign an Advance Funding Agreement by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the HSIP FY22 – Lee Trevino Drive Channelization project, which has an estimated total project cost of \$297,003 of which the estimated local government participation amount is estimated at \$31,717. Further, that the City Manager, or designee, is authorized to sign all documents, agreement amendments, and perform all actions required to carry out the obligations of the City under this agreement.

15.

#### \*RESOLUTION

\_\_\_\_\_

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

That the City Manager, or designee, be authorized to sign an Easement Agreement granting an easement to Level 3 Communications, LLC to install communications facilities and equipment on the property legally described as a 10 Foot Wide Utility Easement being a 4,915.36 square foot strip of land over and across a portion of Lot 4, Block 1-C, El Paso International Airport Tracts, Replat Unit 6, [E.P.I.A.T.U.6] (Book 0028, Page 0049, El Paso County Records, (E.P.C.R.)) Over and Across the portion of Allegheny Drive, vacated by the November 11, 1997 City Ordinance# 013389, as each are shown on said Ordinance and Plat of E.P.I.A.T.U.6 and over and across a portion of Tract 4A26A, Ascarate Grant Block 2, same being those lands within the Memorandum of Lease by and between the City of El Paso and Spokane Equities of Record in Book 2854, Book 1619 and the Assignment of Leases in Document 20080026097 (E.P.C.R.) such property located near the intersection of De Havilland Drive and Allegheny Drive.

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

.....

16.

#### \*RESOLUTION

**WHEREAS**, EP Pooley, LP has proposed a development for affordable rental housing at 201 Cortez Drive named Cielo Tower in the City of El Paso; and

**WHEREAS**, EP Pooley, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2021 Housing Tax Credits for Cielo Tower.

It is hereby

**RESOLVED**, that as provided for in 10 TAC §11.3(e) and §11.4(c)(1), it is hereby acknowledged that the proposed New Construction or Adaptive Reuse Development is located in a census tract that has more than 20% Housing Tax Credit Units per total households and

**FURTHER RESOLVED**, that the City of El Paso hereby confirms that its Governing Body has voted specifically to allow the construction of the Development pursuant to 10 TAC §11.3(e) and §11.4(c)(1) of the Qualified Allocation Plan and

FURTHER RESOLVED, that the governing body affirms that the proposed Development is consistent with the jurisdiction's obligation to affirmatively further fair housing; and

FURTHER RESOLVED that for and on behalf of the Governing Body, Laura Prine, City Clerk is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

..... 17.

. .

**\*RESOLUTION** 

WHEREAS, EP Pooley, LP has proposed a development for affordable rental housing at 201 Cortez Drive named Cielo Tower in the City of El Paso; and

WHEREAS, EP Pooley, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for 2021 Housing Tax Credits for Cielo Tower.

It is hereby

**RESOLVED**, that as provided for in 10 TAC §11.3(e) and §11.4(c)(1), it is hereby acknowledged that the proposed New Construction or Adaptive Reuse Development is located in a census tract that has more than 20% Housing Tax Credit Units per total households and

FURTHER RESOLVED, that the City of El Paso hereby confirms that its Governing Body has voted specifically to allow the construction of the Development pursuant to 10 TAC §11.3(e) and §11.4(c)(1) of the Qualified Allocation Plan and

**FURTHER RESOLVED**, that the governing body affirms that the proposed Development is consistent with the jurisdiction's obligation to affirmatively further fair housing; and

**FURTHER RESOLVED** that for and on behalf of the Governing Body, Laura Prine, City Clerk is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

CONSENT AGENDA – SPECIAL APPOINTMENTS:	
REGULAR CITY COUNCIL MEETING MINUTES AUGUST 17, 2021	

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

.....

18.

\*RESOLUTION

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

That the following part-time Substitute Associate Municipal Judges be reappointed in accordance with the El Paso City Code Section 2.44.030 to serve four year terms expiring on August 16, 2025.

**Re-Appointments Judges:** 

Victor Parra Jorge Rivas Cori Harbour-Valdez Marina Soto-Chavez

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

 \*Motion made, seconded, and unanimously carried to RATIFY the re-appointment of Gary Borsch to the Fire and Police Pension Fund Board of Trustees by City Manager Tommy Gonzalez.

# CONSENT AGENDA – BOARD RE-APPOINTMENTS:

# <u>------</u>

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

- **20.** \*Motion made, seconded, and unanimously carried to **RE-APPOINT** Gloria Viramontes to the Uptown Parking Benefit District Advisory Committee by Mayor Oscar Leeser.
- **21.** \*Motion made, seconded, and unanimously carried to **APPOINT** Cynthia Piña to the Uptown Parking Benefit District Advisory Committee by Mayor Oscar Leeser.
- Goal 3: Promote the Visual Image of El Paso

**22.** \*Motion made, seconded, and unanimously carried to **APPOINT** Alyssa Cervantes Benavides to the Open Space Advisory Board by Representative Cassandra Hernandez, District 3.

# CONSENT AGENDA – BOARD APPOINTMENTS:

.....

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

- \*Motion made, seconded, and unanimously carried to APPOINT Christopher Villa to the Districting Commission by Representative Peter Svarzbein, District 1.
- **24.** \*Motion made, seconded, and unanimously carried to **APPOINT** Martin W. Bartlett to the Districting Commission by Representative Alexsandra Annello, District 2.

**25.** \*Motion made, seconded, and unanimously carried to **APPOINT** Bob Burns to the Districting Commission by Mayor Oscar Leeser.

······

- **26.** \*Motion made, seconded, and unanimously carried to **APPOINT** Isabel Carrillo to the Districting Commission by Representative Cassandra Hernandez, District 3.
- \*Motion made, seconded, and unanimously carried to APPOINT Michiel R. Noe to the Districting Commission by Representative Isabel Salcido, District 5.
- \*Motion made, seconded, and unanimously carried to APPOINT Joshua Fematt to the Districting Commission by Representative Claudia L. Rodriguez, District 6.

\_\_\_\_\_

Goal 8: Nurture and Promote a Healthy, Sustainable Community

**29.** \*Motion made, seconded, and unanimously carried to **APPOINT** Michael Devine to the Community Development Steering Committee by Representative Joe Molinar, District 4.

# CONSENT AGENDA – NOTICE FOR NOTATION:

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

.....

**30.** \* Motion made, seconded, and unanimously carried to **ACCEPT** for Notation Purposes the donation of \$2000.00 from Quintin Demps to cover costs related to the Paint to Heal event to be hosted by Representative Isabel Salcido to promote community healing from the mass shooting on August 3, 2019 and from the loss of life during the COVID-19 pandemic.

# CONSENT AGENDA – NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

\*Motion made, seconded, and unanimously carried to ACCEPT for notation pursuant to Section 2.92.110 of the City Code, receipt of campaign contribution of five hundred dollars or greater by Representative Cissy Lizarraga in the amount of \$1,000.00 from Steve Ortega.

# REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

**32.** Motion made by Representative Molinar, seconded by Representative Rodriguez, and carried to **DIRECT** the City Attorney to present and discuss the Firearm Carry Act of 2021 - House Bill No. 1927.

Representatives Svarzbein, Annello, Hernandez, Molinar and Rivera commented.

The following City Staff commented:

- 1. Ms. Karla Nieman, City Attorney
- 2. Mr. Tommy Gonzalez, City Manager
- AYES: Representatives Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

#### NAYS: Representative Svarzbein

# CALL TO THE PUBLIC – PUBLIC COMMENT

The following members of the public commented:

- 1. Ms. Mary Mackay
- 2. Ms. Bernadette Arenivas
- 3. Ms. Ann Nila
- 4. Mr. Jesus Reyes
- 5. Ms. Sylvia Mimbela
- 6. Ms. Sabrina Soto
- 7. Mr. Michael Castro
- 8. Ms. Valerie Castro

# **REGULAR AGENDA - FIRST READING OF ORDINANCES**

Motion made by Representative Hernandez, seconded by Representative Rivera, 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 2: Set the Standard for a Safe and Secure City

**33.** An Ordinance Amending Title 10.12.020 - Firearms - Carrying Prohibited.

Texas House Bill 1927 authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster and also modifies the ability of municipalities to restrict firearms in certain areas. City Council wishes to modify Chapter 10.12 Offenses against Public Peace, Section 10.12.020 - Firearms-Carrying prohibited to align with Texas House Bill 1927.

PUBLIC HEARING FOR THIS ITEM WILL BE HELD ON AUGUST 31, 2021

.....

Goal 3: Promote the Visual Image of El Paso

34. An Ordinance changing the zoning for the property described as Tract 6A and Tract 6E, Block 16, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-3 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: North of Yarbrough Dr. and East of Hampton Rd. Applicant: Daniel Barragan-Arzola and Ruby Barragan; PZRZ21-00012

.....

**35.** An Ordinance approving a Special Permit for a 29% parking reduction for the property described as Parcel 1: Lot 1, Block 1, J.C. Machuca Addition, Parcel 2: All of Tract 1, a portion of Tract 2, and a portion of an abandoned El Paso Natural Gas Co. Right-of-Way, Sunland Commercial District, an addition to the 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 special permit and detailed site plan meets the intent of the Future Land Use designation for the property and is in accordance with Plan El Paso, the City's Comprehensive Plan.

Subject Property: 1019 and 1039 JC Machuca Rd. Applicant: Housing Authority of the City of El Paso, PZST21-00009

.....

**36.** An Ordinance granting Special Permit No. PZST21-00005 to allow for a professional office on the property described as Lot 7, Block 111C, Vista Del Sol Unit 20 Replat "B", City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty as provided in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 11061 Vista Del Sol Drive Applicant: Samuel Zermeno PZST21-00005

**37.** An Ordinance changing the zoning of a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, from R-5/sp (Residential/special permit) to C-2/sp/c (Commercial/special permit/conditions) and imposing conditions. The Penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 4625 Delta Drive Applicants: The Upright Group LLC PZRZ20-00013

**38.** An Ordinance granting Special Permit No. PZST21-00011, to allow for a small contractor's yard on the property described as a portion of F. Neve Survey No. 8, 4625 Delta Drive, City of El Paso, El Paso County, Texas, pursuant to Section 20.04.320 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 4625 Delta Drive Applicant: Erik Tijerina PZST21-00011

# PUBLIC HEARING FOR ITEMS 34 THROUGH 38 WILL BE HELD ON SEPTEMBER 14, 2021

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

#### .....

**39.** An Ordinance Amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.24 (City Parks and Recreation Areas), 13.24.070 (Dangerous Amusements), to allow a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun.

PUBLIC HEARING FOR THIS ITEM WILL BE HELD ON AUGUST 31. 2021

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

.....

.....

# Goal 3: Promote the Visual Image of El Paso

40.

#### ITEMS 40 THROUGH 43 WERE TAKEN TOGETHER

#### **ORDINANCE 019218**

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF A TRACT OF LAND SITUATED IN THE YSLETA TOWN TRACT SURVEY. ABSTRACT NO. 214, CITY OF EL PASO, EL PASO, COUNTY, TEXAS; SAID TRACT BEING PART OF LOTS 1 & 2, BLOCK 2, A & M ADDITION, AN ADDITION TO THE CITY OF EL PASO ACCORDING TO THE PLAT RECORDED IN VOLUME 45, PAGE 10 OF THE OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS; SAID TRACT BEING PART OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY, LTD. RECORDED IN INSTRUMENT NO. 20020012761 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING ALL OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY, LTD. RECORDED IN INSTRUMENT NO. 20020012760 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING PART OF PARCEL 1 AND ALL OF PARCEL 2 DESCRIBED IN DEED OF TRUST RECORDED IN INSTRUMENT NO. 20190062708 OF SAID OFFICIAL PUBLIC RECORDS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2/SC (APARTMENT/SPECIAL CONTRACT) TO C-4/SC (COMMERCIAL/SPECIAL CONTRACT) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE. THE PROPOSED REZONING MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO. THE CITY'S COMPREHENSIVE PLAN. SUBJECT PROPERTY: 9641 NORTH LOOP DRIVE AND 215 SOFIA PLACE APPLICANT: KIMELY-HORN AND ASSOCIATES, INC. PZRZ21-00005

41.

#### ORDINANCE 019219

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF TRACT 19B, BLOCK 2, YSLETA GRANT EL PASO, CITY OF EL PASO, EL PASO COUNTY, TEXAS (YSLETA GRANT MAP, BLOCK 2, DECEMBER 1929) FROM R-F (RANCH-FARM) TO C-4/C (COMMERCIAL/CONDITION) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

THE PROPOSED REZONING MEETS THE INTENT OF THE FUTURE LAND USE DESIGNATION FOR THE PROPERTY AND IS IN ACCORDANCE WITH PLAN EL PASO, THE CITY'S COMPREHENSIVE PLAN.

SUBJECT PROPERTY: 551 INGLEWOOD DRIVE APPLICANT: INGLEWOOD PROPERTIES, LLC

42.

#### ORDINANCE 019220

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN "PLAN EL PASO" FOR A TRACT OF LAND SITUATED IN THE YSLETA TOWN TRACT SURVEY, ABSTRACT NO. 214, CITY OF EL PASO, EL PASO, COUNTY, TEXAS; SAID TRACT BEING PART OF LOTS 1 & 2, BLOCK 2, A & M ADDITION, AN ADDITION TO THE CITY OF EL PASO ACCORDING TO THE PLAT RECORDED IN VOLUME 45, PAGE 10 OF THE OFFICIAL PUBLIC RECORDS OF EL PASO COUNTY, TEXAS; SAID TRACT BEING PART OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY, LTD. RECORDED IN INSTRUMENT NO. 20020012761 OF SAID OFFICIAL PUBLIC RECORDS; SAID TRACT ALSO BEING ALL OF THAT TRACT OF LAND DESCRIBED IN ASSUMPTION SPECIAL WARRANTY DEED TO BEN L. IVEY. LTD. RECORDED IN INSTRUMENT NO. 20020012760 OF SAID OFFICIAL PUBLIC RECORDS: SAID TRACT ALSO BEING PART OF PARCEL 1 AND ALL OF PARCEL 2 DESCRIBED IN DEED OF TRUST RECORDED IN INSTRUMENT NO. 20190062708 OF SAID OFFICIAL PUBLIC RECORDS, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-3, AGRICULTURE TO G-7, INDUSTRIAL. SUBJECT PROPERTY: 9641 NORTH LOOP DR. AND 215 SOFIA PL. APPLICANT: KIMLEY-HORN AND ASSOCIATES, INC. PLCP21-00001

#### 43.

## ORDINANCE 019221

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN "PLAN EL PASO" FOR THE PROPERTIES LEGALLY DESCRIBED AS ALL OF TRACT 19B, BLOCK 2, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-3, AGRICULTURE TO G-7, INDUSTRIAL. SUBJECT PROPERTY: 551 INGLEWOOD DR. APPLICANT: INGLEWOOD PROPERTIES, LLC PLCP21-00002

Mr. Raul Garcia, Planning and Inspections Program Manager, presented a PowerPoint presentation on items 40 and 41 and Ms. Karina Brasgalla, Lead Planner, presented a PowerPoint presentation on items 42 and 43. (copies on file in the City Clerk's Office).

Mayor Leeser and Representatives Annello, Hernandez, Rodriguez and Rivera commented.

The following members of the public commented:

- 1. Ms. Sylvia Carreon
- 2. Mr. Hugo Morales

#### 1<sup>ST</sup> MOTION

Motion made by Representative Rivera, seconded by Representative Annello, and unanimously carried to **AMEND** Ordinance 019218 to require that a detailed site

development plan shall be submitted and approved by the City Plan Commission and the City Council of the City of El Paso.

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

NAYS: None

# 2<sup>ND</sup> AND FINAL MOTION

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

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

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

NAYS: Representative Hernandez

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

The City Council Meeting was **RECESSED** at 10:07 a.m. in order to convene the Mass Transit Board Meeting.

The City Council Meeting was **RECONVENED** at 10:12 a.m.

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

**44.** Public Hearing on the Proposed Budget, as amended, for the City of El Paso, filed by the City Manager with the City Clerk on July 15, 2021, which begins on September 1, 2021 and ends on August 31, 2022.

Public hearing was opened at 10:13 a.m.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and unanimously carried to **CLOSE** the Public Hearing at 11:51 a.m. and **POSTPONE** the final vote on the budget until August 24, 2021.

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

The following City Staff commented:

- 1. Ms. Karla Nieman, City Attorney
- 2. Mr. Tommy Gonzalez, City Manager
- 3. Mr. Robert Cortinas, Chief Financial Officer
- 4. Assistant Police Chief Zina Silva
- AYES: Representatives Svarzbein, Annello, Hernandez, Molinar, Salcido, Rodriguez, Rivera, and Lizarraga

NAYS: None

#### **REGULAR AGENDA – OTHER BUSINESS:** .....

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

#### .....

45.

## RESOLUTION

.....

WHEREAS, on December 3, 2002 the City Council of the City of El Paso ("City") consented to the creation of Paseo Del Este Municipal Utility Districts Nos. 1 through 9 ("Districts") in the City of El Paso's Extraterritorial Jurisdiction; and

WHEREAS, the City's consent to the creation of the Districts was subject to several conditions; and

WHEREAS, one of the City's conditions for the creation of the Districts was that the City is to review and approve the Districts' bonds and notes prior to issuance and may place restrictions on the te1ms and provisions of each of the District's bonds and notes issued to provide service to the land and conditions on the sale of the District's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the Districts unmarketable; and

WHEREAS, Paseo Del Este Municipal Utility District No. Six ("M.U.D. No. 6") requested review and approval of the issuance of the Unlimited Tax Bonds, Series 2021 Bonds Utility by M.U.D. No. 6 (the "Series 2021 Bonds"); and

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

That the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2021 Bonds in the estimated amount of \$6,950,000, by Paseo Del Este Municipal Utility District No. 6, with the acknowledgement that the issuance of such bonds does not constitute debt issuance by the City of El Paso.

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

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

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

46.

#### ..... RESOLUTION

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

That the City Manager be authorized to sign a two year On-Call Agreement for Professional Services to perform mechanical & electrical services on a task order basis by and between the City of El Paso and each of the following three (3) consultants:

- 1. BATH Group, Inc.
- 2. EMA Engineering & Consulting
- 3. Parkhill, Inc.

Each On-Call Agreement will be for an amount not to exceed Four Hundred Thousand and No/00 Dollars (\$400,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

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

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

NAYS: None

47.

# RESOLUTION

# BE IT RESOLVED BY 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 MIJARES MORA ARCHITECTS INCORPORATED, a Texas corporation, for a project known as "EL PASO FIRE DEPARTMENT SPECIAL OPERATIONS DIVISION STATION" for an amount not to exceed ONE MILLION SEVENTEEN THOUSAND FOUR HUNDRED EIGHTY-TWO AND 00/100 DOLLARS (\$1,017,482.00); that the City Engineer is authorized to approve and sign contract amendments for additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and to approve and sign contract amendments for Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if such services are necessary for the proper execution of the project and that the increased amounts are within the appropriate budgets of the project for a total amount of ONE MILLION ONE HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED EIGHTY-TWO AND 00/100 DOLLARS (\$1,117,482.00); and that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for the execution of the Agreement.

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

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

# RESOLUTION

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

.....

That the City Manager be authorized to sign a two year On-Call Agreement for Professional Services to perform construction management services on a task order basis by and between the City of El Paso and each of the following six (6) consultants:

- 1. Broaddus & Associates, Inc.
- 2. Consor Engineering, LLC.
- 3. ECM International, Inc.
- 4. ESSCO International, Inc.
- 5. Moreno Cardenas, Inc.
- 6. Parkhill, Inc.

48.

Each On-Call Agreement will be for an amount not to exceed Nine Hundred Thousand and No/00 Dollars (\$900,000.00), and each agreement will include authorization for the City Engineer to approve additional Basic Services and Reimbursables for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) and authorization for the City Engineer to approve Additional Services for an amount not to exceed Fifty Thousand and No/100 Dollars (\$50,000.00) if the identified services are necessary for proper execution of identified project and if the increased amounts are within the appropriate budget identified for a project. In addition, the City Manager, or designee, is authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of each On-Call Agreement.

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

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

NAYS: None

The City Council Meeting was **RECESSED** at 11:55 a.m.

The City Council Meeting was **RECONVENED** at 12:01 p.m. for Call to the Public.

.....

# <u>ADJOURN</u>

Motion made by Representative Rivera, seconded by Representative Svarzbein, and unanimously carried to **ADJOURN** this meeting at 12:27 p.m.

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 #: 21-988, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts Fire, Mario M. D'Agostino, (915) 212-5605

#### AGENDA LANGUAGE:

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

That the City Manager be authorized to sign an Independent Contractor Agreement between the City of El Paso, Texas and Dr. Russell Baker, for the latter to provide Medical Director services to the emergency medical staff of the City of El Paso, for the monthly amount of \$6,000.00 from September 1, 2021 through August 31, 2023, for a total amount of \$144,000, with the City Manager being authorized to administratively extend the Agreement for an additional twelve-month period.

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

AGENDA DATE: August 31, 2021 Public Hearing Date: N/A

# CONTACT PERSON(S) NAME AND PHONE NUMBER: Mario M. D'Agostino, Fire Chief, 915-212-5600

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

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

**SUBGOAL:** Improve Patient Care by Evaluating Trends in Emergency Medical Care and Promoting Community Wellness

## SUBJECT:

That the City Manager be authorized to sign an Independent Contractor Agreement between the City of El Paso, Texas and Dr. Baker, for the latter to provide Medical Director services to the emergency medical staff of the City of El Paso, for the monthly amount of \$6,000.00 from September 1, 2021 through August 31, 2023, for a total amount of \$144,000, with the City Manager being authorized to administratively extend the Agreement for an additional twelve-month period.

# **BACKGROUND / DISCUSSION:**

The contract is for medical direction for El Paso Fire Department's advanced and basic life support services. This is required by the Texas Health and Safety Code Title 9, Subtitle B, Chapter 773 Emergency Medical Services, Subchapter A, Section 773.007.

# PRIOR COUNCIL ACTION:

Independent Contractor Agreement was executed on September 4, 2018 between City of El Paso, Texas and Berumen, PLLC, to provide medical consulting, training and advisory services to the El Paso Fire Department.

# AMOUNT AND SOURCE OF FUNDING:

Amount: \$6,000 per month Dept: 322 Division: 22070 General Fund: 1000 Program: P2212 Account 521120 – Health Care Providers Services

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? <u>X</u> YES <u>NO</u>

PRIMARY DEPARTMENT:	Fire Department
SECONDARY DEPARTMENT:	N/A

**DEPARTMENT HEAD:** 

# **RESOLUTION**

WHEREAS, the City of El Paso Public Safety Departments provide basic and advanced life support service for the citizens of El Paso; and

WHEREAS, the Texas Health and Safety Code Section 773.007 states that the provision of advanced life support must be under medical supervision and a licensed physician's control, and that the provision of basic life support may be under medical supervision and a licensed physician's control; and

WHEREAS, Dr. Russell A. Baker ("Dr. Baker"), is a physician capable of performing the duties of the Medical Director as governed by Texas Administrative Code, Title 22, Part 9, Chapter 197 Rule 197.3 "Off-line Medical Director"; and

WHEREAS, Dr. Baker has been appointed as the Medical Director by the Fire Chief of the El Paso Fire Department; and

**WHEREAS,** the City Council also seeks to receive Medical Director services from Dr. Baker from September 1, 2021 through August 31, 2023.

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

**THAT** the City Manager be authorized to sign an Independent Contractor Agreement (the "Agreement") between the City of El Paso, Texas ("City of El Paso") and Dr. Baker, for

the latter to provide Medical Director services to the emergency medical staff of the City of El Paso, for the monthly amount of \$6000.00 from September 1, 2021 through August 31, 2023, for a total amount of ONE HUNDRED FORTY-FOUR THOUSAND DOLLARS AND NO/100 (\$144,000), with the City Manager being authorized to administratively extend the Agreement for an additional twelve-month period, for the monthly amount of \$6000.00 from September 1, 2023 through August 31, 2024, for a total amount of SEVENTY-TWO THOUSAND DOLLARS AND NO/100 (\$72,000).

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

CITY OF EL PASO

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Rebecca Estrada Quinn Assistant City Attorney

APPROVED AS TO CONTENT:

Mario M. D'Agostino, Fire Chief El Paso Fire Department

# STATE OF TEXAS ) ) ) ) ) ) ) OUNTY OF EL PASO ) INDEPENDENT CONTRACTOR AGREEMENT

This Agreement is made this \_\_\_\_\_ of August, 2021, between the **CITY OF EL PASO**, (the "City") and Dr. Russell A. Baker (the "Contractor".)

#### WITNESSETH:

WHEREAS, the El Paso Fire Department provides basic and advanced life support service for the citizens of El Paso; and

WHEREAS, the state-of-the art delivery of basic and advanced life support by Texas State Certified Paramedics and Emergency Medical Technicians (EMTs) requires intravenous administration of emergency resuscitative drugs, the performance of sophisticated technical emergency and basic life support procedures, as well as intravenous catheterizations, electrical defibrillations and other invasive procedures; and

WHEREAS, Texas Health and Safety Code Title 9, Subtitle B, Chapter 773, Emergency Medical Services, Subchapter A, Section 773.007 states that the provision of advanced life support must be under medical supervision and a licensed physician's control, and that the provision of basic life support may be under medical supervision and a licensed physician's control; and

WHEREAS, Contractor is a physician capable of performing the duties of the Medical Director as governed by Texas Administrative Code, Title 22, Part 9, Chapter 197 Rule 197.3 "Off-line Medical Director."; and

WHEREAS, Contractor has been appointed as the Medical Director by the Fire Chief of the El Paso Fire Department; and

**WHEREAS**, it is necessary and appropriate for the City to enter into this Agreement with Contractor to set the compensation and establish such other necessary and appropriate provisions for the Contractor's services during the term of this Agreement. NOW, THEREFORE, the City and Contractor do hereby mutually agree as follows:

1. <u>DUTIES AND RESPONSIBILITIES OF CONTRACTOR</u>: Contractor will provide medical consulting, training and advisory services to the City of El Paso Public Safety Departments and shall be directly responsible to the Chief of the El Paso Fire Department for the performance of services specified herein in the terms of this contract.

2. <u>TERM OF CONTRACT</u>: The term of this Agreement shall be valid commencing September 1, 2021, and ending on August 31, 2023, with the City Manager having the authority to administratively extend the Agreement for an additional twelve-month period without the need to seek Council approval, by giving written notice to the Contractor not less than thirty (30) days prior to the date upon which this Agreement would otherwise terminate. Written notice shall be provided as set forth in this contract.

3. <u>SCOPE OF SERVICES</u>: Contractor shall provide the services outlined in the attached scope of duties and job specification. Contractor shall coordinate at reasonable times with the Deputy Chief of the El Paso Fire Department Community Health Division on all issues relating to the provision of medical services being provided by the City of El Paso.

4. <u>COMPENSATION AND METHOD OF PAYMENT:</u> Contractor shall be compensated in the amount of SIX THOUSAND DOLLARS AND NO/100 (\$6,000.00) per month, during the term of the Agreement, including any extension. The combined total compensation amount for the initial two-yearterm of this Agreement, excluding any extension, shall not exceed a total of ONE HUNDRED AND FORTY-FOUR THOUSAND DOLLARS AND NO/100 (\$144,000). If the Agreement is extended, Contractor's total compensation amount for the extension period term shall not exceed a total of SEVENTY-TWO THOUSAND DOLLARS AND NO/100 (\$72,000). This is a part-time position and is not exclusive. The City will not pay any fringe benefits.

2

Contractor understands that as an independent contractor, taxes will not be withheld from the Contractor's payment, and consequently Contractor assumes all liability for payment of taxes on his earnings.

5. <u>LOCATION OF PERFORMANCE</u>: The place where such services are to be performed is the City of El Paso, State of Texas, or as otherwise necessary in conjunction with the performance of Contractor's statutorily required duties.

6. <u>OWNERSHIP OF DOCUMENTS</u>: All documents developed by Contractor under this Agreement shall be delivered to the City by said Contractor upon completion of the services required pursuant to paragraph 3 hereof and shall become the property of the City, without restriction or limitation on its use. Contractor agrees that all documents maintained and generated pursuant to this contractual relationship between the City and Contractor shall be subject to all provisions of the Texas Public Records Act. It is further understood by and between the parties that any information, writings, maps, contract documents, reports or any other matter whatsoever which is given by the City to Contractor pursuant to this Agreement shall at all times remain the property of the City and shall not be used by Contractor for any other purposes whatsoever without the written consent of the City.

7. <u>AUDIT RIGHTS</u>: The City reserves the right to audit the records of Contractor, relating to this Agreement, at any time during the performance of this Agreement and for a period of one (1) year after final payment is made under this Agreement. Such audit shall be conducted at such time and in such matter so as to cause the least amount of disruption to Contractor's normal business activities.

8. <u>INDEPENDENT CONTRACTOR RELATIONSHIP</u>: Nothing herein shall be construed as creating the relationship of employer and employee between the parties. Neither the

City nor its agent the El Paso Fire Department shall be subject to any obligations or liabilities of the Contractor incurred in the performance of this contract, unless otherwise herein authorized.

9. <u>PROOF OF LAWFUL WORK STATUS</u>: Contractor agrees to comply with the Immigration Reform and Control Act. The parties agree that all necessary forms or documents including Form I-9 for the purpose of providing proof of United States citizenship of Contractor's lawful residency and work status will be provided to the City at the time that this Agreement is executed.

10. <u>INSURANCE:</u> Contractor agrees to carry his own professional liability insurance and to provide proof of such insurance to the El Paso Fire Department prior to commencement of his services as Medical Director. The City agrees to provide up to TWELVE THOUSAND DOLLARS AND NO/100 DOLLARS (\$12,000) per year towards such insurance coverage. Contractor agrees to invoice the City for such amount yearly. The policy shall list the City of El Paso, as an additional insured. Said professional liability insurance policy limits shall be in accordance with the accepted standards of the local medical community, but in no event, less than in an amount of FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$500,000.00) combined single limit for injury or death to one or more persons, whichever amount is greater. Contractor will be responsible for the tail end coverage.

Contractor shall maintain said insurance with a solvent insurance company authorized to do business in Texas. Contractor shall file a copy of the policy binder and a certificate of insurance with the City within ten (10) days of execution of this Agreement. Such policy or certificate shall provide that the insurance cannot be canceled and that the amount of coverage cannot be decreased without thirty (30) days prior written notice to the City.

11. **INDEMNIFICATION:** As a condition of the granting of this Agreement, the Contractor will INDEMNIFY, DEFEND AND HOLD the City, its officers, agents and employees, HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, CAUSES OF ACTION, LIABILITY, DAMAGES OR EXPENSE, (INCLUDING BUT NOT LIMITED TO ATTORNEY FEES AND COSTS) FOR ANY DAMAGE TO OR LOSS OF ANY PROPERTY, OR ANY ILLNESS, INJURY, PHYSICAL OR MENTAL IMPAIRMENT, LOSS OF SERVICES, OR DEATH TO ANY PERSON ARISING OUT OF OR RELATED TO THIS AGREEMENT AND/OR CONTRACTOR'S SERVICES AS MEDICAL DIRECTOR ONLY TO THE EXTENT COVERED BY CONTRACTOR'S PROFESSIONAL LIABILITY INSURANCE POLICY. Without modifying the Contractor's obligation to preserve and assert any defense available to the City, the City will promptly forward to the Contractor every demand, notice, summons or other process received by the City in any claim or legal proceeding contemplated herein. The Contractor will 1) investigate or cause the investigation of accidents or occurrences involving such injuries or damages; 2) negotiate or cause to be negotiated the claim as the Contractor may deem expedient; and 3) defend or cause to be defended on behalf of the City all suits for damages even if groundless, false or fraudulent, brought because of such injuries or damages. The City, at its election will have the right to participate in any such negotiations or legal proceedings to the extent of its interest. The City will not be responsible for any loss of or damage to the Contractor's property from any cause.

12. <u>LAW GOVERNING CONTRACT</u>: For purposes of determining the place of the Agreement and the law governing the same, it is agreed that this Agreement is entered into in the City of El Paso, State of Texas, and shall be governed by the laws of the State of Texas.

13. <u>TERMINATION</u>: The City retains the right to terminate this Agreement at any time prior to the completion of the services required pursuant to this Agreement without penalty to

5

City. In that event, notice of termination of this Agreement shall be in writing to Contractor, who shall be paid for those services performed prior to the date of its receipt of the notice of termination. In no case, however, will City pay Contractor an amount in excess of the total sum provided by this Agreement. It is hereby understood by and between the City and Contractor that any payment made herein to Contractor shall be made only if said Contractor is not in default under the terms of this Agreement. If Contractor is in default, the City shall first deliver written notice of such default to Contractor. Contractor shall have a period of thirty (30) days within which to cure such default or if such cure cannot be completed within such period, Contractor is determined to be in default. Contractor may terminate this agreement, without cause, within thirty (30) days prior written notice.

14. <u>CONTINGENCY CLAUSE</u>: Funding for this Agreement is contingent on the availability of funds and continued authorization for program activities and is subject to amendment or termination due to lack of funds, or authorization, reduction of funds, and for change in regulations. In such event, Contractor shall be entitled to terminate this Agreement immediately upon written notice to the City.

15. <u>NOTICES</u>: Notices required herein shall be either hand-delivered or mailed, postage pre-paid, to the following addresses:

CITY:	City of El Paso El Paso Fire Department Attn: Chief Mario M. D'Agostino 416 N. Stanton, 2nd FloorEl Paso, Texas 79901
CONTRACTOR:	Dr. Russell A. Baker 4801 Alberta, B3200 El Paso, Texas 79905

PL Matter 21-1043-705, PL Doc #1105530/Baker Medical Director Agreement/RQ

16. <u>ENTIRE AGREEMENT</u>: This Agreement constitutes and expresses entire agreement between the parties in reference to the services of the Contractor for the City of El Paso, and to any of the matters herein provided for, or hereinbefore discussed or mentioned in reference to the hiring of such services, all promises, representations and understandings relative thereto herein being merged.

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

CITY OF EL PASO

Tomás González City Manager

Dr. Russell A. Baker

APPROVED AS TO FORM:

Rebecca Estrada Quinn Assistant City Attorney

APPROVED AS TO CONTENT:

Mario M. D'Agostino, Fire Chief El Paso Fire Department

# Attachment "A"

# Scope of Services

Contractor shall be a licensed physician that will perform the duties as Medical Director for the City of El Paso Public Safety Departments. The contractor will be responsible for clinical oversight of pre-hospital treatment rendered by the City of El Paso Emergency Medical Services System personnel. The Medical Director is responsible for all aspects of the operation of an EMS system concerning provision of medical care.

#### **TYPICAL DUTIES:**

The Medical Director's responsibilities shall include:

- a) Assist Professional Development Program of EPFD on all training activities and programs for standards of care;
- b) Provides Direct EMS classroom and skills instruction;
- c) Provides direction for fire service medical issues;
- d) Provides medical consultation to Medical Deputy Chief;
- e) Provides on-scene medical oversight and patient care on select incidents;
- f) Credentialing of certified and licensed emergency medical technicians and nurses employed by the El Paso Public Safety Departments, as well as the responsibility to recommend suspension or local decertification of any El Paso Public Safety Personnel and report all incidents to the Texas Department of State Health Services;
- g) Develop and assist in the formulation of policies and procedures on medical services provided by El Paso Fire Department;
- h) Provide medical oversight and expertise to continuous quality improvement (CQI) programs by reviewing and analyzing EMS effectiveness, system trends, and needs in an effort to ensure EMS system excellence; Conduct system audits and quality assurance of programs. Develop, implement, and monitor management of patient care, incidents of complaints, and deviations from established protocols;
- i) Participate in call reviews with first responders, nurse/educators, fire fighter/paramedics, and firefighter/EMT's; assist in problem solving in field clinical decision making;
- j) Assists Medical Deputy Chief with decisions involving risk assessment, post-exposure prophylaxis and treatment of occupational infectious disease exposures; assists City of El Paso's Risk Management or EPFD Safety Officer with medical and health components of OSHA Respiratory Protection Standard;
- k) Provides input to EPFD Health and Safety Committee with regard to firefighter safety and health issues;
- Provides guidance and information to the EPFD Hazardous Materials Response Team and Special Operations Division on issues of environmental and clinical toxicology in administration, planning, training and operations;
- m) Serves as a liaison with medical directors and administrators of the City Health Department, EMS providers, base hospitals, regional trauma centers, paramedic receiving hospitals, acute care facilities, paramedic training institutions and professional medical groups;
- n) Attends EMS administrative and oversight committee meetings;
- o) Serves as a liaison with various local, regional, state and national medical associations regarding emergency medical service;

- p) Assists EPFD 911 Communications Division/911 District on Emergency Medical Dispatch(EMD) training, education and CQI;
- q) Liaison with EPFD 911 Communications Division/911 District administration on issues of medical dispatch strategies and pre-arrival instructions; and
- r) Assists the EPFD Public Information Officer (PIO) as a technical specialist on emergency services medical and health issues.

The EPFD Medical Director must meet requirements of the Texas Administrative Code, Title 22, Part 22, Part 9, Chapter 197 Rule 197.3 "Off-line Medical Director" in addition to all requirements listed above.



Legislation Text

# File #: 21-982, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

District 8

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

#### AGENDA LANGUAGE:

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

Resolution authorizing the City Manager, or designee, to sign a Parking License Agreement between the City of El Paso and the El Paso Chamber of Commerce for the use of 25 parking spaces at Civic Center Parking Garage.

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: August 31, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez

DISTRICT(S) AFFECTED: 8

STRATEGIC GOAL: No.# 3 – Promote the Visual Image of El Paso

## SUBJECT:

Resolution authorizing the City Manager, or designee, to sign a Parking License Agreement between the City of El Paso and the El Paso Chamber of Commerce for the use of 25 parking spaces at Civic Center Parking Garage.

## **BACKGROUND / DISCUSSION:**

The City of El Paso desires to enter into a Parking Agreement with the El Paso Chamber of Commerce. The El Paso Chamber would provide print and broadcast advertisement for the City of El Paso sponsored events in the amount equal to \$19,500 per year.

**PRIOR COUNCIL ACTION:** 

No

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? <u>x</u> YES <u>NO</u>

PRIMARY DEPARTMENT: N/A SECONDARY DEPARTMENT: N/A

Chilz

# 

#### **DEPARTMENT HEAD:**

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

# THE STATE OF TEXAS ) COUNTY OF EL PASO )

# PARKING LICENSE AGREEMENT

This Parking License Agreement ("**Agreement**") is made this 11th day of August, 2021 ("**Effective Date**") between the City of El Paso, a municipal corporation organized and existing under the laws of the State of Texas, ("**City**"), and, a ("**Licensee**"). For the convenience of the parties, all defined terms appear in **bold face** print when first defined.

The parties agree as follows:

# SECTION 1. PARKING SPACES.

A. Subject to the terms of this Agreement, the City grants the Licensee a license to use 25 parking spaces ("Parking Spaces") located at the Civic Center Parking Garage, El Paso, Texas 79901 ("Parking Garage"). This Agreement does not authorize the Licensee to use any other areas of the Parking Garage other than the dedicated access pathways to access the Parking Spaces.

# SECTION 2. CONSIDERATION.

A. Beginning on the Effective Date and throughout the term of this Agreement, the Licensee shall pay the City a monthly fee in the amount of \$\_\_\_\_1\_\_ ("Monthly Fee"). The Licensee will pay the Monthly Fee on the 1<sup>st</sup> day of each month, provided that the first payment is due on the Effective Date. In addition to the Monthly Fee, the Licensee will provide print and broadcast advertisement for City of El Paso services and City of El Paso sponsored events in an amount equal to \$19,500 per year ("Advertisement Amount") for the term of this Agreement. The Licensee will provide the City proof of advertisement expenditures at the end of each calendar year for the duration of the term and any Renewal Periods to the e-mail address listed in this Agreement. The City may recalculate the Advertisement Amount within thirty calendar days of the start of a Renewal Period and send notification to the Licensee of the new Advertisement Amount. Upon receipt of notification of the new Advertisement Amount, the Licensee will spend up to the new Advertisement Amount and provide the City proof of such expenditures as provided above.

# **SECTION 3. TERM.**

A. The Agreement commences on the Effective Date and ends three years from the Effective Date ("**Term**"). Prior to the expiration of the Term, the City Manager, or designee, may extend the Term for two additional terms of three years each ("**Renewal Period**").

# **SECTION 4. USE POLICIES**

- A. The Licensee will abide by all policies, current and future, enacted by the City regarding the use of the Parking Garage and Parking Spaces. The Licensee understands and agrees that the City may modify its policies at the sole discretion of the City.
- B. The Licensee understands and agrees that the Licensee may only use the Parking Spaces during the hours of operation of the Parking Garage. The City may change the Parking Garage hours of operation at the City's sole discretion.
- C. The Licensee may allow its customers and visitors to use the Parking Spaces, provided that all customers and visitors must abide by all hours of operation and policies and procedures of the Parking Garage and Parking Spaces. The Licensee will be responsible for providing its customers and visitors with parking validation. The Licensee agrees that any customers or visitors of the Licensee that cannot present a valid parking validation will be required to pay the standard parking fee and that such fee is not refundable. No later than the Effective Date, the Licensee will coordinate with the City regarding the method and manner of parking validation that the Licensee will be providing to its customers and visitors. Notwithstanding anything to the contrary in this Agreement, the Licensee may only validate customer/visitor parking up to a maximum of \$400 dollars per month. Licensee will pay the City for any customer/visitor parking validations issued by the Licensee exceeding the monthly \$400 cap. The Licensee will pay the City for the general public.
- D. The Licensee understands and agrees that the Parking Spaces are not designated or reserved and that they are available on a first come first served basis. Licensee may use any of the parking spaces at the Parking Garage only during the hours of 7:00 A.M. to 6:00 P.M., Monday through Friday. The City will provide the Licensee 25 access cards to allow the Licensee's employees access the Parking Garage. The Licensee will pay the City \$25 to replace an access card that has been lost, stolen, or damaged. The Chamber may purchase from the City additional access cards at the rate established by the City from time to time.
- E. The License agrees that any persons not authorized to use the Parking Spaces or the Parking Garage may be towed in accordance to applicable law.
- F. The License will not do any alterations or improvements to the Parking Spaces.

# SECTION 5. DAMAGES TO CITY PROPERTY.

A. The Licensee is responsible for all damages caused to the Parking Spaces and/or the Parking Garage by the Licensee and/or the Licensee's employees, agents, customers, visitors or other licensees/invitees. If the Licensee or any of the Licensee's employees, agents, customers, visitors or other licensees/invitees damages any City property, then the

City may repair such damage to the City's standards and the City may send an invoice to the Licensee for the full costs of the repairs. The Licensee will pay in full any invoice sent by the City under this section within 30 calendar days of receipt.

# **SECTION 6. RELEASE.**

- A. The Licensee releases the City from all claims of property damage, property loss, personal injury, illness, and death sustained by the Licensee while using the Parking Spaces or the Parking Garage regardless of whether such property damage, property loss, personal injury, illness, or death was caused by the negligence of the City or the City's officers, employees, and/or agents.
- B. The Licensee will communicate to their employees, customers, and visitors that the City is not responsible for any property damage, property loss, personal injury, illness, and death sustained while using the Parking Spaces or the Parking Garage regardless of whether such property damage, property loss, personal injury, illness, or death was caused by the negligence of the City or the City's officers, employees, and/or agents.

## **SECTION 8. INDEMNIFICATION.**

A. Licensee will INDEMNIFY, DEFEND AND HOLD the City, its officers, agents and employees, HARMLESS FOR AND AGAINST ANY AND ALL CLAIMS, CAUSES OF ACTION, LIABILITY, DAMAGES OR EXPENSE, (INCLUDING BUT NOT LIMITED TO ATTORNEY FEES AND COSTS) FOR ANY DAMAGE TO OR LOSS OF ANY PROPERTY, OR ANY ILLNESS, INJURY, PHYSICAL OR MENTAL IMPAIRMENT, LOSS OF SERVICES, OR DEATH TO ANY PERSON ARISING OUT OF OR RELATED TO the use of the parking garage or parking spaces by the Licensee or the Licensee's employees, agents, customers, visitors or other licensees/invitees. Without modifying the conditions of preserving, asserting or enforcing any legal liability against the City as required by the City Charter or any law, the City will promptly forward to the Licensee every demand, notice, summons or other process received by the City in any claim or legal proceeding contemplated herein. Licensee will 1) investigate or cause the investigation of accidents or occurrences involving such injuries or damages; 2) negotiate or cause to be negotiated the claim as the Licensee may deem expedient; and 3) defend or cause to be defended on behalf of the City all suits for damages even if groundless, false or fraudulent, brought because of such injuries or damages. Licensee will pay all judgments finally establishing liability of the City in actions defended by Licensee pursuant to this section along with all attorneys' fees and costs incurred by the City including interest accruing to the date of payment by Licensee, and premiums on any appeal bonds. The City, at its election, will have the right to participate in any such negotiations or legal

proceedings to the extent of its interest. The City will not be responsible for any loss of or damage to the Licensee's property from any cause.

# SECTION 9. TERMINATION.

- A. Either party may terminate this Agreement at any time for any reason, or no reason, following a 30 calendar day notice to the other party.
- B. TERMINATION NOT A RELEASE. Termination by either party is not a release of any claims that the terminating party may be lawfully entitled to assert against the terminated party. Further, the terminated party is not relieved of any liability for damages sustained by the terminating party by virtue of any breach of this Agreement.

# SECTION 11. GENERAL PROVISIONS

- A. NO WAIVER. Either party may waive any default without waiving any prior or subsequent defaults. Either party's failure to exercise or delay in exercising any right under this Agreement, will not operate as a waiver of such right.
- B. INDEPENDENT LICENSEE RELATIONSHIP. This Agreement does not create an employee-employer relationship between the Licensee and the City. As such, the City is not subject to the liabilities or obligations the Licensee obtains under the performance of this Agreement.
- C. TIME IS OF THE ESSENCE. The times and dates specified in this contract are material to this Agreement. For the purpose of this Agreement "business days" means Monday through Friday excluding City of El Paso holidays and "calendar days" means Monday through Sunday excluding City of El Paso holidays.
- D. NOTICES. The parties will send all notices required by this Agreement in writing, postmarked, and delivered by certified mail. All notices are considered received 3 business days after the postmark date. Parties may change their address by sending a written notice to the other party. A new address is not official until the change of address notice is received by the other party as provided in this section. Upon receipt of proper notification of change of address, the notified party will send all further notifications to the new address. Parties will address notices as follows:

To the City:	The City of El Paso
	Attn: City Manager
	Realestate@elpasotexas.gov

To the Licensee:

El Paso Chamber of Commerce Attn: David Jerome Address: 303 N Oregon, Ste 610, El Paso, TX 79901 stephen@elpaso.org

- E. CONFIDENTIALITY. The Licensee acknowledges that this Agreement is subject to Chapter 552 of the Texas Government Code (Texas Public Information Act). The release of the Agreement as a whole or in part must comply with Chapter 552 of the Texas Government Code (Texas Public Information Act).
- F. GOVERNING LAW. This Agreement is governed by Texas law.
- G. VENUE. The venue for disputes regarding this Agreement between the parties will be El Paso County, Texas.
- H. SEVERABILITY. A future finding of invalidity of any provision of this Agreement does not affect the validity of any remaining provisions of this Agreement.
- I. HEADINGS. The headings and subheadings of this Agreement are for information purposes only and are not substantive terms.
- J. COMPLIANCE WITH THE LAWS. The parties will comply with all applicable laws, administrative orders, and any rules or regulations relating to the obligations under this Agreement.
- K. FORCE MAJEURE. There is no breach of contract should either party's obligations within this Agreement be delayed due to an act of God, outbreak of hostilities, riot, civil disturbance, acts of terrorism, the act of any government or authority, fire, explosion, flood, theft, malicious damage, strike, lockout, or any cause or circumstances whatsoever beyond either party's reasonable control. The delayed party must resume performing its obligations in this Agreement after the reason for the delay is resolved.
- L. SUCCESSORS AND ASSIGNS. This Agreement is binding on the City and the Licensee, and the Licensee's successors and assigns. Neither party may assign, sublet,

or transfer its interest or obligations in this Agreement without the written consent of the other.

- M. THIRD-PARTY BENEFICIARIES. There are no third party beneficiaries for this Agreement.
- N. PROVISIONS SURVIVING THIS AGREEMENT. Representations, releases, warranties, covenants, indemnities, and confidentiality survive past the execution, performance, and termination of this Agreement.
- O. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties.

#### WITNESS THE FOLLOWING SIGNATURES AND/OR SEALS:

#### CITY OF EL PASO:

Tomas Gonzalez City Manager

APPROVED AS TO FORM:

Omar De La Rosa Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodrigue

Samuel Rodriguez, P.E., Čity Engineer Capital Improvement Department

LICENSEE:

Stephen Voefervale

Printed Name: Stephen Voglewede Title: Corporate Secretary

#### 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 Parking License Agreement between the City of El Paso and the El Paso Chamber of Commerce for the use of 25 parking spaces at Civic Center Parking Garage. Further, that the City Manager, or designee, is authorized to exercise all rights and perform all obligations under the agreement. Further, that the City Manager, or designee, is authorized to sign any amendments to the agreement and any documents necessary to comply with the City's obligations under the agreement.

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

THE CITY OF EL PASO:

#### **ATTEST:**

Oscar Leeser Mayor

Laura D. Prine City Clerk

#### **APPROVED AS TO FORM:**

Omar A. De La Rosa Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Mary Lou Espinoza

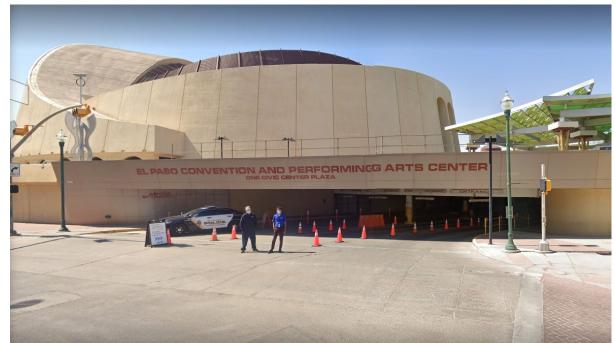
Mary Lou Espinoza, Real Estate Division Capital Improvement Department

# Greater Chamber Parking Agreement



# **Agreement Details**

- Licensee: El Paso Chamber of Commerce
- Location: 10 Civic Center
- Consideration: \$19,500 per year (Print & Broadcast Advertisement)
- Term: Three (3) years
- Renewal Options: Two (2) additional terms of three (3) years each
- Use: 25 Parking Spaces









# 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 #: 21-995, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 8

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Klarissa Mijares, (915) 212-1544

#### AGENDA LANGUAGE:

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

That the closure of rights-of-way within the City of El Paso for the Sun City CRIT El Paso from 5:00 a.m. Saturday, September 11, 2021, to 5:00 a.m. on Sunday, September 12, 2021, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV21-00031)

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

AGENDA DATE: August, 31, 2021 PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Klarissa Mijares, (915) 212-1544

DISTRICT(S) AFFECTED: District 8

**STRATEGIC GOAL:** #4 Enhance El Paso's quality of life through recreational, cultural and educational environments

SUBGOAL: 4.2 Create innovative recreational, educational and cultural programs

#### SUBJECT:

That the closure of rights-of-way within the City of El Paso for the Sun City CRIT El Paso from 5:00 a.m. Saturday, September 11, 2021, to 5:00 a.m. on Sunday, September 12, 2021, , serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St. upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation. (CSEV21-00031)

#### **BACKGROUND / DISCUSSION:**

EVENT NAME:	Sun City CRIT El Paso
PERMIT CASE NUMBER:	CSEV21-00031
EVENT DATE/HOURS:	Saturday, September 11, 2021 at 12:00 p.m. to 11:59 p.m.
TRAFFIC CONTROL:	5:00 a.m. Saturday, September 11, 2021 to 5:00 a.m. on Sunday, September 12, 2021
STATE ROW IN USE:	Mesa St. (SH20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.
APPLICANT:	Destination El Paso

### PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? <u>X</u> YES <u>NO</u>

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

**DEPARTMENT HEAD:** 

Philip Eine

#### **RESOLUTION**

WHEREAS, <u>Sun City CRIT El Paso</u> (hereinafter referred to as "Grantee") has submitted an application for a Special Event Permit as per Chapter 13.38 (Special Events) of the El Paso City Code, for the use and closure of rights-of-way within the City of El Paso's (hereinafter referred to as "the City") for the <u>Sun City CRIT El Paso from 5:00 a.m. Saturday, September 11, 2021,</u> to 5:00 a.m. on Sunday, September 12, 2021, (hereinafter referred to as the "Event"); and

WHEREAS, The Event will utilize both City and State rights-of-way: and

WHEREAS, The City of El Paso (hereinafter referred to as the "City") has found the Event serves a public purpose; and

WHEREAS, The State of Texas (hereinafter referred to as the "State") owns and operates a system of highways for public use and benefit, including <u>Mesa St. (SH 20) between Franklin</u> <u>Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.</u> within El Paso, Texas; and

**WHEREAS,** 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of portions of the State Highway System for periods of time exceeding four hours; and

WHEREAS, the State in recognition of the public purpose for the Event, provides a means of cooperating with the City for the temporary closure of State right-of-way, provided the closure is in accordance with the requirements of 43 TAC, Section 22.12 and the City enters into an Agreement for the Temporary Closure of State Right-of-Way for the Event (Form TEA 30A).

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

That the closure of rights-of-way within the City of El Paso for the <u>Sun City CRIT El</u> <u>Paso from 5:00 a.m. Saturday, September 11, 2021, to 5:00 a.m. on Sunday, September 12,</u> <u>2021,</u>, serves a public purpose of providing cultural and recreational activities for the residents and visitors of the City of El Paso, and in accordance with 43 TAC, Section 22.12, the City Manager be authorized to sign an Agreement For The Temporary Closure of State Right Of Way (Form TEA 30A) by and between the City of El Paso and the State of Texas, acting by and through the Texas Department of Transportation, for the temporary closure and use of State owned and operated street (s) in excess of four hours for portions of <u>Mesa St. (SH 20) between Franklin</u> <u>Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.</u> upon the issuance of required permits from the City of El Paso and substantial conformity to the finalized TEA30 agreement between the City of El Paso and State of Texas Department of Transportation.

(Signatures Being on Following Page)

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

#### **CITY OF EL PASO:**

Oscar Leeser Mayor

**ATTEST:** 

.

Laura D. Prine, City Clerk

#### **APPROVED AS TO FORM:**

KNS1

Russell T. Abeln Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Ctive Philip F, Etiwe, Director

Philip F, Etiwe, Director Planning & Inspections Department

## STATE OF TEXAS COUNTY OF EL PASO

NTY OF EL PASO §

§ §

#### AGREEMENT FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State," and the City of El Paso, a municipal corporation, acting by and through its duly authorized officers, hereinafter called the "local government."

#### WITNESSETH

WHEREAS, the State owns and operates a system of highways for public use and benefit, including Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St., in El Paso, County; and

WHEREAS, the local government has requested the temporary closure of <u>Mesa St. (SH 20) between</u> <u>Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.</u>, for the purpose of allowing <u>the Sun City CRIT El Paso</u>, from <u>5:00 a.m.</u> on <u>Saturday</u>, <u>September 11</u>, <u>2021</u>, to <u>5:00 a.m.</u> on <u>Sunday</u>, <u>September 12</u>, <u>2021</u>, as described in the attached "Exhibit A", hereinafter identified as the "Event;" and

WHEREAS, the Event will be located within the local government's incorporated area; and

**WHEREAS**, the State, in recognition of the public purpose of the Event, wishes to cooperate with the City so long as the safety and convenience of the traveling public is ensured and that the closure of the State's right of way will be performed within the State's requirements; and

WHEREAS, on the <u>31<sup>st</sup></u> day of <u>August, 2021</u>, the El Paso City Council passed a Resolution, attached hereto and identified as "Exhibit B," establishing that the Event serves a public purpose and authorizing the local government to enter into this agreement with the State; and

**WHEREAS**, 43 TAC, Section 22.12 establishes the rules and procedures for the temporary closure of a segment of the State highway system; and

**WHEREAS**, this agreement has been developed in accordance with the rules and procedures of 43 TAC, Section 22.12;

**NOW, THEREFORE**, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

#### AGREEMENT

#### Article 1. CONTRACT PERIOD

This agreement becomes effective upon final execution by the State and shall terminate upon completion of the Event or unless terminated or modified as hereinafter provided.

#### Article 2. EVENT DESCRIPTION

The physical description of the limits of the Event, including county names and highway numbers, the number of lanes the highway has and the number of lanes to be used, the proposed schedule of start and stop times and dates at each location, a brief description of the proposed activities involved, approximate number of people attending the Event, the number and types of animals and equipment, planned, physical modifications of any man-made or natural features in or adjacent to the right of way involved and a location map is attached hereto as **"Exhibit C,"** and incorporated as if fully set forth herein.

#### Article 3. OPERATIONS OF THE EVENT

**A.** The local government shall assume all costs for the operations associated with the Event, including but not limited to; plan development, materials, labor, public notification, providing protective barriers and barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signage.

**B.** The local government shall submit to the State for review and approval: the construction plans, if construction or modifications to the State's right of way is required; the traffic control and signage plans; traffic enforcement plans, and; all other plans deemed necessary by the State. The State may require that any traffic control plan of sufficient complexity be signed, sealed and dated by a registered professional engineer. The traffic control plan shall be in accordance with the latest edition of the Texas Manual on Uniform Traffic Control Devices. All temporary traffic control devices used on state highway right of way must be included in the State's Compliant Work Zone Traffic Control Devices List. The State reserves the right to inspect the implementation of the traffic control plan, and if it is found to be inadequate, the local government will bring the traffic control into compliance with the originally submitted plan, upon written notice from the State noting the required changes, prior to the event. The State may request changes to the traffic control plan in order to ensure public safety due to changing or unforeseen circumstances regarding the closure.

**C**. The local government will ensure that the appropriate law enforcement agency has reviewed the traffic control for the closures and that the agency has deemed them to be adequate. If the law enforcement agency is unsure as to the adequacy of the traffic control, it will contact the State for consultation no less than 10 workdays prior to the closure.

**D**. The local government will complete all revisions to the traffic control plan as requested by the State within the required timeframe or that the agreement will be terminated upon written notice from the State to the local government. The local government hereby agrees that any failure to cooperate with the State may constitute reckless endangerment of the public and that the Texas Department of Public Safety may be notified of the situation as soon as possible for the appropriate action, and failing to follow the traffic control plan or State instructions may result in a denial of future use of the right of way for three years.

**E.** The local government will not initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed and the highway reopened to traffic within 24 hours after the completion of the Event.

**F.** The local government will provide adequate enforcement personnel to prevent vehicles from stopping and parking along the main lanes of highway right of way and otherwise prevent interference with the main lane traffic by both vehicles and pedestrians. The local government will prepare a traffic

enforcement plan, to be approved by the State in writing at least 48 hours prior to the scheduled Event. Additionally, the local government shall provide to the State a letter of certification from the law enforcement agency that will be providing traffic control for the Event, certifying that they agree with the enforcement plan and will be able to meet its requirements.

**G.** The local government hereby assures the State that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the local government's traffic control plan.

**H.** The local government will avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right of way and restore or repair the State's right of way, including, but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and, to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.

#### Article 4. OWNERSHIP OF DOCUMENTS

Upon completion or termination of this agreement, all documents prepared by the local government will remain the property of the local government. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

#### Article 5. TERMINATION

- **A.** This agreement may be terminated by any of the following conditions:
  - (1) By mutual written agreement and consent of both parties.
  - (2) By the State upon determination that use of the State's right of way is not feasible or is not in the best interest of the State and the traveling public.
  - (3) By either party, upon the failure of the other party to fulfill the obligations as set forth herein.
  - (4) By satisfactory completion of all services and obligations as set forth herein.

**B.** The termination of this agreement shall extinguish all rights, duties, obligations, and liabilities of the State and local government under this agreement. If the potential termination of this agreement is due to the failure of the local government to fulfill its contractual obligations as set forth herein, the State will notify the local government that possible breach of contract has occurred. The local government must remedy the breach as outlined by the State within ten (10) days from receipt of the State's notification. In the event the local government does not remedy the breach to the satisfaction of the State, the local government shall be liable to the State for the costs of remedying the breach and any additional costs occasioned by the State.

#### Article 6. DISPUTES

Should disputes arise as to the parties' responsibilities or additional work under this agreement, the State's decision shall be final and binding.

#### Article 7. RESPONSIBILITIES OF THE PARTIES

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

#### Article 8. INSURANCE

A. Prior to beginning any work upon the State's right of way, the local government and/or its contractors shall furnish to the State a completed "Certificate of Insurance" (TxDOT Form 1560, latest edition) and shall maintain the insurance in full force and effect during the period that the local government and/or its contractors are encroaching upon the State right of way.

**B.** In the event the local government is a self-insured entity, the local government shall provide the State proof of its self-insurance. The local government agrees to pay any and all claims and damages that may occur during the period of this closing of the highway in accordance with the terms of this agreement.

#### Article 9. AMENDMENTS

Any changes in the time frame, character, agreement provisions or obligations of the parties hereto shall be enacted by written amendment executed by both the local government and the State.

#### Article 10. COMPLIANCE WITH LAWS

The local government shall comply with all applicable federal, state and local environmental laws, regulations, ordinances and any conditions or restrictions required by the State to protect the natural environment and cultural resources of the State's right of way.

#### Article 11. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and this agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

#### Article 12. NOTICES

All notices to either party by the other required under this agreement shall be delivered personally or sent by certified U.S. mail, postage prepaid, addressed to such party at the following respective addresses:

Local Government:	State:
City of El Paso	Texas Department of Transportation
Attn: Tomas Gonzalez	Attn: Robert Bielek, P.E.
City Manager	El Paso District Engineer
300 N. Campbell- City 1, 2 <sup>nd</sup> Floor	13301 Gateway West
El Paso, Texas 79901	El Paso, Texas 79928-5410

All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party hereto may change the above address by sending written notice of such change to the other in the manner provided herein.

#### Article 13. SOLE AGREEMENT

This agreement constitutes the sole and only agreement between the parties hereto and supersedes any prior understandings or written or oral agreements respecting the within subject matter.

**IN TESTIMONY WHEREOF**, the parties hereto have caused these presents to be executed in duplicate counterparts.

#### THE CITY OF EL PASO

Executed on behalf of the local government by:

Tomás González City Manager Date

#### **APPROVED AS TO FORM:**

hoselta

Russell T. Abeln Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Clive Philip F. Etiwe, Director

Philip F. Etiwe, Director Planning and Inspections Department

#### THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

Ву	
Robert B	ielek, P.E.,
El Paso I	District Engineer

Date\_\_\_\_

21-1007-2786 | 110834 Form TEA-30A Agreement |CSEV21-00031 Sun City CRIT El Paso | 2021 RTA



## City of El Paso Special Event Permit Special Event



Permit No:	CSEV21-00031
Event Name:	SUN CITY CRIT EL PASO
Issued:	8/19/2021
Expires:	9/12/2021

#### Applicant

#### **DESTINATION EL PASO**

MAURO MONSISVAIS 1 CIVIC CENTER PLAZA EL PASO, TX79901

**Description:** Main to Stanton; Stanton South San Antonio, San Antonio to Oregon, Oregon to Main. Closure on Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.. **EPPD:** The El Paso Department has no objections with this event. Police the event with 14 officers and 10 vehicles. This number includes staffing all intersections that border the route, 2 for the Beer Garden and 2 Rover/Relief. **EPFD:** Site plan to acknowledge 12ft gap for fire apparatus, clearance of fire hydrants as sent in BRANDI map, and 70ft max canopy with 10ft fire break. **PARKS:** Site visit needed prior to date of event. 10 -12 Additional trash barrels needed within park grounds. Trash barrels provided by Streets & Parks Maintenance personnel. Consumption of Alcohol on park grounds prohibited. City Ordinance 13.24.130. Glass beverage containers prohibited on park grounds. City Ordinance 13.24.190. Permit required for sale of goods. City Ordinance 13.24.010/13.24.020. **STREETCAR:** Approved with the condition that any barricades/traffic control devices on Franklin, Oregon, Stanton and Kansas maintain a distance of at least 10 feet away from the centerline of the track and 10 feet away from any other streetcar infrastructure, including OCS poles and appurtenances. If any of the traffic control devices are within 10 feet of streetcar infrastructure, a track access permit may be required. Please refer to the following link for more information on obtaining a track access permit. Exhibit C Operational Right-of-Way/Dynamic Safety Envelope can also be found at https://sunmetro.net/streetcar/track-access/.

Event Type: Bike Race	Park Use: Yes	Amplification: Yes
Participants/Attendees: 2,000	Event Staff/Volunteers: 500	
Vehicles: 0	Animals: No	Other:
EVENT		TRAFFIC CONTROL
Start Date: 09/11/2021		Start Date: 09/11/2021
Start Time: 12:00	TIAAA	Start Time: 06:00
End Date: 09/11/2021		End Date: 09/11/2021
End Time: 22:00	1.00	Start Date: 23:59

\*\* NOTICE \*\*

Permittee shall comply with all applicable City, State and Federal rules and/or regulations in conjunction with the event, including, but not limited to, park, noise and alcohol. Permitte acknowledges all information presented and contained herein is factually accurate. Permittee understands any inaccurate or incomplete information provided may create additional costs and/or considerations in conjunction with the permit and/or the event.

#### THE CONTACT PERSON FOR THE EVENT SHALL CARRY THE PERMIT DURING THE EVENT.

#### Given under my hand and The City of El Paso Seal on this date:

	$\sim$
Issued By	0



**Applicants Signature** 

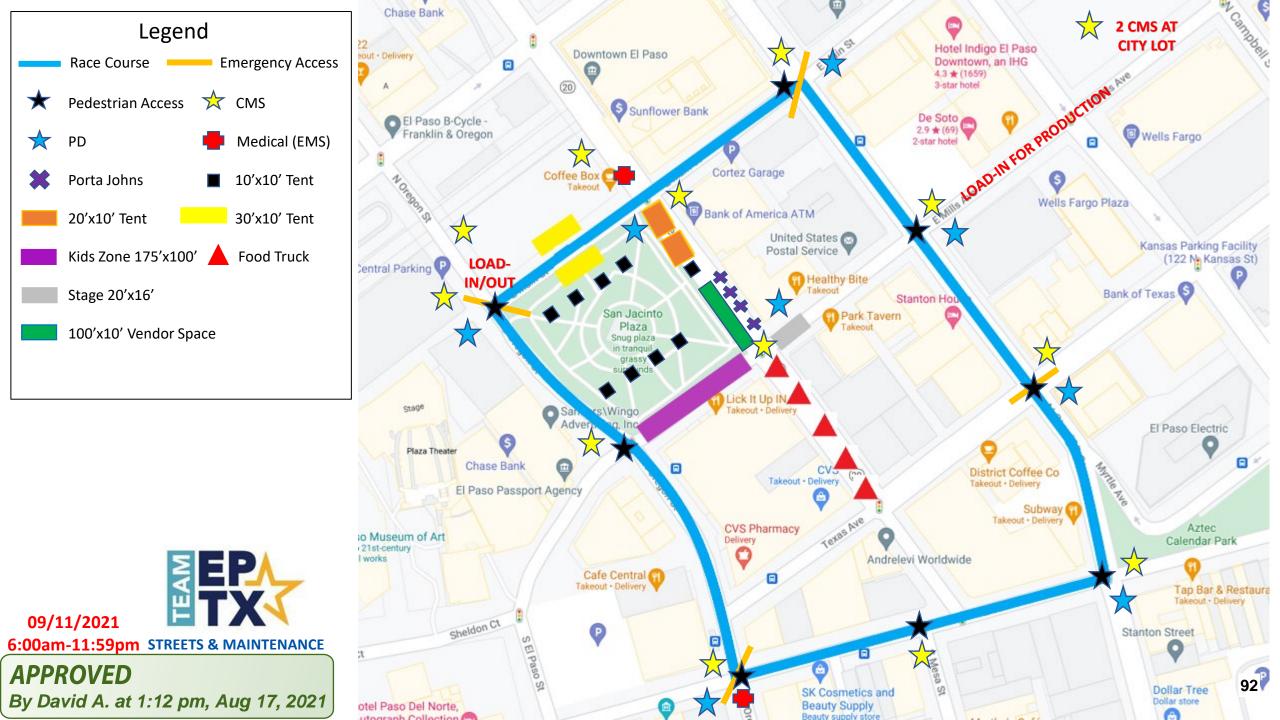
#### **Temporary Events and Special Event**

#### All temporary events and special events requests shall comply with the following as conditions of the permit:

- 1. Permittee(s) shall comply with all provisions of Section 15.08.120 L (Special Events Temporary Street Closures) or Section 13.36 (Temporary Events) of the El Paso City Code.
- Permittee(s) shall ensure all traffic control mechanisms, signs, and devices are installed as shown in the approved Traffic Control Plan, incorporated herein and attached hereto as Exhibit "D" for the duration of the street closure. Failure to install or maintain traffic control mechanisms, signs and devices may result in a fine as per Section 12.30.160 (Traffic Control Devices - Violation) of the El Paso City Code.
- 3. Permittee(s) for special privilege requests shall maintain liability insurance in the following minimum amounts for the during the event
  - a. \$1,000,000 per occurrence for injury, death or property damage per occurrence
  - b. \$1,000,000 general aggregate limit
  - c. Said insurance policy shall be issued by an insurance company authorized to do business in the state of Texas and shall provide in substance that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or empolyeees, and the Permittee, its agents, servants or employees.
  - d. Said insurance policy shall name the Permittee(s) and the City as insured to the full amount of the policy limits.
- 4. A for-use increased fire occupancy permit will be required for the event. Fire Marshall Guards may be required for the event. Permittee(s) will be responsible for any applicable fees related to Fire Occupancy and Fire Marshall Guard requirements prior to the issuance of this permit.
- 5. Fire apparatus access roads shall have an unobstructed (including off-street parking) width of no less than 20 feet. Fire hydrants, fire department inlet connections, and fire department control valves shall not be obstructed in any manner to prevent such equipment from being immediately discemible.
- 6. The Permittee(s) shall coordinate with eht Police Department to ensure that there is adequate emergency accessibility to and within the area as well as adequate safety provisions for the event. The Permittee(s) is/are responsible for coordinating any request for off-duty Police Department personnel or other Law Enforcement Agency personnel prior to the issuance of this permit.
- 7. Emergency access will be required for El Paso Water Utilities (EPWU) personnel and vehicle access for emergency repair. EPWU meters and manholes, water and sanitary sewer facilities must remain clear and unobstructed for EPWU personnel. Drainage systems in the area must remain unimpeded. No perforations may be done to the sidewalks and pavement within public rights-of-way.
- 8. Permittee shall coordinate with Environmental Services to address garbage removal after the event at (915) 621-6700 prior to the issuance of this permit.
- 9. The Permittee(s) shall be responsible for cleaning and removing of all litter and debris left on the roadways, sidewalks, and other public rights-of-way immediately upon the conclusion of the event. If the Permittee(s) fails to clean and remove all litter and debris within four hours of the end of the event, the city may perform such cleaning and the Permittee(s) shall be responsible for the costs of the city cleaning. Payment of any city cleaning costs shall be due and payable within 10 days of receipt of the bill form Financial Services.
- 10. Department of Public Health permits are required for food and beverages sold during the event. Applications must be received by the Department of Public Health at least 72 hours prior to the event. Applications received less than 72 hours prior to the event will be subject to express permit fees. Food and beverage booths will be inspected at least one hour prior to the start of the event. The Department of Public Health will not inspect boooths that are not ready for service. Failure to be ready fo inspection may result in a re-inspection fees by the Department of Public Health. Permittee(s) are responsible for ensuring all food and beverage vendors are ready for inspection. Coordinate with the Department of Public Health at (915) 541-4434.
- 11. Coordinate with the Texas Alcoholic Beverage Commission (TABC) for the sale and service of alcoholic beverages during the event at (915) 834-5860. The TABC license shall submit the request for a temporary alcoholic beverage permit at least ten days prior to the event. Applications not received by the TABC ten days prior to the event are subject to denial of the TABC temporary alcohol license. Licensee and permittee(s) are responsible for ensuring that all sales of alcoholic beverage scomply with State Alcoholic Beverage rules and regulations. Failure to follow alcohlic beverage sales rules and regulations may result in penalties by the TABC including but not limited to revocation of an TABC license.
- 12. Permittee must comply with the Americans with Disabilities Act ("ADA"). Permittee must file any Assurance required under the City Ordinance 9779, prohibiting discrimination against disabled persons.
- 13. Permittee shall comply with all provisions of Section 9.40 (Noise) and 13.28 (Sound Amplifying Devices).

#### **Park Information and Rules**

- 1. Electricity is not provided, unless event is held in a Reserve.
- 2. Water is not provided.
- 3. Portable restrooms are not provided; permanent restrooms are available at Reserves.
- 4. No excavation or placing of stakes into the ground.
- 5. Park Closed 11:00 p.m. 6:00 a.m. (Downtown Parks Closed from 1:00 a.m. 6:00 a.m.)
- 6. No vehicles will be driven or allowed onto park grass areas.
- 7. No restriction for the use of the areas or streets by the public shall be imposed.
- 8. Littering and dumping of waste prohibited.
- 9. Glass beverages containers prohibited
- 10. Alcoholic beverages are prohibited.
- 11. Illegal to mar, damage, or destroy city property.
- 12. Camping is prohibited.
- 13. Use of any projectile is prohibited (firearms, air rifles, sling shots, driving golf balls, rock throwing).
- 14. Remove pet droppings, use a leash.
- 15. No horses.
- 16. No amusement devises or jumping balloons without written permission.
- 17. Permit required for sale of goods or services.
- 18. Permit required for amplified public addressing.



		Cy of Eff abo	
	Streets	and Maintenance	Elfaso
LEXAS.	Traffi	c Control Permit	
Site Address:	114 W MILLS AVE, EL	PASO, TEXAS 79901	
Permit No:	EPTC21-03429	Issued:	08/19/2021
		Expires:	09/11/2021
Applicant DESTINATION EL PASO MAURO MONSISVAIS 1 CIVIC CENTER PLAZA EL PASO, TEXAS 79901	' Ar	ne Number oplicant: (915) 534-0644 arricade: (915) 216-7296	Barricade Company TRAFFIC CONTROL SPECIALIST (TCS) ADAM MIJARES 3120 TRAWOOD DR STE F EL PASO, TEXAS 79936
WORK AUTHORIZED	ST, E SAN ANTONIO PROVIDING TRAFFIC	FESSIONAL CYCLING TOUE, ROUTE T AVE, & N OREGON ST FOR 1 DAY CYC CONTROL DEVICES & SITE MAINTEN Y. MESSAGE BOARDS TO BE INSTALI	CLING SPECIAL EVENT. TCS ANCE, SATURDAY 09/11/2021 FROM
TYPE OF TRAFFIC CONTROL SET UP:	1 DAY EVENT ROA A MULTI-LANE RO/	D CLOSURES W/ DETOUR, ARROWBC ADWAYS IN DMD	ARDS, & MESSAGE BOARDS ALONG
Start Date: (	09/11/2021	- Sick employees should follow CDC-recommended step	shortness of breath) should notify their supervisor and stay home. bs. Employees should not return to work until the criteria to
Expiration Date: (	09/11/2021	<ul> <li>Employees who are well but who have a sick family me follow CDC recommended precautions.</li> </ul>	healthcare providers and state and local health departments. mber at home with COVID-19 should notify their supervisor and rfaces such as workstations, keyboards, telephones, handrails,
Length of Term:	Short	meet EPA's criteria for use against SARSCoV- 2externa · Avoid using other employees' phones, desks, offices, of clean and disinfect them before and after use.	and water prior to disinfection. To disinfect, use products that licon, the cause of COVID-19, and are appropriate for the surface. or other work tools and equipment, when possible. If necessary,
Work Times: Sat	6:00am-11:59pm	Practice social distancing by avoiding large gatherings others when possible.	and maintaining distance (approximately 6 feet or 2 meters) from

City of El Paso

\*\*\* NOTICE \*\*\*

1. THIS PERMIT IS ISSUED IN ACCORDANCE WITH PROVISIONS OF CHAPTER 12.30 OF THE MUNICIPAL CODE AND CURRENT EDITION OF CHAPTER SIX OF THE TEXAS MANUAL OF UNIFORMED TRAFFIC CONTROL DEVICES AND THE APPLICANT, IN ACCEPTING IT, OBLIGATES THEM TO COMPLY FULLY WITH ALL THE PROVISIONS OF THE MUNICIPAL CODE.

2. THIS TRAFFIC CONTROL PERMIT AND APPROVED TRAFFIC CONTROL PLAN, OR A COPY THEREOF, SHALL BE KEPT ON THE JOB SITE UNTIL COMPLETION OF THE PROJECT.

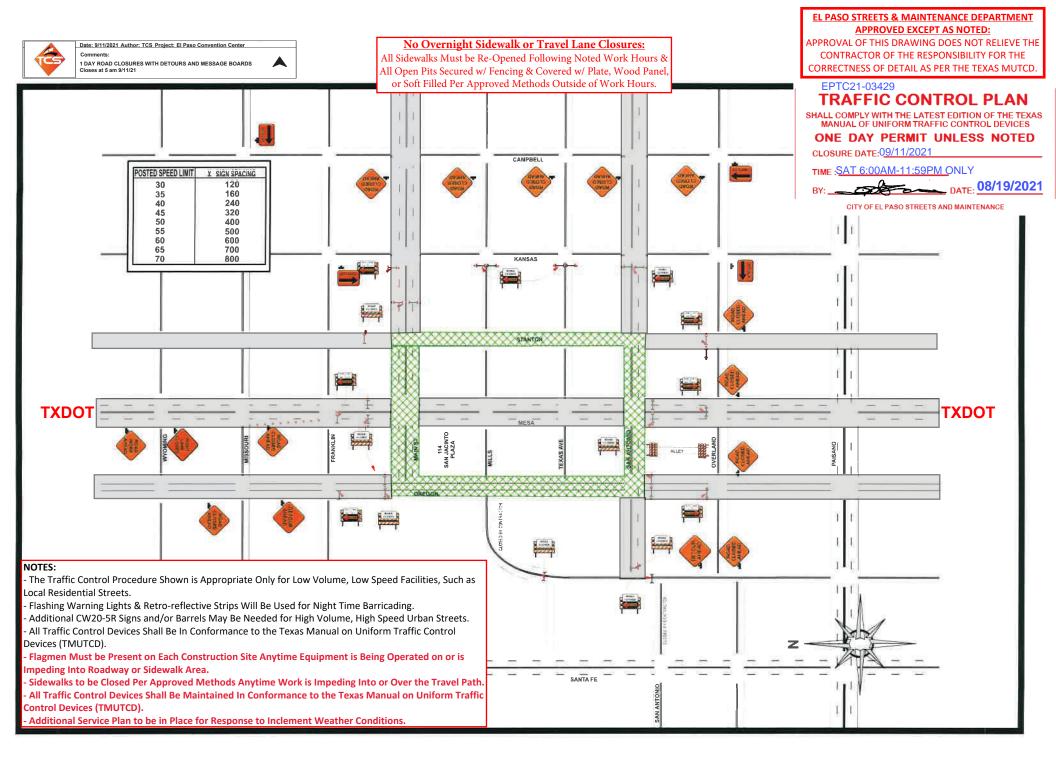
3. I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS PERMIT AND STATE THAT THE ABOVE INFORMATION IS CORRECT, AND AGREE TO COMPLY WITH ALL CITY, STATE AND FEDERAL LAWS REGULATING ACTIVITIES COVERED BY THIS PERMIT.

Sam Rodriguez

**City Engineer** 

Contractor's, Owner's or Agent's Signature

Issued By David A. Zamora



#### FIRST AMENDMENT TO LOCAL EMERGENCY DIRECTIVE

#### (RECOMMENDATION ONLY)

**SECTION 5. Permitted Activities & Functions.** All of the following activities and functions are permitted. To the greatest extent feasible, these activities and functions shall comply **with Social Distancing Requirements** as defined in Section 1 and by all applicable orders. This Section also sets forth certain exemptions which shall also be permitted.

d. **Critical Infrastructure.** For purposes of this Directive, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Critical Infrastructure," including, but not limited to, public works, construction personnel, and personnel listed on the Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA) list of "Essential Critical Infrastructure Workers," public works construction.

i. The following also constitute critical infrastructure: airport operations, water, sewer, gas, electrical, oil refining, oil and gas extraction, coal mining, metal ore mining, nonmetallic mineral mining and quarrying, roads and highways, public transportation, solid waste collection and removal, hazardous materials, internet, cable, wireless and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with **Social Distancing Requirements** as defined in Section 1, to the extent possible. This also includes wired telecommunications carriers (except satellite), telecommunications resellers (except retailers selling devices at physical locations are not permitted), satellite telecommunications, cable and other program distribution, other telecommunications, data processing, hosting and related services, and other information services.

ii. The following types of construction activities are permitted to include but not be limited to the following: residential and commercial construction, non-residential building construction, heavy and civil engineering, foundation, structure, and building exterior contractors, building equipment contractors, and building finishing contractors. This Directive shall not be construed to hinder the ability of the industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020 to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance, and the list of industries identified on that memorandum is incorporated here by reference.

#### All employers involved in construction activity must institute or comply with following at all job sites:

a) Comply with Social Distancing Requirements;

b) Institute staggered shifts;

c) Provide one (1) working flushing toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every ten (10) workers on site;

d) Provide onsite handwashing stations and portable restrooms stocked with hand soap and/or hand sanitizer with at least 60% alcohol;

e) Mandate handwashing of at least twenty (20) seconds for workers during the following:

- 1. Before workers begin work;
- 2. After workers remove gloves;

3. Before and after the use of shared items such as tools or multi-user devices;

- 4. Before and after any meal or restroom breaks; and
- 5. After a worker's shift or work time ends.

f) Provide mandatory rest breaks of at least fifteen (15) minutes for every four (4) hours worked so workers may follow hygiene guidelines;

g) Take no adverse action against an employee who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus;

h) Perform mandatory temperature checks before a worker leaves home. If a worker has a fever of greater than 100 degrees Fahrenheit, then they are prohibited from going to work and must remain at home;

i) Limit crossover of subcontractors;

j) Prohibit gatherings during meals or breaks;

k) Keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;

1) Do not use a common water cooler. Provide individual water bottles or instruct workers to bring their own;

m) Allow non-essential personnel to work from home when possible; and

n) Designate a COVID-19 safety monitor on each site who has the authority to enforce these provisions.

o) If possible, provide OSHA's COVID-19 training to all employees.

## **NOTE: FOR COMPLETE DOCUMENT VISIT:** <u>https://elpasoheraldpost.com/wp-content/uploads/2020/04/AMENDMENT-TO-LOCAL-EMERGENCY-DIRECTIVE\_ENGLISH.pdf</u>

## Sun City Crit El Paso

Event Name : Sun City Crit El Paso Event Type : Professional Cycling Tour Event Event Purpose : Professional Cycling Tour Event No Of Days : 1 Event Start Date : September 11, 2021 Event End Date : September 11, 2021 Event Time :

		Start Time	End Time
Day 1 - September 11	, 2021	12:00 PM	11:59 PM
	Date	From	Το
Setup	September 11, 2021	6:00 AM	11:58 AM
TearDown	September 11, 2021	12:00 AM	5:00 AM
Anticipated Maxi	mum Attendance (Staff, Vo	olunteers and Attendee	es.) :

Date	Participants	Spectators	Total
Day 1 - September 11, 2021	1000	1500	2500

## **Contact Person(s)**

Name : Mauro Monsisvais
Address : 1 Civic Center Plaza El Paso , Texas, 79901 , USA
Email : mmonsisvais@destinationelpaso.com
Mobile : 915-383-8694
Office Phone : 915-534-0644
Name : Amanda Fernandez
Address : One Civic Center Plaza El Paso , Texas, 79901 , United States
Email : afernandez@destinationelpaso.com
Mobile : 9152414573

### Park Use

Downtown Parks : San Jacinto Plaza Aside from the permanent park amenities, will you be introducing any additional items on the park grounds? : Yes Will you have any amusement devices? : Yes Number of amusement devices? : 4 Type(s) of amusement devices? : jumping balloons, inflatable axe throwing Other(Obstacle Course , bungee etc) :

### **Fire & Public Safety**

#### Security

Hiring Security Guards : Yes Number of Security Guards : 14 Security Company : Company Name : Elite Crowd Management Contact Person : Roger Licon Address : El Paso, Texas, USA Mobile : 915-867-5928 Office Phone : Email : roger.licon@lgbs.com

Police

Hiring Police Officers : Yes Number of Police Officers : 8 Police Official Company : Company Name : El Paso Police Department Contact Person : Lalo Martinez Address : El Paso, Texas, USA Mobile : 915-203-2502 Office Phone : Email : 1578@elpasotexas.gov Will you be erecting temporary fences or barriers? Yes Will you be erecting temporary structures such as tents or canopies? Yes Size and quantity of temporary structures : 25 10x10 tents. Top only, no side walls Will your event feature or utilize compressed gases? No

#### Fireworks

Will your event feature or utilize fireworks or pyrotechnics? No
Supply of electrical power to the event :
Generators
What will need electrical power?
Main Stage, production truck, lights, sound stage, inflatable rides and other items at finish line
Participating businesses open in the conjuction with the event?

Yes

## **Traffic Control Information**

Company Name : Traffic Control Specialist

Company Contact Number: 9159210300

#### **Street Clousre :**

Beginning at the intersection of Main/Stanton, south to the intersection of Stanton/San Antonio St., West to the intersection of San Antonio St./Oregon, North to the intersection of Oregon/Main.

Alley is Affected : Yes

## **Parking Meters**

Will you need exclusive use of parking meters within the proposed footprint before or after street closure?

Yes Will you need exclusive use of parking meters outside of the proposed location before or after street closure? No Start Date : September 10, 2021 End Date : September 12, 2021

## Animals

No animal featured in this event

## Amplification

Microphones Qnt	Speakers Qnt	Amplifiers Qnt	Other Qnt
4	4	2	0

Purpose of Amplification : Announcements

**Location description of amplification devices :** Small stage for awards ceremony at the intersection of Main/Mesa plus an ancillary stage for music

## **Alcohol Use**

Will alchoholic bevarages be sold, served or consumed at your event? Yes Will alchoholic bevarages be sold, served or consumed on a city right of way? Yes Will alchoholic bevarages be sold, served or consumed in the park? No Trade name of establishment / organization obtaining the TABC permit in conjunction with the event : A&W EP LLC DBA Later Later Permit / License Holder name : A&W EP LLC DBA Later Later Will non-profit entity buy/sell alcohol for your event? No

## Food & Merchandise Sales

Number of food location : 4 Number of beverage location : 4 Event feature merchandise vendors : Yes

## **Event Clean Up**

Cleanup plan : We will have a crew on site for clean up and will hire the COEP Sanitation to sweep the street after the event Name of the Organization responsible for cleanup : El Paso Live/City of El Paso Contact Number : 9152414573 Contact Number : Amanda Fernandez Email : afernandez@destinationelpaso.com

## **Internet Access**

Is Wireles Internet access needed? No Is A Secure Wireles Internet Connection needed ? No

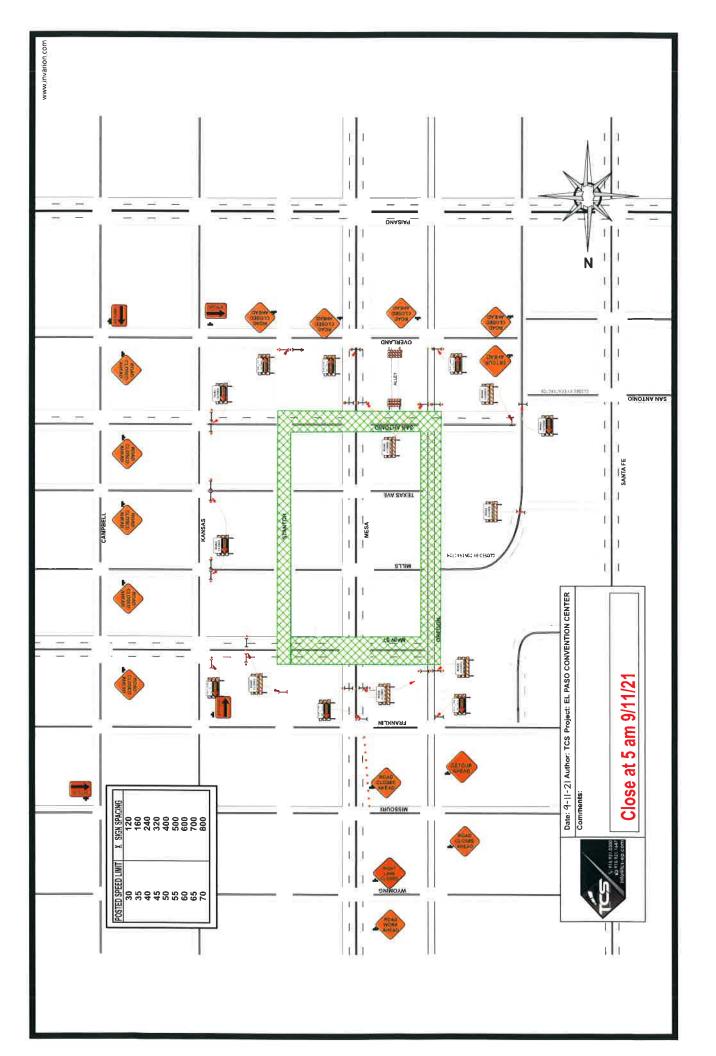
## **Uploaded files**

Site plan : submitted

Certificate of insurance documents : submitted Signed notice of proposed closure form : submitted Public Safety Plan : submitted Traffic control plan : submitted Parking Meters : submitted TABC Certificate : submitted Food vendor's name & Contact : submitted Merchandise name and contact : submitted

Applicant Name : Amanda Fernandez Applicant E-Signature : AF Sign Date : 2021-08-06







#### **CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY) 08/09/2021

_	<u> </u>								E HO	
C B R	HIS CERTIFICATE IS ISSUED AS A M ERTIFICATE DOES NOT AFFIRMATI ELOW. THIS CERTIFICATE OF INS EPRESENTATIVE OR PRODUCER, AN	VELY URAN ID TH	OR ICE E CI	NEGATIVELY AMEND, DOES NOT CONSTITUT ERTIFICATE HOLDER.	EXTEN E A C	ID OR ALTE ONTRACT E	ER THE CO BETWEEN T	VERAGE AFFORDED B HE ISSUING INSURER(	Y THE S), AL	POLICIES
lf	MPORTANT: If the certificate holder i SUBROGATION IS WAIVED, subject his certificate does not confer rights to	to the	e ter	ms and conditions of the	e polic	y, certain po	olicies may i	IAL INSURED provisions require an endorsement	s or be A st	e endorsed. atement on
	DUCER	o ule (	Jerti		CONTAC		<u>,                                     </u>			
MAF	RSH USA INC.				NAME: PHONE	F. 41		FAX (A/C, No):		
	7 Arch Street adelphia, PA 19103				E-MAIL ADDRES	NI 4650		(Arc, no))		
	PHILADELPHIA CERTS@MARSH.COM				ADDRES		URER(S) AFFOR	DING COVERAGE		NAIC #
CN1	30160009-LIQ2-Stand-21-22				INSURF			ty Insurance Company		22276
INSU	JRED						es Fire Insurance			21113
	ITINATION EL PASO / SMG VIC CENTER PLAZA							ate Insurance Company		20044
	PASO, TX 79901				INSURE					
					INSURE	RE:				
					INSURE	RF:				
				NUMBER:		005551156-16		REVISION NUMBER: 7		
IN C E	HIS IS TO CERTIFY THAT THE POLICIES NDICATED. NOTWITHSTANDING ANY RE ERTIFICATE MAY BE ISSUED OR MAY I XCLUSIONS AND CONDITIONS OF SUCH	QUIRE	EMEI (IN, IES.	NT, TERM OR CONDITION THE INSURANCE AFFORDE LIMITS SHOWN MAY HAVE	OF ANY ED BY	CONTRACT	OR OTHER I S DESCRIBEI PAID CLAIMS.	DOCUMENT WITH RESPEC D HEREIN IS SUBJECT TO	CT TO	WHICH THIS
		ADDL S		POLICY NUMBER			POLICY EXP (MM/DD/YYYY)	LIMIT		1 000 000
A	X COMMERCIAL GENERAL LIABILITY			47-GLO-301510-05		07/01/2020	07/01/2022	EACH OCCURRENCE DAMAGE TO RENTED	S	1,000,000
	CLAIMS-MADE X OCCUR							PREMISES (Ea occurrence) MED EXP (Any one person)	\$ \$	1,000,000
								PERSONAL & ADV INJURY	ş	1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$	3,000,000
	PRO-							PRODUCTS - COMP/OP AGG	\$	3,000,000
	X POLICY JECT LOC								s	
В			-	133-750226-1		07/01/2021	07/01/2022	COMBINED SINGLE LIMIT (Ea accident)	\$	1,000,000
	X ANY AUTO							BODILY INJURY (Per person)	\$	
	OWNED AUTOS ONLY AUTOS							BODILY INJURY (Per accident)	\$	
	X HIRED AUTOS ONLY X NON-OWNED AUTOS ONLY			COMP/COLL DED: \$1000				PROPERTY DAMAGE (Per accident)	\$	
									\$	
A	X UMBRELLA LIAB X OCCUR			47-XSF-303807-03		07/01/2020	07/01/2022	EACH OCCURRENCE	\$	15,000,000
	EXCESS LIAB CLAIMS-MADE							AGGREGATE	\$	15,000,000
-	DED RETENTION S		_	SMWC246865 (AOS)		07/01/2021	07/01/2022	Y PER OTH-	\$	
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N			SMWC246865 (AOS) SMWC246938 (PA Corp)		07/01/2021	07/01/2022	^ STATUTE ER		4 000 000
C	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED?	N/A		GINIYYUZ40930 (FA COIP)		01101/2021	5110112022	E.L. EACH ACCIDENT	\$	1,000,000
	(Mandatory in NH)							E.L. DISEASE - EA EMPLOYEE		1,000,000
	DESCRIPTION OF OPERATIONS below		_					E.L. DISEASE - POLICY LIMIT	\$	1,000,000
DES	SCRIPTION OF OPERATIONS / LOCATIONS / VEHIC	LES (AG	CORD	101, Additional Remarks Schedu	le, may b	e attached if moi	re space is requi	ed)		
	Use of City of El Paso streets for event purposes									
City	of El Paso, Texas their respective officers, directors, of	officials	memi	pers, managers and employees are	included :	as additional insu	red where require	d by written contract or agreement	with res	pect to liability
arisi	ing out of your operations or premises owned or rented	d to or yo	our m	anagement of the premises of other	s, except	workers' compen	sation. This insur	ance is Primary and Non-Contribut	ory to ar	y other insurance.
	ver of Subrogation is Applicable where required by con									
						No. 1997 In Column Protocol				
CE	RTIFICATE HOLDER				CANC	CELLATION	Ì		_	
3	City of El Paso 300 N₋ Campbell El Paso, TX_79901				SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.					
					AUTHO	RIZED REPRESI	ENTATIVE			
						-				
								Marsh USA	7 70	nc.
<u>ــــــ</u>							000 0040 40	COPPORATION	Allate	the record

The ACORD name and logo are registered marks of ACORD

© 1988-2016 ACORD CORPORATION. All rights reserved.

r PY

## Notice of Proposed Closure

	Event Information
I(We) Destination El Paso Organization/Individual	Will be holding an event on March 28, 2020
from <u>12:00 am</u> To <u>12:00 am</u> Time To <u>12:00 am</u>	I am / (We are) asking for you consent to temporarily
block off S. Oregon to San Antonio/San A	ntonio to S. Standon / S. Standon to Mills / Mills to S. 019 Street Closure
for USA Crits - have # 1 - Sc	
Alcohol	Sales Information
Company Name	
Representative Name:	Telephone #:
Company Address:	Zip Code:
Company's Telephone Number(s):	

Please print your name, address and check of either Consent or Object with your signature below.

An Name	Address Q ZO3 N. Oregon Jole-Main	Consent	Object	A Signature
L'elly EST ad	a 303 N. Orecon			(XX)
Jamie Gallaghe	JOLE-Main	-		Jainallugh
9				
				0
		1 mm		
	9			
	<b>X</b> ±0-			
		<u>a</u>		

 $\alpha \neq$ 

à.



## Notice of Proposed Closure

Ever	at Information			
I(We) Destination El Paso Organization dividual	Will be holding an event on March 28, 2020			
from 12:00 am To 12:00 am Time To 12:00 am	I am / (We are) asking for you consent to temporarily			
block off S. Oregon to San Antonio/San Anton	to to S. Standon / S. Standon to Mills / Mills to S. 01000			
for USA Crits - have #1 - Sun City Crit				
Alcohol Sales Information				
Company Name:				
Representative Name:	Telephone #:			
Company Address:	Zip Code:			
Company's Telephone Number(s):				

Please print your name, address and check of either Consent or Object with your signature below.

Name	Address	Consent	Object	Signature
Julian Holger	217 N. stanton			a filled by
Prisileman	\$ IUS SECUREOF	1 1		(La prol)
Gulberto Charl	301 E San Antona Are	V	/	HQ-1 VV
KOSA SANCHEZ	101 N. Mesa st		$\checkmark$	- THAT
avonden	- 813 Sta antonio	~		Ast. a
Juli Captor	201 San Anton, 0	1		Jales Alfre 1
Clava Valenuela	104 N. Oregon	1		The MI
Sandra, O	106 Texas H	L		AD IM
Finnan Heary	112 TEXIts.	V		Same Att
Nati a	1 220 1 211	,		
SCDDIE KOI	th 222#1 TEXAS	~		Villet 110
FUNCET ME	201 N. Orequ	-		
~		•		
			_	
	,			
		r		

 $\mathbf{a}^{2}$ 



## Notice of Proposed Closure

Ever	nt Information				
I(We) Destination El Paso	Will be holding an event on March 28, 2020				
from <u>12:00 am</u> To <u>12:00 am</u> Time	I am / (We are) asking for you consent to temporarily				
block off S. Oregon to San Amprilo / San Ampri	io to S. Standon / S. Stanton to Mills / Mills to S. Ora				
for USA Crits - have # 1 - Sun	City Crit Even				
Alcohol Sales Information					
Company Name:					
Representative Name:	Telephone #:				
Company Address:	Zip Code:				
Company's Telephone Number(s):					

Please print your name, address and check of either Consent or Object with your signature below.

Name	Address	Consent	Object	Signature
PANIRO GONEZ	204 MILLS	$\checkmark$		RSon
Erika Vebauer	212 E. Hills	V		
field Pode	303 TETOI AR		V	Alex
Pamela Acarta	222 TEXAS STEL	V,		NH .
Hayden Lee.	209 N. Stanton St.	V		needenlee
Julian Holgun	217 N. Stanton			quelles
MANUEL BARLUN	210 er Mills	7		mid
MANUEL SAE QUIN	212 E. Mills	7		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
MANUEL BALQUIA		~		m
Chil Monteluo	201 NMESC	1		Let all
JAIME RODRIGU	12 115 N MESA	9		Jamie Rodnigung
Veronica My	U 222 texas Ave 23	VI		this ho
Claudic	211-213 Texask	ver		Stor
ANDREA	30GN MESA	V		- Daguer -
DAOLA	205 Mius ME	V		2 Land.
1				
	1			
	3			
		35		

11

Cortez bldg Coffeebox lot City lot Conv ctr.

## Notice of Proposed Closure

		Event Informa	rtion	
I(We) Destination	ation/Individual		olding an event	on March 28, 2020
from <u>12:00 ar</u> <sub>Time</sub>	n To <u>12:00 a</u>	and the second se	(We are) asking	for you consent to temporarily
block off S.Ocegan -	to San Antonio/San	Antonio to S. Street Closure	Standon / S.S	tanton to Mills / Mills to S.
for USA Crits	- hace # 1 - 5	sun City	Crit	
	Alcoh	ol Sales Informa	tion	
Company Name:				
Representative Name:			Telephon	ie #:
Company Address:				Zip Code:
Company's Telephone Nu	mber(s):			
Please print your name, add	ress and check of either Cons	ent or Object with y	our signature below	w
ricase princ your name, add				

Name	Address	Consent	Object	Signature	
Mary Bur.	200 ~ 000-	e,		-2	
RAFARI hurean				12=25	
415ALDE AK-HAGA	371 E. SAN ANTONIC	1		grunder	
M. Monty	207. E. Mills		V	MA	
	··· P			0	
	α.				
	ŝ				
	1				
	<b>y</b>				
		9			

 $\sim I$ 

÷.



## **DESTINATION EL PASO**



July 28, 2021

Cortez Building Tenants 208 E Main St. El Paso, TX 79901

Dear Tenants,

On September 11, 2021, Visit El Paso will be hosting the 2021 Sun City CRIT in Downtown El Paso. Set-up will begin at the intersection of Mesa and Main Street at which time access to the inner racecourse footprint will be prohibited to vehicular access beginning at 5:00am on Saturday, September 11, 2021. Pedestrian access to the inner areas will be allowed at eight (8) various crossing points between races.

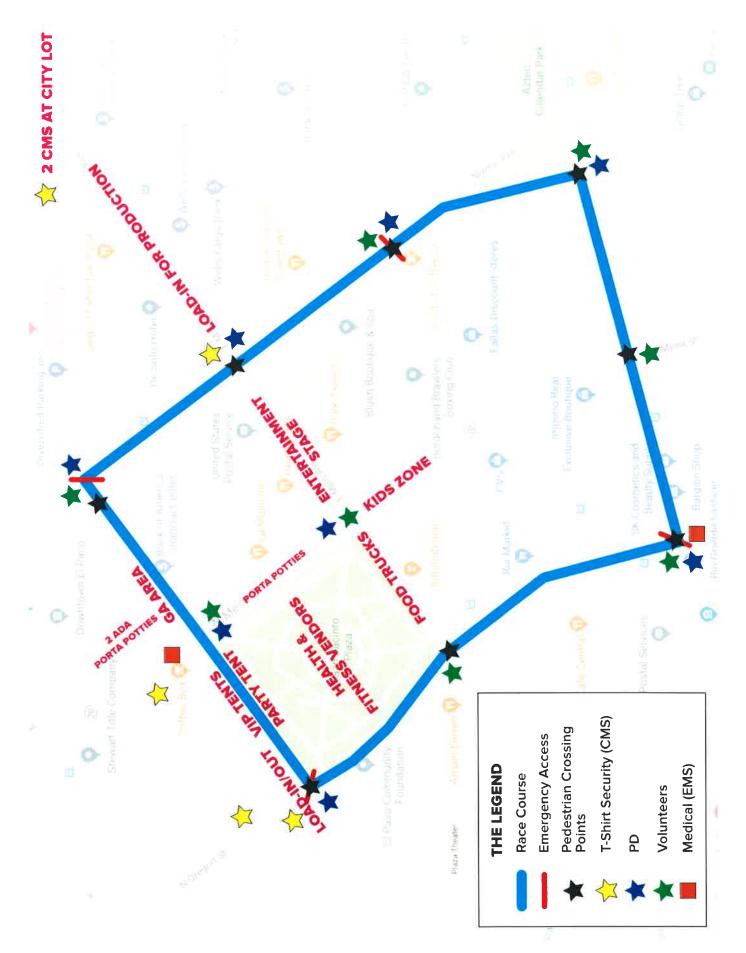
We are asking for your help regarding parking, specifically on September 11, 2021. Access to street parking will be unavailable. Due to the inconvenience, we are opening the UPTT (Union Plaza Transit Terminal) Parking Garage to any resident to park for free from September 10-12, 2021. The UPTT garage is located at the corner of San Antonio and Durango at 400 W. San Antonio. Residents who are displaced will be allowed to park at UPTT using the same credential/pass that is used for on street parking.

Now in its 14th year, the USA CRITS Series is the premiere cycling series in the United States. USA CRITS was developed to feature criterium racers and to offer venues, teams, and riders the ability to excel in this unique discipline of cycling. The events that form the USA CRITS Series represent more than 100 years of criterium racing and have the ideals that have made criterium racing an American legacy: challenging courses that showcase arts and entertainment districts, a large and growing base of spectators, broad community support, and strong marketing opportunities for partners. The Sun City CRIT Event will bring in an estimated overall attendance of 3,500 and have an estimated economic impact of just over \$1.3 million each year.

Should you have any questions regarding the event or parking September 10-12, 2021, please direct your inquiries to Amanda Fernandez at afernandez@desinationelpaso.com or via phone 915-534-0608. Thank you in advance for your cooperation.

Sincerely, //

Mauro Monsisvais Director of Operations, Destination El Paso



EMA-101	ESA-204	MI-203	NM-100	NS-102	T-202
EMA-103	ESA-206	MI-204	NM-102	NS-104	T-204
EMA-105	ESA-208	MI-205	NM-104	NS-106	T-207
EMA-107	ESA-211	MI-206	NM-106	NS-108	T-209
EMA-109	ESA-213	MI-207	NM-200	NS-110	T-210
EMA-111	ESA-215	MI-208	NM-202	NS-112	T-211
EMA-113	ESA-216	MI-209	NM-204	NS-113	T-213
EMA-200	ESA-217	MI-211	NM-206	NS-114	T-215
EMA-202	ESA-311	MI-212	NM-208	NS-115	
EMA-210	ESA-312	MI-214	NM-210	NS-116	
EMA-212	ESA-313			NS-118	
EMA-214	ESA-314			NS-120	
EMA-216	ESA-315			NS-122	
EMA-218	ESA-316			NS-200	
	ESA-317			NS-202	
	ESA-318			NS-203	
				NS-204	
				NS-205	
				NS-206	
				NS-208	
				NS-210	
				NS-212	
				NS-213	
				NS-214	
				NS-215	
				NS-217	
				NS-219	
				NS-301	
				NS-303	
				NS-305	
				NS-307	
				NS-309	
				NS-311	
				NS-315	

	E
	5
	TEXAS ALCOHOLIC BEVERAGE
	5
	Ē
	2
	5)
	I
	$\mathbf{C}$
	$\mathbf{C}$
	Ú.
	Α.
	0
	$\mathbf{X}$
	$\square$
	<b>H</b>
l	$\sim$
	3
	00313
	$\tilde{\bigcirc}$
	70031
	-

COMMISSION

ļ

MB 905485

EXPIRES 04/22/2023 RENEW SIGN =BLUE

MIXED BEVERAGE PERMIT BEVERAGE CARTAGE PERMIT CATERER'S PERMIT FOOD AND BEVERAGE CERTIFICATE MIXED BEVERAGE LATE HOURS PERMIT LATER LATER 109 N COLDWELL ST EL PASO EL PASO

A&W EP LLC

EXECUTIVE DIRECTOR A. Denty C.

THIS PERMIT IS NOT TRANSFERABLE MUST BE PUBLICLY DISPLAYED AT ALL TIMES AND USED ONLY IN THE PLACE OF BUSINESS INDICATED HEREON THE ACCEPTANCE HEREOF CONSTITUTES AN EN AGREETER TO PERMIT ANY AUTHORIZED REPRESENTATIVE OF THE COMMISSION OR ANY PEACE OFFICER TO FREELY ENTER UPON PERMITEE'S PREMISES TO PERFORM ANY DUTY IMPOSED LED. Pending Vendor List

Pending Vendor List

#### STATE OF TEXAS ) ) CONTRACT COUNTY OF EL PASO )

THIS CONTRACT is entered into by and between the CITY OF EL PASO, a municipal corporation organized and existing under the laws of the State of Texas, hereinafter referred to as "the City", and <u>Destination El Paso</u>, hereinafter referred to as "Contractor."

WHEREAS, the Contractor has hired staff to produce the <u>Sun City CRIT El Paso</u>, hereinafter referred to as "Event" in the best possible manner; and

**WHEREAS**, a number of community businesses, organizations and individuals have agreed to support the Event due to its importance and significance to the community; and

**WHEREAS**, the City Council finds that participation by the City in the Event will provide direct benefits to the public in the form of public safety services; and

**WHEREAS**, the City Council finds that participation in the Event by the City will serve an important public purpose by providing a cultural and recreational opportunity to the City and serving as a rallying point for community spirit and support, and as such, the City is willing to provide the services set forth in this Contract.

**NOW, THEREFORE,** in consideration of the promises and mutual agreements hereinafter set forth, the parties hereto agree as follows:

**TERM.** This Contract shall be valid through <u>Saturday, September 11, 2021</u>.

#### 2 CONSIDERATION.

- 2.1 The Contractor agrees to provide the following services:
  - 2.1.1 Manage and operate the Event from <u>12:00 p.m.</u>, to <u>11:59 p.m. on Saturday</u>, <u>September 11, 2021</u>, upon the route approved by the City through the Event Permit No. <u>CSEV21-00031</u>, or as modified in writing by the parties.
  - **2.1.2** Comply with all terms of the Permit No.<u>CSEV21-00031</u>, and shall provide all information required by the Local Government contained in TEA 30A finalized agreement between the City of El Paso and the State of Texas Department of Transportation, which will be in substantial conformity with Exhibit "A" and incorporated by reference as if set forth in full.
  - **2.1.3** Perform all street, sidewalk, and other right-of-way cleaning as required by Section 13.38.080 of the City Code and/or as required by the terms of this Contract.

**2.2** In addition to the use of City rights-of-way, this Event requires the temporary closure of State-owned and operated highway, thereby imposing additional obligations on the City pursuant to 43 Texas Administrative Code, Section 22.12.

CONTRACTOR HEREBY AGREES TO INDEMNIFY AND ASSUME RESPONSIBILITY FOR THE REQUIREMENTS IMPOSED ON THE CITY UNDER THIS STATUTE IN CONSIDERATION OF THE CITY'S SUBMISSION ON BEHALF OF THE CONTRACTOR, FOR APPROVAL OF THE CLOSURE AND USE OF STATE HIGHWAY RIGHT-OF-WAY.

Accordingly, Contractor shall:

- **2.2.1** Assume all costs for the operations associated with the Event, including, but not limited to, plan development, materials, labor, public notification, providing barriers, barricades, protection of highway traffic and highway facilities, and all traffic control and temporary signage.
- Submit to the City, for review and approval, the following: construction plans, 2.2.2 if construction of modifications to the State's right-of-way is required the traffic control and signing plans; traffic enforcement plans and; all other plans deemed necessary by the State for use of highways owned and operated by the State of Texas. The Contractor shall comply with all requirements of the State relating to a traffic control plan, which may include that a traffic control plan be signed, sealed, and dated by a registered professional engineer. Pursuant to State requirements, the traffic control plan shall be in accordance with the latest addition of the Texas Manual for Uniformed Traffic Control Services (TMUTCD). All temporary traffic control devices used on state highway right-of-way must be included in the State's Compliant Work Zone Traffic Control Devices List. Should the State require changes to the traffic control plan or if it is found to be inadequate, Contractor will provide the City with the necessary information to bring the traffic control into compliance with the originally submitted plan, upon notice form the State noting the required changes, prior to the Event.
- **2.2.3** Ensure the appropriate Law Enforcement agency has reviewed the traffic control plan for the closures and that the agency has deemed them to be adequate. If the Law Enforcement Agency fails to approve the traffic control plan, Contractor shall notify the City so that the appropriate Law Enforcement Agency can contact the State for Consultation no less than ten (10) working days prior to the Event.
- **2.2.4** Complete all revisions to the traffic control plan as requested by the State with the required timeframe. Contractor hereby agrees that any failure to comply with the traffic control plan may constitute reckless endangerment of the

public and the Texas Department of Public Safety (DPS) may be notified of situation and may take any appropriate action including cancelling of the event, and failing to follow the traffic control plan or State instructions may result in denial of future use of right-of-way for three years.

- **2.2.5** Comply with traffic control plan with regards to any closure, but in no event will Contractor initiate closure prior to 24 hours before the scheduled Event and all barriers and barricades will be removed from the highway reopened to traffic within 24 hours after the completion of the Event.
- **2.2.6** Prepare a traffic enforcement plan, which must be finally approved by the State. The plan must ensure that adequate enforcement personnel are utilized to prevent vehicles from stopping and parking along the main lanes of the state highway right-of-way and otherwise prevent vehicles from stopping and parking along the main lane of traffic by both vehicles and pedestrians. The plan must be reviewed by the Law Enforcement Agency that will be providing traffic control for the Event, and Contractor must obtain from the Law Enforcement Agency a letter certifying they agree with the traffic enforcement plan and will be able to meet the requirements. Such plan and letter of certification must be submitted to the City with sufficient time for review and submission to the State, but no later than 96 hours before the Event. The State requires submission and written approval of the plan no later than 48 hours before the Event.
- **2.2.7** Assure the State, through the City, that there will be appropriate passage allowance for emergency vehicle travel and adequate access for abutting property owners during construction and closure of the highway facility. These allowances and accesses will be included in the traffic control plan.
- **2.2.8** Avoid or minimize damage, and will, at its own expense, restore or repair damage occurring outside the State's right-of way-, including but not limited to, roadway and drainage structures, signs, overhead signs, pavement markings, traffic signals, power poles and pavement, etc. to a condition equal to that existing before the closure, and to the extent practicable, restore the natural and cultural environment in accordance with federal and state law, including landscape and historical features.
- **2.2.9** Provide all additional information and documentation required by the State of Texas Department of Transportation under the agreement attached as Exhibit "A".
- **2.2.10** This Contract may be terminated and the Event cancelled by the City if Contractor fails to comply with any of the requirements set forth in Section 2.2, *et seq.* of this Contract.

- **2.2.11** Contractor shall obtain the permit for the Event as set forth in Section 13.30.020 of the City Code, at Contractor's cost.
- **2.2.12** Contractor shall pay the amount invoiced by the City within thirty (30) days of receipt of such invoice.
- 3 LEGAL RELATIONSHIP. Nothing in this Agreement shall be construed as creating a legal relationship of co-sponsorship or responsibility for the promotion, conducting, or operation of the Event on the part of the City. Contractor is an independent contractor, and nothing herein shall be construed as creating the relationship of employer and employee or principal and agent between the parties. The City's waiver of any or all fees for necessary police traffic-control assistance, to the extent such assistance is provided, shall not be construed as the City's co-sponsorship of the Event nor as support of or opposition to any issue.
  - **3.1** City shall not be liable for any and all demands, claims, damages, causes of action, costs or losses for personal injury, property damage, or death caused by or arising out of the negligence of Contractor while Contractor is promoting, conducting, or operating the Event, or which are caused by or arise from the failure of Contractor to abide by appropriate laws, rules and regulations.
- **4 EQUIPMENT.** All equipment used by the Contractor or which is permitted to be used in the Event by the Contractor shall be maintained in satisfactory working condition. The Contractor shall not intentionally or knowingly use any equipment in any manner that may cause injury to the property of the City or third parties or any persons.
- **5 SAFETY**. Contractor shall comply with all applicable laws, ordinances, and regulations and shall encourage its participants in the Event to comply with all applicable laws, ordinances, and regulations. Contractor shall exercise every precaution for the safety of public and private property and persons.
- 6 **INSURANCE AND INDEMNIFICATION PROVISIONS.** The Contractor acknowledges that its request to use the public right of way is solely for its benefit and not a use that benefits the City taxpayers as a whole. As a result, the Contractor agrees to provide the following as a condition of its use of the public right of way:
  - 6.1 <u>LIABILITY INSURANCE</u>. Contractor will maintain liability insurance for personal injuries and death growing out of any one accident or other cause in a minimum amount of One Million and No/100 Dollars (\$1,000,000.00) per person, and Two Million and No/100 Dollars (\$2,000,000.00) for each single occurrence, and, in addition, will provide property damage liability insurance in a minimum sum of One Million and No/100 dollars (\$1,000,000.00) for property damage growing out of any one accident or other cause. These amounts are not a limitation upon the Contractor's agreement to indemnify and hold harmless the City.
    - **6.1.1** Because the granting of this Contract is solely for the benefit of the Contractor and recognizing that the City taxpayers should not incur any

costs associated with the Contractor's enjoyment of this Contract, except as provided herein, the Contractor is required to purchase liability insurance on behalf of the City or, alternatively, may name the City as an additional insured on the policy of general liability insurance referenced above. Such insurance shall provide coverage for any alleged acts or omissions of the City, its agents, employees, or independent contractors, alleged or asserted by any individual, in connection with the performance of this agreement.

- **6.1.2** The Contractor shall maintain said insurance with a solvent insurance company authorized to do business in Texas. The policy shall provide that the insurer will defend against all claims and lawsuits which arise and will pay any final judgment of a court of competent jurisdiction against the City, its officers, agents, servants or employees and the Contractor, its officers, agents, servants, or employees.
- **6.1.3** This Contract shall not be executed by the City until the Contractor files a copy of the policy or certificate of liability insurance as herein set forth with the Department of Transportation. Such policy or certificate shall provide that the insurance cannot be canceled or the amount of coverage changed without thirty (30) calendar days prior written notice to the City, or without ten (10) calendar days prior written notice as to non-payment of insurance policy premiums. Failure to keep the policy in full force and effect throughout the term of the contract shall be grounds for cancellation of the Parade Permit and City Sponsorship. Certificates of Insurance that state the insurer shall endeavor to give notice and/or that there shall be no liability for the failure to give the notice required herein shall not meet the requirements of this section.
- 6.2 INDEMNITY. As a condition of the granting of this Contract, the Contractor and its insurer will INDEMNIFY, DEFEND AND HOLD HARMLESS the City, its officers, agents and employees, FOR AND AGAINST ANY AND ALL CLAIMS, CAUSES OF ACTION, LIABILITY, DAMAGES OR EXPENSE, (INCLUDING BUT NOT LIMITED TO ATTORNEY FEES AND COSTS) FOR ANY DAMAGE TO OR LOSS OF ANY PROPERTY, OR ANY ILLNESS, INJURY, PHYSICAL OR MENTAL IMPAIRMENT, LOSS OF SERVICES, OR DEATH TO ANY PERSON ARISING OUT OF OR **RELATED TO THIS AGREEMENT.** Without modifying the conditions of preserving, asserting or enforcing any legal liability against the City as required by the City Charter or any law, the City will promptly forward to the Contractor every demand, notice, summons or other process received by the City in any claim or legal proceeding contemplated herein. The Contractor will 1) investigate or cause the investigation of accidents or occurrences involving such injuries or damages; 2) negotiate or cause to be negotiated the claim as the Contractor may deem expedient; and 3) defend or cause to be defended on behalf of the City all suits for damages even if groundless, false or fraudulent, brought because of such injuries or damages. The Contractor will

pay all judgments in actions defended by the Contractor pursuant to this section along with all attorneys' fees and costs incurred by the City including interest accruing to the date of payment by the Contractor, and premiums on any appeal bonds. The City, at its election will have the right to participate in any such negotiations or legal proceedings to the extent of its interest. The City will not be responsible for any loss of or damage to the Contractor's property from any cause.

- 7 **DISCRIMINATION**. Contractor, its officers, agents, servants, employees, volunteers, and third parties will not discriminate on account of race, color, religion, sex, or national origin, permit or allow any discrimination in the work done pursuant to this Contract in violation of the law.
- 8 ACCESSIBILITY STANDARDS FOR DISABLED PERSONS. The Contractor agrees that in the performance of this Contract, it will comply with the Americans with Disabilities Act ("ADA"). The Contractor must file any Assurance required under City Ordinance 9779, prohibiting discrimination against disabled persons.
- **9 COMPLIANCE WITH LAWS.** Contractor shall comply with all applicable federal, state and local laws and regulations. Failure to do so in any manner that materially impairs the quality of performance hereunder, or affects the administration of the funds provided hereunder shall constitute a material breach of this Contract.

#### **10 TERMINATION.**

- **10.1** <u>Termination by Mutual Consent</u>. The parties may terminate this Contract by mutual consent upon such terms as they may agree in writing.
- **10.2** <u>Termination by Any Party</u>. It is further understood and agreed by the parties that any party to this Contract may terminate this Contract, in whole or in part, upon written notice if any of the other parties fails to perform any of its material obligations hereunder and fails to completely cure the breach.
- 10.3 <u>Time of Performance Termination Force Majeure.</u> No party to this Contract will be liable for failure to comply with any term of this Contract when such failure is caused by an event of war, fire, earthquake, flood, strike, any law, rule, regulation or act of governmental authority, or any other act, event, cause or occurrence rendering a party to this Contract unable to perform its obligations, which is not within its reasonable control. The party affected by such event will immediately notify the other parties in writing.
- **10.4** <u>Termination Shall Not Be Construed as Release</u>. Termination by any party shall not be construed as a release of any claims that may be lawfully asserted against the terminating party(s). Further, the terminated party(s) shall not be relieved of

any liability for damages sustained by the terminating party by virtue of any breach of this Contract.

- **10.5** Upon termination of this Contract, except as otherwise provided herein, all duties and obligations of the parties to this Contract shall cease.
- 11 AMENDMENTS AND WAIVER. The parties may amend this Contract at any time by mutual consent. Unless otherwise provided herein, this Contract may be amended only by written instrument duly executed on behalf of the City and the Contractor. No claim or right arising out of a breach of this Contractor can be discharged in whole or in part by a waiver or renunciation of the claim or right unless the waiver or renunciation is supported by consideration and is in writing signed by the aggrieved party.
- 12 COMPLETE AGREEMENT. This Contract constitutes the entire agreement between the parties relating to the terms and conditions of the Contract. The parties expressly acknowledge and warrant that there exists no other written or oral understanding, agreements or assurances with respect to such matters except as are set forth herein. Unless expressly stated, this Contract confers no rights on any person(s) or business entity(s) that is not a party hereto. This Contract shall not be construed against or unfavorably to any party because of such party's involvement in the preparation or drafting of this Contract.
- **13 GOVERNING LAW.** This Contract shall be construed and interpreted in accordance with the laws of the State of Texas, along with any applicable provisions of the federal law, the City Charter(s) and/or any ordinance of the City.
- 14 **SEVERABILITY**. Every provision of this Contract is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Contract.
- **15 NOTICES.** All notices and communications under this Contract shall be either handdelivered or mailed, certified, postage prepaid in the United States Postal Services, return receipt requested, to the respective parties at the respective addresses shown below, unless and until either party is otherwise notified in writing:

City Manager City of El Paso PO BOX 1890 El Paso, Texas 79950-1890

WITH COPY TO:

CITY:

Planning & Inspections Department- Special Events Office City of El Paso 811 Texas Ave. El Paso, TX 79901 CONTRACTOR: <u>Destination El Paso</u> <u>Attention to: Mauro Monsisvais</u> <u>1 Civic Center Plaza</u> <u>El Paso, Texas 79901</u>

- 16 ASSIGNABILITY. This Contract, its rights, duties and responsibilities may not be assigned by any of the parties without the prior written consent of the City Council. Any assignment made without the City's consent shall be void.
- 17 WARRANTY OF CAPACITY TO EXECUTE CONTRACT. The people signing this Contract on behalf of the parties warrants that he/she has the authority to do so and to bind the party for which he/she has authority to sign this Contract and all the terms and conditions contained herein.
- 18 Each person signing below represents that he or she has read this Contract in its entirety; understands its terms; and agrees on behalf of such party that such party will be bound by those terms.

EFFECTIVE DATE. This Contract is effective as of \_\_\_\_\_, 2021.

#### WITNESS THE FOLLOWING SIGNATURES AND SEALS

#### THE CITY OF EL PASO:

Tomás González City Manager

**APPROVED AS TO FORM:** 

Russell T. Abeln Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Tiwe

Philip F. Etfwe, Director Planning & Inspections Department

#### **ACCEPTANCE**

The attached instrument, with all conditions thereof, is hereby accepted this \_\_\_\_\_ day of , 2021.

#### **CONTRACTOR:**

Mauro Monsisvais Title:\_\_\_\_\_ Exhibit "A"



# Sun City CRIT El Paso Special Event

CSEV21-00031



Enhance El Paso's quality of life through recreational, cultural and educational





## Background

## State Right-of-Way Impacted:

Mesa St. (SH 20) between Franklin Ave. and Overland Ave. and Texas Ave. (SH20) between Kansas St. and Oregon St.

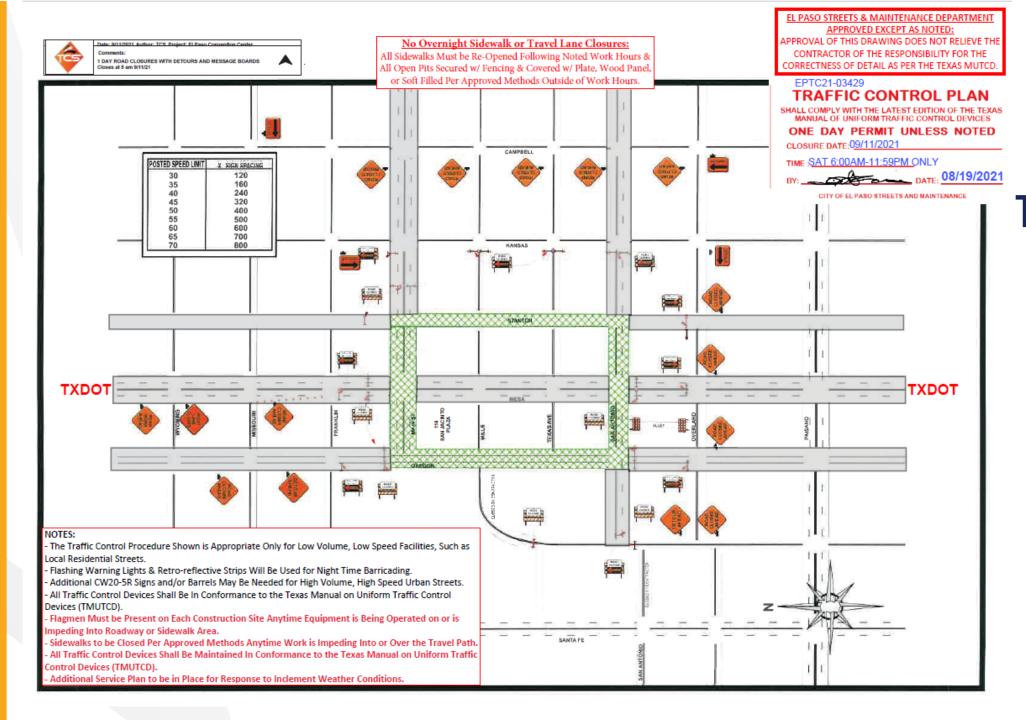
## **Event Dates and Times:**

Saturday, September 11, 2021, at 12:00 p.m. to 11:59 p.m.

**Traffic Control Dates and Times:** 

5:00 a.m. Saturday, September 11, 2021 to 5:00 a.m. on Sunday, September 12, 2021







## Traffic Control Plan





## Mission

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

## Vision

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

## ☆ Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

#### File #: 21-999, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

District 7

Parks and Recreation, Ben Fyffe, (915) 212-1766

#### AGENDA LANGUAGE:

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

Approve a Resolution accepting the recommendation from the Parks and Recreation Advisory Board and hereby approves the renaming of the gymnasium at the Sylvia A. Carreon Community Center, located at 715 Lomita, within the City of El Paso, El Paso County, Texas, as David Ransom Gymnasium.

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

DEPARTMENT: Parks & Recreation

AGENDA DATE: August 31,2021

PUBLIC HEARING DATE: N/A

#### CONTACT PERSON NAME AND PHONE NUMBER: Ben Fyffe, 915.212.1766

#### DISTRICT(S) AFFECTED: 7

**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 City Council accepts the recommendation from the Parks and Recreation Advisory Board and hereby approves the renaming of the gymnasium at the Sylvia A. Carreon Community Center, located at 715 Lomita, within the City of El Paso, El Paso County, Texas, as David Ransom Gymnasium

#### **BACKGROUND / DISCUSSION:**

Parks renaming process was undertaken by Sylvia Carreon and 69 signatures submitted in support, exceeding the 50 required signatures. Process prohibits the renaming of facilities after living individuals, however the Renaming-Subcommittee recommended exception be made and was approved to the Parks & Recreation Advisory Board on August 11, 2021

#### PRIOR COUNCIL ACTION:

Council periodically considers renaming of facilities per process.

#### AMOUNT AND SOURCE OF FUNDING:

No City funds used.

**DEPARTMENT HEAD:** 

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

#### **RESOLUTION**

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

THAT City Council accepts the recommendation from the Parks and Recreation Advisory Board and hereby approves the renaming of the gymnasium at the Sylvia A. Carreon Community Center, located at 715 Lomita, within the City of El Paso, El Paso County, Texas, as "David Ransom Gymnasium"; and

**THAT** Sylvia Carreon, ("Applicant") shall incur the customary costs associated with the renaming of the park, such as installing or replacing signs with the park name or any other signs posted or affixed to a facility. Any proposed signs shall be reviewed and agreed upon by both the Parks and Recreation Department and Applicant, (District 7).

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF EL PASO:

**ATTEST:** 

Oscar Leeser Mayor

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Karla Muñoz Assistant City Attorney

APPROVED AS TO CONTENT:

Benjamin E. Fyffe, Managing Director Cultural Affairs and Recreation



## Agenda Item 6

Park Facility Naming Proposed for Sylvia A. Carreon Community Center Gymnasium

City Council August 31, 2021





# **Strategic Plan Alignment**

## Goal 4:

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

# **Guideline for Naming or Renaming City Parks and Recreation facilities:**

- Natural or Geographic Feature to Area
- Historic Event, Person or Place
- Common Usage Identifying the Neighborhood
- Outstanding Individual (Non-Living) or Group
- Benefit/Organizational Acknowledgement





# **Proposed Name Change**

- From:
- Sylvia A. Carreon Community Center Gymnasium • To:
  - David Ransom Gymnasium

## Approved by PARD Advisory Board, August 11, 2021



## **About David Ransom**



- 1986-87 Played for Bel Air High School & was named by the El Paso Times & the El Paso Herald Post as the Most Valuable Player (MVP)
- 1992 Joined the El Paso Police Department and served the City for 21 years
- 1999 Named Officer of the Year at the Northeast Regional Command Center
- 2007 Awarded Master's of Science Degree in Strategic Leadership from Mountain State University
- 2007 Was promoted to Lieutenant
- 2014 Moved to Massachusetts where his passion for serving continued
- 2019 Awarded Ph.D. in Global Leadership with a concentration in Organizational Management from Indiana Institute of Technology
- Serves as the Police Chief at Berklee College of Music in Boston
- Serves as an adjunct Criminal Justice Professor at Bay State College in Boston





# **Questions?**





Legislation Text

#### File #: 21-979, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts Office of the Comptroller, Margarita Munoz, (915) 212-1174

#### AGENDA LANGUAGE:

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

Approve a Resolution to update the City of El Paso Investment Policy for fiscal year 2022.

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

**DEPARTMENT: Office of the Comptroller** 

AGENDA DATE: August 31, 2021

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Margarita Munoz – Comptroller – 915-212-1174

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Goal 6: Set the Standard for sound governance and fiscal management

SUBGOAL: 6.6 Ensure continued financial stability and accountability through sound financial management, budgeting and reporting

SUBJECT:

APPROVE a resolution to update the City of El Paso Investment Policy for fiscal year 2022.

#### BACKGROUND / DISCUSSION:

Pursuant to Section 2256 of the Texas Government Code, otherwise known as the Texas Public Funds Investment Act (TPFIA), the City is required to review its Investment Policy on an annual basis and recommend any changes to such. In addition, Section 11.0 of the City's Investment Policy requires that changes be presented to the Financial Oversight and Audit Committee (FOAC) prior to moving forward to the full Council. The update was presented to the FOAC on April 28, 2021 and no changes were suggested.

PRIOR COUNCIL ACTION: The Investment Policy was last amended by City Council on September 1, 2020.

AMOUNT AND SOURCE OF FUNDING: N/A

DEPARTMENT HEAD:

aflf-lf-

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

#### **RESOLUTION**

**WHEREAS,** pursuant to Section 2256.005 of the Texas Government Code, the City is required to review its Investment Policy on an annual basis; and

**WHEREAS,** the City has reviewed its Investment Policy and as a result of such review desires to restate and amend the City's Investment Policy.

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

That the City hereby adopts the restated and amended City of El Paso FY2022 Investment Policy, which is attached hereto as **Exhibit "A"** and incorporated herein by reference.

**ADOPTED** this 31<sup>st</sup> day of August, 2021.

#### **CITY OF EL PASO:**

Oscar Leeser Mayor

**ATTEST:** 

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Juan S. Gonzalez

Senior Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Margarita Munoz, Comptroller Office of the Comptroller

#### EXHIBIT "A"



City of El Paso

Investment Policy

August 2021

Prepared by: Office of the Comptroller Treasury Division

Previous Revision September 2020



The mission of the Office of the Comptroller is to provide fiscal management and financial reporting, administer treasury services and provide grant accounting information to City Management and elected officials so that they can make informed decisions regarding the provisions of City services.

## Table of Contents

1 - POLICY	5
2 - SCOPE	5
3 - GENERAL OBJECTIVES	6
3.1 - Preservation and Safety of Principal	6
3.2 - Liquidity	6
3.3 - Yield	6
4 - STANDARDS OF CARE	7
4.1 - Delegation of Authority	7
4.2 - Prudence	7
4.3 - Training	7
4.4 - Ethics and Conflicts of Interest	8
5 – AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS	8
5.1 - Authorized Institutions	8
5.2 - Selection	8
5.3 - List of Authorized Institutions	9
5.4 - Competition	9
5.5 - Requisite Information	9
5.6 - Audited Financials	9
5.7 - Receipt of Investment Policy	9
5.8 - Denial of Business	10
6 - AUTHORIZED INVESTMENTS	10
6.1 - Obligations of, or Guaranteed by, Government Entities	10
6.2 - Certificates of Deposit and Share Certificates	11
6.3 - Repurchase Agreements	12
6.4 - Commercial Paper	12
6.5 - Mutual Funds	13
6.6 - Investment Pools	13
7 - COLLATERALIZATION/LIMITS/CUSTODY	16
7.1 - Collateralization	16
7.2 - Limits	16
7.3 - Custody	16

8 - SAFEKEEPING AND CUSTODY	17
8.1 - Delivery vs. Payment	17
8.2 - Safekeeping	17
8.3 - Electronic Funds Transfer	17
9 - INVESTMENT PARAMETERS	17
9.1 - Portfolio Diversification	17
9.2 - Maximum Maturities	18
9.3 - Effect of Loss of Required Rating	18
9.4 – Divestiture of Unauthorized Investments	18
9.5 – Investment of Bond Proceeds and Pledged Revenue	18
10 - MONITORING AND REPORTING	19
10.1 - Content of Report	19
10.2 - Annual Audit	19
10.3 - Compliance Audit	19
10.4 – Market Price monitoring	20
11 - INVESTMENT POLICY ADOPTION	20
EXHIBIT A - INVESTMENT STRATEGY	21
APPENDIX 1 TO EXHIBIT A - Strategy for Allocating Interest to Participating Funds	24

## The City of El Paso Investment Policy

## 1 - POLICY

It is the policy of the City of El Paso, Texas (the "City") to: (i) invest public funds in a manner which will provide maximum safety of principal and liquidity; (ii) provide the highest possible investment return; (iii) meet the daily cash flow demands of the City; and (iv) comply with the Texas Public Funds Investment Act of 1995, as may be amended ("TPFIA") and local ordinances and resolutions governing the investment of the City's public funds. Definitions and terms contained herein are defined in Section 2256.002 of TPFIA.

## 2 - SCOPE

The City of El Paso Investment Policy (this "Investment Policy") applies to all cash assets of the City as reported in the City's Comprehensive Annual Financial Report except for those funds of the Public Employees Retirement System (PERS) and component units which are governed by other laws, statutes, and ordinances. Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. The City's Investment Strategy is attached as Exhibit "A" and is incorporated for all applicable purposes by reference herein. Investment income will be allocated in accordance with the City's strategy for allocating interest to participating funds as set forth in Appendix "1" to Exhibit "A."

The fund types covered by this Investment Policy are accounted for in the books and records of the City and are as follows:

- a. General Fund (which includes the Cash Reserve Fund);
- b. Special Revenue Funds;
- c. Capital Projects Funds;
- d. Debt Service Fund;
- e. Enterprise Funds;
- f. Internal Service Funds
- g. Fiduciary Funds

## **3 - GENERAL OBJECTIVES**

The primary objectives of the City's investment activities, in order of priority, shall be as follows:

#### 3.1 - Preservation and Safety of Principal

Preservation and safety of principal are the foremost objectives of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a. Credit risk. The City will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer, by:

(i) limiting investments to the types of securities listed in Section 6.0 of this Investment Policy;

(ii) pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business in accordance with Section 5.0; and

(iii) diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

b. Interest rate risk. The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

(i) structuring the investment portfolio so that securities mature in a manner that cash requirements for ongoing operations will be met, thereby avoiding the need to sell securities on the open market prior to maturity; and

(ii) investing operating funds primarily in short-term securities, money market mutual funds, or similar investment pools and limiting the average maturity of the portfolio in accordance with Section 9.2.

#### 3.2 - Liquidity

The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. To a large extent, liquidity shall be determined by the flow of revenues and expenditures predicted by the Office of the Comptroller using cash flow projections and historical data. These cash flow projections shall be at least one (1) year in length.

#### 3.3 - Yield

The City's investment portfolio shall be designed with the objective of attaining a rate of return/yield throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the preservation and safety of principal and liquidity objectives described above. The City's core investments are limited to low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity unless otherwise deemed appropriate by the City Manager or his/her designee.

## 4 - STANDARDS OF CARE

#### 4.1 - Delegation of Authority

The authority to manage the City's investment program is derived from the TPFIA, the El Paso City Charter, City Ordinances and Resolutions. The Chief Financial Officer, Comptroller, and Treasury Services Coordinator are designated as the Investment Officers who are responsible for investment transactions; provided, however, that in the event that any or all of the positions are or becomes vacant, the persons acting in such capacity shall be designated as an Investment Officer for the interim period. All investment procedures shall be in writing and approved by the Chief Financial Officer and the City Manager.

An Investment Committee shall be responsible for monitoring, reviewing, and making recommendations regarding the City's cash management and investment program. The Investment Committee will consist of the Chief Financial Officer, Comptroller, Treasury Services Coordinator, OMB Director, and the Chief Internal Auditor. The Investment Committee will report to the City Manager on at least a quarterly basis the activities of the City's investments.

The Comptroller will oversee the activities of the Treasury Division of the Office of the Comptroller Department, and if the Treasury Services Coordinator position is vacant, shall perform, or designate a person to perform, such duties on an interim basis. The Treasury Services Coordinator shall be responsible for the day-to-day financial transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff. The Treasury Services Coordinator shall designate one or more staff as a pro tempore, acting in a limited capacity defined by the Treasury Services Coordinator, in the event circumstances require timely action and the Treasury Services Coordinator is not available.

No other officers or designees may engage in an investment or banking transaction except as provided under the terms of this Investment Policy and the procedures established.

#### 4.2 - Prudence

The City's investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the safety of capital and the yield to be derived. The standard of care to be used by Investment Officers shall be said "prudent person" standard and shall be applied in the context of managing an overall portfolio and whether the investment decision was consistent with the written investment policy of the City.

#### 4.3 - Training

The Investment Officer(s) shall attend at least one (1) training session from an independent source approved by City Council or a designated investment committee advising the Investment Officer(s) as provided for in this Investment Policy of the City and containing at least ten (10) hours of instruction relating to the officer's responsibilities under this Investment Policy and the TPFIA. Such training session shall be taken within twelve (12) months after the Investment Officer(s) takes office or assumes duties. The Investment Officer(s) shall attend an investment training session not less than once in each two-year period that begins on the first day of the City's fiscal year and consists of two consecutive fiscal years after that date and receive not less than ten (10) hours of instruction relating

to investment responsibilities under this Investment Policy and the TPFIA from an independent source approved by the City Council or a designated investment committee advising the Investment Officer as provided for in the investment policy of the City. This training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with TPFIA.

#### 4.4 - Ethics and Conflicts of Interest

Investment Officers involved in the investment process shall refrain from personal business activity that could conflict or be perceived to conflict with proper execution of the investment program, or that could impair their ability to make impartial investment decisions. An Investment Officer of the City who has a personal business relationship with a business organization offering to engage in an investment transaction with the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity, as determined by Chapter 573 of the Texas Government Code, to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this Section 4.4 must be filed with the Texas Ethics Commission and the City Council. For purposes of this Section 4.4, an Investment Officer has a personal business relationship with a business relationship with a business if:

a. the Investment Officer owns ten percent (10%) or more of the voting stock or shares of the business organization or owns five thousand dollars (\$5,000) or more of the fair market value of the business organization;

b. funds received by the Investment Officer from the business organization exceeds ten percent (10%) of the Investment Officer's gross income from the previous year; or

c. the Investment Officer has acquired from the business organization during the previous year investments with a book value of two thousand five hundred dollars (\$2,500) or more for the personal account of the Investment Officer.

Investment Officers, not required by this Section 4.4 to file a disclosure statement, will file a statement with the City Clerk's Office announcing no potential conflicts.

## 5 – AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

#### 5.1 - Authorized Institutions

Financial institutions (i.e., banks, savings & loans, credit unions) and securities dealers (i.e., brokers, "primary" and "secondary" dealers) with an office located in the state of Texas (preferably El Paso, Texas) may become authorized to sell/purchase negotiable securities to/from the City. Repurchase Agreements may be entered into with primary securities dealers or financial institutions with offices in Texas.

#### 5.2 - Selection

The Investment Committee and the City Manager shall at least annually, review, revise, and adopt a list of qualified financial institutions and securities dealers that are authorized to engage in investment

transactions with the City. Additional financial institutions and securities dealers may be added on a quarterly basis after Investment Committee approval.

#### 5.3 - List of Authorized Institutions

The Treasury Services Coordinator shall maintain an updated list of financial institutions authorized to provide investment services as well as a list of approved security broker/dealers selected by credit worthiness, who maintain an office in the State of Texas. These may include primary dealers, depository banks, or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (Uniform Net Capital Rule).

#### 5.4 - Competition

Bids for investments will be solicited by the Treasury Services Coordinator, as deemed necessary and approved by the Investment Committee, from the approved list of authorized institutions using a competitive bid process in a format designed by the Investment Officer(s). The City's depository bank, once selected, may compete for City investments through the competitive bid process established. Bids for investments may be solicited orally, in writing, electronically, or a combination of these methods. Rate of return will be considered the primary factor when selecting a particular bid. The secondary factor will be location of office, preferably within El Paso, Texas.

#### 5.5 - Requisite Information

All business organizations that desire to become qualified bidders for investment transactions must supply the Investment Officer(s) with the following:

- a. audited financial statements;
- b. proof of National Association of Securities Dealers certification;
- c. trading resolution; and
- d. proof of state registration

#### 5.6 - Audited Financials

Current audited financial statements are required to be on file for each financial institution and broker/dealer with which the City invests.

#### 5.7 - Receipt of Investment Policy

A written copy of this Investment Policy shall be presented to any business organization offering to engage in an investment transaction with the City. For purposes of this subsection, "business organization" means an investment pool or investment management firm under contract with the City to invest or manage the City's investment portfolio that has accepted authority granted by the City under the contract to exercise investment discretion in regards to investing the City's funds. The qualified representative of the business organization offering to engage in an investment transaction with the City shall execute a written instrument in a form acceptable to the City stating that the organization has received and reviewed the City's Investment Policy, acknowledges that the business organization has implemented reasonable procedures and controls to preclude investment

transactions that are not authorized by the City's Investment Policy, except to the extent that this authorization:

- a. is dependent on an analysis of the makeup of the entire portfolio;
- b. requires an interpretation of subjective investment standards; or

c. relates to investment transactions of the City that are not made through accounts or contractual arrangements over which the business organization has accepted discretionary investment authority.

#### 5.8 - Denial of Business

No investment business may be conducted with any business organization that has not complied with the certification identified in Section 5.7 above.

## 6 - AUTHORIZED INVESTMENTS

Except as otherwise provided hereinafter, the City may invest in the following types of securities:

#### 6.1 - Obligations of, or Guaranteed by, Government Entities

a. The following investments are authorized:

(i) obligations, including letters of credit, of the United States or its agencies and instrumentalities, including Federal Home Loan Banks;

(ii) direct obligations of the State of Texas or its agencies and instrumentalities;

(iii) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by the agency or instrumentality of the United States;

(iv) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the State of Texas or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;

(v) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(vi) interest-bearing banking deposits that are guaranteed or insured by (a) the Federal Deposit Insurance Corporation or its successors or (b) the National Credit Union Share Insurance Funds or its successor.

b. The following are NOT authorized investments under this Section 6.1:

(i) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;

(ii) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;

(iii) collateralized mortgage obligations which have a stated final maturity date of greater than ten (10) years; and

(iv) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to changes in a market index.

#### 6.2 - Certificates of Deposit and Share Certificates

a. A certificate of deposit or share certificate is an authorized investment under this Section 6.2 if the certificate is issued by a depository institution that has its main office or a branch office in the State of Texas and is:

(i) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(ii) secured by obligations that are described by Section 6.1(a) herein above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described in Section 6.1(b); or

(iii) secured in any other manner and amount provided by law of deposits of the investing entity.

b. In addition to the authority to invest funds in certificates of deposit under Section 6.2(a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:

(i) the funds are invested by the City through:

1. a broker that has its main office or a branch office in this state and is selected from a list adopted by the City in accordance with Section 5.2; or

2. a depository institution that has its main office or a branch office in this state and that is selected by the City;

(ii) the broker or the depository institution selected by the City arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the City;

(iii) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(iv) the City appoints the depository institution selected under Section 6.2(b)(i), a Custodian (as defined in Section 7.3) or a clearing broker/dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 as Custodian for the City with respect to the certificates of deposit issued for the account of the City.

#### 6.3 - Repurchase Agreements

a. A fully collateralized repurchase agreement is an authorized investment if the repurchase agreement:

(i) has a defined termination date;

(ii) is secured by a combination of cash and obligations described in Section 6.1a(i) or 6.4;

(iii) requires the securities being purchased by the City or the cash held by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and

(iv) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas.

b. In this Section 6.3, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 6.1a(i), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

c. Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed ninety (90) days after the date the reverse security repurchase agreement is delivered.

d. Money received by the City under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

e. The City in the proceedings to authorize obligations or a credit agreement, or in a credit agreement, may agree to waive sovereign immunity from suit or liability for the purpose of adjudicating a claim to enforce the credit agreement or obligation or for damages for breach of the credit agreement or obligation.

#### 6.4 - Commercial Paper

- a. Commercial paper is an authorized investment under this Section 6.4 if the commercial paper:
  - (i) has a stated maturity of 365 days or fewer from the date of its issuance; and
  - (ii) is rated not less than A-1 or P-1 or an equivalent rating by at least:
    - 1. two nationally recognized credit rating agencies; or

2. one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

#### 6.5 - Mutual Funds

a. A no-load money market mutual fund is an authorized investment under this Section 6.5 if the mutual fund:

(i) is registered with and regulated by the Securities and Exchange Commission;

(ii) provides the City with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);

(iii) complies with Securities Exchange Commission Rule 2a-7 (17 C.F.R. Section 270. 2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.)

b. In addition to a no-load money market mutual fund permitted as an authorized investment in Section 6.5a., a no-load mutual fund is an authorized investment under this Section 6.5, if the mutual fund:

- (i) is registered with the Securities and Exchange Commission;
- (ii) has an average weighted maturity of less than two (2) years; and
- (iii) either:

1. has a duration of one year or more and is invested exclusively in obligations approved by this Section 6.5; or

2. has a duration of less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities

c. The City is not authorized by this Section 6.5 to:

(i) invest in the aggregate more than fifteen percent (15%) of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Section 6.5b.;

(ii) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Section 6.5b.; or

(iii) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in subsection a. or b. in an amount that exceeds ten percent (10%) of the total assets of the mutual fund.

#### 6.6 - Investment Pools

a. The City may invest its funds and funds under its control through an eligible investment pool if the City Council by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from the City in authorized investments permitted by Section 6.0. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this Section 6.6 and the investment policies and objectives adopted by the investment pool. b. To be eligible to receive funds from and invest funds on behalf of the City under this Section 6.6, an investment pool must furnish to the Investment Officer(s) or other authorized representative of the City, an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(i) the types of investments in which money is allowed to be invested;

(ii) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

(iii) the maximum stated maturity date any investment security within the portfolio has;

(iv) the objectives of the pool;

(v) the size of the pool;

(vi) the names of the members of the advisory board of the pool and the dates their terms expire;

(vii) the custodian bank that will safe keep the pool's assets;

(viii) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of market price fluctuation;

(ix) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(x) the name and address of the independent auditor of the pool;

(xi) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool;

(xii) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios; and

(xiii) the pool's policy regarding holding deposits in cash.

c. To maintain eligibility to receive funds from and invest funds on behalf of the City, an investment pool must furnish to the Investment Officer(s) or other authorized representative of the City:

(i) investment transaction confirmations; and

(ii) a monthly report that contains, at a minimum, the following information:

1. the types and percentage breakdown of securities in which the pool is invested;

2. the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

3. the current percentage of the pool's portfolio in investments that have stated maturities of more than one (1) year;

4. the book value versus the market value of the pool's portfolio, using amortized cost valuation;

- 5. the size of the pool;
- 6. the number of participants in the pool;
- 7. the custodian bank that is safekeeping the assets of the pool;
- 8. listing of daily transaction activity of the entity participating in the pool;

9. the yield and expense ratio of the pool, including a statement regarding how yield is calculated;

- 10. the portfolio managers of the pool; and
- 11. any changes or addenda to the offering circular.

d. The City by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

e. In this Section 6.6, for purposes of an investment pool for which a \$1.00 net asset value is maintained, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

f. To be eligible to receive funds from and invest funds on behalf of the City, a public funds investment pool that uses amortized cost or fair value accounting must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a one dollar (\$1.00) net asset value, when rounded and expressed to two decimal places. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, the governing body of the public funds investment pool shall take action as the body determines necessary to eliminate or reduce to the extent reasonably practicable any dilution or unfair result to existing participants, including a sale of portfolio holdings to attempt to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool that uses amortized cost shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

g. To be eligible to receive funds from and invest funds on behalf of the City, a public funds investment pool must have an advisory board composed:

(i) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 of the Government Code and managed by a state agency; or

(ii) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

h. To maintain eligibility to receive funds from and invest funds on behalf of the City, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

i. If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Sections 6.6(b), (c)(ii), and (f) must be posted on the website.

j. To maintain eligibility to receive funds from and invest funds on behalf of an entity under this Section 6.6, an investment pool must make available to the City an annual audited financial statement of the investment pool in which the City has funds invested.

k. If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

## 7 - COLLATERALIZATION/LIMITS/CUSTODY

#### 7.1 - Collateralization

Collateralization will be required for deposits of public funds in demand deposit accounts, certificates of deposit, and repurchase agreements. In accordance with Texas Government Code Chapter 2257.022 "Amount of Collateral", the total value of eligible security to secure a deposit of public funds must be in an amount not less than the amount of the deposit of public funds:

a. Increased by the amount of any accrued interest; and

b. Reduced to the total extent that the United States or an instrumentality of the United States insures the deposit.

Collateralization % coverage will be outlined in the Collateral Agreement as part of the City's Depository Agreement Contract with the awarded Banking Institution. All other on demand deposit accounts that are not included in the City's Depository Agreement Contract will be required to adhere to the collateralization % coverage stated in the awarded depository contract.

#### 7.2 - Limits

The City chooses to limit the type of collateral required to the eligible security instruments identified in Section 6.1 hereinabove.

#### 7.3 - Custody

Collateral will always be held by an independent third party Custodian with whom the City has a current custodial agreement. A clearly marked evidence of ownership (e.g., safekeeping receipt) must be supplied to the City and retained. The right of collateral substitution may be granted to the Custodian with prior written approval of the Investment Officer(s).

The Custodian shall be approved by the City and be:

a. a state or national bank that is designated by the State Comptroller as a State depository and has its main office or branch office in the State of Texas and has a capital stock and permanent surplus of \$5 million or more;

- b. the Texas Treasury Safekeeping Trust Company;
- c. a Federal Reserve Bank or a branch of the Federal Reserve Bank; or

d. a federal home loan bank.

e. a financial institution authorized to exercise fiduciary powers and that is designed by the State Comptroller as a custodian pursuant to Government Code 404.031(e)

## 8 - SAFEKEEPING AND CUSTODY

#### 8.1 - Delivery vs. Payment

All security transactions, including collateral for repurchase agreements, entered into by the City shall be conducted on a delivery-versus-payment (DVP) basis to ensure that securities are deposited in an eligible financial institution prior to the release of funds.

#### 8.2 - Safekeeping

Securities will be held by a third party custodian designated by the Treasury Services Coordinator as evidenced by safekeeping receipts in the City's name. The safekeeping institution shall provide, annually, a copy of their most recent report on internal controls (Reporting on Controls at a Service Organization as per Statement on Standards for Attestation Engagements No. 16, or SSAE 16 issued by the American Institutes of Certified Public Accountants or AICPA).

#### 8.3 - Electronic Funds Transfer

The City may use electronic means to transfer or invest all funds collected or controlled by the City.

## 9 - INVESTMENT PARAMETERS

#### 9.1 - Portfolio Diversification

Risk of principal loss in the portfolio as a whole shall be minimized by diversifying investment types according to the following limitations:

Investment Type	<u>% of Portfolio</u>
U.S. Treasury Notes/Bonds/Bills	100%
Local Government Investment Pools	80%
U.S. Agencies	75%
Municipal Bonds	75%
Certificates of Deposit	50%
Repurchase Agreements	50%
Money Market Mutual Funds	15%
Commercial Paper	15%
Share Certificates	5%

This Investment Policy incorporates the City's Investment Strategy and as such, will allow for diversification of investments to the extent practicable considering yield, collateralization, investment costs, and available bidders. Diversification by investment institutions shall be determined by an

analysis of yield, collateralization, investment costs, and available bidders. Diversification by types of securities and maturities may be as allowed by this Investment Policy and the TPFIA.

#### 9.2 - Maximum Maturities

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. However, the maximum maturities for any single investment shall not exceed three (3) years. The maximum dollar-weighted average maturity for the City's overall investment portfolio will not exceed two (2) years.

#### 9.3 - Effect of Loss of Required Rating

This Investment Policy requires certain minimum ratings of certain investments. At least weekly, the Treasury Services Coordinator will review the ratings of each of the investments in the City's portfolio that require a minimum rating and will notify the Investment Committee of any negative changes. In the event an investment does not meet that minimum rating during the period that the investment is being held by the City, that investment does not qualify as an authorized investment. The City shall take all prudent measures that are consistent with this Investment Policy to liquidate an investment that does not have the minimum rating.

#### 9.4 - Divestiture of Unauthorized Investments

In the event that the City assumes possession of investments not authorized by this Investment Policy, whether as the result of a donation, the settlement of an obligation to the City, or as a result of any other circumstance, transaction, or event, the City's Investment Officers shall proceed with the orderly liquidation of such investments. The proceeds from such liquidation will be recorded in the books and records of the City in accordance with the City's policy or policies corresponding to the original purpose related to the receipt of the unauthorized investment.

#### 9.5 - Investment of Bond Proceeds and Pledged Revenue

- a. In this section, "pledged revenue" means money pledged to the payment of or as security for:
  - (i) Bonds or other indebtedness issued by the City
  - (ii) Obligations under a lease, installment sale, or other agreement of the City; or
  - (iii) Certificates of Participation in a debt or obligation described by subdivision (i) or (ii)

b. The Investment Officer or Officers may invest bond proceeds or pledged revenue only to the extent permitted by Section 2256.0208 of the TPFIA in accordance with:

- (i) Statutory provisions governing the debt issuance or the agreement, as applicable; and
- (ii) The City's Debt Policy regarding the debt issuance or the agreement, as applicable

## **10 - MONITORING AND REPORTING**

#### 10.1 - Content of Report

The Investment Officer(s) shall submit, not less than quarterly, a report to the City Manager, Mayor and City Council, with a copy provided to the City Clerk. Said report shall:

- a. describe in detail the investment position of the City on the date of the report;
- b. be prepared jointly by all Investment Officers of the City;

c. be signed by each Investment Officer of the City (signatures may be electronic if such method is deemed most prudent by the Investment Officers given then current circumstances and events);

- d. contain a summary statement of each pooled fund group that states the:
  - (i) beginning market value for the reporting period;
  - (ii) ending market value for the period; and
  - (iii) fully accrued interest for the reporting period;

e. state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

f. state the maturity date of each separately invested asset that has a maturity date;

g. state the account or fund or pooled group fund in the City for which each individual investment was acquired; and

- h. state the compliance of the investment portfolio of the City as it relates to:
  - (i) the Investment Strategy expressed in the City's investment policy; and
  - (ii) relevant provisions of Chapter 2256 of the Government Code.
- i. be submitted within forty-five (45) days after the end of the period.

#### 10.2 - Annual Audit

If the City invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the Investment Officer(s) under this Section 10.0 shall be formally reviewed at least annually by an independent external auditor, and the result of the review shall be reported to the City Council by that auditor.

#### 10.3 - Compliance Audit

In conjunction with the City's annual financial audit, the external auditor shall perform a compliance audit of management controls on investments and adherence to the City's established investment policy. This audit shall provide reasonable assurance that assets are safeguarded against loss from unauthorized use or disposition and that those transactions are executed in compliance with policies and procedures established by this Investment Policy.

#### 10.4 – Market Price monitoring

Independent market pricing will be gathered at least monthly by the Treasury Services Coordinator. The market value and any unrealized gain or loss of the City's portfolio will be calculated on at least the same frequency.

## **11 - INVESTMENT POLICY ADOPTION**

This Investment Policy is intended to amend and restate the existing City Investment Policy. The City's Investment Policy shall be reviewed and adopted annually by resolution of the City Council. Any modifications must first be approved by the Investment Committee and City Manager; secondly, be approved and recommended to City Council for approval by the City's Financial Oversight and Audit Committee that is assigned oversight of financial matters, and subsequently adopted by City Council.

## **EXHIBIT A - INVESTMENT STRATEGY**

The City's investment strategy establishes the investment objectives of each of the fund types identified in the City's Investment Policy based on the needs and characteristics of each of the funds. These encompass the following criteria in order of importance:

- a. understanding of the suitability of the investment to the financial requirements of the entity;
- b. preservation and safety of principal;
- c. liquidity;
- d. marketability of the investment if the need arises to liquidate the investment before maturity;
- e. diversification of the investment portfolio; and
- f. yield.

The City is not in the investment business as a primary means of earning revenue. Therefore, the City will not participate in active buy/sell management of the portfolio. The Investment Officer(s) will invest for specific maturities to meet the cash needs of the City. The cash available and the cash requirements for the City will be determined on a day-to-day basis by the Office of the Comptroller Department and reported to the Investment Officer(s). Cash required within ten (10) days will be invested in overnight repurchase agreements, an approved mutual fund, or an approved investment pool in order to assure immediate liquidity. Interest earned on "overnight" investments listed above will be included in the total of interest revenue to be allocated to those primary funds having both an investable equity in pooled cash and a right to earn interest based on the City's Investment Policy. To enhance liquidity, investments will be purchased but not individually or formally associated with a specific primary fund's equity in pooled cash. Any cash in excess of immediate needs (more than 10 days) will be invested in longer term investments based on the needs and restrictions associated with specific fund's equity in pooled cash, and upon prudent consideration of current market yields and trends. Interest revenue will be allocated to those funds designated by this policy based on the allocation strategy at Appendix 1 to this Exhibit.

#### SPECIFIC CITY FUNDS

a. General Fund

The General Fund is the primary operating fund of the City in which most activity occurs. Cash requirements are large and immediate. Investments will be made with highly liquid instruments to mature on specific dates particularly to meet payroll requirements. These investments will most frequently be of durations of less than six (6) months. Specific investments identified as appropriate are, but not limited to, U.S Treasury bills, U.S. Treasury notes, repurchase agreements, certificates of deposit, and investments in mutual funds. Cash reserves in the General Fund are established by Section 7.4 of the City Charter and are to be maintained in an amount no less than five percent (5%) of the prior year's adopted general fund operating expenditure budget. The interest on this cash reserve shall be transferred to the City's Capital Acquisition Sub fund that is a definable component

of the Capital Project Fund. This cash reserve is also available for short-term lending to other funds of the City for periods not greater than one (1) year. For emergency liquidity purposes, up to twentyfive percent (25%) of the cash reserve shall be in investments with maturities no greater than one (1) year. Specific investments identified as appropriate for maturities no greater than one (1) year are, but not limited to, treasury bills, treasury notes, repurchase agreements, certificates of deposits, and mutual funds. The remaining seventy-five (75%) of the fund shall be in investments with maturities greater than one (1) year. In order to maximize yield, these investments may be in treasury bonds. If funds lent from this fund earn interest in another fund, the interest shall be transferred to the cash reserve balance, and then transferred to the City's Capital Acquisition Sub fund.

#### b. Special Revenue Funds

Special Revenue Funds are used to fund special operating accounts and finance capital projects and include but are not limited to, projects funded by Federal and State grants. There will rarely be an investable equity balance in these funds. However, should the nature of the grants provide for "up front" funding and require allocation of interest income to the cash balances in the grants, specific investments identified as appropriate are the same as those identified above for the General Fund.

c. Capital Projects Funds

Capital Projects Funds are generally funded by debt instruments and other revenue sources issued or obtained by the City. Investment activity for each debt instrument may be segregated if required by law to determine if any arbitrage rebate liability may exist. Investments will be based on cash flow estimates recommended by the City's Capital Improvement Plan Director, with the approval of the Chief Financial Officer. Based on these approved recommendations, the Chief Financial Officer will estimate cash requirements and maturities for each project. The Investment Officers will then make investments to meet the cash flow requirements for each project. Interest earnings first will be recorded in the Capital Projects Fund. If interest proceeds remain in the Capital Projects funds after the project(s) is completed, these proceeds may be transferred to the Debt Service Fund to extinguish the debt whose proceeds are being invested in accordance with bond covenants. Specific investments identified as appropriate are, but not limited to, treasury bills, treasury notes, repurchase agreements, certificates of deposit, mutual funds, investment pools, and treasury bonds.

d. Debt Service Fund

A Debt Service Fund is established by the City to record revenues and expenditures related to the extinguishment of the debt through timely payment of principal and interest. The primary source of money is from property taxes and specifically pledged revenues. Investments will have a maturity of no more than one (1) year in order to meet the periodic payments as required. Specific investments identified as appropriate are, but not limited to, investment pools, mutual funds, treasury bonds, treasury bills, and certificates of deposit.

e. Enterprise Funds

Enterprise Funds are for the operational and capital needs of the El Paso International Airport (except the Passenger Facility Charge), the Mass Transit Department (Sun Metro), the International Bridges, Tax Office and Environmental Services Department. Investments may be of longer maturities based on projected cash flow requirements. Specific investments identified as appropriate are, but not limited to, investment pools, mutual funds, treasury bonds, treasury bills, and certificates of deposit.

#### f. Internal Service Funds

Internal Service Funds are extensions of the General Fund which are to be operated with minimal cash reserves for exigencies and, therefore, should have minimal cash balances. An Internal Service Fund that accumulates and maintains a positive cash balance in excess of One Hundred Thousand Dollars (\$100,000) will be allocated investment earnings.

#### g. Fiduciary Funds

Investments related to Fiduciary Funds will be made by the City as specified in the Fiduciary Fund's agreement, if applicable. Daily earnings on Fiduciary Funds will be credited to the General Fund to offset the cost of maintaining these funds.

# APPENDIX 1 TO EXHIBIT A - STRATEGY FOR ALLOCATING INTEREST TO PARTICIPATING FUNDS

#### ALLOCATION OVERVIEW

Allocable interest income is the interest received for the period adjusted for accretion/amortization of investments purchased at a discount/premium as well as any bank charges incurred while pursuing a strategy of maximizing the yield on available cash. Allocable interest will be distributed ratably to particular funds based on the ratio of a fund's net pooled cash to the total net pooled cash of all participating funds. A participating fund is one that is eligible to earn interest revenue as discussed below because the fund maintains an overall positive net cash position for the period. The interest allocation is credited to the funds by a journal entry to debit Pooled Cash and credit Investment Interest Revenue.

For Enterprise Funds, "net cash" in pooled cash is the average daily balance maintained for the period by the combined Enterprise Funds by type. A fund's deficit in cash will be offset with its related funds' surpluses in cash. To the extent that there is an overall deficit for the combined funds the Enterprise Fund will be excluded from the interest allocation for that period.

## FISCAL PROJECTS – DISCUSSION OF ELIGIBILITY TO PARTICIPATE IN THE ALLOCATION OF INTEREST

<u>FUND</u> General Fund	<b>DISCUSSION</b> All components of the General Fund group earn interest. The Cash Reserve fund earnings are transferred to the Capital Acquisitions fund in the Capital Projects group.
Capital Projects	All components of the Capital Projects group earn interest if the Capital Projects have sufficient cash balances to warrant allocation. If capital projects are funded with bonded debt whose covenants require interest earnings to be transferred to the Debt Service fund, investment revenue is recorded in Capital Projects and then transferred to Debt Service.
Internal Service	Components earn interest if the fund maintains a positive cash balance in excess of One Hundred Thousand Dollars (\$100,000).
Special Revenue	Certain Special Revenue funds are eligible. Only those grants with covenants requiring allocation of interest earnings are eligible.
Agency Funds (unless specifically designated)	None are eligible to earn interest.
Regional Mobility Authority Fund	Eligible to earn interest until written notice is provided to the Camino Real Regional Mobility Authority as required by resolution dated June 19, 2007.
Debt Service	All are eligible to earn interest.
Enterprise Funds	All are eligible to earn interest except the Passenger Facility Charge monies in the Airport Enterprise fund which are kept separate in interest bearing accounts as mandated by Federal regulations.
Pension Funds	None are eligible to earn interest.
Component Units	None are eligible to earn interest.
Private-Purpose Trusts	Certain donations and bequests are eligible to earn interest.



Legislation Text

File #: 21-1021, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

#### AGENDA LANGUAGE:

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

A Resolution amending Exhibit "B" of the Rules of Order for the El Paso City Council revised, as effective August 31, 2021.

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

**DEPARTMENT:** City Clerk's Office

AGENDA DATE: August 31, 2021

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: City Clerk's Office, Laura D. Prine, (915) 212-0049

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

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

SUBGOAL: 6.8 - Support transparent and inclusive government

#### SUBJECT:

A Resolution amending Exhibit "B" of the Rules of Order for the El Paso City Council revised, as effective August 31, 2021.

#### BACKGROUND / DISCUSSION:

As of September 1, 2021, all provisions of the Open Meetings Act will be in effect and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance which will require an inperson quorum during City Council meetings.

The City Council meetings will be held in person beginning the month of September, in order to help maintain a quorum throughout the meeting, a 30 minute recess has been added beginning at 11:30 to allow for a lunch break.

#### PRIOR COUNCIL ACTION:

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

On August 17, 2021 the Rules of Order were amended to establish Council Member attendance via videoconference.

#### 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?

Not applicable.

#### 

DEPARTMENT HEAD:

Laura D. Prine 08/25/2021

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

#### RESOLUTION AMENDING EXHIBIT "B" OF THE RULES OF ORDER FOR THE EL PASO CITY COUNCIL REVISED, AS EFFECTIVE AUGUST 31, 2021

#### SECTION 1. PURPOSE OF RESOLUTION

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

#### SECTION 2. RULES OF ORDER

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

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

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

#### **SECTION 4. STANDING**

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

#### SECTION 5. SUSPENSION OF RULES

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

#### SECTION 6. PRESIDING OFFICER

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

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

#### SECTION 7. QUESTIONS OF ORDER

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

## SECTION 8. VOTING

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

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

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

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

## SECTION 9. RECORDED DEBATE

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

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

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

#### SECTION 11. MOTION TO RECONSIDER

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

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

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

For Regular City Council Meetings, in the debate, each member of Council has the right to speak twice on the same item on the same day, but cannot make a second speech on the same item as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of a majority of Council. The City Clerk will keep time and will notify the Mayor if a Representative reaches the allotted time.

During Work Sessions, Special meetings, or Agenda Review meetings, there will not be a limit to the time allowed for each Representative to have the floor, and the Presiding officer has discretion to end discussion on an item, or to give the floor to another representative.

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

Public Hearings/Agenda Items:

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

#### Public Comment/Non Agenda Items:

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

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

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

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

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

21-1065-142| 1110400 | Rules of Order - August 31 Amendment to Exhibit B - 30 min recess | KLHK

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak regarding an item posted on the regular agenda must sign up prior to 9:00 a.m. on the day of the City Council meeting. The City Clerk shall make available the sign-in sheet for the public outside of Council Chambers on the day of the Council meeting up until 9:00 a.m. or online prior to 9:00 a.m. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place. If a member of the public wishes to speak regarding an item, but did not sign up by 9:00 am, he or she may notify the City Clerk at any time prior to the call to vote on the item.

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

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

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

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

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

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

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

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

Items accepting or acknowledging donations to the City will be taken prior to consideration of the

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

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

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

## **SECTION 15. PARLIAMENTARIAN**

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

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

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

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

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

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

#### SECTION 17. TIME AND LOCATION OF MEETINGS AND VIRTUAL ATTENDENCE

21-1065-142| 1110400 | Rules of Order - August 31 Amendment to Exhibit B - 30 min recess | KLHK

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

Members of Council may attend City Council meetings by video conference in accordance with the Texas Open Meetings Act 551.127, as may be amended. Such requires that a quorum of City Council be present at the physical meeting location posted on the agenda. Any member wishing to attend by video conference must notify the City Clerk no later than noon on the Wednesday prior to the relevant meeting, and the City Clerk shall post notice of which member(s) will appear by video conference on the City Council Agenda.

Each participant's face in the videoconference call, while speaking, must be clearly visible and audible to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the location where a quorum is present, and at any other location of the meeting that is open to the public. Any council member appearing by videoconference call will be considered absent during any portion of the meeting the audio or video is lost or disconnected in accordance with Texas Government Code Section 551.127.

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

CITY OF EL PASO:

Oscar Leeser Mayor

**APPROVED AS TO FORM:** 

Kristen L. Hamilton-Karam Senior Assistant City Attorney

ATTEST:

Laura D. Prine City Clerk

## EXHIBIT "A" ROBERTS RULES CHEAT SHEET

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

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

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

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

#### EXHIBIT "B"

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

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

#### **Recess:**

City Council will recess at 11:30 for lunch, and will resume at noon.

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

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

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

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



Legislation Text

#### File #: 21-1000, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

Streets and Maintenance, Richard J. Bristol, (915) 212-7001 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

#### AGENDA LANGUAGE:

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

The linkage to the Strategic Plan is subsection 7.4 Continue the strategic investment in City facilities and technology

Request that the Purchasing Director is authorized to notify Francisco Corral dba Eagle Janitorial Service that the City is terminating Contract No. 2019-281 Janitorial Services - Police Department Facilities for convenience, pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the Contract Clauses, and that the termination shall be effective as of September 12, 2021. The termination for convenience is required to move forward with awarding a replacement contract with staffing fulfillment plans and requirements.

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

AGENDA DATE:	August 31, 2021
PUBLIC HEARING DATE:	Not Applicable

#### CONTACT PERSON(S) NAME AND PHONE NUMBER:

	Richard J. Bristol, Streets and Maintenance Director, (915) 212-7000 Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-11
DISTRICT(S) AFFECTED:	All
STRATEGIC GOAL: Network	No. 7 – Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL:	7.4 Continue Strategic Investment in City facilities and technology

#### SUBJECT:

Request that the Purchasing Director is authorized to notify Francisco Corral dba Eagle Janitorial Service that the City is terminating Contract No. 2019-281 Janitorial Services - Police Department Facilities for convenience, pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the Contract Clauses, and that the termination shall be effective as of September 12, 2021.

#### **BACKGROUND / DISCUSSION:**

The termination for convenience is required to move forward with awarding a replacement contract with staffing fulfillment plans and requirements.

#### SELECTION SUMMARY:

N/A

#### CONTRACT VARIANCE: N/A

#### PROTEST N/A

#### **PRIOR COUNCIL ACTION:**

-On April 16, 2019 City Council approved the award of Contract 2019-281 Janitorial Services - Police Department Facilities for a total estimated award amount of \$1,252,135.80 with a two-year option to extend for a total amount of \$2,086,893.00

#### AMOUNT AND SOURCE OF FUNDING: N/A

181

## HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_NO

PRIMARY DEPARTMENT: Streets and Maintenance Department SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

**DEPARTMENT HEAD:** Richard J. Bristol - Streets and Maintenance Director

## COUNCIL PROJECT FORM (Termination)

## 

Please place the following item on the **CONSENT AGENDA** for the Council Meeting of **August 31, 2021.** 

## STRATEGIC GOAL: NO. 7 Enhance and Sustain El Paso's Infrastructure Network

The linkage to the Strategic Plan is subsection 7.4 Continue the strategic investment in City facilities and technology

Request that the Purchasing Director is authorized to notify Francisco Corral dba Eagle Janitorial Service that the City is terminating Contract No. 2019-281 Janitorial Services – Police Department Facilities for convenience, pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the Contract Clauses, and that the termination shall be effective as of September 12, 2021. The termination for convenience is required to move forward with awarding a replacement contract with staffing fulfillment plans and requirements.

## RESOLUTION

WHEREAS, on April 16, 2019, the City of El Paso ("City") awarded Contract No. 2019-281 Janitorial Services – Police Department Facilities to the following vendor:

1. Francisco Corral dba Eagle Janitorial Service

WHEREAS, pursuant to Part 4, Section 8, Paragraph A of the contract (Termination for Convenience) the City is authorized to terminate the Contract for convenience; and

WHEREAS, the City desires to terminate the Contract for Convenience.

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

That the Purchasing Director is authorized to notify Francisco Corral dba Eagle Janitorial Service that the City is terminating Contract No. 2019-281 Janitorial Services – Police Department Facilities for convenience, pursuant to the provisions and requirements of Part 4, Section 8, Paragraph A of the Contract Clauses, and that the termination shall be effective as of September 12, 2021.

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

THE CITY OF EL PASO:

Oscar Lesser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Juan 8. Gonzalez

Senior Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Bruce D. Collins

Bruce D. Collins. Director Purchasing and Strategic Sourcing

APPROVED AS TO CONTENT:

Richard Bristol, Director Streets and Maintenance Department



Legislation Text

## File #: 21-978, Version: 1

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

## DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts Airport, Sam Rodriguez, (915) 212-7301

## AGENDA LANGUAGE:

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

A Resolution for the City of El Paso to recognize and support Military and Veteran caregivers and, in support of this goal, desires to join the network of "Hidden Heroes Cities", a program established by the Elizabeth Dole Foundation to encourage cities to increase resources for military and veteran caregivers.

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

## DEPARTMENT: El Paso International Airport/ Veteran and Military Affairs

AGENDA DATE: August 31, 2021

CONTACT PERSON NAME AND PHONE NUMBER: Sam Rodriguez, Director of Aviation, 212-7301, RodriguezS3@elpasotexas.gov. Paul Albright, 212-1654, <u>albrightPD@elpasotexas.gov</u>.

## DISTRICT(S) AFFECTED: Citywide

## CITY STRATEGIC GOAL: #8 Nature and Promote a Healthy, Sustainable Community

<u>SUBJECT:</u> Resolution for the City of El Paso to recognize and support Military and Veteran caregivers and, in support of this goal, desires to join the network of "Hidden Heroes Cities", a program established by the Elizabeth Dole Foundation to encourage cities to increase resources for military and veteran caregivers.

**BACKGROUND / DISCUSSION:** *Hidden Heroes* brings vital attention to the untold stories of military caregivers and seeks solutions for the tremendous challenges and long-term needs they face. Hidden Heroes goals are to raise awareness of the issues military caregivers confront every day. Inspire individuals, businesses, communities, and civic, faith and government leaders to take action in supporting military caregivers in their communities. Approval of this Resolution allows the City of El Paso to be a Hidden Heroes City in support of military and veteran caregivers. The City of El Paso will seek to identify military and veteran caregivers residing in our community and determine the unique challenges they face. Work to ensure that our government, organizations, employers and non-profits are aware of the unique challenges of military and veteran caregivers and are encouraged to create supportive environments and opportunities for assistance. In addition, plan an annual observance or resource fair to recognize the community's military and veteran caregivers in partnership with the Elizabeth Dole Foundation's national Hidden Heroes campaign and connect them with local resources.

<u>PRIOR COUNCIL ACTION:</u> On November 10<sup>th</sup>, 2020 Council approved a Resolution supporting the Texas Veterans Network (TVN), a collaborative, statewide initiative that connects transitioning service members, veterans, and their families to the resources and services they need to successfully transition.

#### AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION: None

**DEPARTMENT HEAD:** 

Jame Rely

Sam Rodriguez, Aviation Director

## RESOLUTION

WHEREAS, the City Council of the City of El Paso (the "City Council") finds that the series of wars and conflicts in which our nation has been engaged since World War II has resulted in 5.5 million military and veteran caregivers who are parents, spouses, siblings and friends, caring for those wounded, ill or injured who have served our nation, as documented by the 2014 RAND study commissioned by the Elizabeth Dole Foundation; and

WHEREAS, the City Council finds that the daily tasks of these military and veteran caregivers can include bathing, feeding, dressing, and caring for the grievous injuries of wounded warriors, administering medications, providing emotional support, caring for the family and the home, and working outside the home to earn essential income; and

WHEREAS, the City Council finds the nation provides multi-faceted support to our wounded, ill, and injured veterans and service members through public, private and philanthropic resources, but their caregivers receive little support or acknowledgement; and

WHEREAS, the City Council finds that most military and veteran caregivers consider the challenging work they do as simply carrying out their civic and patriotic duty, without realizing they are, in fact, caregivers, and do not identify themselves as such; and

WHEREAS, the City Council finds that an alarming number of military and veteran caregivers, according to research, are suffering numerous debilitating mental, physical and emotional effects as a result of their caregiving duties; and

WHEREAS, the City of El Paso wishes to recognize and support military and veteran caregivers; and, in support of this goal, desires to join the network of "Hidden Heroes Cities", a program established by the Elizabeth Dole Foundation to encourage cities to increase resources for military and veteran caregivers.

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

- 1. That the City of El Paso shall be a Hidden Heroes City in support of military and veteran caregivers.
- 2. That the City of El Paso shall seek to identify military and veteran caregivers residing in our community and determine the unique challenges they face.
- 3. That the City of El Paso shall work to ensure that our government, organizations, employers and non-profits are aware of the unique challenges of military and veteran caregivers and are encouraged to create supportive environments and opportunities for assistance.
- 4. That the City of El Paso shall plan an annual observance or resource fair to recognize the community's military and veteran caregivers in partnership with the Elizabeth Dole Foundation's national Hidden Heroes campaign and connect them with local resources.
- 5. That the City of El Paso shall encourage all who support veterans and service members to

extend that support to the community's military and veteran caregivers.

- 6. That the City of El Paso shall designate a point of contact for our community, from the public or private sector, for citizens and organizations wanting to offer support, and caregivers who need that support.
- 7. That the City of El Paso shall use the Elizabeth Dole Foundation's Military Caregiver Experience Map to understand the stages of the military caregiver journey and use it as a tool to encourage community understanding and support.

**APPROVED** this \_\_\_\_\_\_ of \_\_\_\_\_, 2021.

## THE CITY OF EL PASO

Oscar Leeser Mayor

ATTEST:

Laura Prine City Clerk

APPROVED AS TO FORM:

Roberta A. Brito Assistant City Attorney APPROVED AS TO CONTENT: Samuel Rodriguez, P.E. Director of Aviation



Legislation Text

## File #: 21-1023, Version: 1

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

## DISTRICT, DEPARTMENT, CONTACT INFORMATION:

Please choose District and Department from drop down menu. Please post exactly as example below. No Title's, No emails. Please use ARIAL 10 Font. Community and Human Development, Nicole Ferrini, (915) 212-1659

## AGENDA LANGUAGE:

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

Omar Garcia-Bracho to the Regional Renewable Energy Advisory Council (RREAC), as a non-voting member, by Nicole Ferrini, Chief Resilience Officer.

DATE: <u>8/3/2021</u>	
TO: City Clerk	
FROM: Fernando Liano, Sustainability Coordi	nator
ADDRESS: Community and Human Development	nt Dept. TELEPHONE 915-212-1655
Please place the following item on the (Check one):	CONSENT <u>x</u> REGULAR
Agenda for the Council Meeting of 8-31-2021	
Item should read as follows: <u>non-voting member</u>	ar Garcia-Bracho to the Regional Renewable Energy Advisory Council as
BOARD COMMITTEE/COMMI	SSION APPOINTMENT/REAPPOINTMENT FORM
NAME OF BOARD/COMMITTEE/COMMISSION:	Regional Renewable Energy Advisory Council
NOMINATED BY: Fernando Liano, Sustainabilit	y Coordinator (Staff) DISTRICT: NA
NAME OF APPOINTEE Omar Garcia-Bracho	(Please verify correct spelling of name)
E-MAIL ADDRESS:	(rease verify concer spenning of name)
BUSINESS ADDRESS:	
CITY: ST:	ZIP: PHONE:
HOME ADDRESS:	
CITY: ST:	ZIP: PHONE:
APPOINTEE:	, CITY POSITION AND RELATIONSHIP TO THE PROPOSED ER CITY BOARDS/COMMISSIONS/COMMITTES? IF SO, PLEASE LICABLE
WHO WAS THE LAST PERSON TO HAVE HELD	THIS POSITION BEFORE IT BECAME VACANT?
NAME OF INCUMBENT:	Alejandra Chavira
EXPIRATION DATE OF INCUMBENT:	
	03-16-2023
REASON PERSON IS NO LONGER IN OFFICE (C	
	HECK ONE): TERM EXPIRED: RESIGNED X
REASON PERSON IS NO LONGER IN OFFICE (C	CHECK ONE): TERM EXPIRED: RESIGNED X REMOVED
REASON PERSON IS NO LONGER IN OFFICE (C	EHECK ONE): TERM EXPIRED: RESIGNED X REMOVED
REASON PERSON IS NO LONGER IN OFFICE (C DATE OF APPOINTMENT: <b>TERM BEGINS ON :</b>	2HECK ONE): TERM EXPIRED: RESIGNED X REMOVED
REASON PERSON IS NO LONGER IN OFFICE (C DATE OF APPOINTMENT: TERM BEGINS ON : EXPIRATION DATE OF NEW APPOINTEE:	CHECK ONE):       TERM EXPIRED:         RESIGNED $X$ 8-31-2021         8-31-2021         3-16-2023



P.O. Box 982 El Paso, Texas 79960-0982

Fernando Liaño Berjano Sustainability Coordinator City of El Paso

Date: August 23, 2021

Subject: El Paso Electric Appointee Regional Renewable Energy Advisory Council Non-voting member

Dear Mr. Berjano:

As you are aware, El Paso Electric Company's (EPE) appointee to the Regional Renewable Energy Advisory Council (RREAC), Alejandra Chavira resigned from the Company, effective August 6, 2021. To replace her as a non-voting representative to the RREAC, EPE proposes Omar Garcia-Bracho. Omar is the supervisor of EPE's Renewable Development and Management Team. He has more than 10 years' experience with EPE and brings a wealth of technical and industry experience that we believe will be a valuable complement to the RREAC.

Please except this letter as our notification of Ms. Chavira's resignation and proposal for Mr. Garcia-Bracho's nomination.

We look forward to continued collaboration with the City of El Paso and the RREAC on the important initiatives you are pursuing.

Thank you,

/s/jessica christianson

Jessica Christianson Sr. Director, Innovation and Sustainability

# OMAR GARCIA-BRACHO

Objective: To participate as a technical advisor to the Regional Renewable Energy Advisory Council (RREAC).

## EXPERIENCE

## JANUARY 2019 – CURRENT

## SUPERVISOR - RENEWABLES DEVT. AND MNGMT., EL PASO ELECTRIC CO.

As the supervisor of the renewables and development team I am responsible for the program and project management for renewable and new technology projects; design and development of utility-scale renewable generating facilities; and operations and maintenance of utility-scale renewable resources. I supervise a team of three engineers that are actively managing several solar photovoltaic and battery energy storage projects in different stages of development from inception to operation and maintenance.

## SEPTEMBER 2014 – JANUARY 2019

## SR. ENGINEER – RENEWABLES & EMERGENT TECH., EL PASO ELECTRIC CO.

Monitored and performed feasibility studies and developed recommendations on emerging technologies, performed due diligence reviews on opportunities for energy purchases, and technologies investment. Developed of renewable reports, managed projects, and process improvement initiatives. Coordinated Company renewable resource initiatives including customer project inquiries; project development, design, and implementation; bid development; PPA development and administration; and operation and maintenance activities.

## MARTCH 2010 – SEPTEMBER 2014 PRINCIPAL REPRESENTATIVE – COMMERCIAL SERVICES, EL PASO ELECTRIC CO.

- Customer liaison to over 50 El Paso Electric's key accounts to include City of El Paso, all school districts, County of El Paso, GSA (State), large healthcare, and industrial customers. This required extensive knowledge of proper rate applications, meter reading, billing, and revenue processing policies and procedures. Also, it gave me the opportunity to suggest energy and cost reduction measures through energy walk-through investigations and analysis.
- Coordinated the department's workflow as it pertains to customer and rate change requests.
- Main point of contact to all renewable energy customers.

## **SEPTEMBER 2006 – FEB 2010**

## MANAGER/SUPERVISOR - ENGINEERING, SIEMENS BT/LV

• Managed the manufacturing engineering team for both factory business units composed of three engineers, three technicians and one tool and die designer. As part of the responsibilities, I developed and maintained the department's annual budgets and key process indicators (KPI).

- Lead contact responsible for all manufacturing engineering data transfer during the installation and go-live introduction of SAP (manufacturing control software)
- Directly responsible for the introduction of new product lines and developed process improvements in the manufacturing area to increase product quality and reduce cost using lean principal tools such as VSM, Kaizen events, 5S, etc.
- Responsible for the procurement of equipment such as large-scale progressive metalstamping tools and thermo-set molding machines.
- Project manager for the transfer of operations from one site to another.

## JULY 2005 – AUGUST 2006

## SR. ENGINEER - MANUFACTURING, SIEMENS E&A

- Headed a \$1.4 million reduction in material usage through new processes
- Active participant in the transfer of products from one manufacturing site to another
- Led, participated, and trained production manufacturing teams in Six Sigma, 5S and SMED initiatives
- Authored production procedural and quality control documents and spearhead new product implementations

## APRIL 2005 – JULY 2005

## PROJECTS ENGINEERING MGR. – MANUFACTURING, BURNER SYSTEMS

INTERNATIONAL DE JUAREZ

- Managed the plant's engineering department composed of six engineers and one technician
- Responsible for the line transfers from one manufacturing site to another
- Project manager for all the plant's new projects to include cost estimates for new products, plant projects, and additional production lines
- Oversaw and led projects for cost reductions, lean manufacturing, Kaizen events, and SMED applications
- Responsible for the plant's ISO documentation control system and was a certified ISO internal auditor

## DECEMBER 1995 – MARCH 2005

## SR. ENGINEER - MANUFACTURING, HARPER-WYMAN

- Project manager for 50% of the plant's new products
- Organized as well as actively participated throughout the transfer of eleven production lines from one manufacturing site to another
- Lead manufacturing engineer of seven production lines and oversaw an additional three to include preparation of cost estimates for new products, plant projects, and additional production lines
- Oversaw and led general plant projects for half of the production lines including cost reductions, lean manufacturing, and SMED applications

## **EDUCATION**

## JULY 2001

MASTER OF BUSINESS ADMINISTRATION – GLOBAL MNGMT., UNIVERSITY OF PHOENIX

MAY 1995

## BACHELOR OF SCIENCE IN ELECTRICAL ENGINEERING COMPUTER ENGINEERING,

UNIVERSITY OF TEXAS AT EL PASO

## **CERTIFICATIONS & TRAINING**

- Project Management Professional November 2015
- Master's level certificate in Public Utility Regulation & Economics – May 2014 (NMSU)
- Project Management Competencies and Structures – May 2012
- Cognos BI consumer and report author February 2012
- Photovoltaic Systems Professional November 2012
- Acquired Residential Energy Auditor and Inspector certification – October 2010
- Acquired Six Sigma Green Belt certification

   March 2005

## SKILLS

- Bilingual (fluent in English and Spanish both written and verbal)
- Extensive knowledge of Microsoft Office programs
- Proficient in CC&B
- Exceptional organizational and communication skills



Legislation Text

## File #: 21-990, Version: 1

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

## DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

## AGENDA LANGUAGE:

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment A)

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

## AGENDA DATE:

PUBLIC HEARING DATE: August 31, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

## SUBJECT:

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments greater than \$2,500.00. (See Attachment 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?

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_YES \_\_\_NO

PRIMARY DEPARTMENT: Tax Office SECONDARY DEPARTMENT: N/A

## 

Revised 04/09/2021

**DEPARTMENT HEAD:** 

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

## TAX REFUNDS Aug 31, 2021

 Vantage Bank Texas, in the amount of \$5,278.22 made an overpayment on December 14, 2020 of 2020 taxes. (Geo. #V893-999-113A-8100)

Laura D. Prine City Clerk

Maria O Papillas Maria O. Pasillas, RTA **Tax Assessor Collector** 

	AUG 10 2021
MARIA O. PASILLAS, R CITY OF EL PASO TAX ASSESSOR 221 N. KANSAS, STE 30 EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.4	COLLECTOR 0
/	Geo No.         Prop ID           V893-999-113A-8100         409534
VANTAGE BANK TEXAS 1524 N MCCOLL RD MCALLEN, TX 78501	Legal Description of the Property 113-A VISTA DEL SOL = 16 REPLAT I & 14 (146859.85 SQ FT) 1440 VANDERBILT DR
	OWNER: RGS DISTRIBUTION INC
ITY OF EL PASO. 5: YSLETA ISD. 6: COUNTY OF EL PASO. 7; EL PASO COMMUNI O	2020 OVERAGE AMOUNT \$5,278.22 TY COLLEGE. 8: UNIVERSITY MEDICAL CENTER OF EL

#### 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 PROPER	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.						
Step 1. Identify the refund	Who should the refund be issued to:						
recipient. Show information for	Name: Vantage Bank TEXAS						
whomever will be receiving	Address: D.D. Box 1700						
the refund.	City. State. Zip. McAllen Texcis 18505						
	Daytime Phone No.: 956-6644-8973 E-Mail Address: Cristing. Martine Vantage Payment made by: Check No. Date Paid Amount Paid ban.						
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid ban						
information. Please attach copy of cancelled check, original receipt, online	100013960 1214 20\$1,20,864.47						
payment confirmation or bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)						
Step 3. Provide reason for	Please check one of the following:						
his refund. lease list any accounts and or	I paid this account in error and I am entitled to the refund.						
years that you intended to pay	I overpaid this account. Please refund the excess to the address listed in Step 1.						
with this overage.	I want this payment applied to next year's taxes.						
	This payment should have been applied to other tax account(s) and/or year(s). escrow (listed below):						
Step 4. Sign the form. Unsigned applications cannot be processed	By signing below. I hereby apply for the refund of the above-described taxes and certify that the information 1 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.)						
fue 8/11/21	signature of requestor (nequired) Printed Name & Date Martinez V						
TAX OFFICE USE ONLY	Approved Denied By: THA) Date: 08 10,000						

86

	1	Notes			Go To	0:			·
IZR CT80122 v1 90					8				08/23/2021 17:07:38 ACTEP
EPOSIT Ren	nittance	Detail						and a state of	Sector sector sector
Summary Query		Children (*							Current I
Domenit Min	Accou	nt Ala			Remit Seg No.	Check No		Payment Amount	Summary Payment Agreement No.
Deposit No. M205500	1000 C	999113A810	n		rentit ond two	Check NU.	1222	Payment Amount	Payment Agreement No.
eck/Receipt ages Deposit No	Receipt	Remit Seq No.	Check No.	Payn Type	nent Payment Amount	CHERRICAL CONTRACTOR	ansa Type	Account No.	Payer
MR05500	12/14/2020	492550.48	100013960	CH	\$ 361 864 47	\$5,349.22	L'S	W893999113A8400	6588 VANTAGE BANK TE
M205500	12/14/2020	45255028	100013960	СН	\$1,261,864.47	\$16,252,54	PA	V893999113A8100	5500-VANTAGE BANK TE
RC210811	12/14/2020	45255028	100013960	CH	\$5,278.22-	\$5 278 22-	TR	V893999113A8100	5500-VANTAGE BANK TE
RC210811	12/14/2020	45255028	100013960	СН	\$5,278.22	\$5.278.22	TR	V893999113A8100	29964091-VANTAGE BAN
RD3616559	11/04/2020	44713582	0000231043	CH	\$855 52-	\$855.52-	RD	V893999113A8100	25581755-RGS DISTRIBUT
RD3616559	11/04/2020	44713582	0000231043	CH	\$373.77-	\$373.77-	RD	V893999113A8100	25581755-RGS DISTRIBUT
RD3616559	11/04/2020	42282742	0000231043	CH	\$5,128.84-	\$5,128 84-	RD	V893999113A8100	25581755-RGS DISTRIBUT
RD3616559	11/04/2020	39531222	0000231043	CH	\$3.18-	\$3.18-	RD	V893999113A8100	25581755-RGS DISTRIBU
RD3616559	11/04/2020	39356590	0000231043	СН	\$5,092.95-	\$5,092.95-	RD	V893999113A8100	25581755-RGS DISTRIBU
KD3616555	10/30/2020	44713582	PPREMIT	СН	\$373.77-	\$373.77-	TR	V893999113A8100	RGS DISTRIBUTION INC
RC201030	and personal station while a	44713582	PPREMIT	CH	\$855.52-	\$855.52	TR	V893999113A8100	RGS DISTRIBUTION INC
The same and the second damages	10/30/2020	I'll IGOOL							



Legislation Text

## File #: 21-996, Version: 1

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

## DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

## AGENDA LANGUAGE:

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three (3) year limit. (See Attachment B)

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

## AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Maria O. Pasillas, (915) 212-1737

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.11 Provide efficient and effective services to taxpayers

## SUBJECT:

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

That the tax refunds listed on the attachment posted with this agenda be approved. This action would allow us to comply with state law which requires approval by the legislative body of refunds of tax overpayments exceeding the three (3) year limit. (See Attachment B)

## **BACKGROUND / DISCUSSION:**

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

Approve property tax overpayment refunds exceeding the statutory three (3) year limit, per the Texas Property Tax Code, Sec. 31.11 – Refunds of Overpayments or Erroneous Payments.

#### PRIOR COUNCIL ACTION:

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

Council has considered this previously on a routine basis.

#### AMOUNT AND SOURCE OF FUNDING:

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

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_NO

PRIMARY DEPARTMENT: Tax Office SECONDARY DEPARTMENT: N/A

## 

Revised 04/09/2021

**DEPARTMENT HEAD:** 

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

## TAX REFUNDS OVER THREE (3) YEARS August 31, 2021

- Vanderbilt Mortgage & Finance, in the amount of \$10.00, made an overpayment on November 13, 2017 of 2017 taxes. (Geo. # 14MH-000-0000-0011)
- Universal Tinting & Accessories, in the amount of \$12.80, made an overpayment on June 07, 2017 of 2016 taxes.
   (Geo. # 1537-999-1290-5034)
- Magellan Midstream Partners, in the amount of \$20.00, made an overpayment on December 19, 2016 of 2016 taxes. (Geo. # A765-999-002T-0921)
- Sandra Gonzalez and Jose R. Gonzalez, in the amount of \$45.99, made an overpayment on February 28, 2018 of 2017 taxes. (Geo. # E933-999-0050-2000)
- Ali Bourselan, in the amount of \$11.68, made an overpayment on June 20, 2017 of 2016 taxes.
   (Geo. # L891-000-011E-1595)
- Lone Star Title Co., in the amount of \$36.50, made an overpayment on January 26, 2017 of 2016 taxes.
   (Geo. # U819-999-008C-0620)
- Rogelio Romero, in the amount of \$199.50, made an overpayment on January 31, 2017 of 2016 taxes.
   (Geo. # 0123-999-3025-0000)
- Carlos Garibay, in the amount of \$13.44, made an overpayment on March 23, 2017 of 2016 taxes.
   (Geo. # 12LR-000-1195-7769)
- 9. 17<sup>th</sup> Street Investments LLC, in the amount of \$10.00, made an overpayment on January 31, 2017 of 2016 taxes.
   (Geo. # E014-999-0200-4100)
- 10. Rogelio Romero, in the amount of \$15.04, made an overpayment on January 23, 2017 of 2016 taxes.

(Geo. # E054-999-0120-0650)

- 11. Roberto and Francisca M. Trejo, in the amount of \$24.72, made an overpayment on July 18, 2017 of 2016 taxes. (Geo. # D539-999-0010-0700)
- 12. Wolff Family Rev Living Trust, in the amount of \$4.31, made an overpayment on August 15, 2016 of 2016 taxes.(Geo. # H779-098-8450-0010)

Laura D. Prine City Clerk

Maria O. Papillas

Maria O. Pasillas, RTA Tax Assessor Collector



# **Internal Audit Office**

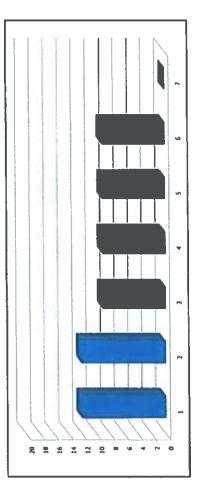
MAYOR Oscar Leeser	DATE:	July 26, 2021		
	TO:	Maria O. Pasillas, Tax Assessor/C	ollector	0
	FROM:	Edmundo S. Calderon, CIA, CGA	P, CRMA, Chief Internal Au	ditor
D <mark>istrict 1</mark> Peter Svarzb <b>e</b> in	SUBJECT	Seview of Tax Overpayment Refu	inds that Exceed Three Years	
District 2 Alexsandra Annello District 3 Cassandra Hernandez	a three-yea improve ma 2010.C1). T <u>Generally</u>	Audit Office conducted a review of r period. This engagement was accor- anagement of risks, add value, and/of the work performed does not constitut <u>Accepted Government Auditing Stop</u> that are reported in this memorandu	epted based on the engagem or improve the organization' te an engagement conducted i <u>andards</u> (GAS 1.16). The	ent's potential to 's operations (IIA n accordance with observations and
District 4 Joe Molinar		ing Tax Overpayment Refunds that ex	• -	-
District 5 isabel Salcido District 6 Claudia L. Rodriguez District 7 Henry Rivera District 8 Cissy Lizarraga CITY MANAGER Tommy Gonzalez	VANDER UNIVERS MAGELL GONZAL BOURSE LONE ST OLIVAS The Interna of payment by the Tax 12 days to p The follow Internal A	BILT MORTGAGE & FINANCE SAL TINTING & ACCESSORIES AN MIDSTREAM PARTNERS EZ JOSE R LAN ALI AR TITLE CO PEDRO & MARIA al Audit Office reviewed the refund and s. Attached is a list of days from the Office and sent to the Internal Audit of process the applications received and wing refund application was not app udit Office due to lack of receipt from	14MH-000-0000-0011 1537-999-1290-5034 A765-999-002T-0921 E933-999-0050-2000 L891-000-011E-1595 U819-999-008C-0620 99MH-999-0000-0471 oplications, copies of cancelled date the completed applicati Office for review. The Tax O send for review.	\$10.00 \$12.80 \$20.00 \$45.99 \$11.68 \$36.50 \$50.00 ed checks or proof ons were received ffice is taking 9 to
		ind the application was then approved PEDRO & MARIA	1 for review. 99MH-999-0000-0471	\$50.00
	determined	our review, the Tax Overpayment Re to be appropriate to send to City Con exas Tax Code		
		Gonzalez, City Manager t Cortinas, Deputy City Manager of S	Support Services & Chief Fin	ancial Officer

Edmundo S. Calderon – Chief Internal Auditor Internal Audit Office | 218 N. Campbell | El Paso, TX 79901 O: (915) 212-0069 | Email: calderones@elpasotexas.gov



# City of El Paao Internal Audit Office Tax Office Refund Project Week of 67/19/2021 Reviews- Over Three Years

				Date of President	Drite Annihration		Tests Bays from Date Front of		
4	P.LD. Mande	Annual	Date Application was Rectined	Rentred in the Fat Office	was approved by the Tax Office	Door Tax Offlee Sent to Internal Audit for Review	Physical to Date Ashed to be Reviewed	Date Internal Audit Reviewed Applement	Cimenoti
INIVERSAL TINTING & ACCESSORIES	1 537-999-1 290-503-1	512.80	7/9/2021	1/9/2021	7/16/2021	721/2021	13	1/26/2021	
n Bruitstir an All	La91-000-011E-1595	\$11.68	1202/21	1202/6/2	7/16/2021	120212/2	12	7/26/2021	
NAMPERAL TAINETGAGE & FINANCE	1100-000-0011	510.00	7/6/2021	1202/21/1	7/16/2021	120212/1	6	1/26/2021	
MAGELLAN MOSTREAM PARTNERS	A765-999-002T-0921	\$20.00	7//2021	112022117	7/16/2021	7/21/2021	6	1/26/2021	
LONZALES INCE & GARCIA SANDRA	F431-999-0050-2000	515.99	7/8/2021	112022117	7/16/2021	1202127	6	7/26/2021	
A LONE STAR TITLE CO	U819-999-008C-0620	\$36.50	1202/21/2	7/12/2021	7/15/2021	721/2021	6	1/26/2021	
7 OLIVAS PEDRO & MARIA	100-000-000-0111-0000-0111	\$50.00	6/21/2021	See Comments	1/21/2021	1202/12/2	NIA	1262021	Taxpayer careed find on goal payment receipt.
		5186.97							







# Internal Audit Office

MAYOR Oscar Leeser	DATE:	August 2, 2021		
	TO:	Maria O. Pasillas, Tax Assessor/O	Collector	a
CITY COUNCIL	FROM:	Edmundo S. Calderon, CIA, CGA	AP, CRMA, Chief Internal Auc	litor Cal
District 1 Peter Svarzbein	SUBJECT	: Review of Tax Overpayment Ref	funds that Exceed Three Years	
District 2 Alexsandra Annello	a three-yea	l Audit Office conducted a review or r period. This engagement was acc anagement of risks, add value, and	cepted based on the engageme	ent's potential to
District 3 Cassandra Hernandez	2010.C1). T	he work performed does not constitu Accepted Government Auditing S	ute an engagement conducted in	accordance with
District 4		that are reported in this memorand		
Joe Molinar	The followi	ng Tax Overpayment Refunds that	exceeded a three-year period w	ere reviewed:
District 5 Isabel Salcido		) ROMERO GARIBAY	0123-999-3025-0000 12LR-000-1195-7769	\$199.50 \$13.44
District 6 Claudia L. Rodriguez	17 <sup>TH</sup> STR	EET INVESTMENTS LLC	E014-999-0200-4100	\$10.00
District 7		) ROMERO OBERTO & FRANCISCA M	E054-999-0120-0650 D539-999-0010-0700	\$15.04 \$24.72
Henry Rivera		FAMILY REV LIVING TRUST	H779-098-8450-0010	\$4.31
District 8	WOLFF F	FAMILY REV LIVING TRUST	H779-098-8450-0140	\$4.31

The Internal Audit Office reviewed the refund applications, copies of cancelled checks or proof of payments. Attached is a list of days from the date the completed applications were received by the Tax Office and sent to the Internal Audit Office for review. The Tax Office is taking 7 to 22 days to process the applications received and send for review.

Based on our review, the Tax Overpayment Refunds that exceeded a three-year period were determined to be appropriate to send to City Council for approval pursuant to Section 31.11 (c-1) of the Texas Tax Code.

cc: Tomas Gonzalez, City Manager Robert Cortinas, Deputy City Manager of Support Services & Chief Financial Officer



Cissy Lizarraga

CITY MANAGER

Tommy Gonzalez

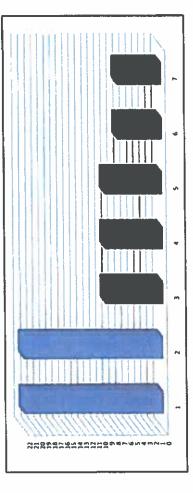
Edmundo S. Calderon – Chief Internal Auditor Internal Audit Office | 218 N. Campbell | El Paso, TX 79901 O: (915) 212-0069 | Email: calderones@elpasotexas.gov

# City of El Paeo Internal Audit Office Tax Office Refund Project Week of 972627021 Reviews-Ovor Three Years

4

.

				Date of Fred of	Date Amberla		Teach Dan In-		
CT-14	P.1 C. Namber	Amount	Date painting and Recting	Renind in de Tat Office	white appropriate of the task of task	Date Tax Diffee Sent to Internal Audit for Review	Payment to Date Ashed to be Reviewed	Prote featured Audit Review of Applications	Competitio
WOARE EAMAR V DEVI IVANG TBUCT	0100-0513-200-02211	IL P	6/28/2021	1/6/2021	1202/21/1	7/28/2021	Ft	8/2/2021	
	0FU-05F8-200/hLL11	16.42		7/6/2021	1202/27/	1202/2021	٤I	1202/23	
WULFF FAMILY NET ELVING 11031	6922-3631-000-18 1C1	1111		1202/61/2	7/21/2021	7/28/2021	6	80,0021	
	2011.000.000.000.000	00.012	7/19/2021	7/19/2021	1202/12/2	1/28/2021	6	1202/2/8	
II / III SI KEET INVESTMENTS LUC	11410-000-0010-000	22 725	1202/91/2	7/19/2011	7/21/2021	7/28/2021	6	8/2/201	
	1000-210-200-210	05.9912	1202/12/2	7/21/2021	1202/12/2	7/28/2021	7	8/2/2021	
DEPOSITIO ROMERO	E054-999-0120-0650	S15.04	1202/12/2	1/21/2021	1/21/2021	1/28/2021	7	8/2/2021	
		221122							





## **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, Vanderbilt Mortgage & Finance ("Taxpayer") has applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on November 13, 2017 in the amount of \$10.00 for all taxing entities; and

WHEREAS. City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2017 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Vanderbilt Mortgage & Finance showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$10.00 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

Wendi N. Vineyard

**APPROVED AS TO FORM:** 

when a vised

**APPROVED AS TO CONTENT:** 

Hava O Papillas

Maria O. Pasillas. RTA

21-10020728,002 | 1101469 Tax Refund Request Resolution | Vanderbilt Mortgage (\$10,00) WNV Assistant City Attorney

Tax Assessor/Collector

CITY OF EL PASO 221 N	A O. PASILLAS, RTA O TAX ASSESSOR COL N. KANSAS, STE 300 L PASO, TX 79901 (5) 212-0107 www.elpas		TAX OFFICE RECEIVED
	1/	Geo No. 14MH-000-0000-0011	Prop ID 642959
VANDERBILT MORTGAGE & FINANCE P.O. BOX 9800 Maryville , TN 37802	8/mg	Legal Description of the 1976 SEDONA 28X48 MOB PERSONAL PROPERTY SE BUC003076AZA'B LABEL 5379 LEAGUE RD OWNER: GATTIS GERALE JEAN	ILE HOME ONLY ON RIAL # # ARZ0341149/50

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 10: CLINT ISD, 27: EMERG, SERVICES DIST, #2

#### Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. 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 PROPER	TY TAN REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.						
Step 1. Identify the refund	Who should the refund be issued to:						
recipient.	Name: Vanderbilt Mortaage of Finance						
Show information for whomever will be receiving	Address: Dr Prx 1800						
the refund.	City, State, Zip: 1/1/1/1/ TAL 37817						
	Daytime Phone No. 805-380-30(1) IX 5439 E-Mail Address: Massle Swan Ermf. C						
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid						
information. Please attach copy of cancelled	Noderland 272550 11/13/17 01/2/079						
check, original receipt, online	Vanterbilt 2122550 111311 9126.17						
payment confirmation or							
bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts) 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	V I overpaid this account. Please refund the excess to the address listed in Step 1.						
with this overage.	I want this payment applied to next year's taxes.						
	This payment should have been applied to other tax account(s) and/or year(s). escrow (listed below):						
Step 4. Sign the form.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I						
Unsigned applications cannot	have given on this form is true and correct. ( If you make a false statement on this application, you could be found						
be processed.	guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)						
0	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE						
Mp 7/20/21	YOUNU SUNN /MAF Krissle Swan NMF 7/10/21						
J	MAN AND AND						
TAX OFFICE USE ONLY.	Approved Denied By: Date: Date: Date:						

2

		Notes			Go To	<b>b</b> :			
ZR 180122 v1.90			S. Jacobiel	an a	a water				08/03/2021 12:18:52 ACTEP
EPOSIT Rem	ittance	Detail	Services.	in the section	e la participa de			Control Sugar	No. 2 Alto Manager and Manager
Summary Query		Television and		And And Andrews					Sugmary
eposit No.	Accou	nt No		D	emit Sea No.	Check No.		Payment Amount	Payment Agreement No.
A11131765	2011023812912 0120	0000000001	1	The second second	attur ond inn.	CHECK NU.	1000	Fayment Amount	L'ayment Agreement No.
eck/Receipt ges Deposit No.	Receipt Date	Remit Seg No.	Check	Payme Type	nt Payment Amount	THE REPORT OF A DESCRIPTION OF A DESCRIP	ransa Type	ction Account	Payer
A11062065	11/03/2020	shement of Arteboards to	3237716	СН	\$240,940.80			14MH0000000011	21530228-VANDERBILT N
A12171981	12/17/2019	42283441	3101566	СН	\$116.44	\$116.44	PA	14MH00000000011	21530228-VANDERBILT N
A10221878	10/22/2018	38700444	2906545	СН	\$12,649.94	\$118.18	PA	14MH00000000011	21530228-VANDERBILT M
A11131765	11/13/2017	35953256	2722550	CH	\$126.79	\$10.00	LG	14MH00000000011	21530228-VANDERBILT N
A11131765	11/13/2017	35953256	2722550	СН	\$126.79	\$116.79	PA	14MH0000000011	21530228-VANDERBILT N
A11211673	11/21/2016	33031238	2533279	CH	\$115.70	\$115.70	PA	14MH0000000011	21530228-VANDERBILT N
A11091576	11/09/2015	29795727	2332243	CH	\$119.00	\$119.00	PA	14MH0000000011	21530228 VANDERBILT N
M141580435	11/30/2014	27272295	2209574	CH	\$182.690 84	\$124.15	PA	14MH00000000011	1580435-VANDERBILT M
	e en en en en	-	_	_					
							-		
	-		1				1		
ALL	CONTRACTOR OF		and the second	Applied Tot	al	\$840.92	13	ALC: NO PAGE	

## **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, Universal Tinting through Universal Tinting & Accessories C/O Robert Yruegas Jr. ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on June 07, 2017 in the amount of \$12.80 for all taxing entities; and

WHEREAS. City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Universal Tinting & Accessories C/O Robert Yruegas Jr., showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$12.80 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

What N Virgent

Wendi N. Vineyard Assistant City Attorney

#### APPROVED AS TO CONTENT:

Hava O Papillas

Maria O. Pasillas, RTA Tax Assessor Collector

				-
CITY OF EL PASO 221 N	A O. PASILLAS, RTA TAX ASSESSOR COLI KANSAS, STE 300 PASO, TX 79901		TAX OFFICE RECEIVED JUL 09 2021	÷
PH: (915) 212-0100 FAX: (913	s) 212-0107 www.erpasc	Geo No.	Prop ID	
		1537-999-1290-5034	652671	
		Legal Description of th	e Property	
	611	INV FURN MACH CMP		
UNIVERSAL TINTING & ACCESSORIES C/O ROBERT YRUEGAS JR 8409 LOCKHEED DR STE 22	man	8409 LOCKHEED DR-2.	2	
EL PASO , TX 79925-1215	14, 1	OWNER: UNIVERSAL T	INTING & ACCESSORIES	/
		2016 OVERAG	E AMOUNT \$12.80	V

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 PROPER	RTY TAX REFUND: This application must be completed, signed, and submitted with supporting docum	entation to be valid.						
Step 1. Identify the refund recipient. Show information for whomever will be receiving	Who should the refund be issued to:							
	Name: Universal Tinting							
	Name: Universal Tinting Address: 8109 Eact Leed Dr.							
the refund.	City. State. Zip: ElPaso178. 78925							
	Daytime Phone No .: 337-3493 E-Mail Address: tint-u	izort@holmoil.co.						
Step 2. Provide payment		unt Paid						
information. Please attach copy of cancelled check, original receipt, online payment confirmation or	2463 6717\$5	02.8						
bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)							
Step 3. Provide reason for	Please check one of the following:							
this refund. Please list any accounts and or	I paid this account in error and I am entitled to the refund.							
years that you intended to pay	I overpaid this account. Please refund the excess to the address listed in Step 1.							
with this overage.	I want this payment applied to next year's taxes.							
	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):							
Step 4. Sign the form. Unsigned applications cannot be processed.	guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10	n. you could be found						
Aug loolon	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE Religned Reserved Res	LEGAS JK						
TAX OFFICE USE ONLY:	Denied By Date: 07/16	2001						

			Notes			Go To	-				-
ZR T80	122 11.90										08/03/2021 12:18:52 ACTEP
EP	OSIT Rem	ttence	Detail							alian da fas de	
Sur	nmary Query				-		an an tao an an				
							Ob coli Alo				Summary
en des protects à l'automout de l'en-		Accou	IND. 19912905034		R	emit Seg No	Check No.		Payment Amount		Payment Agreement No.
	the shift of the sector of the	dert all origination		meriti di mila at	i mile	A CONTRACTOR OF	A COLOR DE LE COLOR		1	Barra and Andrews	Anter and the second
ck/i ges	Receipt Deposit No.	Receipt Date	Remit Seq No	Check No.	Payme Type	Amount	Applied T Amount	Type	CALCULATING CONTRACT	Account No	Payer
	11182075	11/12/2020	and the second second second second	0038645602	CH	\$600.70				912905034	UNIVERSAL TINTING & A
E	EC04142085	04/13/2020	Contraction of the	CC003007114	EC	\$787.65	\$787.65	PA	153799	912905034	28395704-ROBERT YRUE
E	EC02261941	02/25/2019	40832024	CC002427319	EC	\$535.83	\$535.83	PA	153799	912905034	27227813-ROBERT YRUE
ł	A11021741	11/02/2017	35860487	2582	CH	\$430.59	\$430.59	PA	153799	912905034	UNIVERSAL TINTING & A
1	406071741	06/07/2017	35424103	2463	CH	\$502.81	\$12.80	LG	153799	912905034	UNIVERSAL TINTING & A
1	A06071741	06/07/2017	35424103	2463	CH	\$502.81	\$490.01	PA	153799	912905034	UNIVERSAL TINTING & A
Ī	P02251668	02/24/2016	31891384	CC001274009	CR	\$296.60	\$296.60	PA	153799	912905034	24549849-ROBERT YRUE
<b></b>			1	1							
			1								
								1			
1		1		and service and all the reader				1-	1		and the second second second
	相互动的问题	Success		Ар	plied Tot	tal	\$3,154.18				
							A ANALASE AN			STREET, STREET, ST	
										Ser Stall	
									ES EL		
		N-A-E-	SAMPLE AND				and a second	4			
					a lake						

## **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, Magellan Midstream Partners ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on December 19, 2016 in the amount of \$20.00 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Magellan Midstream Partners showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$20.00 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Wed N Vigad

Wendi N. Vineyard Assistant City Attorney

## APPROVED AS TO CONTENT:

Hava O. Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

MARIA O. PASILLAS. RT CITY OF EL PASO TAX ASSESSOR C 221 N. KANSAS, STE 300 EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.el	OLLECTOR	TAX OFFIC RECEIVED JUL 12 202
	Geo No. A765-999-002T-0921	Prop ID 111133
MAGELLAN MIDSTREAM PARTNERS ONE WILLIAMS CENTER	Legal Description of the F 2 ASCARATE TR 9-X-1 (1.92 6325 TROWBRIDGE DR	
P.O. BOX 22186 TULSA , OK 74121-2186	OWNER: CHEVRON U'S A	INC

# 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 PROPER	Y 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: Mag Min MidStrlam Partillis Address: Dife Williams Center, PO Box 22186 MD-27 City. State. Zip: TUISA OK 74121 - 2186 Daytime Phone No.: (913) 574 - 7637 E-Mail Address April Lather Dange Kin
Step 2. Provide payment information. Please attach copy of cancelled check. original receipt, online payment confirmation or bank credit card statement.	Payment made by: Cbeck No. Date Paid Amount Paid 2800439395 12.119.116 68.90.11 TOTAL AMOUNT PAID (sum of the above amounts)
Step 3. Provide reason for this refund. Please list any accounts and or years that you intended to pay with this overage.	Please check one of the following:         I paid this account in error and I am entitled to the refund.         X       I overpaid this account. Please refund the excess to the address listed in Step 1.         I want this payment applied to next year's taxes.         This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below. I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code. Sec. 37.10.) SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE Have I Cather I 1 1021 PApproved Denied By: Date: Date
152.1.7 + Refund	expires 12/19/2021 Print Date: 06/08/2021

			Notes			Go To				
UZR CT801	122 11.90									08/03/2021 12:18:52 ACTEP
DEPO	OSIT Rem	ttance	Detail	the second second	and see		a Basalana			
Sun	nmary Query				and a second					
	100		C. S. 1997		102				1994 (1997) (1997)	Summary
0.00.00.00	sit No.	Accou	ALL MARCHINE AND		Re	mit Seq No.	Check No.		Payment Amount	Payment Agreement No.
A121	91673	A7659	999002T0921		a character	and a line of the second	A second second second	-	-	
1000 AL	Receipt	Receipt	Remit	Check	K TO MARK . CARM	nt Payment	Applied T	When setting a	NAMES AND ADDRESS AND ADDRES ADDRESS AND ADDRESS AND ADDRE	Payer
ages A	Deposit No 01272165	Date 01/27/2021	Seq No. 46343440	No. 2800539567	Type CH	Amount \$530.048.04	Amount \$10 859 70	Тур	A765999002T0921	24959490-MAGELLAN PIF
123	02052075	01/31/2020		2800525177	СН	\$551,531,74	and a substantial second	hur	A765999002T0921	24959490-MAGELLAN PI
1.64	02201986	a contractor of the local division of the	Carlo Charles Charles	2800504284	СН	\$312.53	and the second s	-	A765999002T0921	24959490-MAGELLAN PI
191-	02081986	01/31/2019	And a state of the	2800502924	CH	\$580.603.53	- st. di si surrir regione surrir	-	A765999002T0921	CHEVRON U S A INC
1994	11141875	11/14/2018		2800496962	СН	\$10,545.46	a state of the sta	and i	A765999002T0921	24959490-MAGELLAN PI
1971	031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$10,545,46	TR	A765999002T0921	24959490-MAGELLAN PI
1991	031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$10,545.46	TR	A765999002T0921	24959490-MAGELLAN PI
F	031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$305.00	TR	A765999002T0921	24959490-MAGELLAN PI
F	2031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$10,240 46	TR	A765999002T0921	24959490-MAGELLAN PI
F	2031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$305.00	TR	A765999002T0921	24959490-MAGELLAN PI
F	R031218198	11/14/2018	38896549	2800496962	СН	\$0.00	\$10 240 46	TR	A765999002T0921	24959490-MAGELLAN PI
1	12191573	12/19/2016	33396682	2800439395	СН	\$6,890.11	\$20.00	LG	A765999002T0921	7933-MAGELLAN MIDST
His		6 C X X X	1. 1.	And assess	oplied Tota		\$138,137,26	T	ale de la constance de la	
					uppiled Told	21				

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, Sandra Gonzalez and Jose R. Gonzalez ("Taxpayers") have applied for a refund with the tax assessor for their 2017 property taxes that were overpaid on February 28, 2018 in the amount of \$45.99 for all taxing entities; and

WHEREAS. City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2017 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Sandra Gonzalez and Jose R. Gonzalez showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2017 taxes and the tax refund in the amount of \$45.99 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

which N Vizad.

Wendi N. Vineyard Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Java O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

	MARIA O. PASILLAS, F EL PASO TAX ASSESSOR 221 N. KANSAS, STE 3 EL PASO, TX 79901	COLLECTOR 00	TAX OFFICE RECEIVED JUL 12 202
PH: (915) 212-0106 J	FAX: (915) 212-0107 www	elpasotexas.gov/tax-office Geo No. E933-999-0050-2000	Prop ID 371590
GONZALEZ JOSE R GARCIA SANDRA	Right	Legal Description of the 5 ESPER REPLAT A LOT 2 3633 ANNAGILL ST 7993	Property 0 (5234.83 SQ FT)
3633 ANNAGILL ST EL PASO , TX 79936-1369	Also,	OWNER: GONZALEZ JOS	ER

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 PROPERT	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.
Step 1. Identify the refund	Who should the refund be issued to:
recipient.	Name: Sandra Gonzalez/Jose R. Gonzalez /
Show information for whomever will be receiving	Address: 3633 Gonzalez
he refund.	City State Zin: El Pasa Ta Vas
	Daytime Phone No.: (9,5) 799-6684 ail Address: gomatador eyanoo
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid
information. Please attach copy of cancelled sheck, original receipt, online	4456 22818 \$1,276.49
payment confirmation or bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:         I paid this account in error and I am entitled to the refund.         I overpaid this account. Please refund the excess to the address listed in Step 1.         I want this payment applied to next year's taxes.         This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)
pucibolar c	SIGNATURE OF REQUESTOR (REQUIRED) Jandra Longeley PRINTED NAME & DATE Sandra Gonzalez 7/8/2021
TAX OFFICE USE ONLY	Approved Denied By: Date: 07/16/2001

		Notes			Go To	t			*
ZR 2780122 v1 90		C.,							08/03/2021 12:18:52 ACTEP
EPOSIT Rem	ttance	Detail				and the second sec			
Summary Query									Summary
leposit No.	Accou	nt No.	a la cara cara cara cara cara cara cara	R	ternit Seq No.	Check No.		Payment Amount	Payment Agreement No.
303021865	E9339	9900502000	k		ALLAD AN DALLARD			La recent frequencies	
eck/Receipt ges Deposit No	Receipt Date	Remit Seq No.	Check No.	Payma Type	ent Payment Amount	A REAL PROPERTY AND A REAL PROPERTY A REAL PROPERTY AND A REAL PROPERTY A	ansa Type	ction Account No	Payer
M2022000001	I statistics and this in far at 12	45355774	1194572		\$48,366,101.53			E93399900502000	2200 GOVERNMENT EMP
A11081981	11/08/2019	41828298	5170671	CH	\$3,452.74	\$3,452.74	PA	E93399900502000	GONZALEZ JOSE R
A04011990	04/01/2019	41050269	4489	CH	\$49.92	\$49.92	PA	E93399900502000	27217351 GONZALEZ SA
A02221990	02/22/2019	40806266	4482	CH	\$700.00	\$700.00	PA	E93399900502000	27217351-GONZALEZ SA
A02281986	02/15/2019	40850914	4483	СН	\$2.626.91	\$2,626.91	PA	E93399900502000	GONZALEZ JOSE R
R030319498	02/15/2019	40850914	4483	CH	\$0.00	\$2,626.91-	TR	E93399900502000	GONZALEZ JOSE R
R030319498	02/15/2019	40850914	4483	CH	\$0.00	\$2,626.91	TR	E93399900502000	GONZALEZ JOSE R
R030319498	01/31/2019	40850914	4483	CH	\$0.00	\$2,626.91	TR	E93399900502000	GONZALEZ JOSE R
R030319498	01/31/2019	40850914	4483	СН	\$0.00	\$2,626.91-	TR	E93399900502000	GONZALEZ JOSE R
B03021865	02/28/2018	37923421	4456	CH	\$1.276.49	\$45.99	LG	E93399900502000	GONZALEZ JOSE R
B03021865	02/28/2018	37923421	4456	СН	\$1,276.49	\$1 230 50	PA	E93399900502000	GONZALEZ JOSE R
RC210721	02/28/2018	37923421	4456	CH	\$45.99	\$45.99	TR	E93399900502000	29927956-GONZALEZ SA

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, Ali Boureslan ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on June 20, 2017 in the amount of \$11.68 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Ali Boureslan showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$11.68 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

What N Vinget

Wendi N. Vineyard Assistant City Attorney

#### APPROVED AS TO CONTENT:

Vina O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

21-10020128.002 -1101477 Tax Refund Request Resolution - Ali Boureslan (\$1+68) WNV

MARIA O. PASILLAS CITY OF EL PASO TAX ASSESSO 221 N. KANSAS, STI EL PASO, TX 799 PH: (915) 212-0106 FAX: (915) 212-0107 WY	OR COLLECTOR	TAX OFFICE RECEIVED JUL 09 2021
FIL (913) 212-0100 FAX. (913) 212-0107 - WY	Geo No. L891-000-011E-1595	Prop ID 400572
BOURSELAN ALL	Legal Description of the	e Property
3616 MCRAE BLVD STE A EL PASO, TX 79925-1426	OWNER: BOURSELAN A	11

6: COUNTY OF EL PASO. 7: EL PASO COMMUNITY COLLEGE. 8: UNIVERSITY MEDICAL CENTER OF EL PASO. 20: TORNILLO ISD. 27: EMERG. SERVICES DIST. #2, 30: TORNILLO WATER DISTRICT

#### Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

#### APPLICATION FOR PROPERTY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund	Who should the refund be issued to:						
recipient. Show information for	Name: Ali BOURESLAN						
whomever will be receiving the refund.	Address: 10009 ALBUM AVE						
	City. State, Zip: ELPA30, TX 79925						
	Daytime Phone No.: E-Mail Address:						
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid						
information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank credit card statement.	2.115 le 20 17 \$ 63.25 TOTAL AMOUNT PAID (sum of the above amounts)						
Step 3. Provide reason for	Please check one of the following:						
this refund. Please list any accounts and or	I paid this account in error and I am entitled to the refund.						
years that you intended to pay	1 overpaid this account. Please refund the excess to the address listed in Step 1.						
with this overage.	I want this payment applied to next year's taxes.						
	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):						
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below. I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)						
Incolada	SIGNATURE OF REQUESTOR (REQUIRED) Ali Boures) an 7/2/21						
TAX OFFICE USE ONLY:	PApproved Denied By: Date: 07/10/2021						

		Notes			Go To				*
IZR CT80122 v1 90					Selena				08/03/2021 12:18:52 ACTEP
EPOSIT Rem	ittance	Detail			Addition	Steel Reside		Station and	
Summary Query						1	ni sent Victor		Commenter 1
Deposit No.	Accou	nt No.		Re	mit Seg No.	Check No.		Payment Amount	Payment Agreement No.
A06201775	States and the states	00011E159	i i	000131213		A REAL PROPERTY AND INCOME.	22231		
eck/Receipt ages Deposit No.	Receipt	Remit Seg No.	Check No	Paymer Type	t Payment Amount	LARSE HALLENGER AND THE	ansa Type	ction Account No	Payer
EC01202198	01/19/2021	46151859	CC003442048	EC	\$79 39	and the second	p. E. P	L891000011E1595	29207666-ALI S BOURESI
A01222092	01/22/2020	43051713	1285	СН	\$22,133.60	\$77.40	PA	L891000011E1595	BOURSELAN ALI
A01141975	01/14/2019	39895112	1262	CH	\$21,622.26	\$45 23	PA	L891000011E1595	BOURSELAN ALI
A01231883	01/23/2018	37163523	1223	СН	\$20,808,84	\$45.37	PA	L891000011E1595	BOURSELAN ALI
A06201775	06/20/2017	35454211	2115	CH	\$63.25	\$11.68	LG	L891000011E1595	BOURSELAN ALI
A06201775	06/20/2017	35454211	2115	CH	\$63.25	\$51.57	PA	L891000011E1595	BOURSELAN ALI
RC210716	06/20/2017	35454211	2115	CH	\$11.68-	\$11.68-	TR	L891000011E1595	BOURSELAN ALI
RC210716	06/20/2017	35454211	2115	СН	\$11.68	\$11.68	TR	L891000011E1595	29922169-BOURESLAN A
X0127162010	01/27/2016	31315747	00370	СН	\$29.858.96	\$42.68	PA	L891000011E1595	BOURSELAN ALI
The fact for the	01/23/2015	28168719	00226	СН	\$21,354.70	\$42.66	PA	L891000011E1595	BOURSELAN ALI
X0123152010	05/20/2014	26252643	266	СН	\$47.56	\$47.56	PA	L891000011E1595	BOURSELAN ALI
Witten and the second second	05/20/2014				the second se	the fact strain as such as the fact that the second strain as a second	PA	provide contractions in a sub-site of the second se	

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, Lone Star Title through Lone Star Title Co. ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 26, 2017 in the amount of \$36.50 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Lone Star Title Co. showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$36.50 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard Assistant City Attorney

# APPROVED AS TO CONTENT:

Java O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

21-10020728.002 1101466 Tax Refund Request Resolution Lone Star Title Co. (\$36,50) WNV

P				
teri data kati ya kati kati kati kati kati kati kati kat		······································	TAX OFFICE RECEIVED	
	=	**	JUL 1 2 2021	
CITY	MARIA O. PASILLAS, R OF EL PASO TAX ASSESSOR (	COLLECTOR		
	221 N. KANSAS, STE 30 EL PASO, TX 79901			
PH: (915) 212-01	06 FAX: (915) 212-0107 www.e			
		Geo No. U819-999-008C-0620	Prop ID 377623	
		Legal Description of the	Property	
		8 UPPER VALLEY TR 6-C-	1-E (0.978 ACRES)	
LONE STAR TITLE CO 6701 N MESA	8 a V	5550 CORY DR		
EL PASO , TX 79912	XXX	OWNER: HOLMES JOHN	& ANGELA	
		2016 OVERAGE	AMOUNT \$36.50	V

# 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 PROPER'	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.							
Step 1. Identify the refund	Who should the refund be issued to:							
recipient. Show information for	Name: LONG Story, Iley							
whomever will be receiving	Address: 6701 W. Mose							
the refund.	City, State, Zip: GL Poso, To 79112							
	Daytime Phone No.9 (5-533 1552 E-Mail Address:							
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid							
information. Please attach copy of cancelled check. original receipt, online payment confirmation or	Long Start. the 347715 1/26/17 \$16,693.98							
bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)							
Step 3. Provide reason for	Please check one of the following:							
this refund. Please list any accounts and or	I paid this account in error and I am entitled to the refund.							
years that you intended to pay	I overpaid this account. Please refund the excess to the address listed in Step 1.							
with this overage.	I want this payment applied to next year's taxes.							
	This payment should have been applied to other tax account(s) and or year(s). escrow (listed below):							
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below. I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. ( If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code. Sec. 37.10.)							
June	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE							
TAX OFFICE USE ONLY:	Reproved Denied By: MA Date:0715/2021							
The office cos office.								

26

		Notes			Go To				•
JZR CT80122 v1.90									08/03/2021 12:18:52 ACTEP
EPOSIT Remi	tance	Detail	Real Property of the			an a	24-3 		
Summary Query	de main				S. and S	Summer of the			Summary
Deposit No.	Accou	nt No.			Remit Seq No.	Check No.		Payment Amount	Payment Agreement No.
A01261741	U8199	99008C062	D						A State
eck/Receipt ages Deposit No	Receipt Date	Remit Seg No.	Check No.	Раул Туре	nent Payment Amount	COMPANY COUNTRY OF A	ansa Type	e No.	Payer
M2080000001	12/15/2020	45278757	201214123540		241,485,823.54	\$23,536,39	PA	U819999008C0620	800000-CORELOGIC
M1980000001	12/16/2019	42270898	191213175283	EF	220,479,351.04	\$22,806,77	PA	U819999008C0620	800000-CORELOGIC
M18A27000001	01/11/2019	39900069	19011142806	EF	\$52,495,880.15	\$22,196.47	PA	U819999008C0620	2700-LERETA LLC
M17RE1800001	12/18/2017	36356004	171215192214	EF	232.569.225.62	\$17,500.92	PA	U819999008C0620	800000-CORELOGIC
A01261741	01/26/2017	34332879	347715	CH	\$16,693,98	\$16,657.48	PA	U819999008C0620	22530840-LONE STAR TIT
A01261741	01/26/2017	34332879	347715	CH	\$16,693.98	\$36.50	LG	U819999008C0620	22530840-LONE STAR TIT
RD2606975	10/19/2016	20277647	0000199666	СН	\$32.58-	\$32.58-	RD	U819999008C0620	MANSFIELD DAVID & SH
X0208161000	01/31/2016	31739176	02509	CH	\$16,561.80	\$16,561.80	PA	U819999008C0620	MANSFIELD DAVID & SH
X0205151049	01/31/2015	28762902	02160	СН	\$16,668.73	\$16,668 73	PA	U819999008C0620	MANSFIELD DAVID & SH
X0203141068	01/31/2014	25610166	01703	CH	\$16,355.40	\$16,355.40	PA	U819999008C0620	MANSFIELD DAVID & SH
X0201131025	01/31/2013	22940314	01524	СН	\$15,884.61	\$15,884,61	PA	U819999008C0620	MANSFIELD DAVID & SH
10201101020	A contract of the second se	and a state of the	A real means and	СН	\$15,656.35	\$15 623 77		U819999008C0620	20951465-LAWYERS TITL

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, Rogelio Romero ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 31, 2017 in the amount of \$199.50 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Rogelio Romero showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$199.50 is approved.

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

**CITY OF EL PASO:** 

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

which is viscant

Wendi N. Vineyard Assistant City Attorney

# APPROVED AS TO CONTENT:

Jana O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

21-10020 28 002 1101483 Tax Refund Request Resolution | Rogelio Romero (\$199.50) WNV

CITY OF EI	AIARIA O. PASILLAS, RI PASO TAX ASSESSOR ( 221 N. KANSAS, STE 30 EL PASO, TX 79901 X: (915) 212-0107 www.e	COLLECTOR	TAX OFFIC RECEIVED
PH: (915) 212-0106 FA	X: (915) 212-0107 www.e	Ipasotexas.gov/tax-office Geo No. 0123-999-3025-0000	Prop ID 416963
OGER ROMERO ROOFING CO	Rich	Legal Description of the INV FURN MACH VEH SIC 49 N BOONE ST	• •
O ROGELIO ROMERO 902 LAKEWOOD AVE . PASO , TX 79935-3402	SAN SAN	OWNER: ROGER ROMERO	POOLING CO

1: CITY OF EL PASO, 5: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF LL 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 PROPER	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.
Step 1. Identify the refund	Who should the refund be issued to:
recipient. Show information for whomever will be receiving the refund.	Name: ROGPLIO KOMERO
	Address: 10902 LAIGENOOD AR
	City. State. Zip: El DASO TX 79935
	Daytime Phone No. 914 778 42-20 E-Mail Addres 98 YOM 059 @ 4A
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid
nformation. lease attach copy of cancelled heck, original receipt, online ayment confirmation or	CK 19433 1/31/17 815.12
bank/credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)
Step 3. Provide reason for this refund. Please list any accounts and or years that you intended to pay with this overage.	Please check one of the following:         I paid this account in error and I am entitled to the refund.         I overpaid this account. Please refund the excess to the address listed in Step 1.         I want this payment applied to next year's taxes.         This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):
	This payment should have been appred to other tax account(s) and of year(s), escrow (instea 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.)
Rec 7/21/21	SIGNATURE OF REQUESTOB (REQUIRED) PRINTED NAME & DATE
TAX OFFICE USE ONLY:	

		Notes			Go To	al			•
2R 180122 v1.90									08/04/2021 16:20:21 ACTEP
EPOSIT Rem	ittance	Detail	and a second	- an and a start	AN ACLES	S. House		Break and	electer for the second second
Summary Query		and straining and	als principal ones			to inter set			Summary
eposit No.	Accou	nt No.		R	emit Seq No.	Check No.		Payment Amount	Payment Agreement No.
0206171026	01239	9930250000						A A A A A A A A A A A A A A A A A A A	
ck/Receipt ges Deposit No.	Receipt Date	Remit Seg No.	Check No	Payme Type	nt Payment Amount	The Provide Street Bill B	ansa Type	ction Account No.	Payer
T01222100011	01/22/2021	46287923	20756	СН	\$1,199.48	\$1,199.48	PA	012399930250000	ROGER ROMERO ROOF
T01312000006	01/31/2020	43500394	20510	CH	\$1,298.36	\$1,298.36	PA	012399930250000	ROGER ROMERO ROOF
T01301900002	01/30/2019	40506491	20222	CH	\$864.54	\$864.54	PA	012399930250000	ROGER ROMERO ROOF
T01181840003	01/18/2018	37109924	19826	CH	\$3,876.57	\$743 33	PA	012399930250000	ROGER ROMERO ROOF
R030521967	01/31/2017	34767053	19433	CH	\$0.00	\$0.50	TR	012399930250000	ROGER ROMERO ROOF
R030521967	01/31/2017	34767053	19433	CH	\$0.00	\$0.50	LG	012399930250000	ROGER ROMERO ROOF
X0206171026	01/31/2017	34767053	19433	СН	\$815.12	\$615.12	PA	012399930250000	ROGER ROMERO ROOF
N0206171026	01/31/2017	B4767053	19433	CH	\$815.12	\$200 00	LG.	012399930250000	ROGER ROMERO ROOF
X0204 161014	01/31/2016	31761367	19001	СН	\$526.38	\$526.38	PA	012399930250000	ROGER ROMERO ROOF
X0202151036	01/31/2015	28530687	18501	СН	\$451.81	\$451.81	PA	012399930250000	ROGER ROMERO ROOF
A03111472	03/11/2014	25985117	18166	СН	\$420.22	\$420 22	PA	012399930250000	ROGER ROMERO ROOF
X0201131012	01/31/2013	22939510	17747	CH	\$325.70	\$325 70	PA	012399930250000	ROGER ROMERO ROOF

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, Carlos Garibay through Darrington Self Storage C/O Carlos Garibay ("Taxpayer") has applied for a retund with the tax assessor for their 2016 property taxes that were overpaid on March 23, 2017 in the amount of \$13.44 for all taxing entities; and

WHEREAS. City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Darrington Self Storage C/O Carlos Garibay showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$13.44 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Wal N Vigal

Wendi N. Vineyard Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Maria O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

X	= = =	RTA	TAX OF RECEN JUL 19
	PASO TAX ASSESSOR 221 N. KANSAS, STE 3 EL PASO, TX 79901 X: (915) 212-0107 www	COLLECTOR 00 .elpasotexas.gov/tax-office	JUL 19 ;
		Geo No. 12LR-000-1195-7769	Prop ID 627889
	5	Legal Description of the P FURN	20
DARRINGTON SELF STORAGE	A'S	1501 DARRINGTON RD	
C/O CARLOS GARIBAY 14360 ROARING SPRINGS DR EL PASO , TX 79928-7321	135	OWNER: DARRINGTON SE	LF STORAGE

2016 OVERAGE AMOUNT \$13.44

2

6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO, 10: CLINT ISD, 23: 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 PROPERT	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.							
Step 1. Identify the refund	Who should the refund be issued to:							
recipient.	Name: CARLOS GARIBAY							
whomever will be receiving	Address: 14360 BOARING SPRINGSDR.							
the refund.	City. State. Zip: EL PASO, TX. 79928							
	Daytime Phone No: 9157538123 E-Mail Address:							
Step 2. Provide payment	Identify the refund nt. formation for ver will be receiving nd.       Who should the refund be issued to: Name: CARLOS GARIBAY Address: IA 360 ROARING SPRINGSDR. City. State. Zip: IPASO, AX. 799328 Daytime Phone No: 9/5, 25381, 23 E-Mail Address: Provide payment ation. Utach copy of cancelled teonfirmation or edit card statement. Provide reason for und.       Roment made by: Check No. Date Paid Amount Paid         Provide payment ation. Utach copy of cancelled teonfirmation or edit card statement. Provide reason for und.       Roment made by: Check No. Date Paid Amount Paid         Provide reason for und.       Plense check one of the following         I paid this account in error and I am entitled to the refund I overpaid this account. Please refund the excess to the address listed in Step 1. I want this payment applied to next year's taxes. This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):         Sign the form. essed.       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. (I fyou make a failse 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.)         SignAttrue OF REQUESTOR (REQUIRED)       PRINTED NAME & DATE CABLOS CABRIDARY							
information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Maneyorethe RID7630775880 3/23/17 \$75.29							
	TOTAL AMOUNT PAID (sum of the above amounts)							
Step 3. Provide reason for	Please check one of the following:							
	I paid this account in error and I am entitled to the refund.							
his refund. Please list any accounts and/or years that you intended to pay	I overpaid this account. Please refund the excess to the address listed in Step 1.							
with this overage.	I want this payment applied to next year's taxes.							
	This payment should have been applied to other tax account(s) and/or year(s). escrow (listed below):							
Step 4. Sign the form. Unsigned applications cannot be processed.	have given on this form is true and correct. ( If you make a false statement on this application, you could be found							
e	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE							
Fre 7/21/21	Party CARLOS GARIDAY							
TAX OFFICE USE ONLY:	Approved Denied By: Date: OF DU 2001							

		Notes			Go To				•
JZR CT80122 v1.90 )EPOSIT Rem	ittence	Detail							08/04/2021 16:20:21 ACTEP
Summary Query				Name Statistics	SMC SURVEY				Summary
Deposit No.	Accou	nt No.		Re	emit Sea No.	Check No.		Payment Amount	Payment Agreement No.
A03231777	WASP CALINGER	0011957769		Section of	14.38 Sec. 4 16 19 2		and and	Contraction of the second	A Contract Contractor Contractor
eck/Receipt ages Deposit No.	Receipt	Remit Seg No.	Chęck No	Payme Type	nt Payment Amount	and the second second second second	ansa Type	ction Account No.	Payer
A04212179	04/21/2021	47319691	1971	CH	\$393.54	\$121.22	PA	12LR00011957769	27002776-GARIBAY CARL
O012319242	01/23/2019	40218836	1877	CH	\$70.37	\$70.37	PA	12LR00011957769	27002777-DARRINGTON S
A01191878	01/19/2018	37085690	1836	CH	\$9,261,21	\$56.57	PA	12LR00011957769	DARRINGTON SELF STO
A03231777	03/23/2017	35120887	R107630775880	CH	\$75.29	\$13.44	LG	12LR00011957769	DARRINGTON SELF STO
A03231777	03/23/2017	35120887	R107630775880	CH	\$75.29	\$61.85	PA	12LR00011957769	DARRINGTON SELF STO
RI01121774	12/27/2016	33532349	02102	CH	\$1,121.73-	\$2.00	LG	12LR00011957769	DARRINGTON SELF STO
RI01121774	12/27/2016	33532349	02102	CH	\$1,121.73	\$56.74	RX	12LR00011957769	DARRINGTON SELF STO
X1227162002	12/27/2016	33532349	02102	CH	\$1,121.73	\$56.74	PA	12LR00011957769	DARRINGTON SELF STO
X1227162002	12/27/2016	33532349	02102	СН	\$1,121,73	\$2.00	LG	12LR00011957769	DARRINGTON SELF STO
A01281677	01/28/2016	31333493	1726	СН	\$4,127.00	\$80 02	PA	12LR00011957769	DARRINGTON SELF STO
	-	-	- Andrew Construction and			-	I		1
			Apr	died Tot	al	\$403.47	123		<b>这些时候,这些时间的时候,</b>

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, 17<sup>1H</sup> Street Investments LLC ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 31, 2017 in the amount of \$10.00 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that 17<sup>1H</sup> Street Investments LLC showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$10.00 is approved.

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

#### CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

which N Vingert

Wendi N. Vineyard Assistant City Attorney

#### APPROVED AS TO CONTENT:

Jana O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

21-10020\*28.002 | 1101491 Tax Refund Request Resolution | 17th Street Investments LEC (\$10.00) WNV

MARIA O. PASILLAS	S. RTA
CITY OF EL PASO TAX ASSESS	OR COLLECTOR
221 N. KANSAS, STI EL PASO, TX 799	
EL PASO, TX 799 PH: (915) 212-0106 FAX: (915) 212-0107 wy	ww.elpasotexas.gov/taREGEIVED
	Geo No Pron ID
/	E014-999-02gl H100 9 2021 12719
$\checkmark$	
$\bigcirc$	Legal Description of the Property
6/11	20 EAST EL PASO 13 TO 16 (14000 SQ FT)
DX / M	ALAMEDA ANE
17TH STREET INVESTMENTS LLC	
4760 EMORY RD	
EL PASO , TX 79922-1822	
	OWNER: 17TH STREET INVESTMENTS LLC
	CARER FIN SIREET INVESTMENTS EEC

#### 2016 OVERAGE AMOUNT \$10.00

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 PROPER	TY TAX REFUND: This application must be completed, signed, and submitted with supporting documentation to be valid.							
Step 1. Identify the refund	Who should the refund be issued to:							
recipient. Show information for	Name: 17TH STREET INVESTMENTS UC							
whomever will be receiving the refund	Address: 4760 EMORY RD							
	City. State. Zip: EL PASO TX 79922							
	Daytime Phone No.: 915.490.6751 E-Mail Address: Unda Obright bolt. Con							
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid							
information. Please attach copy of cancelled check. original receipt. online payment confirmation or	14m Street Investments 01093 13117\$6,393.89							
bank credit card statement.	TOTAL AMOUNT PAID (sum of the above amounts)							
Step 3. Provide reason for	Please check one of the following:							
this refund. Please list any accounts and or	I paid this account in error and I am entitled to the refund.							
years that you intended to pay	I overpaid this account. Please refund the excess to the address listed in Step 1.							
with this overage	I want this payment applied to next year's taxes.							
	This payment should have been applied to other tax account(s) and or year(s). escrow (listed below):							
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)							
	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE							
Auc 7/21/21	Inda B. Shetter Linda B. Trotter							
	and the state							
TAX OFFICE USE ONLY:	Approved Denied By: Date: Date:							

		Notes			Go To	:			•
R 180122 v1.90			1499902004100): END DATE: 06/0					01499902004100. BEG 276.36 .	IN 08/04/2021 16:20:21 ACTEP
POSIT Rem	ittance	Detail	-		ala ang ang ang ang ang ang ang ang ang an	Antheorem	and the		
Summary Query				a de la ca		el cartaho			E European
	Accou			Dog	nit Seq No.	Check No.		Payment Amount	Payment Agreement No.
201171018	about the presence	19902004100		Rei	iat ord 140.	CHECK NO.	<u>545</u>		Fayment Agreement No.
ck/Receipt	Receipt	Remit Seg No.	Check	Payment Type	Payment Amount	A STATE OF THE WAY A TALK Y	ansa Type	ction Account No	Payer
T02032100010	02/01/2021	46796829	01107	CH	\$7,190.29	\$7,190.29	and the second	E01499902004100	17TH STREET INVESTME
A02242090	02/24/2020	43784269	1105	CH	\$50.17	\$50.17	PA	E01499902004100	17TH STREET INVESTM
A02172081	02/17/2020	43742802	1103	СН	\$716.78	\$716.78	PA	E01499902004100	17TH STREET INVESTMI
T01312000005	01/31/2020	43499962	01101	СН	\$7,069.20	\$7.069.20	PA	E01499902004100	17TH STREET INVESTM
T01251900010	01/25/2019	40287755	01098	СН	\$6 893 49	\$6,893.49	PA	E01499902004100	17TH STREET INVESTM
T01301840002	01/30/2018	37488127	01096	СН	\$6,707.96	\$6,707.96	PA	E01499902004100	17TH STREET INVESTM
X0201171018	01/31/2017	34619406	01093	CH	\$6,393.89	\$6,383.89	PA	E01499902004100	17TH STREET INVESTM
X0201171018	01/31/2017	34619406	01093	CH	\$6,393.89	\$10.00	LG	E01499902004100	17TH STREET INVESTM
EC02011668	01/30/2016	31543155	CC001236360	EC	\$6,282.34	\$6,282.34	PA	E01499902004100	24441791-RANDY TROTT
X0121151002	01/21/2015	28079529	01088	СН	\$6,146.15	\$6,146.15	PA	E01499902004100	17TH STREET INVESTM
X0127141003	01/27/2014	25314064	01087	СН	\$5,975.40	\$5,975.40	PA	E01499902004100	17TH STREET INVESTM
A03131365	03/13/2013	23242722	1083	СН	\$6,254.14	\$6,254.14	PA	E01499902004100	17TH STREET INVESTM
Sector Sector		Section.	Å	plied Total		\$146,458 79	11%		

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, Rogelio Romero ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on January 23, 2017 in the amount of \$15.04 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Rogelio Romero showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$15.04 is approved.

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

#### **CITY OF EL PASO:**

Osear Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Wad NV. Jack

Tax Refund Request Resolution | Rogeho Romero (\$15.04)

Wendi N. Vineyard Assistant City Attorney

21-10020728.002 1101485

WNV

# APPROVED AS TO CONTENT:

Vana O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

	🛞	T	AX OFFICE
CITYO	MARIA O. PASILLAS, RTA F EL PASO TAX ASSESSOR CO	LLECTOR J	UL 2 1 2021
	221 N. KANSAS, STE 300 EL PASO, TX 79901		
PH: (915) 212-010	5 FAX: (915) 212-0107 www.elpa	isotexas.gov/tax-office Geo No.	Prop ID
		E054-999-0120-0650	412791
	1	Legal Description of the P	roperty
POMERO POCELIO	V	13 EAST OLEVINT OF 3 DEC	621 70 FT S OF
ROMERO ROGELIO	Rici	12 EAST GLEN PT OF 2 BEC NWC (119.87 FT ON N 50.06 119.87 FT ON S 50.06 FT W)	
ROMERO ROGELIO 10902 LAKEWOOD AVE EL PASO , TX 79935-3402	RE	NWC (119.87 FT ON N 50.06	

2016 OVERAGE AMOUNT \$15.04 1: CITY OF EL PASO. 5: YSLETA ISD. 6: COUNTY OF EL PASO. 7: EL PASO COMMUNITY COLLEGE. 8: UNIVERSITY MEDICAL CENTER OF EL

Dear Taxpayer:

PASO

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 PROPER	TY TAX REFUND: This app	plication must be completed, signed, an	nd submitted with supporting documentation to be valid.
Step 1. Identify the refund	Who should the refund be is	ssued to:	
recipient. Show information for	Name: Rogelio	ROMERO	/
whomever will be receiving the refund.	Address 1090	2 LALENDOD AN	2. /
	City, State, Zip:	JASO TX 799:	
	Daytime Phone No. 96		E-Mail Address: TO JE TTO ME TO SAC JACK
Step 2. Provide payment	Payment made by:	Check No.	Date Paid Amount Paid
information. Please attach copy of cancelled		02025	12317 \$7852.48
heck, original receipt, online			Heath , allove to
payment confirmation or bank credit card statement.	то	TAL AMOUNT PAID (sum of t	he above amounts)
Step 3. Provide reason for	Please check one of the foll		
his refund.	I paid this account in	n error and I am entitled to the refu	ind.
Please list any accounts and/or rears that you intended to pay	I overpaid this accou	int. Please refund the excess to the	address listed in Step 1.
with this overage.	I want this payment	applied to next year's taxes.	
	This payment should	I have been applied to other tax ac	count(s) and/or year(s), escrow (listed below):
Step 4. Sign the form.			described taxes and certify that the information I
Unsigned applications cannot be processed.			the statement on this application, you could be found he Texas Penal Code, Sec. 37.10. )
	SIGNATURE OF REQUES	0	PRINTED NAME & DATE
Free 7121121			Robelio ROMERO
price notion	- Jojn	> /	000010 10000
	to -	1. 9	martin - MA
TAX OFFICE USE ONLY	Approved E	Denied By:	Date 1011000

		Notes			Go To					
IZR CT80122 v1.90 IEPOSIT Ren	uttance	Detail							08/04/2021 16:20:21 ACTEP	
Summary Query								where we have being	and the second second	
	and the state					Obserlable		Downey Amount	Payment Agreement No.	
Deposit No. K0123172003	Accou	nt No. 9901200650		R	emit Seq No	Check No,	Wille	Payment Amount	Payment Agreement No.	
eck/Receipt ages Deposit No	Receipt	Remit Seg No.	Check	Payme Type	ent Payment Amount	Applied Ti Amount	ransa Type	iction Account	Payer	
T01292100006	01/29/2021	46574685	03113	CH	\$4,187.31	the state of the second s		E05499901200650	ROMERO ROGELIO	
T01032000004	01/03/2020	42650339	02953	CH	\$4,068.80	\$4,068.80	PA	E05499901200650	ROMERO ROGELIO	-
T01071900016	01/07/2019	39800145	02694	СН	\$11,523.32	\$4,042.84	PA	E05499901200650	ROMERO ROGELIO	
T01181840003	01/18/2018	37109923	02383	CH	\$7,388.25	\$3,936.67	PA	E05499901200650	ROMERO ROGELIO	7
X0123172003	01/23/2017	34218803	02025	CH	\$7,852.48	\$15.04	LG	E05499901200650	ROMERO ROGELIO	
X0123172003	01/23/2017	34218803	02025	СН	\$7,852.48	\$3,874.55	PA	E05499901200650	ROMERO ROGELIO	1
X1209152000	12/09/2015	30224151	01466	CH	\$7.093.75	\$3,663.29	PA	E05499901200650	ROMERO ROGELIO	
X0120151019	01/20/2015	28041719	01203	СН	\$3,622,18	\$3,622.18	PA	E05499901200650	ROMERO ROGELIO	
A01161465	01/16/2014	25041426	100709	CH	\$3,557.58	\$3 557 58	PA	E05499901200650	ROMERO ROGELIO	
A02111354	01/31/2013	23052120	4186	CH	\$3,422.72	\$3,422,72	PA	E05499901200650	ROMERO ROGELIO	
A12061154	12/06/2011	19252147	3924	СН	\$964.09	\$964.09	PA	E05499901200650	ROMERO ROGELIO	
A12061154	12/06/2011	19252146		CA	\$2,400.00	\$2,400.00	PA	E05499901200650	ROMERO ROGELIO	
Same States	A TALLAR AN			Applied Tot	12.	\$77,736,93	1.2	AND THE PERSON AND		

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, Roberto and Francisca M. Trejo ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on July 18, 2017 in the amount of \$24.72 for all taxing entities; and

WHEREAS, City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Roberto and Francisca M. Trejo showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$24.72 is approved.

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

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

what N Vigan

Wendi N. Vineyard Assistant City Attorney

# APPROVED AS TO CONTENT:

Jana O Papillas

Maria O. Pasillas, RTA Tax Assessor Collector

21-10020\*28/002 / 1101487 Tax Refund Request Resolution | Roberto & Francisca Trejo (\$24/22) WNV

MARIA O. PASILLAS, RTA CITY OF EL PASO TAX ASSESSOR CO 221 N. KANSAS, STE 300		JUL 13 LU21
EL PASO, TX 79901 PH: (915) 212-0106 FAX: (915) 212-0107 www.elp	asotexas.gov/tax-office Geo No.	Drop ID
TAX OFFICE	D539-999-0010-0700	211345
RECEIVED	Legal Description of the	Property
UUL 1 9 2021	1 DICHIARA LOT 7 (6235 S	Q FT)
REJO ROBERTO & FRANCISCA M 019 CHURCH AVE L PASO, TX 79930-6639	4019 CHURCH AVE 79930	

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, a	ind submitted with supporting documentation to be va
	a martine a semilaritation and a semilaritation of the second sec	a substitute of the output the destine in the output the

Step 1. Identify the refund	Who should the refund be issued to:						
recipient.	Name: Roberto and Francisca Trejo						
Show information for whomever will be receiving	Address: 4019 Chuych						
the refund.	City. State. Zip: El Paso, TX. 19930						
	Daytime Phone No.: 915 - 500 - 7809 E-Mail Address:						
Step 2. Provide payment	Payment made by: Check No. Date Paid Amount Paid						
information. Please attach copy of cancelled check, original receipt, online	R207433002040 7/18/17 \$225.27						
payment confirmation or	(cannot find anymore)						
bank/credit card statement. Step 3. Provide reason for	TOTAL AMOUNT PAID (sum of the above amounts) Please check one of the following:						
this refund.	I paid this account in error and I am entitled to the refund.						
Please list any accounts and/or							
years that you intended to pay with this overage.	X I overpaid this account. Please refund the excess to the address listed in Step 1.						
	I want this payment applied to next year's taxes.						
	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):						
Step 4. Sign the form. Unsigned applications cannot be processed.	By signing below. I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)						
0 2/21/21	SIGNATURE OF REQUESTOR (REQUIRED) PRINTED NAME & DATE OTIO A						
be processed. Jul 7/21/21	Francisca Tryo Francis Atroto						
TAX OFFICE USE ONLY	DApproved Denied By: Date OF 212001						

lid.

		Notes			Go To	<b>D</b> 2			T
IZR CT80122 v1 90									08/04/2021 16:20:21 ACTEP
EPOSIT Rem	ntance	Detail			and the second	- Stewarts			
Summary Query			C. UNALLER	THE PARTY	Section des				
Deposit No.	Accou	nt No		Re	mit Seg No.	Check No.		Payment Amount	Summary Payment Agreement No.
A07181775	The second s	9900100700	)	ALC: NO	int ord its.				
eck/Receipt ages Deposit No	Receipt Date	Remit Seg No.	Check No.	Paymen Type	t Payment Amount	Construction of the second second	ansa Type	ction Account No.	Payer
A12061889	12/06/2018	39153061	1	CA	\$280.00	the second s	1. 2.14	D53999900100700	TREJO ROBERTO & FRAJ
A06131881	06/13/2018	38372654		CA	\$234.00	\$233.65	PA	D53999900100700	TREJO ROBERTO & FRAJ
A05091878	05/09/2018	38236741		CA	\$250.00	\$233 68	PA	D53999900100700	TREJO ROBERTO & FRAI
A03151883	03/15/2018	37998065		CA	\$240.00	\$233.68	PA	D53999900100700	TREJO ROBERTO & FRAI
A01111865	01/11/2018	36938042		CA	\$250.00	\$233.68	PA	D53999900100700	TREJO ROBERTO & FRAI
A07181775	07/18/2017	35529601	R207433002040	CH	\$225.27	\$2472	LG	D53999900100700	TREJO ROBERTO & FRAN
A07181775	07/18/2017	35529601	R207433002040	CH	\$225 27	\$200 55	PA	D53999900100700	TREJO ROBERTO & FRA
A05171741	05/17/2017	35331308	1605031479	CH	\$225.28	\$225.28	PA	D53999900100700	TREJO ROBERTO & FRAJ
A02271779	02/27/2017	34942343		CA	\$250.00	\$250.00	AA	D53999900100700	TREJO ROBERTO & FRA
X1219161005	12/19/2016	33403236	02071	CH	\$225.28	\$225.28	PA	D53999900100700	TREJO ROBERTO & FRA
A07181641	07/18/2016	32493735	1605028161	СН	\$219.76	\$219.76	PA	D53999900100700	TREJO ROBERTO & FRA
A05161665	05/16/2016	32257109	1605027531	CH	\$219.79	\$219.79	PA	D53999900100700	TREJO ROBERTO & FRA

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, Wolff Family Rev. Living Trust ("Taxpayer") has applied for a refund with the tax assessor for their 2016 property taxes that were overpaid on August 15, 2016 in the amount of \$4.31 for all taxing entities; and

WHEREAS. City Council may extend the deadline for the Taxpayer's application for the overpayment of the 2016 taxes for a period not to exceed two years on a showing of good cause by the taxpayer; and

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

THAT THE City finds that Wolff Family Rev. Living Trust showed a good cause to extend the deadline to apply for a refund of the overpayment of the 2016 taxes and the tax refund in the amount of \$4.31 is approved.

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

#### **CITY OF EL PASO:**

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Wall N Viged

Wendi N. Vineyard Assistant City Attorney

#### APPROVED AS TO CONTENT:

Mana O Papillas

Maria O. Pasillas, RTA Tax Assessor/Collector

21-10020728-002 | 1101480 Tax Refund Request Resolution | Wolff Family Rev Living Trust (\$4-31) WNV

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

Þ

×,

of 2 φI



			510) 212 0100, 1 ux							
			CATION FOR T			<u> </u>				
ALCONT OF THE OWNER	solidated Tax Office col			jible propert	y taxing enti	ties within El	Paso County.			
APPLICANT MUST PRO	VIDE THE FOLLOWING INF									
Refund To:		Phone:		Property ID#	D# (One application per account)					
		HOME: 6	6148364049							
Wolff Family Rev Li	ving Trust	WORK:			61280					
					ima -	108-84	50-0010			
Address (mail refund to	1	Property A	ddress:							
	· · ·	And/or								
4879 Bay Grove Ct	Groveport Oh 43125	Legal Desc	Legal Description: Glenmont Ave Clint, Texas 845 Horizon city 98 Lot 1							
		ľ	•							
Tax year requested:	Date payment made:	Check No.	& Date, if known:	Amount of t	axes paid:	Amount	of refund requested:			
1. 2012 to 2016	Aug 15 2016	2044	Aug 9 2016	.55			4.31			
2.										
3.										
ar foi i an 1973an S	TOTAL AMOU	VT (sum of t	he above amounts)	,55						
				(0	City Council a	pproval requi	red if over \$2,500)			
	<u>REQUIRED:</u> (	Copy of orig	ginal receipt, front	& back of ne	egotiated ch	eck. OR				
(i			em cleared (both t							
REASON FOR OV			d you to keep the b			A STORAGE STORAGE	o draw down the			
balance each ye	ar so that you would no									
	received any refund. W									
	d was not changed befo									
	¥									
"I certify that inf	ormation given to obta	ain this ref	fund is true and c	orrect."						
	<b>3</b>									
l'A.	nd Selle		D							
lande		loac	ik		Date:	June 28, 202	21			
Requestor signat	ure:				-		· · · · · · · · · · · · · · · · · · ·			
	-144									
Claudia A. Eschelbach successor trustee							ustee			
Printed name:					Title:					
	ny person knowingly submitt									
(2) Imprisonment (	up to one year, or fine not ov the data of th		both. (Sec 37.10 Penal r the toxpayer waives t				nade within 3 years ofter			
				ne ngnto the n		11 (C)).				
TAX OFFICE Entry:	REFU	ND APPRO	VED				· · · · · · · · · · · · · · · · · · ·			
	AN	)					minim			
Tax Office Approval: Date: Date:							0+0200			
×	There a	12 -	121							
Date:										
	incil Agenda over \$2,50	0)								
( ) DISAPPROVE		ned to sen		ee below/a						
( ) 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:										
i		·								
					····					

		Notes			Go To				*	
JZR CT80122 v1.90									08/0 ACT	4/2021 16 20 21 EP
EPOSIT Rem	ittance	Detail		and the second	artomosteine	A Sugaran	13:25		Seal Contract	A second second
Summary Query	Auren Breit					And the second			Sec. Sec. 1	C
				P.	mit Con Ma	Check No.		Desement Amount	Berimant	Summary Agreement No.
Deposit No. A08151665	Accou	19884500010		Ke	mit Seq No.	Check NO.	100	Payment Amount	rayment	Adiaement 140.
ack/Receipt ages Deposit No	Receipt	Remit Seg No.	Check No.	Paymen Type	t Payment Amount	Applied 1 Amount	iransa Type	ARTICLE FOR THE COMPANY STORES AND	ANZA.	Payer
A07022190	06/30/2021	47580028	1012	CH	\$1.18	\$0.59	and the local data	H77909884500010	THE W	OLFF FAMILY RE
R0108141774	11/17/2016	32580933	0000199947	СН	\$4.31	\$4.31	RV	H77909884500010	THE W	OLFF FAMILY RE
RD2626218	11/17/2016	32580933	0000199947	СН	\$4.31-	\$4.31	- RD	H77909884500010	THE W	OLFF FAMILY RE
R92016ACT	10/12/2016	32580933	2044	СН	\$0.00	\$0.00	TR	H77909884500010	THE W	OLFF FAMILY RE
RC210722	10/12/2016	32580933	2044	СН	\$4.31-	\$4.31	- TR	H77909884500010	THE W	OLFF FAMILY RE
RC210722	10/12/2016	32580933	2044	CH	\$4.31	\$4.31	TR	H77909884500010	299301	74-WOLFF FAMIL
A08151665	08/15/2016	32580933	2044	CH	\$10.00	\$5.00	AA	H77909884500010	THE W	OLFF FAMILY RE
R8012111JB	12/05/2011	18473480	28422	CH	\$0.14	\$0.14		H77909884500010	THE W	OLFF FAMILY RE
R8012102JB	12/29/2010	16248359	155786	СН	50.14	\$0_14	L	H77909884500010	THE W	OLFF FAMILY RE
R8012091JB	12/17/2009	13989167	152124	СН	\$0.14	\$0 14	I I	H77909884500010	THE W	OLFF FAMILY RE
R8001091JB	01/29/2009	11698711	145876	СН	\$0.09	\$0.05		H77909884500010	THE W	OLFF FAMILY RE
R8001081JB	01/02/2008	9632831	138675	СН	\$0.09	\$0.09	}	H77909884500010	THE W	OLFF FAMILY RE
A States E	STOR STOR	Level States	CALL CHARGE	oplied Tota		\$7.3		为10次1112、12次		ET STREET



Legislation Text

# File #: 21-1010, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

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

#### AGENDA LANGUAGE:

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

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

Award summary:

That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509. The change order will mitigate risk associated with re-biding and receiving higher prices, Federal Transit Administration (FTA) is requesting that the City moves forward based on the minimal increase of this change order to complete the station on time for the Montana RTS. There shall be no additional time added to the contract as a result of this change order.

This is a Competitive Sealed Proposal, lump sum contract.

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: N/A

### CONTACT PERSON(S) NAME AND PHONE NUMBER:

DISTRICT(S) AFFECTED:	Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer, (915) 212-1845 Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-1181 All
STRATEGIC GOAL:	No. 7: Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL:	7.2 - Improve competitiveness through infrastructure improvements impacting the quality of life.

#### SUBJECT:

That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509.

#### **BACKGROUND / DISCUSSION:**

The change order will mitigate risk associated with re-biding and receiving higher prices, Federal Transit Administration (FTA) is requesting that the City moves forward based on the minimal increase of this change order to complete the station on time for the Montana RTS. There shall be no additional time added to the contract as a result of this change order.

#### **SELECTION SUMMARY:**

N/A

#### **CONTRACT VARIANCE:**

N/A

#### PROTEST

N/A

#### **PRIOR COUNCIL ACTION:**

On July 20, 2021 City Council approved the award of contract 2021-0509 to MIRADOR ENTERPRISES, INC. for a total amount of \$1,355,574.24.

#### AMOUNT AND SOURCE OF FUNDING:

Amount: \$229,943.34 Account No.: 190/4746/38290/580270/PCP11MT050B 560/3210/38290/580270/PCP11MT050B Funding Source: 2021 Certificate of Obligation/Federal Transit Administration Revised 04/09/2021 – Previous Versions Obsolete

# HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_X\_YES \_\_\_NO

#### PRIMARY DEPARTMENT: Capital Improvement SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

# 

**DEPARTMENT HEAD:** 

Samuel Rodriguez

Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer

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

That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509. The change order will mitigate risk associated with re-biding and receiving higher prices, Federal Transit Administration (FTA) is requesting that the City moves forward based on the minimal increase of this change order to complete the station on time for the Montana RTS. There shall be no additional time added to the contract as a result of this change order.

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

#### THE CITY OF EL PASO

Oscar Lesser Mayor

ATTEST:

Laura D. Prine City Clerk

#### **APPROVED AS TO FORM:**

Juan Gonzalez

Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Bruce D. Collins

Bruce D. Collins, Director of Purchasing & Strategic Sourcing

#### **APPROVED AS TO CONTENT:**

Samuel Rodriguez -0

Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer

#### COUNCIL PROJECT FORM (CHANGE ORDER)

#### 

Please place the following item on the <u>CONSENT</u> agenda (**under PURCHASING REQUESTS, ETC**.) for the Council Meeting of <u>August 31, 2021</u>.

#### 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:

That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509. The change order will mitigate risk associated with re-biding and receiving higher prices, Federal Transit Administration (FTA) is requesting that the City moves forward based on the minimal increase of this change order to complete the station on time for the Montana RTS. There shall be no additional time added to the contract as a result of this change order.

This is a Competitive Sealed Proposal, lump sum contract.



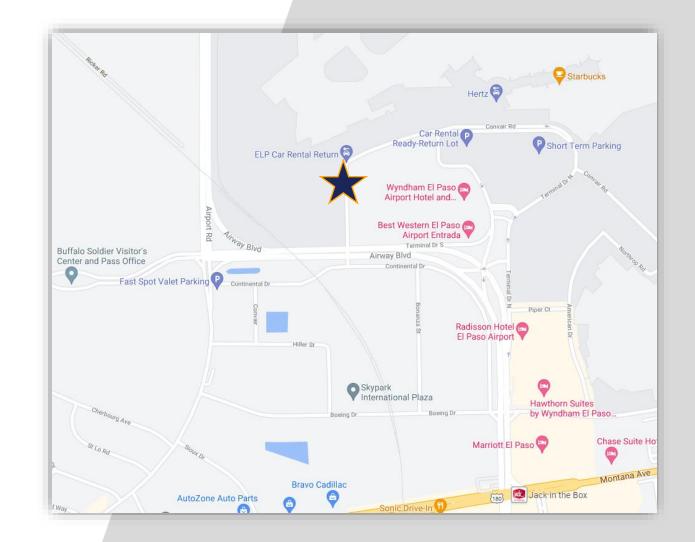
# AIRPORT RTS CHANGE ORDER REQUEST

August 31, 2021



# Project Background

- The change order will mitigate risk associated with re-bidding and receiving higher prices
- Federal Transit Administration (FTA) is recommending that the City move forward based on the minimal increase of this change order to complete the station on time for the Montana RTS
- There shall be no additional time added to the contract as a result of this change order.







	Mirador Enterprise, Inc. Original	Mirador Enterprise, Inc Increased	Difference
Base Bid I - Building and sitework	\$1,173,364.79	\$1,360,665.38	\$187,300.59
Base Bid II - Foundations, concrete walks, and electrical for public art sculptures	\$21,249.83	\$26,880.85	\$5,631.02
Base Bid II - Roadwork and crosswalk modifications	\$75,792.14	\$80,520.97	\$4,728.83
Base Bid IV - Rideshare accommodations	\$85,167.48	\$117,450.38	\$32,282.90
Additive Alternative	Additive alternative was not awarded		
Total Amount	\$1,355,574.24	\$1,585,517.58	\$229,943.34





### Recommendations

• That the City Council approves a change order for increased materials cost valued at \$229,943.34 to MIRADOR ENTERPRISES, INC. for construction of the Airport RTS, Contract No. 2021-0509.



# Thank you



Legislation Text

### File #: 21-991, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

Environmental Services, Ellen Smyth, (915) 212-6060 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

### AGENDA LANGUAGE:

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

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

#### Award Summary:

The award of Solicitation 2021-1165 Janitorial Services - ESD Various Facilities to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$81,745.20. The award also includes two (2) year option for an estimated amount of \$54,496.80. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$136,242.00. The award of this contract will provide janitorial services for the Environmental Service facilities.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: a decrease of \$71,892.00 for the initial term, which represents a 63.76% decrease from the previous contract. The decrease is due to a reduction in the required cleaning hours.

Department:	Environmental Services
Award to:	Ace Government Services, LLC
	El Paso, TX
Items:	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$27,248.40
Initial Term Estimated Award:	\$81,745.20 (3 years)
Total Estimated Award:	\$136,242.00 (5 years)
Account No.:	334-34100-3100-P3410-522060
	334-34130-3100-P3470-522060
Funding Source:	General Funds

### File #: 21-991, Version: 1

Districts: All

This is a Best Value, service contract.

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

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

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

STRATEGIC GOAL:	NO. 8: Nurture and Promote a Healthy, Sustainable Community
DISTRICT(S) AFFECTED:	All
CONTACT PERSON/PHONE:	Ellen Smyth, Managing Director, ESD/Sun Metro (915) 212-6060 Bruce D. Collins, Director of Purchasing and Strategic Sourcing (915) 212-1182
AGENDA DATE:	August 31, 2021
DEPARTMENT:	Environmental Services

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

### **SUBJECT:**

Discussion and action on the award of solicitation 2021..1165 Janitorial Services – ESD Various Facilities to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$81,745.20. The award also includes two (2) year option for an estimated amount of \$54,496.80. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$136,242.00. The award of this contract will provide janitorial services for the Environmental Service facilities.

### **BACKGROUND / DISCUSSION:**

The City of El Paso solicited Janitorial Services for various Environmental Services Facilities.

### **SELECTION SUMMARY:**

Solicitation was advertised on April 20, 2021 and April 27, 2021. The solicitation was posted on City website on April 20, 2021. The email (Purmail) notification was sent out on April 22, 2021. There were a total of fifty-eight (58) viewers online; Three (3) bids were received; three (3) being local vendors.

### **PROTEST**

No protest received for this requirement.

Protest received.

### **CONTRACT VARIANCE:**

The difference in cost, based on the comparison from previous contract, is as follows: a decrease of \$71,892.00 for the initial term, which represents a 63.76% decrease from the previous contract. The decrease is due to a reduction in the required cleaning hours.

### **PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:** 

\$136,242.00 Fund Strings: 334-34100-3100-P3410-522060 334-34130-3100-P3470-522060

BOARD / COMMISSION ACTION: N/A

### **DEPARTMENT HEAD:**

af They

PPS FORM 001, Rev. 3, 8/9/2016 (Discard Previous Versions)

### COUNCIL PROJECT FORM (Best Value)

Please place the following item on the CONSENT agenda for the Council Meeting of August 31, 2021.

### STRATEGIC GOAL NO. 8: Nurture and Promote a Healthy, Sustainable Community

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

Award Summary:

The award of solicitation 2021-1165 Janitorial Services – ESD Various Facilities to Ace Government Services, LLC for an initial term of three (3) years for an estimated amount of \$81,745.20. The award also includes two (2) year option for an estimated amount of \$54,496.80. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$136,242.00. The award of this contract will provide janitorial services for the Environmental Service facilities.

### Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: a decrease of \$71,892.00 for the initial term, which represents a 63.76% decrease from the previous contract. The decrease is due to a reduction in the required cleaning hours

Department:	Environmental Services
Award to:	Ace Government Services, LLC
	El Paso, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$27,248.40
Initial Term Estimated Award:	\$81,745.20 (3 years)
Total Estimated Award:	\$136,242.00 (5 years)
Account No.:	334-34100-3100-P3410-522060
	334-34130-3100-P3470-522060
Funding Source:	General Funds
District(s):	All

This is a Best Value, service contract.

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

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

CITY OF EL PASO BEST	T VALUE SCOP	RESHEET				
PROJECT: 2021-1231 Household Hazardous Waste Disposal						
Evaluation of	of Submittal					
	MAX POINTS	Green Planet, Inc. Royse City, TX	Advanced Chemical Transport, Inc. Chaparral, NM	Clean Environmental Solutions, Inc. King of Prussia, PA		
Factor A - Offeror's Fee Proposal	29.98	35	21.18			
Proposed Cost	35	\$368,041.00	\$315,207.00	\$520,941.15		
Factor B - Offeror's experience (Reference)	25	23.33	16.11	0.00		
Factor C - Employee Medical benefits and Incentives	2.00	2.00	2.00			
Factor C - Reputation (Past Performance)	<b>30</b> 18.67		19.98	16.67		
TOTAL SCORE	100	73.98	73.09	39.85		
		1	2	3		

Effective 4/10/2020 Version 1 Previous Versions Obsolete



CITY OF EL PASO BID TABULATION FORM



Solicitation Number: 2021-1231 Department: Environmental Services

Project Name: Household Hazardous Waste Disposal Bid Opening: June 16, 2021

Bid Opening: GROUP A	June	16,	202
GROUP A			

GROUP A	GROUP A											
				Advanced Chemical Transport, Inc. Chaparral, ( NM			Clean Earth Environmental Solutions, Inc. King of Prussia, PA			Green Planet, lnc, Royse City, TX		
ITEM No.	DESCRIPTION	UNIT OF MEASURE (A)	ANNUAL ESTIMATED QUANTITY (B)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C )	ANNUAL COST (D)	3 YEARS COST (DX3)
1	Aerosols Flammable (processable)	Drums	24	\$165.00	\$3,960.00	\$11,880.00	\$190.00	\$4,560.00	\$13,680.00	\$200.00	\$4,800.00	\$14,400.00
2	Ballasts (Non-PCB)	Each	10	\$3.00	\$30.00	\$90.00	\$3.00 5g min \$37.50	\$30.00	\$90.00	\$2.50	\$25.00	\$75.00
3	Ballasts (PCB)	Each	10	\$5.00	\$50.00	\$150.00	\$9.92 \$148.75 min	\$99.20 Vendor Price: \$1,487.5	\$297.60 Vendor Price: \$4,462.5	\$8.00	\$80.00	\$240.00
4	Batteries (Household- NiCad, alkaline, NiNH, Lithium)	Pounds	300	\$0.90	\$270.00	\$810.00	\$1.05 \$25 minimum	\$315.00	\$945.00	\$0.65	\$195.00	\$585.00
5	Corrosive Liquid pH-4	Gallons	200	\$5.00	\$1,000.00	\$3,000.00	\$5.66 30g minimum	\$1,132.00	\$3,396.00	\$6.00	\$1,200.00	\$3,600.00
6	Corrosive Liquid -Base pH>12.5	Gallons	275	\$5.00	\$1,375.00	\$4,125.00	\$6.6 30g minimum	\$1,815	\$5,445.00	\$6.00	\$1,650.00	\$4,950.00
7	Corrosive Liquid -Base pH>12.5	Drums	5	\$275.00	\$1,375.00	\$4,125.00	\$340.00	\$1,700.00	\$5,100.00	\$250.00	\$1,250.00	\$3,750.00
8	Corrosive Liquid -Base pH>12.5	Drums	5	\$275.00	\$1,375.00	\$4,125.00	\$340.00	\$1,700.00	\$5,100.00	\$250.00	\$1,250.00	\$3,750.00
9	Diesel & Solid Sorbent	Drums	1	\$150.00	\$150.00	\$450.00	\$270.00	\$270.00	\$810.00	\$125.00	\$125.00	\$375.00
10	Flammable Liquid, Solids <10%	Gallons	3520	\$3.00	\$10,560.00	\$31,680.00	\$3.16 55g min	\$11,123.20	\$33,369.60	\$3.00	\$10,560.00	\$31,680.00
11	Flammable Liquid, Solids >10%	Gallons	2710	\$3.30	\$8,943.00	\$26,829.00	\$3.16 55g min	\$8,563.60	\$25,690.80	\$5.00	\$13,550.00	\$40,650.00
12	Flammable Solid Compounds	Drums	28	\$185.00	\$5,180.00	\$15,540.00	\$174.00	\$4,872.00	\$14,616.00	\$250.00	\$7,000.00	\$21,000.00
13	Gasoline & Solid Sorbent	Drums	1	\$160.00	\$160.00	\$480.00	\$179.30	\$179.30	\$537.90	\$125.00	\$125.00	\$375.00
14	Latex Paint	Gallons	5500	\$2.70	\$14,850.00	\$44,550.00	\$3.72 55g min	\$20,460.00	\$61,380.00	\$2.50	\$13,750.00	\$41,250.00
15	Mercury- Liquid/Switches/Batteries	Gallons	55	\$31.00	\$1,705.00	\$5,115.00	\$39.6 55g min	\$2,178.00	\$6,534.00	\$12.00	\$660.00	\$1,980.00
16	Mercury- Containing Fluorescent Lamps	Linear Feet	1400	\$0.13	\$182.00	\$546.00	\$0.13 115' minimum/b ox	\$182.00	\$546.00	\$6.00	\$8,400.00	\$25,200.00
17	Oil Based Paint Related Materials	Gallons	1825	\$3.16	\$5,767.00	\$17,301.00	\$3.16 55g min	\$5,767.00	\$17,301.00	\$3.50	\$6,387.50	\$19,162.50
18	Oil Contaminated Soil	Drums	6	\$120.00	\$720.00	\$2,160.00	\$262.50	\$1,575.00	\$4,725.00	\$150.00	\$900.00	\$2,700.00
19	Oxidizer Liquid	Gallons	275	\$6.00	\$1,650.00	\$4,950.00	\$10.4 55g min	\$2,860.00	\$8,580.00	\$18.00	\$4,950.00	\$14,850.00
20	Oxidizer Solid	Drums	1	\$345.00	\$345.00	\$1,035.00	\$551.00	\$551.00	\$1,653.00	\$550.00	\$550.00	\$1,650.00
21	Pesticides and Fertilizers - Liquid	Gallons	1980	\$4.80	\$9,504.00	\$28,512.00	\$6.13 55g min	\$12,137.40	\$36,412.20	\$5.00	\$9,900.00	\$29,700.00
22	Pesticides and Fertilizers - Solid	Drums	22	\$255.00	\$5,610.00	\$16,830.00	\$407.00	\$8,954.00	\$26,862.00	\$250.00	\$5,500.00	\$16,500.00
23	Propane Tanks - Small	Each	180	\$18.00	\$3,240.00	\$9,720.00	\$22.00	\$3,960.00	\$11,880.00	\$30.00	\$5,400.00	\$16,200.00
24 25	Propane Tanks - Large Regulated Medical Waste	Each Drums	30 20	\$38.00 \$105.00	\$1,140.00 \$2,100.00	\$3,420.00 \$6,300.00	\$22.00 \$3,016.00	\$660.00 \$60,320.00	\$1,980.00 \$180,960.00	\$50.00 \$275.00	\$1,500.00 \$5,500.00	\$4,500.00 \$16,500.00
26	Waste Oil- Halogenated	Gallons	330	\$6.00	\$1,980.00	\$5,940.00	\$1.6 55g min	\$528.00	\$1,584.00	\$3.00	\$990.00	\$2,970.00
27	Waste Oil - PSP Contaminated	Gallons	55	\$200.00	\$11,000.00	\$33,000.00	\$1.6 55g min	\$88.00	\$264.00	\$3.00	\$165.00	\$495.00
								\$156,579.70	\$469,739.10			
	Total Group A (Iter	ns 1-27)			\$94,221.00	\$282,663.00		Vendor Price <b>\$103,968</b>	Vendor Price \$311,904.00		\$106,362.50	\$319,087.50
ACCEPTED	T TERMS: UNLESS A PROMPT PAYMENT DISCOUNT IS OFFERED AND ED BY THE CITY OF EL PASO, PAYMENTS WILL BE MADE TO THE CTOR WITHIN THIRTY (30) DAYS FOLLOWING ACCEPTANCE OF GOOD OR S			Net 30		Net 30				Net 30		
DELIVERY	DOES NOT SPECIFY AN EARLIER DEL Shall Prevail. A delivery date L May be cause for rejection of 1	ATER THAN THE			N/A				N/A		N/A	
	IDS SOLICITED: 3 LOCAL BIDS SOLICITED: 0 BIDS RECEIVED: 3 LOCAL BIDS RECEIVED: 0 NO BID: 0											

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.

Approved by: \_\_\_\_/S/\_\_\_\_

Date: 7/21/2021



Project Name: Household Hazardous Waste Disposal Bid Opening: June 16, 2021 GROUP B CITY OF EL PASO BID TABULATION FORM



Solicitation Number: 2021-1231 Department: Environmental Services

				Advanced Chemical Transport, Inc. Chaparral, C NM			Clean Earth Environmental Solutions, Inc. King of Prussia, PA			Green Planet, Inc, Royse City, TX		
ITEM No.	DESCRIPTION	UNIT OF MEASURE (A)	ANNUAL ESTIMATED QUANTITY (B)	PRICE PER UNIT (C )	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)
1	85 Gallon Over-pack Drum	Drums	5	\$150.00	\$750.00	\$2,250.00	\$150.00	\$750.00	\$2,250.00	\$125.00	\$625.00	\$1,875.00
2	55 Gallon Metal Drum - Closed Head	Drums	5	\$60.00	\$300.00	\$900.00	\$45.00	\$225.00	\$675.00	\$45.00	\$225.00	\$675.00
3	56 Gallon Metal Drum - Open Head	Drums	100	\$43.00	\$4,300.00	\$12,900.00	\$41.00	\$4,100.00	\$12,300.00	\$35.00	\$3,500.00	\$10,500.00
4	5 Gallon Metal Buckets	Buckets	5	\$35.00	\$175.00	\$525.00	\$17.00	\$85.00	\$255.00	\$20.00	\$100.00	\$300.00
5	55 Gallon Plastic Drum	Drums	25	\$53.00	\$1,325.00	\$3,975.00	\$52.00	\$1,300.00	\$3,900.00	\$45.00	\$1,125.00	\$3,375.00
6	20 Gallon Plastic Drum	Drums	5	\$45.00	\$225.00	\$675.00	\$39.00	\$195.00	\$585.00	\$35.00	\$175.00	\$525.00
7	5 Gallon Plastic Bucket	Buckets	5	\$10.00	\$50.00	\$150.00	\$15.00	\$75.00	\$225.00	\$15.00	\$75.00	\$225.00
8	20 Gallon Fiber Drums	Drums	5	\$53.00	\$265.00	\$795.00	\$40.00	\$200.00	\$600.00	\$35.00	\$175.00	\$525.00
9	30 Gallon Fiber Drums	Drums	5	\$60.00	\$300.00	\$900.00	\$55.00	\$275.00	\$825.00	\$40.00	\$200.00	\$600.00
10	Cubic Yard Tri-wall Boxes	Boxes	5	\$60.00	\$300.00	\$900.00	\$74.00	\$370.00	\$1,110.00	\$65.00	\$325.00	\$975.00
11	Plastic Sheeting	Rolls	25	\$90.00	\$2,250.00	\$6,750.00	\$80.00	\$2,000.00	\$6,000.00	\$100.00	\$2,500.00	\$7,500.00
12	Drum Funnel	Each	5	\$70.00	\$350.00	\$1,050.00	\$45.07	\$225.35	\$676.05	\$75.00	\$375.00	\$1,125.00
13	Drum Liner	Each	24	\$4.50	\$108.00	\$324.00	\$6.00	\$144.00	\$432.00	\$7.00	\$168.00	\$504.00
14	8 Quart SHARPS Container	Containers	5	\$30.00	\$150.00	\$450.00	\$22.00	\$110.00	\$330.00	\$150.00	\$750.00	\$2,250.00
15	55 Gallon - Petroleum Contaminated Solid	Containers	30	СВС	\$0.00	\$0.00	\$174.00	\$5,220.00	\$15,660.00	\$150.00	\$4,500.00	\$13,500.00
16	55 Gallon Petroleum Contaminated Liquid	Containers	10	CBC	\$0.00	\$0.00	\$179.30	\$1,793.00	\$5,379.00	\$150.00	\$1,500.00	\$4,500.00
	Group B (Items 1-16) T	otal Amount			\$10,848.00	\$32,544.00		\$17,067.35	\$51,202.05		\$16,318.00	\$48,954.00
PAYMENT TERMS: UNLESS A PROMPT PAYMENT DISCOUNT IS OFFERED AND ACCEPTED BY THE CITY OF EL PASO, PAYMENTS WILL BE MADE TO THE Net 30 Net 30 Net 30 CONTRACTOR WITHIN THIRTY (30) DAYS FOLLOWING ACCEPTANCE OF GOOD OR SERVICES					10							
DELIVERY	IF BIDDER DOES NOT SPECIFY AN EARLIER DELIVERY, THE CITY'S REQUIRED DELIVERY SHALL PREVAIL A DELIVERY DATE LATER THAN THE CITY'S REQUIRED DELIVERY MAY BE CAUSE FOR REJECTION OF THE BID.											
BIDS SOLICITED: 3 LOCAL BIDS SOLICITED: 0 BIDS RECEIVED: 3 LOCAL BIDS RECEIVED: 0 NO BID: 0 NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.												
Approved b			, and accontrol o									
Date:	7/21/2021					2021-1231 H	ousehold Hazar	dous Waste Disp	osal - ESD			Page 2 of 2

### **Bidders List**

Name: Clean Earth Environmental Solutions Inc.

Address: 945 E. Pleasant Run Rd.

Phone number: 1-512-663-8090

Contact Person: Jack Ranney

Email: jranney@harsco.com

<u>Name:</u> Heritage Crystal Clean LLC <u>Address:</u> 8801 Castner Dr. <u>Phone number:</u> 915-352-2116 <u>Contact Person:</u> Dante Mendoza <u>Email:</u> dante.mendoza@crystal-clean.com

<u>Name:</u> Veolia North America <u>Address:</u> 7400 Meridian PL Suite D <u>Phone number:</u> 1-866-688-0988 <u>Contact Person:</u> N/A <u>Email:</u> us.adsupport@veolia.com



Legislation Text

### File #: 21-1004, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

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

### AGENDA LANGUAGE:

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

The linkage to the Strategic Plan is subsection 7.4 Continue the strategic investment in City facilities and technology.

#### Award Summary:

That the Purchasing and Strategic Sourcing Director be authorized to issue Purchase Order(s) for 2021-1454 Emergency Janitorial Services for Police Department Facilities to ACE Government Services LLC for six (6) months estimated amount of \$332,292.15. This contract will provide janitorial services for Police Department Facilities on a daily basis.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$4.39 per hour, which represents a 41.89% increase.

Department:	Streets and Maintenance
Vendor:	ACE Government Services LLC
	El Paso, TX
Item(s):	All
Initial Term:	6 months
Option to Extend:	N/A
Total Estimated Award:	\$332,292.15 (6 months)
Account No.:	532-1000-31040-522060-P3120
Funding Source:	General Fund
District(s):	All

This is a non-competitive service requirement contract pursuant Exemption 252.022 (a) (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents of the Texas Local

### File #: 21-1004, Version: 1

Government Code.

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

AGENDA DATE: August 31, 2021

PUBLIC HEARING DATE: Not Applicable

### CONTACT PERSON(S) NAME AND PHONE NUMBER:

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

### DISTRICT(S) AFFECTED: All

**STRATEGIC GOAL:** No. 7 Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.4 Continue the strategic investment in City facilities and technology

### SUBJECT:

That the Purchasing & Strategic Sourcing Director be authorized to issue Purchase Order(s) for 2021-1454 Emergency Janitorial Services for Police Department Facilities to ACE Government Services LLC for six (6) months estimated amount of \$332,292.15.

### **BACKGROUND / DISCUSSION:**

This contract will allow Streets and Maintenance to provide Janitorial Services for the Police Department Facilities. These services are to be delivered on a daily basis. Streets and Maintenance's Facilities Maintenance division determined task and cleaning standards and are similar to services required at other City owned facilities.

### SELECTION SUMMARY:

N/A

### CONTRACT VARIANCE:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$4.39 per hour, which represents a 41.89% increase.

### PROTEST

No protest received for this requirement.

### **PRIOR COUNCIL ACTION:**

N/A

### AMOUNT AND SOURCE OF FUNDING:

Amount: \$332,292.15 Funding Source: General Fund Account: 532-1000-31040-522060-P3120

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED?	_X	YES	NO
--	----	-----	----

**PRIMARY DEPARTMENT:** Streets and Maintenance Department **SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

**DEPARTMENT HEAD:** Richard J. Bristol - Streets and Maintenance Director

Revised 04/09/2021 - Previous Versions Obsolete

### COUNCIL PROJECT FORM (Non-Competitive)

### 

Please place the following item on the **CONSENT** agenda for the Council Meeting of **August 31, 2021**.

### STRATEGIC GOAL: NO. 7 Enhance and Sustain El Paso's Infrastructure Network

The linkage to the Strategic Plan is subsection 7.4 Continue the strategic investment in City facilities and technology

### Award Summary:

That the Purchasing & Strategic Sourcing Director be authorized to issue Purchase Order(s) for 2021-1454 Emergency Janitorial Services for Police Department Facilities to ACE Government Services LLC for six (6) months estimated amount of \$332,292.15. This contract will provide janitorial services for Police Department Facilities on a daily basis.

### **Contract Variance:**

The difference in price, based on comparison to the previous contract is as follows: An increase of \$4.39 per hour, which represents a 41.89% increase.

Department: Vendor:	Streets and Maintenance ACE Government Services LLC El Paso, TX
Item(s):	All
Initial Term:	6 months
Option to Extend:	N/A
Total Estimated Award:	\$332,292.15 (6 months)
Account No.:	532-1000-31040-522060-P3120
Funding Source:	General Fund
District(s):	All

This is a non-competitive service requirement contract pursuant Exemption 252.022 (a) (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents of the Texas Local Government Code.



### Emergency Janitorial Services for PD Facilities 2021-1460

August 31, 2021 Richard Bristol, Director, Streets and Maintenance





### Strategic Plan Goal:

7) Enhance and Sustain El Paso's Infrastructure

7.4) Continue Strategic Investment in City Facilities and Technology





## **Purpose of Procurement**

- Enable the City to provide Temporary Janitorial Services for Police Department Facilities over next six (6) months
- The services will be provided on daily bases to promote cleanliness
- These services will provided while the Purchasing and Strategic Sourcing Department solicits a permanent contract





### 2021-1460 Emergency Janitorial Services

### Solicitation Number 2021-1460

Contractor	CMC Agronomy
------------	--------------

Estimated Award Total Estimated Award: \$332,192.15

Funding Source	General Fund – Maintenance Services Contract - Janitorial
Account No.	1000-532-31040-P3120-522060

## **Mission**

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



Integrity, Respect, Excellence, Accountability, People

### Vision

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



Legislation Text

### File #: 21-985, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

### All Districts

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

### AGENDA LANGUAGE:

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

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

Award Summary:

The award of Solicitation 2021-0760 Tree and Stump Removal to EGL Construction Inc. for a three (3) year initial term estimated amount of \$279,600.00. The award also includes a two (2) year option for an estimated amount of \$186,400.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$466,000.00. This contract will allow for the removing of trees and stumps near private property and utility lines.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$195,000.00 for the initial term, which represents a 230.5% increase due to price increases and the additional services.

Department:	Streets and Maintenance
Vendor:	EGL Construction Inc.
	El Paso, TX
Items:	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$93,200.00
Initial Term Estimated Award:	\$279,600.00 (3 years)
Total Estimated Award:	\$466,000.00 (5 years)
Account No.:	451-1000-51295-531130-P5120
Funding Source:	General Fund
Districts:	All

### File #: 21-985, Version: 1

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to EGL Construction Inc., the sole lowest responsive, responsible bidder.

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

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

AGENDA DATE:	August 31, 2021
PUBLIC HEARING DATE:	Not Applicable

### CONTACT PERSON(S) NAME AND PHONE NUMBER:

	Richard J. Bristol, Streets and Maintenance Director, (915) 212-7000 Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-1181
DISTRICT(S) AFFECTED:	All
STRATEGIC GOAL:	No. 7 – Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL:	7.2 – Improve competitiveness through infrastructure improvements impacting t quality of life

### SUBJECT:

The award of solicitation 2021-0760 Tree and Stump Removal to EGL Construction Inc. for a three (3) year initial term estimated amount of \$279,600.00. The award also includes a two (2) year option for an estimated amount of \$186,400.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$466,000.00.

### **BACKGROUND / DISCUSSION:**

This contract will allow for the removing of trees and stumps near private property and utility lines.

### SELECTION SUMMARY:

Solicitation was advertised on June 22, 2021 and June 29, 2021. The solicitation was posted on City website on June 22, 2021. The email (Purmail) notification was sent out on June 24, 2021. There were a total of forty-four (44) viewers online; one (1) bid was received; one (1) from local suppliers. An Inadequate Competition Survey was conducted.

### CONTRACT VARIANCE:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$195,000.00 for the initial term, which represents a 230.5% increase due to price increases and the additional services.

### **PROTEST**

No protest received for this requirement.

#### **PRIOR COUNCIL ACTION:**

N/A

### AMOUNT AND SOURCE OF FUNDING:

Amount: \$279,600.00 Funding Source: General Fund Account: 451-1000-51295-531130-P5120 the

### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_NO

**PRIMARY DEPARTMENT:** Streets and Maintenance Department **SECONDARY DEPARTMENT:** Purchasing & Strategic Sourcing

### 

**DEPARTMENT HEAD:** 

Richard Bristol 08/05/2021

Richard J. Bristol – Streets and Maintenance Director

### 

Please place the following item on the CONSENT agenda for the Council Meeting of August 31, 2021.

### 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 ).

### Award Summary:

The award of solicitation 2021-0760 Tree and Stump Removal to EGL Construction Inc. for a three (3) year initial term estimated amount of \$279,600.00. The award also includes a two (2) year option for an estimated amount of \$186,400.00. The total value of the contract is, including the initial term plus the option for a total of five (5) years, for an estimated amount of \$466,000.00. This contract will allow for the removing of trees and stumps near private property and utility lines.

### **Contract Variance:**

The difference in price, based on comparison to the previous contract is as follows: An increase of \$195,000.00 for the initial term, which represents a 230.5% increase due to price increases and the additional services.

Department: Vendor:	Streets and Maintenance EGL Construction Inc. El Paso, TX
Item(s):	All
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$93,200.00
Initial Term Estimated Award:	\$279,600.00 (3 years)
Total Estimated Award:	\$466,000.00 (5 years)
Account No.:	451-1000-51295-531130-P5120
Funding Source:	General Fund
District(s):	All

This is a Low Bid, unit price contract.

The Purchasing & Strategic Sourcing and Streets and Maintenance Departments recommend award as indicated to EGL Construction Inc., the sole lowest, responsive, and responsible bidder.

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



### CITY OF EL PASO BID TABULATION FORM



Solicitation #: 2021-0760

**DEPARTMENT: Streets and Maintenance** 

#### Project Name: Tree and Stump Removal

#### Bid Opening Date: July 21, 2021

				E.G.L. Construction Inc. El Paso, TX Bidder 1 of 1								
ITEM	ITEM DESCRIPTION	EST. ANNUAL QTY.		PRICE	ANNUAL TOTAL (A x B = C)	3-YR TOTAL (C x 3 = E)	PRICE	TOTAL ANNUAL (A x B = C)	TOTAL EXTENDED PRICE (C x 3 = E)	PRICE	TOTAL ANNUAL (A x B = C)	TOTAL EXTENDED PRICE (C x 3 = E)
		MIN	MAX (A)	(B)	(C)	(D)	(B)	(C)	(D)	(B)	(C)	(D)
1.	TREE REMOVAL [ 0" to 6" CALIPER ]	10	20	\$440.00	\$8,800.00	\$26,400.00						
2.	TREE REMOVAL [6" to 8" CALIPER ]	10	20	\$500.00	\$10,000.00	\$30,000.00						
3.	TREE REMOVAL [ 8" to 12" CALIPER ]	10	20	\$580.00	\$11,600.00	\$34,800.00						
4.	TREE REMOVAL [ 12" to 24" CALIPER ]	10	20	\$640.00	\$12,800.00	\$38,400.00						
5	TREE REMOVAL [ 25" OR LARGER CALIPER ]	10	20	\$2,500.00	\$50,000.00	\$150,000.00						
	TOTAL OF ITEMS 1 - 5				\$93,200.00	\$279,600.00						

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.



### **CITY OF EL PASO BID TABULATION FORM**



#### Solicitation #: 2021-0760

**DEPARTMENT: Streets and Maintenance** 

#### Project Name: Tree and Stump Removal

Bid Opening Date: July 21, 2021

Bid Opening Date. July 21, 2021			DEPARTMENT. Streets and Maintenance	
	E.G.L. Construction Inc. El Paso, TX Bidder 1 of 1			
OPTION TO EXTEND THE TERM OF THE AGREEMENT THE CITY AT ITS SOLE DISCRETION, MAY EXERCISE ANY OPTION TO EXTEND THE TERM OF THE AGREEMENT, BY GIVING THE CONTRACTOR WRITTEN NOTICE WITHIN THE TIME PERIOD NOTED ON THE SELECTED OPTIONS. THE TERM OF THIS CONTRACT SHALL BE BASED ON ONE OF THE SELECTIONS BELOW AND UNDER THE TERMS AND CONDITIONS. THE CITY MANAGER OR DESIGNEE MAY EXTEND THE OPTION TO EXTEND. BIDDER OFFERS THE CITY THE OPTION OF EXTENDING THE TERM OF THE CONTRACT FOR:				
TWO (2) ADDITIONAL YEARS AT THE SAME UNIT PRICE(S), IF THE OPTION IS EXERCISED PRIOR TO THE EXPIRATION OF THE ORIGINAL TERM OF THE CONTRACT				
NO OPTION OFFERED				
Amendments Acknowledged:	Yes			
BIDS SOLICITED: 7 LOCAL BIDS SOLICITED: 7 BIDS RECEIVED: 1 LOCAL BIDS RECEIVED: 1 NO BID: 0				
NOTE: The information contained in this bid tabulation is for infor	mation only and does not constitute actual award/	execution of contract.		
	,			

### 2021-0760 Tree and Stump Removal

Martinez Bros Contractors, LLC. 5875 Cromo Dr, STE 200 El Paso, TX 79912-5576 915-584-3900 Eddie@martinezbros.com

Sanchez Construction & Landscaping 3225 Lanka El Paso, TX 79936 915-588-9506 ssanchezconstruction@yahoo.com

Abescape Landscaping LLC 1440 Coronel El Paso, TX 79928 915-307-2648 mgallegos@abescape.com Martinez Irrigation & Landscaping, Inc. 7724 Toltec Dr. El Paso, TX 79912 915-584-4565 mtzirrig@att.net

EGL Construction, Inc. 5417 Dailey Ave. El Paso, TX 79905 915-525-2302 mario@eglconstruction.com Pride General Contractors, LLC. 700 N. Copia ST. El Paso, TX 79903-4406 915-771-9601 info@pridegc.com

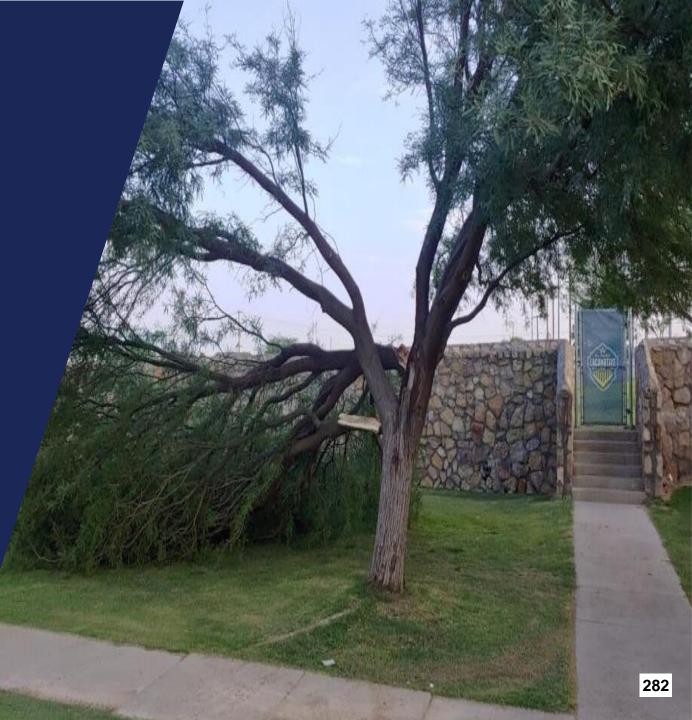
MRD Landscaping 550 S Mesa Hills A-2 El Paso, TX 79912-5758 915-873-5171 mrd@mrdlandscaping.com mrdlandscapingcorp@prodigy.net



### 2021-0760 Tree and Stump Removal

August 31, 2021

Richard Bristol, Director - Streets and Maintenance Department





### Strategic Plan Goal:

7: Enhance and Sustain El Paso's Infrastructure Network

7.2: Improve competitiveness through infrastructure improvements impacting the quality of life





## **Purpose of Procurement**

- Replacement of the current contract
- Purchase Tree and Stump removal services
- Aides in maintenance activities or emergency situations by allowing services to take place near private property and utility lines
- Extremely useful during unexpected weather events
- Provides employee and public safety











Contractor	EGL Construction Inc
Initial Award	3 years - \$279,600.00
Option & Total Award	2 year - \$186,400.00 5 years - \$466,000.00
Funding Source	General Fund
Account No.	451-1000-51295-531130-P5120







## **Mission**

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



Integrity, Respect, Excellence, Accountability, People

### Vision

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



Legislation Text

File #: 21-1025, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

AGENDA LANGUAGE:

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

Discussion and action to override the Mayor's Veto of the Resolution adopting the FY 2021 - 2022 Budget and/or the property tax rate ordinance.



Legislation Text

### File #: 21-1026, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

### All Districts

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

### AGENDA LANGUAGE:

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

Discussion and action to override the Mayor's Veto of the Ordinance authorizing the issuance of City of El Paso, Texas Combination Tax and Revenue Certificates of Obligation, Series 2021C; levying a continuing direct annual ad valorem tax for the payment of such certificates; and resolving other matters which are necessary to effectuate such issuance, including the delegation of matters relating to the sale and issuance of such certificates to an authorized City official within certain specified parameters.



## **Funding Categories**

Item	Comment	# of Projects	Amount
Bond Issuance Costs			\$2,612,282
<b>Contractual Obligations</b>	Projects under Construction	21	\$15,215,833
PO Match Dollars	Leverage (\$30M)Federal Funds	2	\$4,225,080
IT Infrastructure	Public Safety Communication, Cyber Security and Hardware/Software upgrades	5	\$2,277,201
Streets	Construction not started	27	\$24,792,273
Animal Shelter	Construction not started	2	\$10,095,715
Infrastructure and Lighting Improvements	Construction not started	9	\$9,680,905
Park Improvements and Cultural Facility			¢22.044.072
Construction	Construction not started	4	\$23,841,873
TIRZ Funded - Eastside Sports Complex	Construction not started	1	\$3,132,000
	TOTAL	71	\$95,873,162

## **Projects in Construction:**

- Projects moved into construction as funds were being requested as needed based on cash flow requirements
- Terminating for convenience would up the City to additional costs
- Construction would need to finish in order not to leave blight in the neighborhoods
- Would bring back recommendation in order to consolidate Capital Programs in order to meet contractual obligations (to include previously funded projects that have note started construction)

Construction	Construction under way - Construction needs to finish so that we don't leave Blight behind.	
21	\$15,215,833	

## **Projects Under Construction**

Montana RTS	\$2,946,599	
Paso Del Norte Poe Roundabout	\$1,219,509	
Chamizal Neighborhood Ped Enhancements Ph. 1	\$18,030	
Brian Ray Reconstruction	\$397,927	
Oregon Street Lighting & ADA	\$1,487,645	
Chamizal Neighborhood Ped Enhancements Ph 2	\$44,008	
Franklin Canal at Davis Street	\$4,325	
Delta Street At Playa Drain	\$103,533	
Yarbrough At Playa Drain	\$333,135	
Alabama Drainage Ditch Replace	\$108,184	
CBD Phase 4	\$320,300	
CAP Art Projects	\$675,676	
2% Arts Transfer 2019 Cap Plan	\$615,000	
Liz Morayma Gonzalez Park	\$99,355	
Bicycle Connectivity Infrastructure Imp Ph 1	\$386,530	
Public Art Projects - 2020 Plan	\$585,116	
Modesto Gomez Park Improvements	\$536,000	
Montana RTS	\$2,238,359	
Montana RTS – Airport	\$254,919	
Planning Documents CIP 2020	\$1,000,000	
Sports Fields Lighting CIP 20	\$1,841,683	

21 \$15,215,833

## **Contractual Obligations**

- Sean Haggerty Extension is scheduled to receive est. \$17M of federal funds
- Railroad is scheduled to receive est. \$13M of federal funds
- Projects are scheduled to start design, without the match dollars, the federal funds would get released to other local agency projects.



## IT infrastructure

- P25 Antenna being built to support PD and first responders
- Cyber Security
- Hardware and Network Upgrades

IT PROJECTS	Cyber Security, Public Safety Comm, Network, Hardware and Software	
5	\$2,277,201	

## **Projects in Design:**

- Projects would be put on the shelf
- 43 Projects
- Costs increase projected at 8% year over year
- If delayed 2 years = \$12M Increase in cost
- If these projects stop, Capital Plan Amendment will be presented in

### order to delete projects

		Costs if deferred to future years @8% increase				
Projects in Design	Construction has not started	2022	2023	2024	2025	2026
43	\$71,542,766	\$ 77,266,187.3	\$ 83,447,482.3	\$ 90,123,280.8	\$ 97,333,143.3	\$ 105,119,794.8

## STREET Projects that have not started construction

Ted Houghton Reconstruction	\$1,151,705
Sunland Park, Shadow Mountain, Westwind, Redd Road Phase II ,Executive Center Roadway Lighting and Landscape	\$0 205 472
Improvements	\$9,305,672
Airport, Pebble Hills, Vista Del Sol Lighting and Landscape	\$5,942,245
Traffic Signal Synchronization	\$1,000,000
Traffic Signals CIP 2020 (18)	\$7,392,651
27	\$24,792,273

### 9

## **ANIMAL SHELTER Projects that have not started construction**

Animal Medical Houses CIP 20	\$1,442,981
Animal Services Housing CIP 20	\$8,652,734
2	\$10.095.715

### INFRASTRUCTURE AND LIGHTING IMPROVEMENTS Projects that have not started construction

Cohen Site Infrastructure	\$1,792,129
El Paso City Wide Signage	\$2,863,856
Sun City Lights Districts 2, 6, and 7	\$2,911,7 <b>4</b> 2
MCA Sun City Lights CIP 20	\$1,060,800
Delta Yard Buildings Demolition (Blighted Properties Demolition)	\$581,152
Delta Yard CMU Building Demolition	\$315,006
Wyoming At St.Vrain Demolition	\$156,220
9	\$9,680,905

### 10

## PARKS IMPROVEMENTS AND CULTURAL FACILITY Construction

Eastside Regional Park Phase II	\$10,023,373
Mexican American Cultural Center	\$10,750,000
Chelsea Pool Demo Pocket Prk	\$1,477,300
Multipurpose Ctr Instruct Pool	\$1,591,200
4	\$23,841,873

### **TIRZ FUNDED**

Eastside Sports Complex Phase II

\$3,132,000

## Summary

- Debt modeled into FY2022 Budget
- \$42M Impact (\$30M in Federal Funds and \$12M if Designed Projects are delayed 2 years)
- Public Outreach Impact Projects have been vetted publicly
- Potential Impact to additional projects that have not started construction as contractual obligations will need to be met.



# **Building our Future El Paso**







Legislation Text

### File #: 21-984, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

**District 1** Capital Improvement Department, Sam Rodriguez (915) 212-0065

### AGENDA LANGUAGE:

This is the language that will be posted to the agenda. Please use ARIAL 11 Font. Update on the status of the Lost Dog & Knapp Land Conservation Easement.

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

### AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: N/A

**CONTACT PERSON(S) NAME AND PHONE NUMBER:** Sam Rodriguez – Chief Operations & Transportation Officer, (915) 212-0065

### DISTRICT(S) AFFECTED: District 1

**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:

Update on the status of the Lost Dog & Knapp Land Conservation Easements

### **BACKGROUND / DISCUSSION:**

On April 27, 2021, Council approved an ordinance authorizing the City Manager to sign a conservation easement, by and between the City of El Paso, El Paso Water Utilities, and the Frontera Land Alliance, to convey conservation easements over the open space properties commonly referred to as the "Lost Dog Property" and "Knapp Land Property"

### PRIOR COUNCIL ACTION:

April 30 2019 Council action related to the establishment of a conservation easement on the property referred to as the Knapp land.

May 13, 2019 Council adopts Ordinance 018934 to preserve the property known as the Lost Dog Property to be preserved in perpetuity in its natural state

July 23, 2019 Council approved a motion directing staff to explore a conservation easement on the property referred to as the Lost Dog property.

April 27, 2021 Council approved an ordinance authorizing the City Manager to sign a conservation easement, by and between the City of El Paso, El Paso Water Utilities, and the Frontera Land Alliance for the Lost Dog and Knapp land conservation easements

### AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? 2012 QOL Has the item been budgeted? Yes If so, identify funding source by account numbers and description of account.

999-99999-1000-544050

Does it require a budget transfer? No

Revised 04/09/2021

### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_x\_ YES \_\_\_NO

**PRIMARY DEPARTMENT:** El Paso Water Utility SECONDARY DEPARTMENT: Parks and Recreation

### 

**DEPARTMENT HEAD:** 

Jerry DeMuro/for Sam Rodriguez (If Department Head Summary Form is initiated by Purchasing, client

department should sign also)



## Knapp Land and Lost Dog Conservation Easements

# Knapp Land 353 ac.



## Goals

- To safeguard the natural and cultural features of Lost Dog and Knapp Land
- Improve wildlife habitat and habitat connectivity
- Protect the health of our regional watershed
- Provide well maintained and safe trails for biking, walking, and running
- Contribute to the economy
- Educate the community about the value of our desert





To accomplish the above goals the development of a pilot program is needed to manage the dedicated open space for Lost Dog and Knapp Land.

### Steps:

- 1. Completed. Volunteers went door to door leaving a letter informing about the City of El Paso open natural space, the conservation easement as well as noting to call 911 for an emergency and to call 311 if they observe illegal trail building, off-roading, illegal dumping, etc.
- 2. Creating a sub-committee for Knapp Land and a sub-committee for Lost Dog to provide input and collaborate with the Open Space Lands Manager
- 3. Hire an Open Space Lands Manager for up to 12 months. Interviews will be held the week of October 18, with the intention of a start date November 2021.

The Open Space Lands Manager will be **hired by and managed** by The Frontera Land Alliance.

# The piolet position is funded through donations by:

-The Frontera Land Alliance

-Border Mountain Bike Association

-Franklin Mountain Wilderness Coalition



## What is next?

**1. Open Space Lands Manger**: Hiring of the Open Space Lands Manger and meeting with the sub-committee.

**2. Working with volunteer groups**: Volunteers are a great rescource for trial work, habitat management to education outreach. For example, the Border Mountain Bike Association repaired trials at Lost Dog from recent rains. They contacted Frontera to notify of work, shared where the trail work was to be done and followed-up up with a report and photos. This is now documented for the conservation easement.

3. **Educate:** Be present at trail heads to educate the users about trail edict and their natural surroundings. Such as pick up after you dog, stay on the trail, to sharing and showing about visitors about the flora and fauna of the aera.

4. Annual Monitoring: Frontera will continue to visit and monitor the land





Legislation Text

### File #: 21-1017, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

**District 7** El Paso Water, Alex Vidales, (915) 594-5636

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

An Ordinance authorizing the City Manager to sign a Purchase and Sale Agreement, Special Warranty Deed and any other documents necessary to convey to VJ Capital Properties, Ltd., approximately 3.15 acres of land being described as a portion of Tracts 23-G-1 and 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas.

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

DEPARTMENT: El Paso Water Utilities Public - Service Board (EPWater)

AGENDA DATE: Introduction - \_\_\_\_\_, 2021 Public Hearing - \_\_\_\_\_, 2021

### CONTACT PERSON/PHONE: Alex Vidales, EPWater Real Estate Manager, 915.594.5636

### **DISTRICT(S) AFFECTED: 7**

### SUBJECT: APPROVE the following Ordinance

Authorizing the City Manager to sign a Purchase & Sale Agreement, Special Warranty Deed and any other documents necessary to convey to VJ Capital Properties, LTD., approximately 3.15 acres of land being described as a portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas. (District 7) EPWater, Alex Vidales, Real Estate Manager (915) 594-5636.

### **BACKGROUND / DISCUSSION:**

This parcel of land is owned by the City of El Paso and managed by the El Paso Water Utilities -Public Service Board (EPWU/PSB). On October 10, 2012, the Public Service Board declared the property inexpedient to the system and authorized the President/CEO of El Paso Water Utilities to have the land appraised and proceed in the manner approved by the Board and in accordance with the terms and conditions specified by the Board, and thereafter to forward to the City of El Paso a recommendation to sell the property, and to sign any and all documents necessary to complete the sale of the property.

### **PRIOR COUNCIL ACTION:**

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

On March 30, 2021, El Paso City Council approved the sale of approximately 0.2796 acres to Snap Partners, L.P.

### AMOUNT AND SOURCE OF FUNDING: N\A

### **BOARD / COMMISSION ACTION:**

On October 10, 2012, the El Paso Water Utilities - Public Service Board declared the property inexpedient to the system and authorized the President/CEO to sell the property.

On July 14, 2021, the El Paso Water Utilities – Public Service Board recommend that the property be sold to VJ Capital Properties, LTD and authorized the President/CEO to forward the recommendation to the El Paso City Council for approval.

## AFTER EXECUTION OF ALL DOCUMENTS, PLEASE CONTACT ALEX VIDALES TO PICK UP THE DOCUMENTS @ 594.5636. THANK YOU.



- TO: Omar De La Rosa Assistant City Attorney
- FROM: Alex Vidales Real Estate Manager
- THRU: Alma De Anda Utility Land and Water Rights Manager
- DATE: July 26, 2021
- SUBJECT: Placement of Item on City Council Agenda City Council authorizing the City Manager to sign a Purchase and Sale Agreement and Special Warranty Deed conveying approximately 3.15 acres of land being described as a portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas

This is a request for review and approval of the documents necessary to place an item on the City Council agenda for approval of the above referenced sale of property from the City of El Paso to VJ Capital Properties, LTD. All the standard documents are attached including the DHS form, proposed Ordinance, Special Warranty Deed, and Purchase & Sale Agreement.

The subject property is City of El Paso property managed and controlled by the El Paso Water Utilities - Public Service Board (EPWater). The Public Service Board determined the land inexpedient to the system and was forwarded to City staff for consideration as required by the Joint Resolution between the City and EPWater. City staff reviewed and approved the sale. We would like to place this item on City Council agenda for introduction and public hearing for approval of the sale.

Also attached are the following documents:

Attachment A - DHS Attachment B - Ordinance Attachment C – Special Warranty Deed Attachment D – Purchase & Sale Agreement Attachment E – Appraisal Attachment F – Title Commitment The wording of the Ordinance should be as follows:

### AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, SPECIAL WARRANTY DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO VJ CAPITAL PROPERTIES, LTD., APPROXIMATELY 3.15 ACRES OF LAND BEING DESCRIBED AS A PORTION OF TRACTS 23-G-1 & 23-G-2, BLOCK 54, YSLETA GRANT, EL PASO COUNTY, TEXAS.

(District 7) El Paso Water Utilities, Alex Vidales, Real Estate Manager (915) 594-5636.

### ORDINANCE NO.

### AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, SPECIAL WARRANTY DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY TO VJ CAPITAL PROPERTIES, LTD., APPROXIMATELY 3.15 ACRES OF LAND BEING DESCRIBED AS A PORTION OF TRACTS 23-G-1 & 23-G-2, BLOCK 54, YSLETA GRANT, EL PASO COUNTY, TEXAS.

WHEREAS, the El Paso Water Utilities Public Service Board (EPWU/PSB) holds certain real properties in its land inventory that are owned by the City of El Paso but are under the management and control of EPWU/PSB; and,

WHEREAS, at its regular meeting on October 10, 2012, the Public Service Board determined approximately 3.15 acres of land being a portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas, to be inexpedient to the system and should be sold in accordance with state law; and,

WHEREAS, at its regular meeting on July 14, 2021, the Public Service Board awarded the sale bid to VJ Capital Properties, LTD., for the bid amount of \$296,382, and adopted a Resolution making the findings set forth hereinabove and requesting the El Paso City Council pass an Ordinance authorizing the City Manager to sign a Purchase and Sale Agreement and a Special Warranty Deed and any and all necessary documents to complete the conveyance to VJ Capital Properties, LTD.; and,

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

That the City Manager is authorized to sign a Purchase and Sale Agreement, Special Warranty Deed and any other necessary documents, in a form approved by the City Attorney's Office, conveying to VJ Capital Properties, LTD., the following identified real property:

Approximately 3.15 acres of land being a portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas, and more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

### (Signatures begin on following page)

**CITY OF EL PASO** 

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine,

City Clerk

APPROVED AS TO CONTENT:

2

Alma De Anda, Utility Land and Water Rights Manager

APPROVED AS TO FORM:

Omar De La Rosa, Assistant City Attorney

APPROVED AS TO FORM:

Daniel Ortiz,

**General Counsel** 

### SPECIAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Effective Date: \_\_\_\_\_, 2021

Grantor: THE CITY OF EL PASO, TEXAS, a Texas municipal corporation, for and on behalf of EL PASO WATER UTILITIES – PUBLIC SERVICE BOARD 1154 Hawkins Blvd. El Paso, Texas 79925

- Grantee: VJ Capital Properties, LTD. ATTN: James Garcia 1121 Diesel EL PASO, TEXAS 79907
- **Consideration:** TEN AND NO/100THS DOLLARS (\$10.00), and other good and valuable consideration to the undersigned paid by Grantee, the receipt of which is hereby acknowledged.

#### Property (including any improvements):

A portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, El Paso County, Texas as shown in **Exhibit A** attached hereto and made a part hereof for all purposes.

### Severance of Groundwater Estate and Reservations from Conveyance:

#### Save and except:

(1) The groundwater estate related to the Property, which is hereby severed from the Property and reserved by and for Grantor, for all purposes. The groundwater estate shall include, without limitation, the Groundwater and Groundwater Rights related to the Property. The term (i) "Groundwater" shall mean all of the underground water, percolating water, artesian water, and any other water existing now and in the future from any and all depths, reservoirs, aquifers, formations, and horizons beneath the surface of the Property; and (ii) "Groundwater Rights" shall mean (1) the right to access, test, capture, explore for, drill for, develop, withdraw, produce, store, treat, transport or otherwise acquire and beneficially use, reuse, or recharge, any and all of the Groundwater beneath the Property; (2) the right to apply for and obtain all permits, licenses, or other governmental authorizations relating to any of the foregoing, including but not limited to any permit issued by a groundwater conservation district or other governmental entity existing now or in the future and having jurisdiction over the Groundwater and/or the exploration, drilling, production, use, storage, treatment, reuse, recharge or transport of Groundwater that are necessary for the Grantee to exercise the rights conveyed under this Special Warranty Deed; and

### **Exceptions to Conveyance and Warranty:**

- 1. All leases, grants, exceptions, land reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.
- 2. Claims by the Tigua Indian Tribe of the Ysleta del Sur Pueblo, as evidenced by that certain Affidavit concerning filing of Notice of Claim to the Ysleta Grant and Aboriginal Title Areas, executed by Julian Granillo, Governor of the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, dated April 12, 1993, filed on April 16, 1993 in Volume 2553, Page 1958, of the Real Property Records, El Paso County, Texas.
- 3. This property lies within the irrigation water district controlled by the El Paso County Water Improvement District No. 1, which does not require any municipal utility district notices.
- 4. Reservation by Elias Abraham of a 30' foot wide easement for road along the entire easterly boundary line of subject property in Deed recorded in Volume 517, Page 1408, Real Property Records, El Paso County, Texas.
- 5. Rezoning contract and restrictions dated April 12, 1988 by and between Carmen O. De Caballero and husband Alfonso Caballero and the City of El Paso, in Volume 1941, Page 39, Real Property Records, El Paso County, Texas.
- 6. Easement to El Paso Electric Company under Clerk's file no. 20120041698, Real Property Records, El Paso County, Texas.

GRANTOR AND GRANTEE AGREE THAT GRANTEE IS ACCEPTING THE PROPERTY FROM GRANTOR IN ITS <u>"AS IS, WHERE IS, AND WITH ALL FAULTS"</u> CONDITION AND THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THE SPECIAL WARRANTY OF TITLE CONTAINED IN THIS DEED. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION OF THE PROPERTY. GRANTEE IS RESPONSIBLE FOR THE COSTS AND ACQUISITION OF ANY NECESSARY EASEMENTS FOR INGRESS AND EGRESS TO THE PROPERTY.

Grantor, subject to the Severance of the Groundwater Estate and the Exceptions to Conveyance and Warranty set forth above, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold the Property unto Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the Property unto Grantee and Grantee's successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor, but not otherwise, except as to the Severance of the Groundwater Estate and the Exceptions to Conveyance and Warranty set forth above.

When the context requires, singular nouns and pronouns include the plural.

(Signature page and exhibits follow.)

**EXECUTED** to be effective as of the date first stated above.

### **GRANTOR:**

### THE CITY OF EL PASO, a Texas municipal corporation

By:	12	
Name:	Tomás Gonzalez	
Title:	City Manager	

THE STATE OF TEXAS

COUNTY OF EL PASO

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Tomás Gonzalez, City Manager of the City of El Paso.

00 00 00

NOTARY PUBLIC, State of Texas

### Exhibit A

(Metes and Bounds Survey)

### PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement ("Agreement") is entered into by and between THE EL PASO MUNICIPAL DRAINAGE UTILITY, through the EL PASO WATER UTILITIES- PUBLIC SERVICE BOARD, a component unit of the City of El Paso, a Texas municipal corporation, (the "Seller" or "EPWater") and VJ Capital Properties, LTD, a Texas limited partnership (the "Buyer"). The Seller and the Buyer may be each referred to individually herein as a "Party" and collectively as the "Parties."

#### WITNESSETH

WHEREAS, the Seller owns an approximately 3.15 acre parcel, more or less, out of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, such portion being legally described by metes and bounds on <u>Exhibit A</u>, attached hereto and incorporated herein for all purposes (the "*Property*"); and

WHEREAS, the Buyer won a bid to purchase the Property from the Seller in its "as-is, whereis and with all faults" condition and in accordance with the Bid Terms (as defined below) and the terms set forth in this Agreement; and

WHEREAS, the Seller desires to sell the Property to the Buyer in its "as-is, where-is and with all faults" condition and in accordance with the Bid Terms (as defined below) and the terms set forth in this Agreement; and

NOW THEREFORE, for and in consideration of the premises and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

### AGREEMENT

1. **Description of Property.** The Seller hereby agrees to sell and convey, and the Buyer hereby agrees to purchase, subject to the terms and conditions contained in this Agreement, the following described real property located in El Paso County, Texas:

An approximately 3.15-acre parcel, more or less, out of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, such portion being legally described by metes and bounds in <u>Exhibit A</u>, attached hereto and incorporated herein for all purposes;

together with any interest in (i) all improvements and fixtures, and (ii) all right, title and interest in and to all easements, except such easements necessary for the operation of the EPWater utility, stormwater or drainage system, appurtenances, and right-of-ways, and all interests in, on or to, any land, highway or street, in, on, across, in front of, abutting, or adjoining any such real property, all of such property (collectively, the "*Property*").

1.1 Reliance on the Buyer's Own Diligence. It is acknowledged and agreed that the Buyer has conducted and is relying solely on its own due diligence concerning the Property, including, without limitation, performing any archeological or environmental reports, studies, or

surveys of the Property it, in its sole discretion, has desired to perform, and has determined that the Property is suitable for its intended purposes. Mitigation of any conditions on the Property, including archeological sites or, without limitation, any environmental conditions, shall be at the sole cost and expense of the Buyer who shall take the Property at Closing (as defined below) subject to all conditions existing on the date of the Buyer's signature to this Agreement. By its signature hereto, the Buyer accepts responsibility for its own determination of the nature and extent of any archeological sites, or without limitation, any environmental conditions, relating to the Property.

1.2 **Easements.** The Property shall be conveyed to the Buyer subject to all easements, whether of record or not, affecting the Property.

1.3 Surface water and Groundwater. Any rights to the use of surface water (including to any government or other permits) appurtenant or in any way related to the Property are expressly reserved by and for the Seller. In addition, the entire groundwater estate related the Property, including without limitation, the Groundwater (as defined herein below) and Groundwater Rights (as defined herein below) are reserved by and for the Seller. The term "Groundwater" shall mean all of the underground water, percolating water, artesian water, and any other water existing now and in the future from any and all depths, reservoirs, aquifers, formations, and horizons beneath the surface of the Property. The term "Groundwater Rights" shall mean (1) the right to access, test, capture, explore for, drill for, develop, withdraw, produce, store, treat, transport or otherwise acquire and beneficially use, reuse, or recharge, any and all of the Groundwater beneath the Property; (2) the right to take all usual, necessary, and convenient means to use the surface of the Property for access to and to explore for, develop, treat, produce, and transport the Groundwater; and (3) the right to apply for and obtain all permits, licenses, or other governmental authorizations relating to any of the foregoing, including but not limited to any permit issued by a groundwater conservation district or other governmental entity existing now or in the future and having jurisdiction over the Groundwater and/or the exploration, drilling, production, use, storage, treatment, reuse, recharge or transport of Groundwater that may be necessary for the full and unfettered exercise of the Seller's rights therein. For the avoidance of doubt, Buyer shall not have the right to drill a well and/or produce therefrom any quantity of groundwater.

1.4 Water, Sanitary Sewer, and Appurtenances. Buyer shall be responsible for the costs of any necessary easements to provide service lines to the property.

1.4.1 Access. Buyer shall be responsible for the costs and acquisition of any necessary easements for ingress and egress to the property.

1.5 Bid Terms. The bid and other conditions applicable to the Buyer set forth on **Exhibit B** (Bid Document #40-21) attached hereto (the "*Bid Terms*"), are hereby incorporated into this Agreement as if fully set forth herein and are deemed conditions to this Agreement for all purposes.

- 2. Amount of Payment of Purchase Price. The purchase price for the Property shall be TWO-HUNDRED NINETY-SIX THOUSAND THREE-HUNDRED EIGHTY-TWO AND ZERO CENTS (\$296,382.00) (the "Purchase Price").
  - 2.1 **Payment of Sales Price.** The full amount of the Purchase Price will be payable in cash to Seller at Closing.

- 2.2 Earnest Money. Earnest Money paid to the Seller by the Buyer in the amount of FOURTEEN-THOUSAND EIGHT-HUNDRED NINETEEN AND TEN CENTS (\$14,819.10) (the "Earnest Money") shall be credited towards the Purchase Price if and when Closing occurs.
- 3. **Title Insurance.** The Buyer at its sole cost and expense will order a title commitment ("Commitment") from WestStar Title, 641 N. Stanton, El Paso, TX 79901 (the "Title Company"), accompanied by copies of all recorded documents affecting the Property for the issuance of an Owner's Policy of Title Insurance with respect to the Property in the amount of the Purchase Price (the "Owner's Policy"). The Buyer will provide copies of the Commitment and all recorded documents affecting the Property to Seller promptly upon its receipt of the same, but in any event, within three (3) days of the Effective Date.
- 4. **Representations of the Seller**. The Seller hereby represents, to the extent allowed by law, to the Buyer, that, to its actual knowledge, the following are true in all material respects:
  - 4.1 **Parties in Possession.** At the time of Closing, other than the Buyer, there are no parties in possession of any portion of the Property as lessees or tenants at sufferance.
  - 4.2 Mechanic's Lien. (i) No liens arising from the Seller's actions or otherwise, exist for the benefit of mechanics or materialmen in regard to the Property; and (ii) except as expressly disclosed in the documents relating to this transaction, the Seller has not entered into any contracts or agreements relating to the use or ownership of the Property or by which any person or entity agreed to provide labor, services or materials in regard to the Property or the business of the Seller.
  - 4.3 Litigation. There is no pending litigation before or by any court of law pertaining to the Property or which involve incidents occurring on the Property including, but not limited to, claims of damage to persons or Property.
  - 4.4 **Bills Paid**. At Closing, there will be no unpaid bills or claims in connection with any repair or operation of the Property as a result of the Seller's ownership.
  - 4.6 **Taxes.** While the Seller owned the Property, the Property was exempt from ad valorem taxes.
- 5. **Representations of the Buyer**. The Buyer hereby represents, to the extent allowed by law, to the Seller, that to the best of its knowledge, that the following are true:
  - 5.1 Authority. The Buyer has full power and authority to execute and deliver this Agreement and to perform and carry out all covenants and obligations to be performed and carried out by the Buyer herein.
  - 5.2 Non-Contravention. The execution and delivery of this Agreement by the Buyer and the consummation by the Buyer of the transactions contemplated hereby will not materially violate any judgment, order, injunction, decree, regulation or ruling of any court or any governmental or quasi-governmental bodies or agencies having jurisdiction over the

Buyer, or conflict with, result in a breach of, or constitute a default under the organizational documents of the Buyer, any note or other evidence of indebtedness, any mortgage, deed of trust or indenture, or any lease or other material agreement or instrument to which the Buyer is a party or by which it is bound.

- 5.3 Consents. No consent, waiver, approval or authorization is required from any person or entity that has not already been obtained as of the Effective Date or, if appropriate, which will be obtained prior to Escrow Delivery Date, in connection with the execution and delivery of this Agreement by the Buyer or the performance by the Buyer of the transactions contemplated hereby, except for those the failure of which to be obtained would not be reasonably expected to cause a material adverse effect to the Buyer.
- 5.4 **Bankruptcy**. The Buyer has not (i) commenced a voluntary case, or had entered against it a petition, for relief under any federal bankruptcy statute or any similar petition, order or decree under any federal or state law or statute relative to bankruptcy, insolvency or other relief for debtors, or solicited or caused to be solicited petitioning creditors for any involuntary petition against it, or filed an answer consenting to or otherwise acquiescing in or joining in any involuntary petition filed against it, (ii) caused, suffered or consented to the appointment of a receiver, trustee, administrator, conservator, liquidator or similar official in any federal, state or foreign judicial or non-judicial proceeding, to hold, administer and/or liquidate all or substantially all of its property, (iii) filed or had filed against it a petition seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief, (iv) under the provisions of any other law for the relief or aid of debtors, had an action taken by any court of competent jurisdiction that allows such court to assume custody or control of it or of the whole or any substantial part of its property or assets, or (v) made an assignment for the benefit of creditors, or admitted, in writing or in any legal proceeding, its insolvency or inability to pay its debts as they become due.
- 5.5 Litigation. There is no pending action, suit, arbitration, unsatisfied order or judgment, litigation, government investigation or proceeding against or affecting the Buyer that would materially detrimentally affect the Buyer's ability to perform hereunder.
- 5.6 **Bid Terms**. The Buyer has complied with the Bid Terms as of the Effective Date and accepts any conditions related to the Property contained therein.
- 6. **Closing**. The Closing of this transaction ("*Closing*") shall take place at the offices of WestStar Title Company within thirty (30) days from the date of approval by the City Council of the City of El Paso of an ordinance authorizing the sale of the Property by the Seller to the Buyer (the "*Approval Date*").
  - 6.1 **Possession**. Possession of the Property will be transferred to the Buyer at Closing.
  - 6.2 Closing Costs. The Buyer shall pay all closing costs, including without limitation:
    - (a) Any and all recording fees arising from the recordation of documents necessary to show good title to the Property in the Buyer shall be paid by the Buyer.

- (b) Any and all premiums and other charges for the issuance of the Owner's Policy of Title Insurance for the Property shall be paid by the Buyer.
- (c) The Buyer will pay any and all escrow fees.
- (d) Any and all real estate appraisals, surveys, closing costs, and advertising fees shall be paid by the Buyer.
- 6.3 Conditions to the Seller's Obligation to Close. The obligations of the Seller hereunder to consummate the transactions contemplated herein are subject to the satisfaction of: (i) the occurrence of the Approval Date, (ii) the performance of all of the Buyer's obligations under this Agreement, (iii) all of the Buyer's representations and warranties herein being true and correct, and (iv) the filing of any covenants necessary to cause use and development of the Property to comply with the Bid Terms. In the event any of the conditions are not satisfied on or before the Closing, the Seller may, in its sole discretion, waive one or more of said conditions and proceed to Closing, or terminate this Agreement thereby entitling the Seller to retain the Earnest Money.
- 6.4 The Seller's Obligations at the Closing. At Closing, the Seller shall deliver to the Buyer a duly executed and acknowledged Special Warranty Deed, prepared by the Seller's counsel and in form and substance acceptable to the Seller, conveying the Property and any related easements, free and clear of any and all monetary liens and encumbrances, except for: (i) ad valorem taxes for the year of Closing, if any, which shall be prorated to the date of Closing, and assumed by the Buyer upon Closing, and (ii) all easements, restrictions, reservations, rights of way, dedications, conditions, and other encumbrances of record (including without limitation all exceptions to title set forth in the Title Commitment) or apparent upon the Property.

# 7. Default.

- 7.1 Default by the Buyer. If there occurs a breach or default by the Buyer under any provision in this Agreement, or if the Buyer shall fail to consummate the sale of the Property, the Seller shall be entitled to retain the Earnest Money and the Independent Consideration then held by the Title Company as liquidated damages and to terminate this Agreement, thereby releasing the Buyer from its obligations hereunder except those which expressly survive the expiration or termination of this Agreement. The Parties hereby agree that (i) the damages resulting from any default or breach by the Buyer hereunder would be difficult to determine, (ii) the retention by the Seller of the Earnest Money (inclusive of the Independent Consideration) is a reasonable estimate of the actual damages that the Seller would suffer in the event of such a default or breach by the Buyer and (iii) that the amount of such liquidated damages is fair and reasonable and would not act as a penalty to the Buyer.
- 7.2 **Default by the Seller**. If, due to any default or breach by the Seller under this Agreement, the Seller does not deliver to the Buyer the Special Warranty Deed conveying the Property to the Buyer as described in this Agreement, the Buyer shall be entitled to either (i) declare this Agreement terminated, in which event the Earnest Money shall be retained by the Buyer, and thereafter neither the Seller nor the Buyer shall have any further

obligations to the other hereunder except for those which expressly survive the expiration or termination hereof, or (ii) enforce specific performance of this Agreement; provided, however, that the remedy of specific performance shall not be available unless the El Paso City Council has duly authorized the sale of the Property by the Seller to the Buyer.

- 7.3 Recoverable Damages. The provisions of <u>Sections 7.1</u> and 7.2 shall limit the damages recoverable by either Party against the other Party due to the other Party's default or breach of the express provisions of this Agreement (except for defaults or breaches due to inaccurate or incorrect representations and warranties resulting from the intentional or knowing actions of a Party as set forth in <u>Sections 4</u> and <u>5</u> above) and, in addition to such limitations, in no event shall the Seller or the Buyer be liable for any special, direct, indirect, consequential, punitive or other damages.
- 7.4 Costs of Enforcement. Any provision in this Agreement to the contrary notwithstanding, if a Party files suit to enforce or recover amounts owed under this Agreement before or after Closing or the earlier termination of this Agreement, the prevailing Party in such litigation shall be entitled to recover from the non-prevailing Party court costs and reasonable attorney's fees.

# 8. Covenants.

- 8.1 The Buyer's use of the Property. The Buyer covenants to own and use the Property in accordance with the Bid Terms and agrees to promptly execute and deliver to the Seller upon request of the same any documents, agreements, including, without limitation, restrictive covenants containing one or more of the Bid Terms, or similar writings that may be necessary to memorialize or evidence the Buyer's compliance with the Bid Terms. In addition, the Buyer agrees to comply with all city, state and federal laws and/or ordinances that may be applicable to the Property.
- 8.2 ENVIRONMENTAL MATTERS. AFTER CLOSING, BETWEEN THE SELLER AND THE BUYER. THE RISK OF LIABILITY OR EXPENSE FOR ENVIRONMENTAL PROBLEMS, EVEN IF ARISING FROM EVENTS BEFORE CLOSING, WILL BE THE SOLE RESPONSIBILITY OF THE BUYER, REGARDLESS OF WHETHER THE ENVIRONMENTAL PROBLEMS WERE KNOWN OR UNKNOWN AT CLOSING. ONCE CLOSING HAS OCCURRED, THE BUYER SHALL INDEMNIFY, HOLD HARMLESS, AND RELEASE THE SELLER FROM LIABILITY FOR ANY LATENT DEFECTS AND FROM ANY LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA), THE TEXAS SOLID WASTE DISPOSAL ACT, OR THE TEXAS WATER CODE.

## 9. Miscellaneous.

9.1 Notice. Any notice, demand, direction, request, or other instrument authorized or required by this Agreement to be given to or filed with either party, shall be deemed to have been sufficiently given or filed for all purposes, if and when personally delivered or

the date the same is sent by certified mail, postage prepaid, return receipt requested, to the address specified below or at such other address as may be designated in writing by the parties. Email notice must be accompanied with another form of notice allowed hereby in order to be effective.

	El Paso Water Utilities, PSB	BUYER: VJ Capital Properties, LTD.
	Marcela Navarrete	Print Name: JAMES T. GARCIA
	Vice President	Title: Dartner
	1154 Hawkins Blvd.	1121 Diesel
	El Paso, Texas 79925	El Paso, Texas 79907

- 9.2 Entire Agreement / Governing Law. This Agreement constitutes the entire agreement between the parties, and supersedes all prior agreements and understandings, written or oral, regarding the subject matter of this Agreement, and may be amended or supplemented only by an instrument in writing, executed by the party against whom enforcement is sought. This Agreement shall be governed in all respects, including validity, interpretation and effect, by and shall be enforceable in accordance with the laws of the State of Texas with jurisdiction in courts of competent jurisdiction of El Paso County, Texas.
- 9.3 Time. Time is of the essence of this Agreement and each and every provision hereof.
- 9.4 Severability. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portion shall not in any way be affected or impaired.
- 9.5 Survival of Provisions. The terms contained in <u>Sections 1, 5, 6, 7, 8, 9.1, 9.2, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 9.11</u>, and <u>9.12</u> of this Agreement, shall survive the Closing and shall not be merged therein. In case any one or more of the provisions contained in this contract for any reason is held invalid, this invalidity will not affect any other provision of this Agreement, which will be construed as if the invalid or unenforceable provision had never existed.
- 9.6 **Binding Effect.** This Agreement shall be binding upon the parties hereto and their respective successors and assigns.
- 9.7 Compliance. In accordance with the requirements of the Property Code, Title 2, Chapter 5, Subchapter D, the Buyer is hereby advised that it should obtain a title abstract or title commitment covering the Property and have it examined by an attorney of its own selection and purchase owner's policy of title insurance covering the Property.
- 9.8 **"AS IS, WHERE IS".** THIS AGREEMENT IS AN ARMS-LENGTH AGREEMENT BETWEEN THE PARTIES. THE PURCHASE PRICE WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION. THE BUYER ACCEPTS THE AS IS, WHERE IS, AND WITH ALL FAULTS, AND EXCEPT AS THE WARRANTY OF TITLE AND EXCEPT FOR THE WARRANTIES AND REPRESENTATIONS SET FORTH IN THIS AGREEMENT, WITHOUT ANY REPRESENTATIONS OR WARRANTIES OF WHATSOEVER KIND, EXPRESS OR IMPLIED, WRITTEN OR

ORAL. IT BEING THE INTENTION OF THE SELLER AND THE BUYER TO EXPRESSLY NEGATE AND EXCLUDE ALL REPRESENTATIONS AND WARRANTIES OF ANY KIND, INCLUDING, BUT NOT LIMITED TO THOSE REGARDING: (A) THE CONDITION OF THE PROPERTY; (B) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH THE BUYER MAY CONDUCT THEREON: (C) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY: AND (D) THE HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY. THE BUYER FURTHER ACKNOWLEDGES AND AGREES THAT. HAVING BEEN GIVEN THE OPPORTUNITY TO INSPECT THE PROPERTY, THE BUYER IS RELYING SOLELY ON ITS OWN INVESTIGATION OF THE PROPERTY AND NOT ON ANY INFORMATION PROVIDED BY THE SELLER. THE BUYER FURTHER ACKNOWLEDGES AND AGREES THAT ANY INFORMATION PROVIDED BY THE SELLER WITH RESPECT TO THE PROPERTY WAS OBTAINED FROM A VARIETY OF SOURCES AND THAT THE SELLER HAS NOT MADE ANY INDEPENDENT INVESTIGATION OR SUCH VERIFICATION OF INFORMATION AND MAKES NO REPRESENTATIONS AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. THE SELLER IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY VERBAL OR WRITTEN STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY, OR THE OPERATION THEREOF, FURNISHED BY ANY BROKER, AGENT, ATTORNEY, EMPLOYEE OR OTHER PERSON. THE BUYER ACKNOWLEDGES AND AGREES THAT THE DISCLAIMERS. WAIVERS AND OTHER AGREEMENTS SET FORTH HEREIN ARE INTEGRAL PARTS OF THE AGREEMENT BETWEEN THE SELLER AND THE BUYER WITH RESPECT TO THE SALE OF THE PROPERTY, AND THAT THE SELLER WOULD NOT HAVE AGREED TO SELL THE PROPERTY TO THE BUYER FOR THE PURCHASE PRICE WITHOUT THE DISCLAIMERS AND OTHER AGREEMENTS SET FORTH ABOVE.

- 9.10 Effective Date. As used herein, "Effective Date" shall mean the date on which of City Council approves of an Ordinance authorizing the City Manager to sign all documents necessary for the sale of the Property or the date on which the City Manager has actually signed this Agreement, whichever is later.
- 9.10 Assignment. The Buyer shall have the right to assign this Agreement or any of its rights hereunder to an affiliate of the Buyer with the prior written consent of the Seller, which consent shall not be unreasonable withheld or delayed; provided, however, that (i) such assignee shall assume all of the obligations of the Buyer hereunder, (ii) the Buyer shall remain liable for all of its duties and obligations hereunder, and (iii) the Buyer shall deliver written notice of the assignment, including a copy of the assignment instrument, to the Seller at least three (3) days prior to the Closing.
- 9.11 **Counterparts.** This Contract of Sale may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. Faxed and emailed signature pages may be accepted as originals.

9.12 Successors and Assigns. This Contract of Sale shall inure to the benefit of and be binding upon the heirs, personal representatives, administrators, successors and assigns, as applicable of the respective parties hereto.

(Signature page follows.)

**SELLER:** 

**EL PASO MUNICIPAL DRAINAGE UTILITY**, by and through the **EL PASO WATER UTILITIES- PUBLIC SERVICE BOARD**, a component unit of the City of El Paso, a Texas municipal corporation

raucia navarrott By:

Name: Marcela Navarrete

Title: Vice President of Strategic, Financial and Management Services

## ACKNOWLEDGMENT

STATE OF TEXAS

)))

)

This instrument was acknowledged before me on the <u>loth</u> day of <u>Juy</u>, 2021, by Marcela Navarrete, in her capacity as Vice President of Strategic, Financial and Management Services of EL **PASO WATER UTILITIES – PUBLIC SERVICE BOARD**, on behalf of said Public Service Board.



NOTARY PUBLIC, State of Texas

Printed Name:

My commission expires: 8-12-2024

ED AS TO FORM:

Michaela Grambling Assistant General Counsel

PROVED AS TO CONTENT:

Alma De Anda Utility Land and Water Rights Manager

**THE SELLER:** 

# THE CITY OF EL PASO,

a Texas municipal corporation

By:

Tomás Gonzalez, City Manager

Executed on: \_\_\_\_\_

APPROVED AS TO FORM:

Omar De La Rosa,

Assistant City Attorney

# ACKNOWLEDGMENT

STATE OF TEXAS

))

)

COUNTY OF EL PASO

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by Tomás Gonzalez, City Manager of the City of El Paso, a Texas municipal corporation, on behalf of said municipal corporation.

Notary Seal:

Notary Public, State of Texas

[Buyer Signature Begins on Following Page]

# VJ CAPITAL PROPERTIES, LTD.

By: Printed Name: arcia Executed on:

# ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF EL PASO

This instrument was acknowledged before me on the <u>19</u> day of <u>July</u>, 2021, by VJ CAPITAL PROPERTIES, LTD.

))

)

Notary Seal:

Notary Public, State of Texas



**BUYER:** 

# Exhibit A

A portion of Tracts 23-G-1 & 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas

#### Barragan & Associates Inc.

Land Planning & Land Surveying 10950 Pellicano Drive, Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, being the same as described as the 3.1538 acre tract described in Volume 2659, Page 215, Real Property Records of El Paso County, Texas, and being more particularly described by metas and bounds as follows:

BEGINNING for reference at a found City Monument on the centerline intersection of Kessler Drive and Castner Street, from WHENCE a found City Monument on the centerline intersection of Kessler Drive and Yermoland Drive bears, N 15\*57'00\* E, a distance of 1584.92 teet; THENCE, S 74\*03'00\* E, along the centerline of Castner Street, a distance of 493.76 feet to a point; THENCE, S 74\*03'00\* E, along the centerline, 352.31 feet, along the arc of a curve to the left, with a radius of 944.85 feet, an interior angle of 21\*21'51\*, and whose chord bears S 84\*43'56\* E, a distance of 350.28 feet to a point; ; THENCE, N 15\*57'00\* E, leaving sald centerline, along the Easterly line of Tract 22-A-5 (Volume 4854, Page 1171, Real Property Records of El Paso County, Texas), Block 54, Yaleta Grant, City of El Paso, El Paso County, Texas, and the Westerly Lot line of Lot 1, Block 1, Dieset Subdivision, according to the map thereof on file in Clerks File No. 20110080113, a distance of 313.94 feet to a set %" rebar with cap for the Southwesterly corner of Tract 23-G-2 (Volume 2659, Page 0215, Real Property Records of El Paso County, Texas), said point being the POINT OF BEGINNING of this parcet;

THENCE, N 15°57'00" E, continuing along the Easterly Lot line of Tract 22-A-5 and along the Westerly Lot line of Tract 23-G-2, Block 54, Yaleta Grant, a distance of 492.72 to a found ½" rebar with cap stamped "TX 2998" for the Northwesterly corner of said Tract 23-G-2, and being the Southeasterly corner of Tract 22-A-2 (Volume 2671, Page 1214), Block 54, Yaleta Grant;

THENCE, S 56\*51'52" E, along the Northerly Lot line of said Tract 23-G-2 and being the Southerly line of Tract 23-G-1 (Volume 2659, Page 0215), a distance of 168.36 feet to a set ½" rebar with cap;

THENCE, S 51°48'22" E, continuing along the Northerly line of said Tract 23-G-2 and along the said Southerly line of Tract 23-G-1, a distance of 100.72 feet to set ½" rebar with cap for the Northeasterly corner of said Tract 23-G-2 and being the Southeasterly corner of said Tract 23-G-1;

THENCE, S 15°57'00" W, along the common Lot line of Tract 23-G-2 and Lot 1, Block 1, Diesel Subdivision, a distance of 573.61 feet to a found 5/8" rebar with cap (Landmark);

THENCE, N 41\*31'04" W, along the Southarty Lot line of said Tract 23-G-2 and being the Northerty Lot line of said Lot 1, Block 1, Diesel Subdivision, a distance of 303.30 feet to the POINT OF BEGINNING of this parcel, containing in all 3.15 acres of land more or less.

Barragan And Associates, Inc.

#### NOTES:

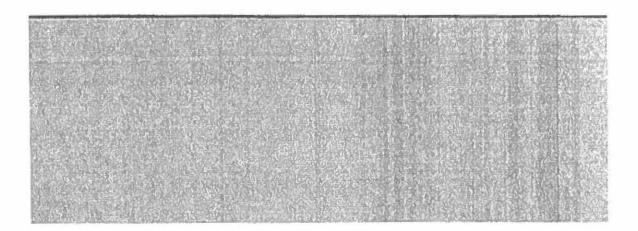
-

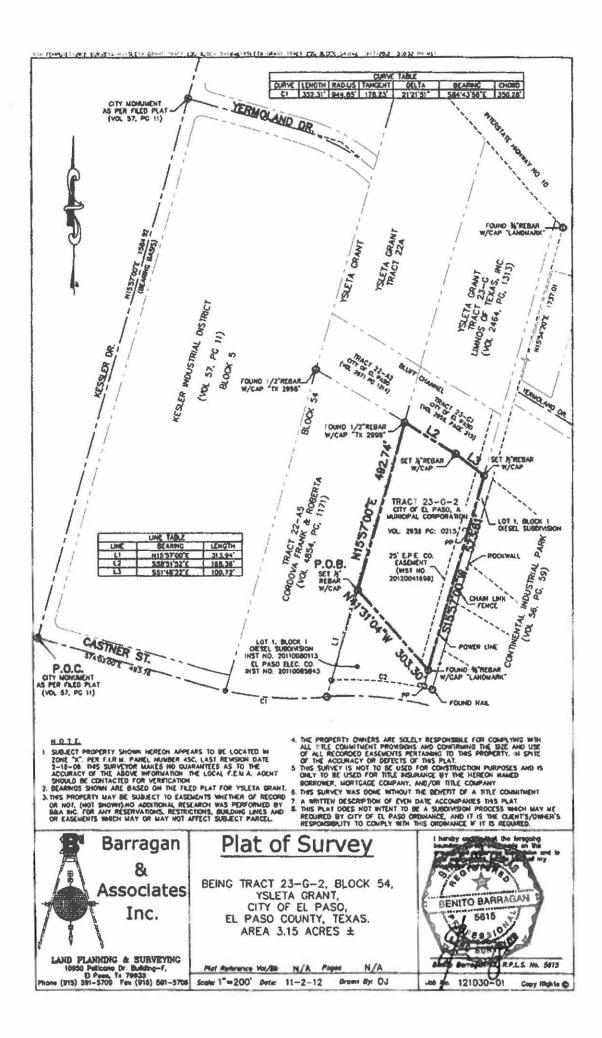
- A Plat of Survey of even date accompanies this description.
   This property may be subject to essements whether of record or not, (Not Shown). No Additional Research was performed by 8&A Inc. for any reservations, restrictions, building lines, and or essements which may or may not affect subject parcel.
   Bearings recited herein are based on the Warranty Deed filed in Volume 2659, Page 0216, Real-Description of the Warranty Deed filed in Volume 2659, Page 0216, Real-Description of the Warranty Deed filed in Volume 2659.
- Property Records of El Paso, County Texas.
- This description does not intend to be a subdivision process which may be required by the City of El Paso Ordinance, and is the Clients/Owners responsibility to comply with this Ordinance if 4. required.

14 Benito Burgan TX B.P.L.S. 5615, November 8, 2012 Tract 230, Block 34

20 OFTEXAS TATE OISTER ٩. 文 BENITO BARRAGAN ž 5615 E8510 NO SURVEYOR ALCO

Barragan And Associates, Inc.





# <u>Exhibit B</u>

The Bid Terms (Bid Document #40-21)

# <u>Exhibit B</u>

The Bid Terms (Bid Document #40-21)

#### EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

#### Pontion of TRACT 23-G-2, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS

BID NUMBER: 40-21 TO BE OPENED: Thursday, April 22, 2021 11:30 A.M.

#### **BIDDER'S PROPOSAL**

TO: El Paso Water Utilities - Public Service Board P.O. Box 511 El Paso, Texas 79961-0001

**SUBJECT:** Sale of Real Estate

We, the undersigned, offer to purchase the following described real estate in accordance with the enclosed General Conditions and Instructions to Bidders.

**DESCRIPTION OF LAND** 

TOTAL AMOUNT BID

Portion of TRACT 23-G-2, BLOCK 54, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS APPROXIMATELY 3.15 ACRES

\$ 296.382

The attached metes and bounds survey describes the gross acreage and location of the parcel. All bids must comply with the conditions set forth herein.

The MINIMUM ACCEPTABLE BID for land is <u>\$290,000.00</u>. In addition, the successful bidder must pay all closing costs including title insurance, advertising, appraisals, and survey fees at closing.

roperties, LTD FIR ne PRINTED NAME Dr D esel 79907 MAILING ADDRESS 915-726-6927 **TELEPHONE NUMBER / FAX** 

#### CITY OF EL PASO EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

#### SALE OF REAL ESTATE

#### GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS

# BID NUMBER

Sealed bids addressed to John E. Balliew, P.E., President/CEO, El Paso Water Utilities for the sale of property described as a portion of Tract 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, approximately 3.15 acres of real estate, as shown on the attached **Exhibit** "A," will be received in the office of the El Paso Water Utilities, located at 1154 Hawkins Boulevard, El Paso, Texas 79925 until 11:20 A.M., local time, Thursday, April 22, 2021, publicly opened and read aloud via live streaming. Check scheduling information on the solicitation page at <u>www.epwater.org</u>.

#### **BID AND CONVEYANCE PROCEDURES**

- 1. Bids must be made on the attached Bidder's Proposal. An original copy must be received in the El Paso Water Utilities' Purchasing Department by 11:20 A.M., local time, Thursday, April 22, 2021, by either mailing to El Paso Water Utilities, P.O. Box 511, El Paso, Texas 79961-0001 or by hand delivery to the senior purchasing agent on the 1<sup>st</sup> floor of the El Paso Water Utilities' Administration building at 1154 Hawkins Boulevard, El Paso, Texas. The Bidder is responsible for delivery of the bid by the above listed time. All bids shall be in a sealed envelope that is clearly marked with the Bid Number on the lower left-hand corner of the outside of the envelope.
- The bid will be awarded to the bidder submitting the highest bid that equals or exceeds the minimum acceptable price. All bids must comply with the conditions set forth herein.
- 3. Any bid received after the above listed time for receiving bids will be returned unopened.
- Bidders are invited to view bid opening via live streaming that will be posted on the solicitation page at <u>www.epwater.org</u>.
- 5. If the bid is made by an agent for a proposed purchaser, the signature of such agent shall be affixed to the Bidder's Proposal. In addition, the bid shall identify the proposed purchaser in whose name the title will be taken. No agent or broker commission will be the responsibility or will be paid by the El Paso Water Utilities - Public Service Board.
- 6. The El Paso Water Utilities Public Service Board reserves the right to reject any or all bids or to award a contract either in whole or in part and to waive any minor

irregularities, if it is deemed to be in the best interest of the El Paso Water Utilities -Public Service Board.

- 7. Each bidder must include a cashier's check, certified check or money order in the amount of five percent (5%) of the bid total as earnest money to ensure that the successful bidder will complete the purchase of the land. Such bid security must identify the bidder in whose name it is submitted. If the successful bidder fails to complete the purchase, said earnest money will be forfeited, and the El Paso Water Utilities Public Service Board reserves the right to make the sale to the next highest responsible bidder or to reject all bids.
- No bid may be withdrawn after the deadline for receipt of bids. The El Paso Water Utilities – Public Service Board will retain the earnest money of the successful bidder and the earnest money will be applied to the purchase price of the successful bidder's land.
- 9. No oral, telephone, internet or telegraph bids will be accepted.
- 10. After award of the bid, all unsuccessful bidders will be notified in writing and their earnest monies will be refunded within 30 days of notice.
- 11. The MINIMUM ACCEPTABLE BID for the land is <u>\$290,000.00</u>. In addition, the successful bidder must pay at closing, all costs of title insurance, advertising, appraisal, and survey fees.
- 12. The property must be purchased in cash at the time of closing. All closing costs, including title insurance, advertising, appraisal and survey fees must be paid by the successful bidder.
- 13. Within ten (10) days after receipt of written notification of acceptance of this bid, the successful bidder shall provide the El Paso Water Utilities Public Service Board with all information necessary to prepare a contract of sale and deed and any other information or documentation necessary to close the sale. Unless good cause exists for further delay, it is contemplated that the sale will be closed within thirty days from the date of approval by the City Council of the City of El Paso of an ordinance authorizing the sale. The earnest money will be deposited in an interest-bearing account after the date of award by the El Paso Water Utilities Public Service Board with interest accruing to the El Paso Water Utilities Public Service Board.
- 14. Conveyance of the property to the successful bldder shall be contingent upon passage of an ordinance by the El Paso City Council authorizing the Mayor or City Manager to execute a deed or deeds or other documents as needed, and acceptance of any conditions placed on the sale of the property by the El Paso City Council.
- 15. The successful bidder shall execute a real estate sales contract acceptable to the EI Paso Water Utilities Public Service Board General Counsel and/ or retained outside counsel, within 20 days of award of the bid by the Public Service Board, which will include the General Conditions and Instructions to Bidders Requirements as set forth herein.

- 16. The conveyance of the subject real estate will be by Special Warranty Deed and will be subject to all easements, licenses, restrictions, reservations, rights of way, dedications, conditions, and other encumbrances, of record or apparent upon the property, or as set forth herein.
- 17. The conveyance of the subject real estate shall be subject to a reservation of all ground water, water rights, or rights to surface water to the El Paso Water Utilities Public Service Board of the City of El Paso; such reservation will be addressed in the Special Warranty Deed.
- 18. All future obligations of the successful bidder with regard to the subject real estate, as noted in the bid package, will be binding upon the successful bidder's successors, and/or assigns.
- 19. Questions concerning the bid package or bid procedure should be directed in writing to the Purchasing Department of the El Paso Water Utilities Public Service Board, attn: Rose Guevara at rguevara@epwater.org.
- Technical questions concerning the bid package should be directed to the Senior Purchasing Agent of the El Paso Water Utilities – Public Service Board, attn: Rose Guevara at rouevara@epwater.org.

#### **GENERAL DEVELOPMENT REQUIREMENTS**

- 21. Any conveyance of this land will be subject to a restrictive covenant to the effect that the successful bidder, its successors or assigns will not, subject to existing law, discard, place or store upon such land, any radioactive material or other hazardous waste material or animal waste which would contaminate or otherwise damage the ground water supply sources of the City of El Paso.
- 22. The development of the property, including the design, location and construction of improvements shall be in accordance with City of El Paso Municipal Code requirements, including any City Municipal Code requirements for a Land Study prior to development and the City of El Paso Drainage Design Manual. Future development of this property must retain its developed runoff.
- 23. Re-zoning the property for uses other than those allowed in the current C-4, Commercial District category is the sole responsibility of the successful bidder after the transfer of title. Neither the City of El Paso, the El Paso Water Utilities Public Service Board or their agents or employees have made any representations regarding future land uses and zoning. Future zoning applications are subject to full review of City of El Paso staff, the City Plan Commission and the discretion and final approval of City Council.
- 24. The successful bidder accepts the responsibility for conducting its own archeological and environmental surveys of the property and contacting the Texas Historical Commission (THC) for any potential archeological information pertaining to the site. Mitigation of any conditions on the property, including archeological sites or, without limitations, adverse environmental conditions, shall be at the expense of the successful bidder who shall take the property subject to all existing conditions. The

successful bidder accepts responsibility for its determination of the nature and extent of any archeological sites, or without limitations, any adverse environmental conditions by its complete inspection of the property.

25. The successful bldder agrees that he or she has examined the property and accepts the land "AS IS" including but not limited to the present zoning and surface conditions, all easements, licenses, restrictions, reservations, rights of way, dedications, present zoning and surface conditions, and other encumbrances, of record or apparent upon the Property.

#### DRAINAGE REQUIREMENTS

- 27. It is recommended that the successful bidder utilizes Stormwater Best Management practices. Low impact drainage (LID) standards for the development of the property shall be reviewed and approved by the City of El Paso. The LID standards shall promote the following measures:
  - Encourage drainage conservation measures.
  - Promote impact minimization techniques such as impervious surface reduction.
  - Provide for strategic runoff timing by slowing flow using the landscape.
  - Use an array of integrated management practices to reduce and cleanse runoff.

Advocate pollution prevention measures to reduce the introduction of pollutants to the environment

- The successful bidder shall grant easements to the El Paso Water Utilities Public Service Board, City of El Paso at no cost for stormwater and drainage purposes, including maintenance.
- The successful bidder shall provide an acceptable Drainage Plan in accordance with Section 19.01.050 of the City of El Paso Municipal Code. Any connection to Bluff Channel will require a 408 permit with the USACE.
- 30. Per the City of El Paso Municipal Code, new development and redevelopments are required to maintain the predevelopment hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. Any excess runoff must be retained within the development. The Municipal Code also encourages the use of nonstructural stormwater 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.

## WATER AND SANITARY SEWER SERVICE REQUIREMENTS

- 31. All ground water, water rights, or rights to surface water shall be reserved to the El Paso Water Utilities - Public Service Board of the City of El Paso. The successful bidder shall not have the right to drill a well and produce therefrom any quantity of groundwater.
- 32. Water, and sanitary sewerage service will be provided in accordance with the most current Public Service Board Rules and Regulations of the El Paso Water Utilities at the time of application for service to the Developer Services Section of the El Paso Water Utilities.
- 33. The successful bidder shall be responsible for the costs of any necessary on-site & off-site extensions, relocations, replacements or adjustments of water, sanitary sewer and appurtenances necessitated by and attributable to the proposed site/subdivision improvement plans.
- 34. In order to promote water conservation, to ensure optimum water-use efficiency, and to prevent runoff into streets, it is the policy of the Public Service Board to require landscape and irrigation restrictions in the sales of undeveloped land. Development of the property will be governed by the City of El Paso Municipal Code Title 15 (Public Services), Chapter 12 (Water and Sewer System) and Chapter 13 (Water Conservation), including no more than 50% turf in landscapable area.
- 35. The successful bidder shall grant easements at no cost for water, sewer lines, appurtenances, and facilities to the El Paso Water Utilities, City of El Paso as requested by El Paso Water Utilities at the time of subdivision plat submittal by the successful bidder.
- 36. Water and sewer connections requires the successful bidder to obtain any and all necessary easements at their expense to provide service lines to the property.

Fidelity National Title

## File No.: 210467-COM

# THE FOLLOWING COMMITMENT FOR TITLE INSURANCE IS NOT VALID UNLESS YOUR NAME AND THE POLICY AMOUNT ARE SHOWN IN **SCHEDULE A**, AND OUR AUTHORIZED REPRESENTATIVE HAS COUNTERSIGNED BELOW.

#### COMMITMENT FOR TITLE INSURANCE T-7

**ISSUED BY** 

#### FIDELITY NATIONAL TITLE INSURANCE COMPANY

We FIDELITY NATIONAL TITLE INSURANCE COMPANY will issue our title insurance policy or policies (the Policy) to You (the proposed insured) upon payment of the premium and other charges due, and compliance with the requirements in Schedule C. Our Policy will be in the form approved by the Texas Department of Insurance at the date of issuance, and will insure your interest in the land described in Schedule A. The estimated premium for our Policy and applicable endorsements is shown on Schedule D. There may be additional charges such as recording fees, and expedited delivery expenses.

This Commitment ends ninety (90) days from the effective date, unless the Policy is issued sooner, or failure to issue the Policy is our fault. Our liability and obligations to you are under the express terms of this Commitment and end when this Commitment expires.

Countersigned:

Bν Authorized Officer or Ager

Laura K. Evans WestStar Title, LLC 641 N. Stanton Suite 200 El Paso, TX 79901 Tel:915-779-0500 Fax:915-775-9951

By: mannt

FIDELITY NATIONAL TITLE INSURANCE COMPANY

Randy R. Quirk

President

Attest:

Mariorie Nemzura

Secretary

#### CONDITIONS AND STIPULATIONS

I. If you have actual knowledge of any matter which may affect the title or mortgage covered by this Commitment that is not shown in Schedule B, you must notify us in writing. If you do not notify us in writing, our liability to you is ended or reduced to the extent that your failure to notify us affects our liability. If you do notify us, or we learn of such matter, we may amend Schedule B, but we will not be relieved of liability already incurred.

2. Our liability is only to you, and others who are included in the definition of Insured in the Policy to be issued. Our liability is only for actual loss incurred in your reliance on this Commitment to comply with its requirements, or to acquire the interest in the land. Our liability is limited to the amount shown in Schedule A of this Commitment and will be subject to the following terms of the Policy: Insuring Provisions, Conditions and Stipulations, and Exclusions.

Title insurance insures you against loss resulting from certain risks to your title. The commitment for Title Insurance is the title insurance company's promise to issue the title insurance policy. The commitment is a legal document. You should review it carefully to completely understand it before your closing date.

El seguro de título le asegura en relación a pérdidas resultantes de clertos riesgos que pueden afectar el título de su propiedad.

El Compromiso para Seguro de Título es la promesa de la compañía aseguradora de títulos de emitir la póliza de seguro de título. El Compromiso es un documento legal. Usted debe leerlo cuidadosamente y entenderlo completamente antes de la fecha para finalizar su transacciên.

#### **TEXAS TITLE INSURANCE INFORMATION**

Your Commitment for Title Insurance is a legal contract between you and us. The Commitment is not an opinion or report of your title. It is a contract to issue you a policy subject to the Commitment's terms and requirements.

Before issuing a Commitment for Title Insurance (the Commitment) or a Title Insurance Policy (the Policy), the Title Insurance Company (the Company) determines whether the title is insurable. This determination has already been made. Part of that determination involves the Company's decision to insure the title except for certain risks that will not be covered by the Policy. Some of these risks are listed in Schedule B of the attached Commitment as Exceptions. Other risks are stated in the Policy as Exclusions. These risks will not be covered by the Policy is not an abstract of title nor does a Company have an obligation to determine the ownership of any mineral interest.

--MINERALS AND MINERAL RIGHTS may not be covered by the Policy. The Company may be unwilling to insure title unless there is an exclusion or an exception as to Minerals and Mineral Rights in the Policy. Optional endorsements insuring certain risks involving minerals, and the use of improvements (excluding lawns, shrubbery and trees) and permanent buildings may be available for purchase. If the title insurer issues the title policy with an exclusion or exception to the minerals and mineral rights, neither this Policy, nor the optional endorsements, ensure that the purchaser has title to the mineral rights related to the surface estate.

Another part of the determination involves whether the promise to insure is conditioned upon certain requirements being met. Schedule C of the Commitment lists these requirements that must be satisfied or the Company will refuse to cover them. You may want to discuss any matters shown in Schedules B and C of the Commitment with an attorney. These matters will affect your title and your use of the land.

When your Policy is issued, the coverage will be limited by the Policy's Exceptions, Exclusions and Conditions, defined below.

--EXCEPTIONS are title risks that a Policy generally covers but does not cover in a particular instance. Exceptions are shown on Schedule B or discussed in Schedule C of the Commitment. They can also

be added if you do not comply with the Conditions section of the Commitment. When the Policy is issued, all Exceptions will be on Schedule B of the Policy.

--EXCLUSIONS are title risks that a Policy generally does not cover. Exclusions are contained in the Policy but not shown or discussed in the Commitment.

--CONDITIONS are additional provisions that qualify or limit your coverage. Conditions include your responsibilities and those of the Company. They are contained in the Policy but not shown or discussed in the Commitment. The Policy Conditions are not the same as the Commitment Conditions. You can get a copy of the policy form approved by the Texas Department of Insurance by calling the Title Insurance Company at 1-(800) 442-7067 or by calling the title insurance agent that issued the Commitment. The Texas Department of Insurance may revise the policy form from time to time. You can also get a brochure that explains the policy from the Texas Department of Insurance by calling 1-800-252-3439.

Before the Policy is issued, you may request changes in the policy. Some of the changes to consider are:

- Request amendment of the "area and boundary" exception (Schedule B, paragraph 2). To get this amendment, you must furnish a survey and comply with other requirements of the Company. On the Owner's Policy, you must pay an additional premium for the amendment. If the survey is acceptable to the Company and if the Company's other requirements are met, your Policy will insure you against loss because of discrepancies or conflicts in boundary lines, encroachments or protrusions, or overlapping of improvements. The Company may then decide not to insure against specific boundary or survey problems by making special exceptions in the Policy. Whether or not you request amendment of the "area and boundary" exception, you should determine whether you want to purchase and review a survey if a survey is not being provided to you.

- Allow the Company to add an exception to "rights of parties in possession." If you refuse this exception, the Company or the title insurance agent may inspect the property. The Company may except to and not insure you against the rights of specific persons, such as renters, adverse owners or easement holders who occupy the land. The Company may charge you for the inspection. If you want to make your own inspection, you must sign a Walver of Inspection form and allow the Company to add this exception to your Policy.

The entire premium for a Policy must be paid when the Policy is issued. You will not owe any additional premiums unless you want to increase your coverage at a later date and the Company agrees to add an Increased Value Endorsement.

#### DELETION OF ARBITRATION PROVISION

(Not applicable to the Texas Residential Owner's Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Insurance Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is In excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

Signature

Date

# COMMITMENT FOR TITLE INSURANCE T-7

# **ISSUED BY**

# FIDELITY NATIONAL TITLE INSURANCE COMPANY

# SCHEDULE A

Effective Date: March 14, 2021, 5:00 pm

GF No. 210467-COM

Commitment No. \_\_\_\_\_, issued March 26, 2021,

# 1. The policy or policies to be issued are:

- a. OWNER'S POLICY OF TITLE INSURANCE (Form T-1) (Not applicable for improved one-to-four family residential real estate) Policy Amount: PROPOSED INSURED: **TBD**
- TEXAS RESIDENTIAL OWNER'S POLICY OF TITLE INSURANCE ONE-TO-FOUR FAMILY RESIDENCES (Form T-1R) Policy Amount: PROPOSED INSURED:
- c. LOAN POLICY OF TITLE INSURANCE (Form T-2) Policy Amount: PROPOSED INSURED: Proposed Borrower:
- d. TEXAS SHORT FORM RESIDENTIAL LOAN POLICY OF TITLE INSURANCE (Form T-2R)
   Policy Amount: PROPOSED INSURED: Proposed Borrower:
- e. LOAN TITLE POLICY BINDER ON INTERIM CONSTRUCTION LOAN (Form T-13) Binder Amount: PROPOSED INSURED: Proposed Borrower:
- f. OTHER Policy Amount: PROPOSED INSURED:
- 2. The interest in the land covered by this Commitment is: Fee Simple
- 3. Record title to the land on the Effective Date appears to be vested in: THE CITY OF EL PASO, A MUNICIPAL CORPORATION

4. Legal description of land:

Tract 23-G-2, Block 54,YSLETA GRANT, in the City of El Paso, El Paso County, Texas, according to the resurvey of said YSLETA GRANT made by El Paso County, Texas, for tax purposes, being more particularly described by metes and bounds in Exhibit "A" attached hereto.

#### Barragan & Associates Inc. Land Planning & Land Surveying

10950 Pellicano Drive, Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being Tract 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, being the same as described as the 3.1538 acre tract described in Volume 2659, Page 215, Real Property Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** for reference at a found City Monument on the centerline intersection of Kessler Drive and Castner Street, from WHENCE a found City Monument on the centerline intersection of Kessler Drive and Yermoland Drive bears, N 15°57'00° E, a distance of 1584 92 feet; THENCE, S 74°03'00° E, along the centerline, 352.31 feet, along the arc of a curve to the left, with a radius of 944.85 feet, an interior angle of 21°21'51°, and whose chord bears S 84°43'56° E, a distance of 350.28 feet to a point; ; THENCE, N 15°57'00° E, leaving said centerline, along the Easterly line of Tract 22-A-5 (Volume 4854, Page 1171, Real Property Records of El Paso County, Texas), Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas, and the Westerly Lot line of Lot 1, Block 1, Diesel Subdivision, according to the map thereof on file in Clerks File No. 20110080113, a distance of 313.94 feet to a set ½" rebar with cap for the Southwesterly comer of Tract 23-G-2 (Volume 2659, Page 0215, Real Property Records of El Paso County, Texas), asid point being the POINT OF BEGINNING of this parcet;

THENCE, N 15°57'00" E, continuing along the Easterly Lot line of Tract 22-A-5 and along the Westerly Lot line of Tract 23-G-2, Block 54, Ysleta Grant, a distance of 492.72 to a found ½" rebar with cap stamped "TX 2998" for the Northwesterly corner of said Tract 23-G-2, and being the Southeasterly corner of Tract 22-A-2 (Volume 2671, Page 1214), Block 54, Ysleta Grant;

THENCE, S 58°51'52" E, along the Northerly Lot line of said Tract 23-G-2 and being the Southerly line of Tract 23-G-1 (Volume 2659, Page 0215), a distance of 168.36 feet to a set ½" rebar with cap;

THENCE, S 51"48'22" E, continuing along the Northerly line of said Tract 23-G-2 and along the said Southerly line of Tract 23-G-1, a distance of 100.72 feet to set ½" rebar with cap for the Northeasterly corner of said Tract 23-G-2 and being the Southeasterly corner of said Tract 23-G-1;

THENCE, S 15°57'00" W, along the common Lot line of Tract 23-G-2 and Lot 1, Block 1, Diesel Subdivision, a distance of 573.61 feet to a found 5/8" rebar with cap (Landmark);

THENCE, N 41\*31'04" W, along the Southerly Lot line of said Tract 23-G-2 and being the Northerly Lot line of said Lot 1, Block 1, Diesel Subdivision, a distance of 303.30 feet to the POINT OF BEGINNING of this parcel, containing in all 3.15 acres of land more or less.

# **EXHIBIT A**

Barragan And Associates, Inc.

#### NOTES:

- A Plat of Survey of even date accompanies this description.
   This property may be subject to easements whether of record or not, (Not Shown). No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect subject parcel.
- Bearings recited herein are based on the Warranty Deed filed in Volume 2659, Page 0215, Real 3.
- Property Records of El Paso, County Texas. This description does not intend to be a subdivision process which may be required by the City of El Paso Ordinance, and is the Clients/Owners responsibility to comply with this Ordinance if 4. required.

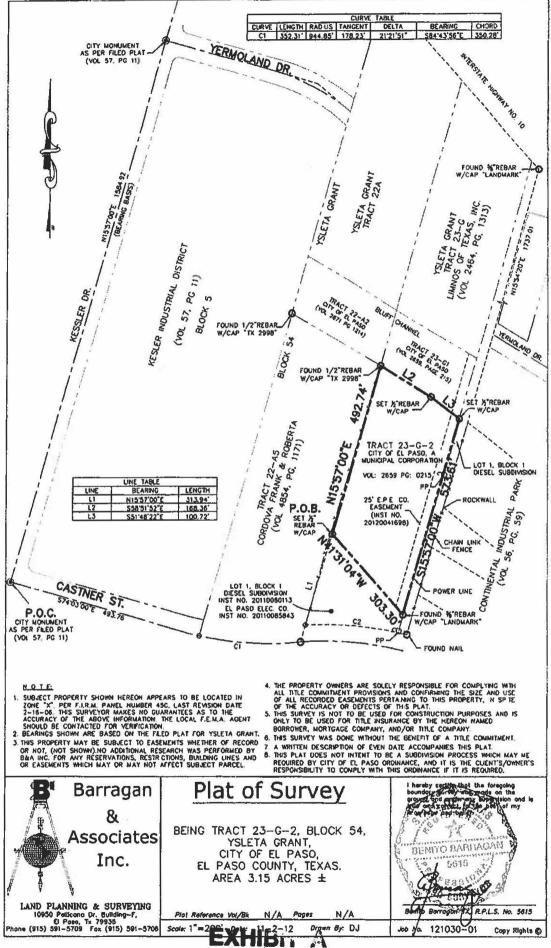
Benito Barragan TX R/P.L.S. 5615, November 8, 2012 Tract 23G, Block 54

28:27 (15 BENITO BARMAGAN 5615 3510 SUBVEYOR A autorite

# EXHIBIT A

Barragan And Associates, Inc.





353

# COMMITMENT FOR TITLE INSURANCE T-7

# **ISSUED BY**

# FIDELITY NATIONAL TITLE INSURANCE COMPANY

# SCHEDULE B

# EXCEPTIONS FROM COVERAGE

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Restrictive Covenants recorded in/under Volume 1941, Page 39, Real Property Records of El Paso County, Texas but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status, or national origin.

- 2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements. Company has approved the current land title survey and upon request, and payment of any promulgated premium, this item will be amended in the policy(ies) to be issued to read: 'shortages in area'.
- 3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to the Owner's Policy only.)
- 4. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
  - a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
  - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
  - c. to filled-in lands, or artificial islands, or
  - d. to statutory water rights, including riparian rights, or
  - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.

(Applies to the Owner's Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2021, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year. (If Texas Short Form Residential Loan Policy of Title Insurance (T-2R) is issued, that policy will substitute "which become due and payable subsequent to Date of Policy" in lieu of "for the year \_\_\_\_\_ and subsequent years.")

## FORM T-7: Commitment for Title Insurance

# Continuation of Schedule B

- 6. The terms and conditions of the documents creating your interest in the land.
- 7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Loan Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)
- 8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Loan Policy (T-2) only.)
- The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Loan Policy of Title Insurance (T-2R). (Applies to Texas Short Form Residential Loan Policy of Title Insurance (T-2R) only.) Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Loan Policy of Title Insurance (T-2R).
- 10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):
  - a. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.
  - b. Rights of parties in possession. (Owners Title Policy)
  - c. Any and all claims of right, title and interest to the land, including but not limited to any right of possession or claim for damages relating to the land which has been asserted or may be asserted, of record or not, by or on behalf of any Indian or Indian Tribe, including but not limited to the Tigua Indian Tribe of El Paso, Texas, also known as Pueblo De La Ysleta del Sur, also known as the Ysleta del Sur Pueblo Indian Tribe, also known as the Tigua Indian Community, including by not limited to claims appearing in Affidavit of Julian Granillo, filed for record April 16, 1993, recorded in Volume 2553, Page 1958, Real Property Records of El Paso County, Texas.

Company insures the Insured against loss, if any, sustained by the insured under the terms of this Policy by reason of the enforcement of said rights as to the land. Company agrees to provide defense to the Insured in accordance with the terms of this Policy if suit is brought against the Insured to enforce said rights as to the land.

# d. OWNER POLICY:

Any and all liens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the Insured against loss, if any, sustained by the Insured under this policy if such liens have been filed with the County Clerk of El Paso County, Texas, prior to the date hereof.

Liability hereunder at the date hereof is limited to \$\_\_\_\_\_\_. Liability shall increase as contemplated improvements are made, so that any loss payable hereunder shall be limited to said sum plus the amount actually expended by the Insured as improvements at the time the loss occurs. Any expenditures made for improvements, subsequent to the date of this policy, will be deemed made as of the date of this policy. In no event shall the liability of the Company hereunder exceed the face amount of this policy. Nothing contained in this paragraph shall be construed as limiting any exception or any printed provision of this policy. (OWNER POLICY ONLY)

(EXCEPTION MAY BE DELETED IF PROPOSED TRANSACTION DOES NOT INCLUDE COST OF CONTEMPLATED IMPROVEMENTS, CONSTRUCTION OR REPAIRS.)

# e. LOAN POLICY

Any and all tiens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the Insured against loss, if any, sustained by the Insured under this Policy if such liens have been filed with the County Clerk of El Paso County, Texas, prior to the date hereof.

Pending disbursement of the full proceeds of the loan secured by the lien instrument set forth under Schedule A hereof, this policy insures only to the extent of the amount actually disbursed, but increases as each disbursement is made in good faith and without knowledge of any defects in, or objections to, the title up to the face amount of the policy. Nothing contained in this paragraph shall be construed as limiting any exception under Schedule B, or any printed provision of this policy. (LOAN POLICY ONLY)

EXCEPTION MAY BE DELETED IF PROPOSED TRANSACTION DOES NOT INCLUDE COST OF CONTEMPLATED IMPROVEMENTS, CONSTRUCTION OR REPAIRS AND LOAN PROCEEDS ARE FULLY DISBURSED). Continuation of Schedule B

- f. This property lies within the irrigation water district controlled by the EL PASO COUNTY WATER IMPROVEMENT DISTRICT NO. 1, which does not require any municipal utility district notices.
- g. Reservation by ELIAS ABRAHAM of a 30 foot wide easement for road along the entire easterly boundary line of subject property in Deed recorded in Volume 517, Page 1408, Real Property Records, El Paso County, Texas.
- h. Rezoning contract and restrictions dated April 12, 1988 by and between CARMEN
   O. DE CABALLERO AND HUSBAND ALFONSO CABALLERO and the CITY OF EL
   PASO, in Volume 1941, Page 39, Real Property Records, El Paso County, Texas.
- i. Easement to EL PASO ELECTRIC COMPANY under Clerk's file no. 20120041698, Real Property Records, El Paso County, Texas.

# SCHEDULE C

Your Policy will not cover loss, costs, attorneys' fees, and expenses resulting from the following requirements that will appear as Exceptions in Schedule B of the Policy, unless you dispose of these matters to our satisfaction, before the date the Policy is issued:

- 1. Documents creating your title or interest must be approved by us and must be signed, notarized and filed for record.
- 2. Satisfactory evidence must be provided that:
  - a. no person occupying the land claims any interest in that land against the persons named in paragraph 3 of Schedule A,
  - b. all standby fees, taxes, assessments and charges against the property have been paid,
  - c. all improvements or repairs to the property are completed and accepted by the owner, and that all contractors, sub-contractors, laborers and suppliers have been fully paid, and that no mechanic's, laborer's or materialmen's liens have attached to the property,
  - d. there is legal right of access to and from the land,
  - e. (on a Loan Policy only) restrictions have not been and will not be violated that affect the validity and priority of the insured mortgage.
- 3. You must pay the seller or borrower the agreed amount for your property or interest.
- 4. Any defect, lien or other matter that may affect title to the land or interest insured, that arises or is filed after the effective date of this Commitment.
- 5. NOTE: The title insurance policy being issued to you contains an arbitration provision. It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000.00 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision BEFORE the policy is issued. If you are the purchaser in the transaction and elect deletion of the arbitration provision, a form will be presented to you at closing for execution. If you are the lender in the transaction and desire deletion of the arbitration provision, please inform us through your Loan Closing Instructions. (Not applicable to the Texas Residential Owner Policy)
- 6. NOTE: Please be advised if a partnership, joint venture, trust, or a corporation is involved in this transaction, either as a seller, purchaser or borrower, we will require for our review prior to closing, copies of the partnership agreement, joint venture agreement, trust agreement, or corporate resolution authorizing the transaction, and evidence that the corporation is in good standing to authorize the insured transaction.
- 7. We must be in receipt of a tax certificate indicating all taxes paid through the year preceding the current year as shown on Schedule B, prior to closing.

Continuation of Schedule C

- 8. NOTE: The Texas Secretary indicates that a Texas Notary Public must use an identification card issued by a governmental agency or a passport issued by the United States to identify the signer. Parties to the transaction must be prepared to furnish acceptable picture identification at closing.
- 9. Funds deposited by parties to the transaction must comply with Texas Department of Insurance Procedural Rule P-27. To avoid delays in disbursement, Company recommends that deposits in excess of \$100,000 be made by wire transfer. Contact your closing team for wiring instructions.
- 10.NOTE: Copies of the title exceptions shown on Schedule B of this commitment are available for view or print on the El Paso County, Texas website at <u>www.epcounty.com</u> under Official Public Records.
- 11.NOTE: Prior to closing, the company must have information whether the real property recording office for the county in which the Land is located is closed due to the COVID-19 emergency. If recording has been restricted, specific underwriting approval is required; and, additional requirements may be made.
- 12.NOTE: The Company reserves the right to raise exceptions and requirements or determine that it will not issue a title policy based upon the details of the transaction, the review of the closing documents, and changes in recording and title searching capabilities resulting from the COVID-19 virus.

Countersigned WestStar Title, LLC Pause Kamp

#### COMMITMENT FOR TITLE INSURANCE

#### SCHEDULE D

#### GF No. 210467-COM

#### Effective Date: March 14, 2021, 5:00 pm

Pursuant to the requirements of Rule P-21, Basic Manual of Rules, Rates and Forms for the writing of Title Insurance in the State of Texas, the following disclosures are made:

1. The following individuals are directors and/or officers, as indicated, of the Title Insurance Company issuing this Commitment

### Underwriter: Fidelity National Title Insurance Company, A California corporation

The issuing Title Insurance Company, Fidelity National Title Insurance Company, is a corporation whose shareholders owning or controlling, directly or indirectly, 10% of said corporation, directors and officers are listed below:

<u>Shareholders:</u> Fidelity National Group, Inc. which is owned 100% by FNTG Holdings, LLC which is owned 100% by Fidelity National Financial, Inc.

Directors: Raymond Randall Quirk, Anthony John Park, Michael Louis Gravelle, Michael J. Nolan

Officers: President, Raymond Randall Quirk, Executive Vice President, Anthony John Park,

Secretary, Michael Louis Gravelle, Treasurer, Daniel Kennedy Murphy

- 2. The following disclosures are made by WestStar Title, LLC pursuant to Rule P-21.
  - a. The names of each shareholder, owner, partner or other person having, owning or controlling one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium are as follows:

**Owners:** WestStar Bank (Texas Banking Association)

b. Each shareholder, owner, partner or other person having, owning or controlling ten percent (10%) or more of an entity that has, owns or controls one percent (1%) or more of the Title Insurance Agent that will receive a portion of the premium are as follows:

WestStar Bank Holding Company, Inc.

c. The following persons are officers and directors of the Title Insurance Agent:

#### WestStar Title, LLC

Officers: David Osborn, President,

Rodolfo Telles, Sr. Senior Vice President, Title Examination Manager

Travis Joel Smith, Vice President/Commercial Escrow Manager

Rachel Samaniego Valles, Vice President/Branch Manager

Jaime Gloria, Escrow Accounting Manager

3. You are entitled to receive advance disclosure of settlement charges in connection with the proposed transaction to which this commitment relates. Upon your request, such disclosure will be made to you. Additionally, the name of any person, firm or corporation receiving a portion of the premium from the settlement of this transaction will be disclosed on the closing or settlement statement.

You are further advised that the estimated title premium' is:

Continuation of Schedule D

GF No. 210467-COM

Owner's Policy	\$0.00
Loan Policy	\$0.00
Endorsement Charges	\$0.00
Other	\$0.00
Total	\$0.00

Of this total amount: 15% will be paid to the policy issuing Title Insurance Company: 85% will be retained by the issuing Title Insurance Agent; and the remainder of the estimated premium will be paid to other parties as follows:

Amount <u>To vynom</u> <u>For Service</u>	Amount	To Whom	For Services
---	--------	---------	--------------

" \*The estimated premium is based upon information furnished to us as of the date of this Commitment for Title Insurance. Final determination of the amount of the premium will be made at closing in accordance with the Rules and Regulations adopted by the Commissioner of Insurance."

#### **DELETION OF ARBITRATION PROVISION**

(Not applicable to the Texas Residential Owner's Policy)

ARBITRATION is a common form of alternative dispute resolution. It can be a quicker and cheaper means to settle a dispute with your Title Insurance Company. However, if you agree to arbitrate, you give up your right to take the Title Insurance Company to court and your rights to discovery of evidence may be limited in the arbitration process. In addition, you cannot usually appeal an arbitrator's award.

Your policy contains an arbitration provision (shown below). It allows you or the Company to require arbitration if the amount of insurance is \$2,000,000 or less. If you want to retain your right to sue the Company in case of a dispute over a claim, you must request deletion of the arbitration provision before the policy is issued. You can do this by signing this form and returning it to the Company at or before the closing of your real estate transaction or by writing to the Company.

The arbitration provision in the Policy is as follows:

"Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured, unless the Insured is an individual person (as distinguished from an Entity). All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction."

SIGNATURE

DATE

#### PRIVACY POLICY NOTICE

#### We Are Committed to Safeguarding Customer Information

Financial Institutions choose how they share your personal information. Federal and state laws give consumers the right to limit some but not all sharing. Title V of the Gramm-Leach-Bliley Act (GLBA) governs the treatment of nonpublic personal information about consumers by financial institutions. GLBA generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed.

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. WestStar Title values you as a customer and respects your right to privacy. We recognize the importance of protecting the confidentiality and security of the information we collect about individuals. We understand that you may be concerned about what we will do with such information. The following is WestStar Title's privacy policy regarding information we collect. This privacy policy governs the use and handling of your personal information. It provides an explanation of the types of information we collect, the means used to collect such information, an explanation of how we share the information collected, and an explanation of how we protect such information. Please read this notice carefully to understand what we do.

#### Applicability

This Privacy Policy governs our use of the information which you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

#### **Types of Information We Collect**

In the course of our business we may collect personal information about you. The types of information we collect and share depend on which of our services you are utilizing. This information can include:

- Information we receive from you whether in writing, in person, by telephone or any other means. This can include application information (such as assets and income) and identifying information (such as name, address, and social security number);
- Information about your transaction with us our affiliated companies, or others; this can include information about balances, payment history, and parties to the transaction) and
- Information we receive from a consumer reporting agency, this can include information about your creditworthiness.

#### **Use of Information We Collect**

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. We will not release your information to nonaffiliated parties except:

- as necessary for us to provide the product or service you have requested of us, such as to process account transactions, maintain accounts, respond to court orders and legal investigations; or
- as permitted by law.

We may store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

In the course of our general business practices we may disclose the information we collect (as described above) about you to the following types of institutions for the reasons described below:

- To third party service providers to provide you with services you have requested this can be done by processing your transactions and maintain your account. These companies can include title insurers, property and casualty insurers, and companies involved in real estate services (appraisal companies, home warranty companies, and escrow companies).
- To companies that perform marketing services on our behalf.

#### Information We May Disclose to Our Affiliates

WestStar Title has the following affiliates: WestStar Bank, WestStar Insurance Agency, Inc., and WestStar Bank Holding Company Inc. We do not share personal information with our affiliates so they can market or make solicitations to you. We may share information about your transactions and experiences – this can include information such as your payment history – with our affiliates for their everyday business purposes, you cannot limit the sharing of this information.

#### **Former Customers**

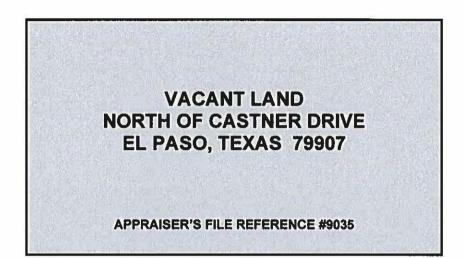
Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

#### **Confidentiality and Security**

To protect your personal information from unauthorized access and use, we use security measures and maintain physical, electronic, and procedural safeguards that comply with federal law. We restrict access to personal information about you to those individuals and entities who need to know that information to provide products or services to you. We train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this privacy policy.

Note: The above Privacy Policy applies to individuals who obtain services or products that are to be used for personal family or household purposes.

## **APPRAISAL REPORT**



PREPARED FOR: Mr. Alex Vidales, Jr., JD Real Estate Manager El Paso Water 1154 Hawkins Boulevard El Paso, Texas 79925

PREPARED BY: Genevieve S. Pendergras, MAI Wilkinson, Pendergras & Beard, LP PO Box 13501 El Paso, Texas 79913

CURRENT DATE OF VALUATION March 2, 2021



VPR APPRAISAL GROUP

## Real Estate & Business Valuation Services

JACK H. WILKINSON, MAI, CPA, AI/GRS GENEVIEVE S. PENDERGRAS, MAI WALKER R. BEARD, CCIM, CPM, MAI GPENDERGRAS@WPBEP.COM PO BOX 13501 EL PASO, TX 79913 VOICE (915) 845-3459 TELEFAX (915) 242-0935 <u>WWW.WPBEP.COM</u>

March 9, 2021

Mr. Alex Vidales, Jr., JD Real Estate Manager El Paso Water 1154 Hawkins Boulevard El Paso, Texas 79925

**Re:** Vacant Land located north of Castner Drive and part of the Bluff Channel ROW El Paso, Texas 79907 / Appraiser's File Reference #9035

Dear Mr. Vidales, Jr., JD:

The purpose of the following appraisal report is to develop an opinion of market value of the fee simple interest in the above referenced property as of March 2, 2021 for my client and intended user, El Paso Water. It is my understanding the intended use of the appraisal report is to assist in establishing a value for the subject site for internal decision-making purposes.

The property being appraised is the current "as is" fee simple value of vacant land that is adjacent to the south of the Bluff Channel ROW located in the Kessler Industrial Park and is currently owned by the City of El Paso. The subject property is reflective of one tract of land containing 3.15 acres or 137,214 square feet. The land does not have access to an improved street. There is land adjacent to the south and east that is owned by El Paso Electric Company. My appraisal assumes and is made subject to the owner of the subject parcel being able to secure access to Castner Drive to the south with the procurement of an easement. I have adjusted the sales used in this analysis to acknowledge the lack of current access.

The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives and the attached limiting conditions. This appraisal was prepared in accordance with USPAP. I estimate a reasonable exposure time for the subject of 12 months or less.

Market Value as used in this report is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer.

Mr. Alex Vidales, Jr., JD March 9, 2021 Appraiser's File Reference #9035

Based on the agreed to Scope of Work, and as outlined in the report, I am of the opinion that the current market value of the fee simple interest in the subject parcel of land as of March 2, 2021, is as outlined in the following chart:

Conclusion of Value												
Parcle	Size AC	Size SF	Price / SF			Value						
Subject	3.1500	137,214	\$	2.10	\$	288,149						
Rounded					\$	290,000						

\* Subject to the Extraordinary Assumptions and Limiting Conditions as noted on Page 8 of this report

The value conclusion is subject to the assumptions and limiting conditions, certification and extraordinary assumptions, if applicable, and definitions found herein. This letter is invalid as an opinion of value if detached from the report.

At the time of the appraisal, COVID-19 had widespread health and economic impacts globally and in the United States. The effects of COVID-19 on the real estate market in the area of the subject property were not yet measurable based on reliable data. The analyses and value opinion in this appraisal are based on the data available to the appraiser at the time of the assignment and apply only as of the effective date indicated. No analyses or opinions contained in this appraisal should be construed as predictions of future market conditions or value.

I, the undersigned, do hereby certify that to the best of my knowledge and belief, the facts and data used herein are true and correct, that Genevieve S. Pendergras, MAI has personally inspected the subject, and that I have no interest present or current therein.

Respectfully submitted,

Genevieve S. Pendergras, MAI State Certified TX-1331023-G

INTRODUCTION Letter of Transmittal Table of Contents Executive Summary General Assumptions & Limiting Conditions Extraordinary Assumptions & Hypothetical Conditions	1 5 6 8 10
IDENTIFICATION OF THE ASSIGNMENT Aerial & Subject Photographs Client & Intended User of the Appraisal Intended Use of the Appraisal Identification of the Property Appraised Legal Description Statement of Ownership & Property History Property Interests Appraised Type & Definition of Value Dates Used in the Appraisal Scope of Work Valuation Process Exposure & Marketing Times	11 12 12 12 12 13 14 14 14 14
PRESENTATION OF THE DATA National Economic Data Neighborhood Description Site Description Zoning Assessed Value & Ad Valorem Taxes ANALYSIS OF THE DATA Highest & Best Use Site Value Estimate Certification Statement Qualifications of the Appraiser ADDENDA	20 26 32 35 36 38 41 54 55 58

Current Date of Appraisal:	March 2, 2021
Date of Report:	March 9, 2021
Appraiser's File Reference:	#9035
Interests Appraised:	100% fee simple interest
Location:	North of Castner Drive and part of the Bluff Channel ROW, El Paso, Texas 79907
Legal Description:	A portion of A portion of Tracts 23-G & 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas
Land Size:	137,214 SF or 3.15 Acres
Highest & Best Use – Vacant:	Speculative Investment
Zoning – Larger Parcel & Subject Parcel:	C-4, Commercial District

Exposure & Marketing Time:

12 months / 12 months

Conclusion of Value											
Parcle	Size AC	Size SF	Pri	ce / SF		Value					
Subject	3.1500	137,214	\$	2.10	\$	288,149					
Rounded					\$	290,000					

\* Subject to the Extraordinary Assumptions and Limiting Conditions as noted on Page 8 of this report.

This appraisal is subject to the following general assumptions and limiting conditions

when applicable.

No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.

The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.

Responsible ownership and competent property management are assumed.

The information furnished by others is believed to be reliable, but no warranty is given for its accuracy.

All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.

It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.

It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described, and considered in this appraisal.

It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the opinion of value contained in this report is based.

It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.

Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyl's, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test such substances or conditions. The presence of such hazardous substances may affect the value of the property. The value estimated is predicated on the assumption that no such hazardous substances exist on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Possession of this report, or a copy hereof, does not carry with it the right of publication, nor may it be used for any purpose by anyone but the client without the previous written consent of the appraiser or the client and in any event, only with proper identification.

I am not required to give testimony or attendance in court by reason of this appraisal without prior agreement mutually agreeable to both the appraiser and the client.

Any allocation of the total value estimated in this report between the land and improvements applies only under the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.

Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without the written consent and approval of the author, particularly as to valuation conclusions, the identity of the appraiser or firm with which he is connected, or any reference to the Appraisal Institute or to the MAI designation.

I have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA (The Americans with Disabilities Act) which become effective January 26, 1992. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since I have no direct evidence relating to this issue, I did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.

The forecast of income and expenses are not predictions of the future. Rather, they are my best estimate of current market thinking on future income and expenses. I make no warranty or representation that these forecasts will materialize. The real estate market is constantly fluctuating and changing. I do not predict or in any way warrant the conditions of a future real estate market, but I can only reflect what the investment community, as of the date of appraisal, envisages for the future in terms of rental rates, expenses, supply and demand.

The forecasted potential gross income referred to in this appraisal may be based on lease summaries or incomplete leases as provided by the owner or third parties. I have reviewed the lease documents and assume no responsibility for the authenticity or completeness of lease information provided by others. I recommend that legal advice be obtained regarding the interpretation of lease provisions and the contractual rights of parties.

My appraisal is based on estimates, assumptions and other information developed from research of the market, knowledge of the industry, and information that was provided. I have not, as part of my appraisal, performed an audit or review of the financial information used and, therefore, I do not express an opinion or any other form of assurance with regard to the same. Under the terms of this engagement, I have no obligation to revise this report or the estimated financial results to reflect events or conditions that occur subsequent to the date of this appraisal. This appraisal is subject to the following extraordinary assumptions and hypothetical

conditions.

<u>An Extraordinary Assumption is defined as</u> "an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser's opinions or conclusions."<sup>1</sup>

- I have not been provided with a survey of the subject parcel. I have relied on information
  provided to me by my client for the site area and location. Should this information be found
  to be measurably different than the land area used in my analysis, the value conclusion
  may change.
- The subject parcel does not have access to an improved street. There is land adjacent to the south and east that is owned by El Paso Electric Company. My appraisal assumes and is made subject to the owner of the subject parcel being able to secure access to Castner Drive to the south with the procurement of an easement. I have adjusted the sales to acknowledge the lack of current access. The reader is advised that without the use of this extraordinary assumption the value conclusion may change.

<u>A Hypothetical Condition is defined as</u> "a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis."<sup>2</sup>

• There are no hypothetical conditions considered in this analysis.

2Ibid.

<sup>&</sup>lt;sup>1</sup> The Appraisal Foundation, USPAP (2020-2021 Edition), Page U-3.

# **IDENTIFICATION OF THE ASSIGNMENT**



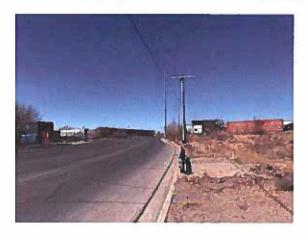
\*Boundary lines are approximate.

View of subject and immediate trade area.

## **Subject Aerial & Photographs**



View of the subject site in the background facing north taken from Castner Drive.



Street view of Castner Drive facing west.



Street view of Castner Drive facing east.

#### **CLIENT & INTENDED USER OF THE APPRAISAL:**

My client and intended user is El Paso Water. This report may not be distributed to, or relied upon by, other persons or entities without my written permission.

#### INTENDED USE OF THE APPRAISAL:

It is my understanding the intended use of the appraisal is to assist in establishing a value for the subject site for internal decision-making purposes.

### IDENTIFICATION OF THE PROPERTY APPRAISED:

I have been requested to provide an appraisal of vacant land containing 3.15 acres or 137,214 square feet. The land that is the subject of this appraisal is currently owned by the City of El Paso and is in between the Bluff Channel ROW that is an existing concrete lined drainage right of way and land that is owned by El Paso Electric Company. The subject parcel does not have access to an improved street. There is land adjacent to the south and east that is owned by El Paso Electric Company. My appraisal assumes and is made subject to the owner of the subject parcel being able to secure access to Castner Drive to the south with the procurement of an easement.

#### LEGAL DESCRIPTION:

A portion of A portion of Tracts 23-G & 23-G-2, Block 54, Ysleta Grant, City of El Paso, El Paso County, Texas.

## STATEMENT OF OWNERSHIP & PROPERTY HISTORY:

The subject site is a portion of a larger parcel that is under the ownership of City of El Paso, Texas. It appears that the site has been under the ownership of the City of El Paso for many years. The site is not currently listed or under contract for sale to my knowledge. Based on research of the El Paso County Records, there have been no transactions recorded for the sale of the subject site within the past three years. This represents a complete three-year history of the subject.

#### **PROPERTY INTERESTS APPRAISED:**

This **appraisal report** is intended to comply with Standard 2-2 of the Uniform Standards of Professional Appraisal Practice, 2020-2021 Edition.

The appraisal will consider **real property**. Assets to include personal property, supplies, materials on hand, inventories, and any current or intangible assets that may exist are not part of this appraisal.

Fee Simple, Leased Fee, and Leasehold are defined as follows.

A fee simple estate implies absolute ownership unencumbered by any other interest or estate.<sup>3</sup>

A leased fee estate is an ownership interest held by a landlord with the right of use and occupancy conveyed by lease to others; the rights of the lessor (the leased fee owner) and the lessee (leaseholder) are specified by contract terms contained within the lease.<sup>4</sup>

A leasehold estate, which is held by a lessee (the tenant and renter), conveys the right of use and occupancy for a stated term under certain conditions.<sup>5</sup>

Real Property is defined as follows.

Real property includes all interests, benefits, and rights inherent in the ownership of physical real estate.<sup>6</sup>

Personal Property is defined as follows.

Personal property includes movable items of property that are not permanently affixed to, or part of, the real estate.<sup>7</sup>

<sup>7</sup> Ibid., Page 145.

<sup>&</sup>lt;sup>3</sup>The Dictionary of Real Estate, Fifth Edition, 2010, Appraisal Institute. Page 78.

<sup>&</sup>lt;sup>4</sup> Ibid., Page 111

<sup>&</sup>lt;sup>5</sup> Ibid., Page 111.

<sup>&</sup>lt;sup>6</sup> Ibid., Page 161.

### TYPE & DEFINITION OF VALUE:

The purpose of this appraisal is to estimate the current "as is" market value.

Market Value, as used in this report, is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.<sup>78</sup>

#### DATES USED IN THE APPRAISAL:

The subject is currently appraised as of March 2, 2021, the current date of inspection.

The date of this report is March 9, 2021.

#### SCOPE OF WORK:

It has been my intention to prepare this appraisal in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, and the Code of Ethics and the Standards of Professional Practice of the Appraisal Institute. Engineering studies, ADA determinations, surveys, title reports, flood plain determinations, and environmental audits are beyond the scope of work of this appraisal.

<sup>&</sup>lt;sup>8</sup>Interagency Appraisal and Evaluation Guidelines, December 2010, OCC: 12 CFR part 34, subpart C.

**Extent to Which the Property is identified:** I have not been provided with a survey of the subject parcel. I have relied on information obtained the Central Appraisal District and El Paso Water to define the areas for the subject parcel. I researched data from the market pertaining to the subject including but not limited to records from El Paso County, El Paso Central Appraisal District and the City of El Paso. I have performed a current inspection of the subject property and neighborhood.

**Extent to Which Tangible Property is Inspected:** In preparing this appraisal, Genevieve S. Pendergras, MAI inspected the subject on March 2, 2021. I drove the immediate area and viewed all of the comparables used in this appraisal from the street.

I visited the subject property in order to develop impressions of physical characteristics based on visual observations of apparent, not unapparent conditions. I am not an engineer and I am not qualified to assess structural integrity or the adequacy and condition of its mechanical, electrical, or plumbing components. This appraisal is not a property condition report, and should not be relied upon to disclose any conditions present in the property, and it does not guarantee the property to be free of defects. I am not licensed inspectors, and I did not make an "inspection" of the property as defined by TREC Rule 535.227-535.231 for real estate inspectors.

I am not qualified to detect or identify hazardous substances, which may, or may not, be present on, in, or near the subject property. The presence of hazardous materials may negatively affect market value. I do not have reason to suspect the presence of hazardous substances, and I valued the subject assuming that none are present. No responsibility is assumed for any such conditions or for any expertise or engineering required to detect or discover them. I urge the user of this report to obtain the services of specialists for the purpose of conducting inspections, engineering studies, or environmental audits. While I refer to FEMA flood maps, I am not a surveyor and I am not qualified to make flood plain determinations, and I recommend that a qualified party be consulted before any investment decision is made.

**Type & Extent of Data Researched:** Market research was conducted for land sales to be used in comparison with the larger parcel. Sources used to obtain information included but were not limited to public records, discussions with involved parties, real estate

brokers, property managers, and other appraisers. Confirmation of sales and rents involved discussions with knowledgeable parties. Confirmation of market data as used in this appraisal was obtained from sources believed to be reliable; however, I assume no responsibility for their accuracy.

Texas is a non-disclosure state. It is important that the intended users of this appraisal understand that in Texas, there is no legal requirement for grantors or grantees to disclose any information relative to a transfer of real property, other than the recordation of the deed itself. In Texas, the deed contains no information about the transaction, including the purchase price. As a result, no data source provides absolute coverage of all transactions. It is possible that there are sales of which I am unaware. My data sources provide all the data typically available to appraisers in the normal course of business.

**Type & Extent of Analysis Applied:** I have considered market conditions including but not limited to city and market area data. I have analyzed the data from the market to determine the highest and best use of the subject property.

**Novel Coronavirus (COVID-19):** COVID-19 has caused widespread health and economic impacts globally and in the United States. The effects of COVID-19 on the real estate market in the area of the subject property were not yet measurable based on reliable data. The analyses and value opinion in this appraisal are based on the data available to the appraiser at the time of the assignment and apply only as of the effective date indicated. No analyses or opinions contained in this appraisal should be construed as predictions of future market conditions or value. Given the heightened uncertainty, a degree of caution should be exercised when relying upon my valuation. Values, and incomes, may change more rapidly and significantly than during standard market conditions and I recommend that you keep the valuation of this property under frequent review.

## VALUATION PROCESS:

I have considered all three approaches to value. The three approaches are generally called the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach. I have used the Sales Comparison Approach, which is the most widely accepted approach to value for the subject as vacant, fee simple land. The Cost Approach and Income Capitalization Approaches to value are not applicable and are not applied.

#### SALES COMPARISON APPROACH:

The Sales Comparison Approach to value is probably the most easily understood by the general public because people familiarize themselves with the real estate market as they look for locations and make comparisons of relative values and amenities. The Sales Comparison Approach conforms to the theory of substitution, which states that a person is not justified in paying more for a particular property than what they must pay for a highly similar property, considering all factors equal.

The Sales Comparison Approach employs comparable market sales obtained by researching the market. The approach estimates value by comparing properties similar to the subject property that have more recently been sold, listed for sale or are under contract for purchase. Units of comparison are developed and similarities and differences of the market sales are compared with the subject in order to estimate value. The units of comparison may reflect both physical and/or economic indicators.

The approach is applicable to all types or real property interests if there are sufficient and reliable transactions to indicate value patterns or market trends. If the market is weak or market transactions are insufficient, the approach may be limited.

#### **EXPOSURE & MARKETING TIMES:**

Exposure time is the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market. Exposure time is different for various types of real estate and under various market conditions. The estimate of the time period for reasonable exposure time is not intended to be a predication of a date of sale.

I have analyzed the comparable sales in order to determine the reasonable exposure time for these sales. Additionally, I have surveyed knowledgeable participants. I am of the opinion an exposure time of 12 months appears appropriate for the subject based on the final market value estimate.

Marketing time is "an opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal."<sup>9</sup> It is my opinion that similar conditions prevail that suggests 12 months or less to be an appropriate marketing time for the subject property.

<sup>&</sup>lt;sup>9</sup> The Dictionary of Real Estate, Fifth Edition, 2010, Appraisal Institute. Page 121.

# **PRESENTATION OF THE DATA**

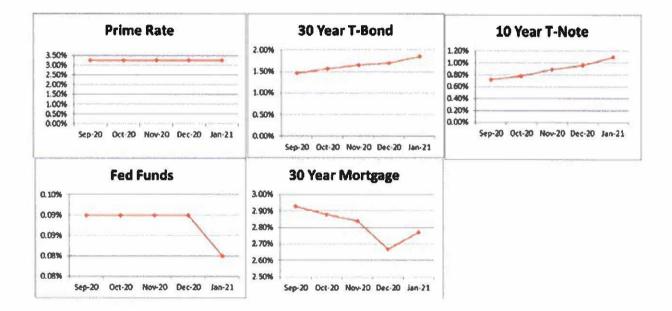
	AL ECONOR		UKS		
	Nov-20	May-20	Nov-19	May-19	Nov-18
Market Rates & Bond Yields					
Reserve Bank Discount Rate	0.25	0.25	2.25	3.00	2.75
Prime Rate (monthly average)	3.25	3.25	4.75	5.50	5.25
Federal Funds Rate	0.08	0.05	1.55	2.39	2.20
3-Month Treasury Bills	0.09	0.14	1.55	2.32	2.3
6-Month Treasury Bills	0.10	0.18	1.55	2.31	2.47
LIBOR-3 month rate	n/a	n/a	n/a	n/a	n/a
U.S. 5-Year Bond	0.37	0.30	1.62	2.06	2.87
U.S. 10-Year Bond	0.84	0.65	1.77	2.26	3.06
U.S. 30-Year Bond	1.57	1.47	2.22	2.70	3.34
Municipal Tax Exempts (Aaa)	n/a	2.25	2.54	2.84	3.56
Municipal Tax Exempts (A)	n/a	2.72	2.91	3.25	4.06
Corporate Bonds (Aaa)	n/a	2.49	3.06	3.67	4.22
Corporate Bonds (A)	n/a	3.12	3.40	4.01	4.53
Corporate Bonds (Baa)	n/a	3.95	3.94	4.63	5.22
Stock Dividend Yields					
Common Stocks - 500	1.69	2.08	1.87	1.95	n/a
Other Benchmarks					
Industrial Production Index	73.3	64.8	77.6	77.8	79.6
Unemployment (%)	6.7	13.3	3.5	3.6	3.1
Monetary Aggregates, daily avg					
M1, \$-Billions	6,047.6	5,035.3	3,947.4	3,824.0	3,700.1
M2, \$-Billions	19,085.8	17,868.6	15,251.2	14,770.6	14,264.7
Consumer Price Index					
All Urban Consumers	260.2	256.4	256.1	252.0	252.0
Personal Disposable Income	3Q20	2Q20	3Q19	2Q19	3Q18
Per Capita; Annual Rate in Current \$s	53,697	55,656	49,890	49,528	48,526
Savings as % of DPI	16.1	26.0	7.2	7.3	7.9

Source: "News & Advocacy; Economic Indicators". <u>Appraisal Institute.org.</u> November, 2020. Revised January 25, 2020. http://www.appraisalinstitute.org/ano/econ\_indicator/indicators.aspx The following are current money rates.

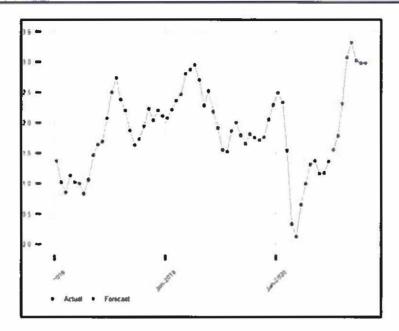
Current Money Rate	s
January 25, 2020 (close of day)	
Indicator	Value
Prime Rate	3.25
30 Year T-Bond	1.85
10 Year T-Note	1.10
Fed Funds	0.08
Mortgage Rate 30 Year	2.77

Source: "Prime Rate". Financial Forecast Center. January, 2020. http://www.forecasts.org/prime.htm

The following charts demonstrate the money rate trends over the past three years. In all cases the rates have increased into the current quarter consistent with the increase in the fed funds rate initiated by the Federal Reserve.



The U.S. inflation rate has fluctuated between -0.00% to 2.75% over the past two years. The Financial Forecast Center's projection for the U.S. inflation rate for the next 6 to 12 months is a rate between 1.55% and 3.32%. As of January 2021, the inflation rate is 1.55%.



Source: "Consumer Price Index". Forecasts.org, January, 2021. http://www.forecasts.org/inflation.htm

At present the Peso is trading around 20.11 against the Dollar. The range has been between 16.50 and 21.40 over the past two years. The current forecast is for a range between 20.11 and 23.17 for the next six to twelve months. Domestic goods were still relatively costly to Mexican buyers. The increase in the exchange rate has a significant impact on El Paso, which relies on Mexican consumers for retail services.

#### MACROECONOMIC INDICATORS:

The following chart lists the current macroeconomic indicators as compiled by the Financial Forecast Center.

January 25, 2020 (close of day)	
Indicator	Value
S&P 500	3841.47
US GDP Growth, %	-2.62
US Inflation Rate, %	1.36
US Unemployment Rate, %	6.8
Gold Price, \$/oa	1855.6
Crude Oil Futures, \$/bbl	51.95
US 10 Yr Treasury, %	1.1

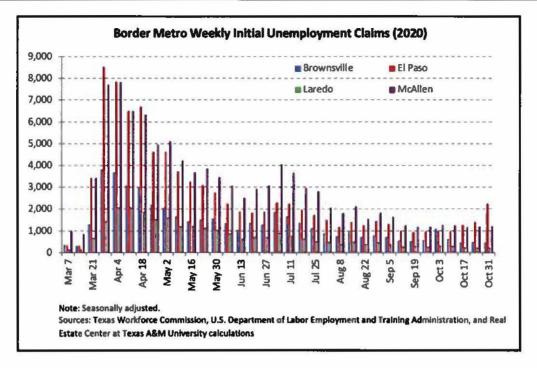
Source: "Prime Rate". Financial Forecast Center, January, 2021. http://www.forecasts.org/prime.htm

The center indicates the current US Inflation rate is 1.36%. For the purposes of this report and based upon review of the historical and forecasted inflation, future <u>long-term</u> inflation is estimated at **2.0%** per year.

#### EL PASO ECONOMY:

The coronavirus pandemic continues to affect the regional economy. Economic activity remained sluggish along the Texas-Mexico border during October as payrolls contracted in the Rio Grande Valley. Although hiring resumed in El Paso after setbacks the previous month, recent waves of COVID-19 infection may limit fourth-quarter recovery. Nevertheless, unemployment declined across the border metros, partially due to a decrease in the number of people in the labor force. Manufacturing, construction, and trade activity, however, registered positive monthly growth. Although total housing sales flattened, annual comparisons were healthy overall. Supply-side indicators improved, signaling an alleviation in depleted inventories and rising home prices when new homes hit the market next year.

The El Paso economy was the only border economy to show improvement. The Dallas Fed's Business Cycle Index increased 5.2 percent SAAR as accelerated hiring offset decreased inflation-adjusted wages. Retail sales, a component of the index, may be limited by restrictions on non-essential travel, which ban Mexican tourists from entering the U.S. These measures have been extended through Jan. 21, 2021. El Paso added 1,800 employees, largely in professional/business services, recovering slightly more than half of September's total losses. Ongoing payroll expansions in El Paso pulled the unemployment rate down to 7.4 percent. However, weekly initial unemployment claims increased in October because of a resurgence in COVID-19 cases and hospitalizations took its toll on the local economy. Although a recent report by the Government Accountability Office has raised concerns about the reliability of the claims data, levels were still many times greater in El Paso.



Recently released 2019 data revealed El Paso led the border metros in annual real income per capita growth, rising 2.6 percent. On the other hand, the border's average real private hourly earnings lags behind the statewide average. Inflation-adjusted hourly earnings declined 1.6 percent in El Paso (\$19.30). The increasingly large gap between the border's and the state's wages highlights how the border has faced greater economic hardships during the pandemic, broadly speaking. Commerce through El Paso, dropped for the third straight month as machinery imports and vehicular exports fell.

Border housing sales moved sluggishly in October. El Paso transactions sank 3.4 percent as sales for homes priced from \$100,000-\$200,000 decreased for the first month since May, offsetting increased sales for homes priced more than \$200,000. Nevertheless, the trend extended an upward trajectory as total YTD transactions rose 10 percent relative to sales during the same period last year. Single-family housing construction permits increased for the sixth straight month. Permit issuance grew 2.8 percent in El Paso extending a steep upward trajectory. Inventory in El Paso fell to 1.5 months. The average number of days on market (DOM) declined. The average home sold after 59 days in El Paso. A shift in the composition of sales toward higher-priced homes due to limited inventories at the lower end of the price spectrum contributed to increases in prices. El Paso's home price for the sixth straight month to a record-breaking \$185,300.

#### **CONCLUSION:**

The forecast is for the employment and economy to continue to improve as the economy goes back to work but the improvement will be gradual. Uncertainty is very high. The federal debt deficits are of concern in the future and will need to be addressed. However, the primary focus at the present time is in management of the virus and reopening the economy. I have interviewed residential home builders, retailers, developers, property managers, brokers and developers regarding their viewpoint of the market in relation to the ongoing situation. The overwhelming consensus is that if the cases are able to be maintained at a controllable level and the economy is able to continue to open up, the economy will rebound quickly. The pandemic remains the greatest headwind to the border communities. Recent headway in vaccine distribution and congressional agreement on conditions for the second round of federal stimulus, however, contributed to an improved outlook heading into 2021.

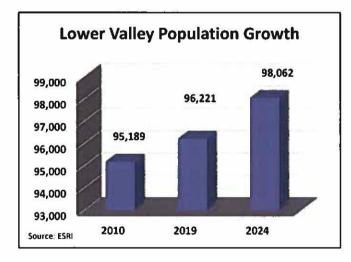
#### **INTRODUCTION:**

The purpose of the market area analysis is to analyze factors that may affect property values. A market area is defined as (neighborhood analysis) "the objective analysis of observable and/or quantifiable data indicating discernible patterns of urban growth, structure, and change that may detract from or enhance property values; focuses on four sets of considerations that influence value: social, economic, governmental, and environmental factors."<sup>10</sup> The Lower Valley market area of El Paso is defined in detail as follows.

#### **BOUNDARIES:**

The neighborhood is centered approximately six miles southeast of the downtown central business district of the City of El Paso. The neighborhood is generally bounded by Interstate Highway 10 (I-10) on the north; the El Paso City Limits to the east, the U.S.-Mexico border on the south, and Loop 375-Border Highway on the west.

#### POPULATION AND PREDOMINANT LAND USE:



The population can best be described as a mixture of predominantly blue collar and white-collar clerical workers and small business owners. Residential development, therefore, has accommodated the neighborhood population mix and most homes have been built in the lower to medium price

<sup>&</sup>lt;sup>10</sup> The Dictionary of Real Estate Appraisal, Fifth Edition, 2010, Appraisal Institute, Page 133.

range. The few higher priced homes are generally older structures built when this was still primarily a rural area, and are found widely dispersed throughout the neighborhood. Older substandard to medium quality mobile home parks are found concentrated primarily along Alameda Avenue.

The Lower Valley comprised 13.5% of total city population or 97,189 by the end of 2019<sup>11</sup> according to information obtained from the Site to do Business. The area is mostly older and built out. However, the eastern portion of the market area contains various older tracts of farmland that are gradually being developed.

The following chart shows the population growth for all of the market areas located within the City of El Paso. The Lower Valley planning sector has demonstrated a growth rate of 0.1% per year since 2010.

Planning Sector	Census 2010	2019 Estimate	% of City Population	Growth Rate
East	223,959	253,953	35.6%	1.5%
Northeast / Ft. Bliss	124,324	134,943	18.9%	0.9%
Northwest	114,115	123,892	17.4%	1.0%
Lower Valley	95,189	96,221	13.5%	0.1%
Central	103,712	104,458	14.6%	0.1%
Total City	661,299	713,467		0.9%

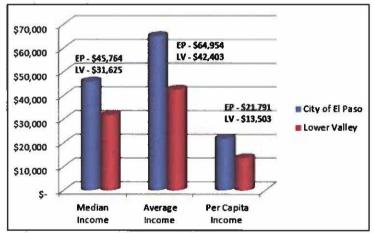
#### LAND USE:

Apartment and commercial/retail development are found generally in the northern and eastern sectors of the neighborhood, mainly on major thoroughfares such as Carolina Drive, Yarbrough Drive, and in the vicinity of Zaragoza Road. The older smaller apartment complexes, strip centers, and freestanding commercial/retail buildings are

<sup>&</sup>lt;sup>11</sup> Source: U.S. Census Bureau, Census 2010 Summary File 1 with Site to do Business forecasts for 2014 and 2019.

generally confined to the southern sector, south of North Loop Road. Newer good-quality retail development is along Zaragoza Road, North Loop and Americas Avenue.

Industrial development has been concentrated near I-10, on either side of Hawkins Boulevard (Eastside Industrial), Zaragoza Road, and just off Americas Avenue. Eastside Industrial was developed in the early 1960's and was generally built out over twenty years. The industrial on Zaragoza Road is a mixture of older and more recent construction. Industrial development just off Americas Avenue is known as the Pan American Center for Industry and represents good quality industrial. Industrial development is also concentrated along or just off Interstate 10 in the northeastern section of the market area (I-10 Industrial Park). The industrial development is existing with no new development occurring in the past few years.



#### **DEMOGRAPHICS:**

The Lower Valley has traditionally been a farming community with low levels of income. As the adjacent graph demonstrates, the current median and average household incomes in the market area are \$31,625 and \$42,403. The median and average income

percentage are at (30.9%) and (34.7%) with a per capita income of (38%).

The following chart shows the most recent income statistics by market area and by income bracket in the major planning sectors of the City of El Paso.

## **Neighborhood Analysis**

2019 Households by Income	No	rthwest	East		Lower Valley		ortheast / Ft. Bliss		Central		City		County		
less than \$15,000		9.6%	9.6%		20.8%		12.5%		27.8%		14.4%		14.7%		
\$15,000-\$24,000		9.3%	10.0%		18.0%		11.9%		18.7%		12.7%		13.0%		
\$25,000-\$34,999		7.6%	10.0%		15.4%		11.6%		12.5%		10.9%		11.4%		
\$35,000-\$49,999		11.9%	16.1%		17.6%		18.0%		14.1%		15.4%	15.6			
\$50,000-\$74,999		17.0%	22.3%		15.7%		19.9%		12.0%		18.3%		18.2%		
\$75,000-\$99,999		10.8%	11.7%		6.2%		10.4%		6.1%		9.8%		9.6%		
\$100,000-\$149,999		17.6%	13.7%		4.6%		11.7%		5.4%		11.6%		11.2%		
\$150,000-\$199,999		6.4%	3.8%		1.1%		1.1%		2.6%		1.0%		3.3%		3.1%
\$200,000+		9.9%	2.7%		0.6%		1.4%		2.4%		3.5%		3.2%		
Median	\$	65,110	\$ 53,234	\$	31,625	\$	45,733	\$	27,186	\$	45,764	\$	44,364		
Average	\$	95,380	\$ 68,547	\$	42,403	\$	59,235	\$	44,944	\$	64,954	\$	62,923		
Per Capita	\$	34,575	\$ 21,770	\$	13,503	\$	19,716	\$	16,169	\$	21,791	\$	20,314		

The following chart shows the income trends for 2019 as compared to 2018. The data is showing an annual increase in median, average and per capita income of between 3.9% and 2.6% for the Lower Valley; between 3.5% and 2.2% for the City of El Paso and between 3.2% and 1.8% for El Paso County. Incomes have increased over the past year in the area.

Lower Valley					City						County					
Income Trends	ends 201		19 2018		Annual % Change	2019		2018		Annual % Change	2019		2018		Annual % Change	
Median	\$	31,625	\$	30,441	3.9%	\$	45,764	\$	44,720	2.3%	\$	44,364	\$	43,303	2.5%	
Average	\$	42,403	\$	40,999	3.4%	\$	64,954	\$	62,775	3.5%	\$	62,923	\$	60,893	3.3%	
Per Capita	\$	13,503	\$	13,164	2.6%	\$	21,791	\$	21,314	2.2%	\$	20,314	\$	19,944	1.9%	

#### ACCESSIBILITY:

Access to the neighborhood is via I-10, North Loop Road, Alameda Avenue (State Highway 20), South Lee Trevino Drive and the Border Highway (Loop 375), all of these major thoroughfares running generally in a northwest-southeast direction. Yarbrough Drive, Carolina Drive, Paisano Drive, Americas Avenue, Lomaland Drive, and Zaragoza Road provide major northeast-southwest access.

#### UTILITIES:

The subject neighborhood is adequately served by all the typical utilities, including water, sewer, electric service, natural gas, and public telephone. No shortages of utility service

in the developed portions of the neighborhood were reported and lack of utilities has not been detrimental in the development of the area. Major utility companies servicing the neighborhood include the El Paso Electric Company, El Paso Water and Texas Gas Service Company.

### LIFE CYCLE OF REAL ESTATE MARKETS:

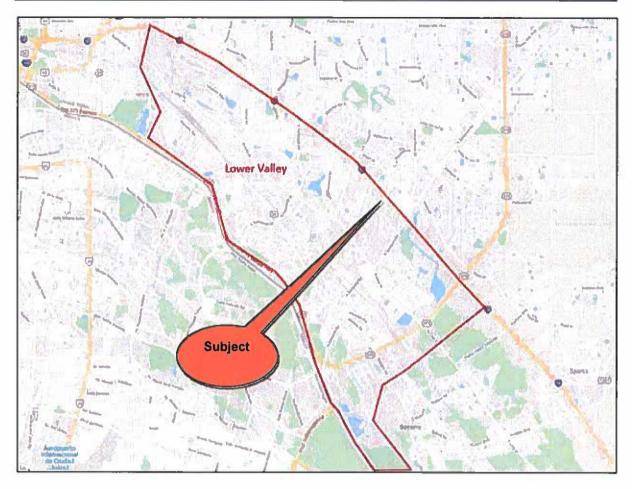
Real estate markets are dynamic, and appraisers describe this quality as a market's life cycle. The four stages of the typical life cycle are:

- 1. Growth a period during which the market area gains public favor and acceptance
- 2. Stability a period of equilibrium without marked gains or losses
- 3. Decline a period of diminishing demand
- 4. Revitalization a period of renewal, redevelopment, modernization, and increasing demand

The Lower Valley is an older and built out area. Population growth has been concentrated in East and Northwest El Paso. The Lower Valley has not experienced population growth but is demonstrating an increasing income trend. The area is considered to be in a stability life cycle.

## CONCLUSION:

The area is mostly older and built out and well cared for. The market in the neighborhood is considered to be stable. Values are considered to be stable at the present time.



MARKET AREA MAP

#### SIZE AND SHAPE:

The subject of this appraisal report is a parcel of land that contains 3.15 acres or 137,214 square feet and is located north of Castner Drive adjacent to the southern boundary of a portion of the Bluff Channel ROW, which is a concrete lined drainage right of way servicing the area. The parcel is reflective of natural terrain and original topography. The parcel has no frontage and is not accessible by any streets. The piece of land adjacent to the south and east of the subject is owned by the El Paso Electric Company. My appraisal assumes that an easement could be procured to access Castner Drive from the land adjacent to the south. The immediate area is a concentrated industrial district. New industrial development is occurring.

#### SOIL:

Soil tests were not available. Therefore, I do not express an opinion as to the quality of the soil. My report assumes and is made subject to the soil being of good load bearing quality.

#### MINERAL DEPOSITS:

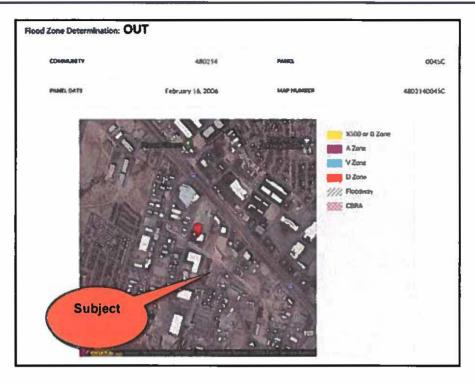
There are no identifiable mineral deposits having commercial value existing on the subject site.

#### UTILITIES:

Gas is provided by the Texas Gas Services Company and electric by El Paso Electric Company. Basic telephone service is provided by AT&T. Water and sewer is provided by El Paso Water.

#### TOPOGRAPHY & FLOOD ZONE:

It appears that the subject site is located in a zone X or C, which are defined as areas of minimal flood risk that are outside the 500-year flood plain according to Map #4802140045C of the Federal Emergency Management System.



## EASEMENTS AND ENCROACHMENTS:

There are no apparent adverse easements or encroachments affecting the subject parcel. There is a drainage ROW adjacent to the north of the subject. I have not been provided with a boundary survey or title commitment to verify this. My appraisal assumes and is made subject to no adverse easements or encroachments affecting the subject site.

## **ENVIRONMENTAL:**

I have not been provided with a current environmental survey for the subject property. I am not an expert in environmental matters and the reader is advised to seek professional assistance in such matters. My report assumes and is made subject to the land and improvements not being contaminated by any hazardous substances.

## SURROUNDING AREA AND DEVELOPMENT:

Immediately surrounding the subject site is a concentrated industrial district.

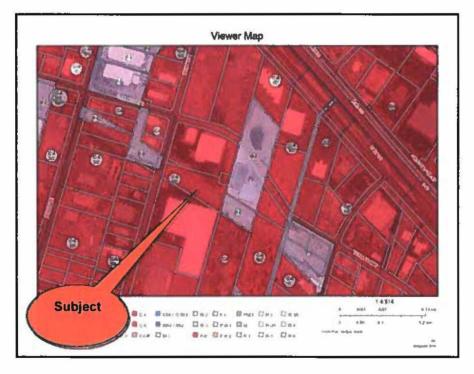
## STREETS:

Castner Drive is a two-lane, asphalt-paved street that generally lies in an east / west direction and is located south of the subject. Parking is permitted along the street.



The subject is zoned C-4, Commercial District, which is classified as a Regional Commercial District according to the City of El Paso.

"The purpose of these districts is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations."<sup>12</sup>



The zoning generally allows for retail, office, apartment, or light industrial development.

<sup>&</sup>lt;sup>12</sup> "Municipal Code of the City of El Paso, Texas". <u>Title 20 – Zoning</u>. Current through Ord. #19105 approved 9/29/20. https://www.municode.com/library/tx/el\_paso/codes/code\_of\_ordinances

## **OVERVIEW:**

The subject is assessed as part of a larger parcel containing 180,025 square feet that is owned by the City of El Paso. The following chart represents the 2020 assessed value for the larger parcel at the 2020 tax rates. The larger parcel is tax exempt.

Y805-999-054E-2365		SIZE SF	AS	SESSED VALUE
Land		180,025	\$	90,013
Improvement Value				-
TOTAL	Ī		\$	90,013
TAXING ENTITY	202	0 TAX RATE		TAXES
City of El Paso	\$	0.907301	\$	817
El Paso County	\$	0.488997	\$	440
Ysleta ISD	\$	1.446600	\$	1,302
El Paso Community College	\$	0.139859	\$	126
University Medical Center	\$	0.267747	\$	241
TOTAL TAXES	\$	3.250504	\$	2,926
TOTAL ASSESSED VALUE / SF - TOTAL		180,025	\$	0.50
TOTAL TAXES / SF			\$	0.02

## ANALYSIS OF THE DATA

## **INTRODUCTION:**

Highest and Best Use as used in this report is as:

"That reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value. The four criteria the highest and best use must meet are legal permissibility, physical possibility, financially feasibility, and maximum productivity."<sup>13</sup>

The highest and best use of a property is an economic concept that measures the interaction of the four criteria. The determination of a property's highest and best use is a critical appraisal component that provides the valuation framework upon which comparable market information is derived.

To render a reliable use and value estimate, the highest and best use of the property as if vacant must be considered separately from the highest and best use of the property as improved. This is because the site must be valued as though vacant and available for development to its highest and best use even if the property's existing improvements do not represent the highest and best use of the site.

In this type of analysis, the appraiser will conduct an analysis of the site as vacant and as improved to determine based on the interaction of the four criteria; legal permissibility, physical possibility, financial feasibility and maximum profitability; the highest and best use as if vacant and as improved (if applicable).

<sup>&</sup>lt;sup>13</sup>The Dictionary of Real Estate Appraisal, 5th Edition, 2010. Appraisal Institute, Page 93.

**Legally Permissible:** The subject site as of the effective date of the appraisal is zoned C-4, Commercial District according to the City of El Paso. The zoning generally allows for most forms of commercial development. This is typical zoning for the immediate area.

**Physically Possible Uses:** The subject site contains 3.15 acres or 137,214 square feet and is slightly irregular in shape. The site has natural terrain and original topography. Currently the site is not accessible by an improved street. My appraisal assumes and is made subject to access being able to be obtained via an easement from the adjacent property to the south. This type of accessibly is suitable for industrial development.

Economically and Financially Feasible Use: Present economic and environmental conditions are the next considerations. Economic conditions refer mostly to the market in which the subject competes such as absorption of the different possible uses for the site within the subject market area. The immediate area is a concentrated light industrial district. There is significant light industrial construction underway in the immediate area. Vacancies have been declining over the past several years and the market is at a point where light industrial construction (speculative) is feasible. Light industrial is considered a financially feasible use of the subject site once access is obtained. Without access, speculative investment is the only financially feasible use.

**Maximally Productive:** The principal of maximum productivity states that "*the selected land use must yield the highest value of the possible uses.*"<sup>14</sup> It is my opinion that speculative investment with future industrial development once access is obtained represents a profitable use of the subject site.

<sup>&</sup>lt;sup>14</sup> The Dictionary of Real Estate Appraisal, 4th Edition, Appraisal Institute, Page 180.

## HIGHEST AND BEST USE AS IF VACANT:

Speculative investment with future industrial development once access is obtained is considered as the highest and best use as if vacant.

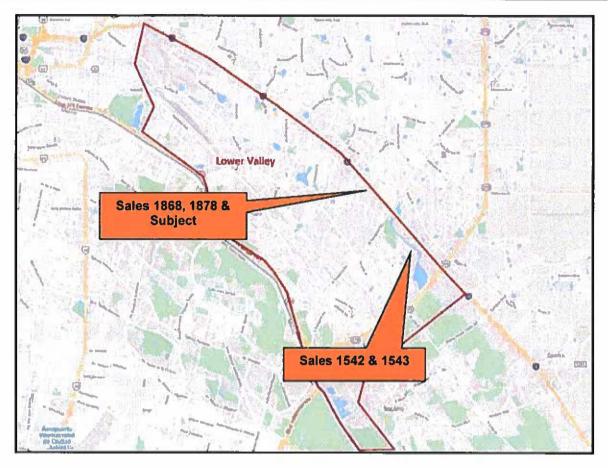
## **OVERVIEW:**

In this report, the Sales Comparison Approach is deemed to be applicable in valuing a site and is the most common technique for valuing land when comparable sales are available. To apply these technique sales, listings, or pending contracts of similar parcels of land are analyzed, compared, and adjusted to provide a value indication for the subject site being appraised.

## ANALYSIS OF THE LAND COMPARABLES:

I have selected the following comparables and used these to estimate the current value of the subject site as if vacant. All of the sales are located in the subject market area and were purchased for light industrial construction. Detailed comparable sheets are included in this section.

Comp No.	Location	Sale Date	Size Sq.Ft.	Price Per Sq.Ft.	Zoning
1868	8736 Yermoland	06/20	90,348	\$5.26	C-4
1839	Alza Drive	01/20	239,166	\$4.25	C-4
1878	8736 Yermoland	12/19	39,744	\$5.03	C-4
1542	1100 Burgundy Drive	04/18	126,030	\$4.32	M-1
1543	1120 Burgundy Drive	04/18	113,748	\$3.82	M-1



LAND SALES MAP

Legal Description       Lot 2, Block 1, of Saurey Subdivision, an Addition to the City of El Paso, El Paso County, Texas       Transaction Data         Lond Data       Transaction Data         Gross Size SF       90,348       Salo Price       \$475,000         Gross Size Acres       2.074       Adjusted Price       \$475,000         Useable Size SF       90,348       Date       June 26, 2020         Useable Size Acres       2.074       Grantor       Teton River Properties, LLA	State Zip PID Confirmation	TX 79907 S168-999-0010-0200 Linda Powers via Juan Uribe		
Gross Size SF     90,348     Sale Price     \$475,000       Gross Size Acres     2.074     Adjusted Price     \$475,000       Useable Size SF     90,348     Date     June 26, 2020       Ulseable Size Acres     2.074     Grantor     Teton River Properties, LLA       Zoning     C-4     Grantor     Teton River Properties, LLA       Zoning Type     Commercial District     Instrument #     20200048783       Flood Zone     X or C     Property Rights     Fee Simple       Conditions of Sale     Arm's Length       Level site, graded and slightly above street grade     102 days on the market.       Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development.     102 days on the market.       Price Per SF/Gross     \$5.26     Price Per Acre     \$229,013	Confirming Appraiser Legal Description	Lot 2, Block 1, of Saurey Subdivision, an Addition to the City of El Paso, El	The	
Gross Size Acres       2.074       Adjusted Price       \$475,000         Useable Size SF       90,348       Date       June 26, 2020         Ulseable Size Acres       2.074       Grantor       Teton River Properties, LLA         Zoning       C-4       Grantor       Teton River Properties, LLA         Zoning Type       Commercial District       Instrument #       20200048783         Flood Zone       X or C       Property Rights       Fee Simple         Corscittons of Sale       Arm's Length         Level site, graded and alightly above street grade       102 days on the market.         Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development.       102 days on the market.         Price Per SF/Gross       \$5.26       Price Per Acre       \$229,013	La	and Data	Т	ransaction Data
Useable Size SF 90,348 Date June 26, 2020 Useable Size Acres 2.074 Grantor Teton River Properties, LLA Zoning C-4 Grantee Woudenberg Properties, LLA Zoning Type Commercial District Instrument # 20200048783 Flood Zone X or C Property Rights Fee Simple Conditions of Sale Arm's Length Level site, graded and alightly above street grade Frontage on Yermoland Drive. Access essement from I-10. All utilities available. Purchesed for industrial development. Economic Indicator Data Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Gross Size SF	90,348	Sale Price	\$475,000
Useable Size Acres 2.074 Grantor Teton River Properties, LLA Zoning C-4 Grantor Teton River Properties, LLA Zoning Type Commercial District Instrument # 20200048783 Flood Zone X or C Property Rights Fee Simple Conditions of Sale Arm's Length Level site, graded and alightly above street grade Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development Economic Indicator Data Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Gross Size Acres	2.074	Adjusted Price	\$475,000
Zoning     C-4     Grantee     Woudenberg Properties, LL       Zoning Type     Commercial District     Instrument #     20200048783       Flood Zone     X or C     Property Rights     Fee Simple       Conditions of Sale     Arm's Length       Level site, graded and alightly above street grade     102 days on the market.       Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development     102 days on the market.       Economic Indicator Data     Economic Indicator Data       Price Per SF/Gross     \$5.26     Price Per Aere     \$229,013	Useable Size SF	90,348	Date	June 26, 2020
Zoning Type Commercial District Instrument # 20200048783 Flood Zone X or C Property Rights Fee Simple Conditions of Sale Arm's Length Level site, graded and alightly above street grade Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development. Economic Indicator Data Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Uscable Size Acres	2074	Grantor	Teton River Properties, LLC
Flood Zone     X or C     Property Rights     Fee Simple       C'orditions of Sale     Arm's Length       Level site, graded and alightly above street grade. Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development.     102 days on the market.       Economic Indicator Data       Price Per SF/Gross     \$5.26       Price Per Acre     \$229,013	Zoning	C-4	Grantee	Woudenberg Properties, LLC
Conditions of Sale Arm's Length Level site, graded and alightly above street grade Frontage on Yermoland Drive. Access easement from I-10. All utilities available. Purchased for industrial development <u>Economic Indicator Data</u> Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Zoning Type	Commercial District	Instrument #	20200048783
Level site, graded and slightly above street grade. Frontage on Yermoland Drive. Access easement from 1-10. All utilities available. Purchased for industrial development. Economic Indicator Data Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Flood Zone	X or C	<b>Property Rights</b>	Fee Simple
Frontage on Yermoland Drive. Access easement from I-10. All utilities available. Purchased for industrial development. Economic Indicator Data Price Per SF/Gross \$5.26 Price Per Acre \$229,013			Conditions of Sale	Arm's Length
Price Per SF/Gross \$5.26 Price Per Acre \$229,013	Frontage on Yermolan I-10. All utilities avai	d Drive. Access easement from	102 days on the mar	kel.
		Economic	Indicator Data	
Price Per SF/Useable \$5.26 Price Per Acre/Useable \$229,014	Price Per SF/Gross	\$5.26	Price Per Acre	\$229,013
	Price Per SF/Useable	\$5.26	Price Per Acre/Usea	ble \$229,014

Sales Comparable No. 1868 Lower Valley

Location

Sales Com	narable No. 1839
Location	Lower Valley
Address	Alza Drive
City	El Paso
State	тх
Zip	79907
PID	1003-999-0080-0400
Confirmation	Deed / Affidavit
Confirming Appraiser	Crysta Lovicek
Legal Description	Lot 4, Block 8, I-10 Industrial Park Replat *A*, an addition to the City of El Paso, El Paso County, Texas
La Gross Size SF	nd Data



Land Data			
Gross Size SF	239,166		
Gross Size Acres	5.491		
Useable Size SF	239,166		
Useable Size Acres	5.490		
Zoning	<b>Commercial District</b>		
Zoning Type	C-4 Regional Commercial		
Flood Zone	X or C		

T	ransaction Data	
Sale Price	\$1,016,456	
Adjusted Price	\$1,016,456	
Date	January 27, 2020	
Grantor	1-10 Joint Venture	
Grantee	Mamma D's, LLC	
Instrument #	20200007311	
Property Rights	Foe Simple	
Conditions of Sale	Arm's Length	

Interior lot with main frontage and access to Alza Drive. Level with natural termin and original topography. All utilities available. Average overall utility for development.

Economic Indicator Data				
Price Per SF/Gross	\$4.25	Price Per Acre	\$185,130	
Price Per SF/Useable	\$4.25	Price Per Acre/Useable	\$185,130	

Sales Con	parable No. 1878	121 12	Advente Jack
Location	Lower Valley	2	1 A A
Address	8736 Yermoland Drive	Alter a	143/13/13
City	El Paso	SIG. N	- ANANN
State	тх	and the second	
Zip	79907	UTANA A	
PID	S168-999-0020-0100	Person and and and and and and and and and an	
Confirmation	Purchase Contract	a la talana	
Confirming Appraise	Genevieve Pendergras	ALL	
Legal Description	Lot I, Block 2, Saarey Subdivision, City of El Paso, El Paso County, Texas	10 tunit	i v je stanova o konsta
L	and Data	*	Fransaction Data
Gross Size SF	39,744	Sale Price	\$200,000
Gross Size Acres	0.912	Adjusted Price	\$200,000
Iscable Size SF	39,744	Date	December 09, 2019
Uscable Size Acres	0 912	Grantor	Teton River Properties, LLC
Zoning	C-I	Grantee	Heyco Automated Solutions LLO
	Commercial District	Instrument #	20190094999
Zoning Type			
	XorC	Property Rights	Fee Simple
Flood Zone	X or C	Property Rights Conditions of Sale	Fee Sumple
in a concentrated lig boundary is a concrete	X or C ar shaped parcel of land located in industrial district. Southern chainage channel. Below street for owner occupied office mi.		Fee Sumple
Flood Zone Level, slightly irregul in a concentrated lig boundary is a concrete grade. Purchased	X or C ar shaped parcel of land located in industrial district. Southern chainage channel. Below street for owner occupied office mi.	Conditions of Sale	Fee Sumple \$219,203

Color	Com	parable	No	15.17
P.369 9-2-48	A	NAME OF TAXABLE	3.1.1.10	- 5 ST-1 45

Location	Lower Valley
Address	1100 Burgundy Drive
City	El Paso
State	TX
Zip	79907
PID	1003-999-0100-0100
Confirmation	Contract, L Powers
Confirming Appraiser	Walker Beard
Legal Description	Lot I, Block 10, I-10 Industrial Park Replat A, City of El Paso, El Paso County Texas



Land Data		Transaction Data		
Gross Size SF	126,030	Sale Price	\$545,000	
Gross Size Acres	2.893	Adjusted Price	\$545,000	
Useable Size SF	126,019	Date	April 27, 2018	
Uscable Size Acres	2.893	Grantor	Roy Chavez	
Zoning	M-1	Grantee	KF Logistics, Inc. (Karim Fournier)	
Zoning Type	Light Manufacturing District	Instrument #	20180033509	
Flood Zone	XorC	Property Rights	Fee Simple	
		Conditions of Sale		

Purchased for future office/warehouse development. Frontage on Escobar and Burgundy

Economic Indicator Data				
Price Per SF/Gross	\$4.32	Price Per Acre	\$188,369	
Price Per SF/Useable	\$4.32	Price Per Acre/Useable	\$188,386	

Sales Comparable No. 1543					
Location	Lower Valley				
Address	1120 Burgundy Drive				
City	El Paso				
State	TX				
Zip	79907				
PID	1003-999-0100-0200				
Confirmation	Pepe Royo, L Powers				
Confirming Appraiser	Walker Beard				
Legal Description	Lot 2, Block 10, I-10 Industrial Park Replat A, City of El Paso, El Paso County, Texas				



Land Data		Transaction Data		
Gross Size SF	113,748	Sale Price	\$435,000	
Gross Size Acres	2.611	Adjusted Price	\$435,000	
Useable Size SF	113,735	Date	April 17, 2018	
Useable Size Acres	2.611	Grantor	Roy M. Chavez	
Zoning	M-1	Grantee	Endeavor Resources, LLC	
Zoning Type	Light Manufacturing District	Instrument #	20180030554	
Flood Zone	X or C	Property Rights	Fee Simple	
		Conditions of Sale		

Purchased for use as industrial development

Economic Indicator Data					
Price Per SF/Gross	\$3,82	Price Per Acre	\$166,584		
Price Per SF/Useable	\$3.82	Price Per Acre/Useable	\$166,603		

## ADJUSTMENTS TO THE LAND COMPARABLES:

Adjustments are made to the site comparables to reflect economic and physical differences in contrast with the subject. The following are the economic and physical adjustments considered in this site valuation analysis.

- 1. Property Rights Conveyed
- 2. Financing Terms
- 3. Buyer/Seller Motivation
- 4. Buyer Costs
- 5. Market Conditions (Time)
- 6. Location
- 7. Frontage/Corner Influences
- 8. Utility
- 9. Size (Economies of Scale)
- 10. Topography
- 11. Zoning
- 12. Other Physical Features

Adjustments for the first five categories reflect economic adjustments to the comparables while categories six through 12 reflect physical differences. Adjustments for the first four categories are made on a Dollar basis while all remaining adjustments are made on a percentage basis.

If the Subject is superior to the comparable sale, then a positive adjustment will be made to the sale. If the Subject is inferior to the comparable sale, then a negative adjustment will be made to the sale. In all cases, the comparables are adjusted to be more similar to the Subject property.

## Economic Adjustments:

<u>Property Rights Conveyed</u>: The subject property is being appraised as a fee simple interest. All of the sales comparables transferred fee simple interests of property. No adjustment for property rights conveyed is required.

<u>Financing Terms</u>: Different financing arrangements can affect the transaction price of an identical property. The definition of market value recognizes cash equivalent terms provided that the calculation of the terms reflects market value. All of the sales comparables reflect typical bank financing or were cash transactions. Therefore, no adjustment for financing terms is warranted.

<u>Conditions of Sale</u>: The definition of market value requires typical motivation of buyers and sellers where neither party is under duress to consummate the sale. Sale 1333 was sold between related parties that were severing a business relationship based on the value that was paid approximately a year prior and adjusting slightly for time. The sale is considered to be reflective of a market transaction. None of the remaining sales appear to be affected by atypical conditions of sale and there does not appear to be any buyer or seller motivation associated with these transactions. All were considered to be arm's length transactions. Hence no adjustment for conditions of sale is necessary.

Expenditures Made Immediately After Purchase: A knowledgeable buyer considers expenditures that will have to be made upon the purchase of the property because these costs affect the price the buyer agrees to pay. These expenditures may include (1.) cost to cure deferred maintenance, (2) cost to demolish and remove a portion of the improvements, (3) costs for additions or improvements to the property, (4) cost to petition a zoning change, (4) or cost to remove environmental contamination.<sup>15</sup> There were no expenditures required for the sales and no adjustment is considered appropriate.

<u>Market Conditions</u>: Comparable sales that occurred under market conditions different from those applicable to the subject on the effective date of appraisal require adjustment for any differences that affect their values. An adjustment for market conditions is made

<sup>&</sup>lt;sup>15</sup> The Appraisal of Real Estate, 14<sup>th</sup> edition, Chicago: Appraisal Institute, 2013, page 412.

if general property values have increased or decreased since the transaction dates.<sup>16</sup> A paired sales analysis for sales suited to industrial development in El Paso indicates that market conditions have improving. However, when considering the ongoing Coronavirus pandemic and that the sales are all more recent (past three years) I have not applied a market conditions adjustment.

## **Physical Adjustments:**

<u>Location</u>: The subject and sales are all located in the same market area with similar locational influences and no adjustment is considered.

<u>Frontage/Corner Influences</u>: The subject does not have existing access to an improved street. I have assumed that access could be obtained via an easement from the property adjacent to the south from Castner Drive. The sales have superior frontage and access. Based on sales contained in my database that have occurred over many years a downward adjustment of 50% is warranted to sites without existing frontage and access. This adjustment is applied to all of the sales.

<u>Utility</u>: The subject and sales all have similar overall utility for industrial development with the exception of Sale 1878. Sale 1878 is triangular in shape with a reduced useable area. Therefore, Sale 1878 is adjusted upward by **10%**.

<u>Size (Economies of Scale)</u>: Larger parcels have fewer buyers and/or longer marketing periods. Sales 1868 and 1878 are smaller. A downward adjustment of **5%** or **10%** are applied as required.

<u>Topography</u>: Sales 1868 and 1878 were graded at sale and are adjusted downward by **10%**.

<sup>&</sup>lt;sup>16</sup> The Appraisal of Real Estate, 14<sup>th</sup> edition, Chicago: Appraisal Institute, 2013, page 414.

Zoning: Sales 1542 and 1543 are zoned M-1, which is inferior and these sales are adjusted upward by 5%.

Other Physical Features: There are no other physical features that require consideration.

The following are adjustments to the market transactions.

		SITE VALUE	ESTIMATE			
PROPERTY INFORMATION	Subject	1868	1839	1878	1542	1543
Sale/Asking Price/SF		\$5.26	\$4.25	\$5.03	\$4.32	\$3.82
Size - Square Feet	180,025	90,348	239,166	39,744	126,030	113,748
Date Of Sale	Mar-21	Jun-20	Jan-20	Dec-19	Apr-18	Apr-1
ECONOMIC ADJUSTMENTS						
Property Rights Conveyed:		Fee Simple	Fee Simple	Fee Simple	Fee Simple	Fee Simple
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Financing Terms:		Market	Market	Market	Market	Market
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Buyer/Seller Motivation:		Normal	Normal	Normal	Normal	Normal
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Buyer Costs:		Normal	Normal	Normal	Normal	Normal
\$ Adjustment		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fee Simple/Stabilized/Cash Eq	uivalent Price	\$5.26	\$4.25	\$5.03	\$4.32	\$3.82
Market Conditions (Time):	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
A CONTRACTOR OF	-	0.7	1.2	1.2	2.9	2.9
Tot, Time Adj.		0.00%	0.00%	0.00%	0.00%	0.00%
Updated Price		\$5.26	\$4.25	\$5.03	\$4.32	\$3.82
PHYSICAL ADJUSTMENTS						
Location:		Lower Valley	Lower Valley	Lower Valley	Lower Valley	Lower Valle
% Adjustment	Lower Valley	0.00%	0.00%	0.00%	0.00%	0.00%
Frontage / Access:	No Direct	Superior	Superior	Superior	Superior	Superio
% Adjustment	Frontage	-50.00%	-50.00%	-50,00%	-50.00%	-50.00%
Utility:		Similar	Similar	Inferior	Similar	Simila
% Adjustment	Average	0.00%	0.00%	10.00%	0.00%	0.00%
Size (Economies of Scale):		Smaller	Similar	Smaller	Similar	Simila
% Adjustment	180,025	-5.00%	0.00%	-10.00%	0.00%	0.00%
Topography:	and the second s	Graded	Similar	Graded	Similar	Simila
% Adjustment	Natural	-10.00%	0.00%	-10.00%	0.00%	0.00%
Zoning:	-	C-4	C-4	C-4	M-1	M
% Adjustment	C-4	0.00%	0.00%	0.00%	5.00%	5.00%
Other Physical Features:		Similar	Similar	Similar	Similar	Simila
% Adjustment		0.00%	0.00%	0.00%	0.00%	0.00%
Composite Physical Adjustmen	t %	-65.00%	-50.00%	-60.00%	-45.00%	-45.00%
Composite Physical Adjustmen		(\$3.42)	(\$2.13)	(\$3.02)	(\$1.94)	(\$1.72
INDICATED SUBJECT VALUE		\$1.84	\$2.13	\$2.01	\$2.38	\$2.10
		<b>\$1.04</b>	φ2.10	\$2.01	42.30	92.10
			Unadjusted	Adjusted	Applied	
		min	\$4.25	\$1.84		
		max	\$5.26	\$2.38		
		average	\$4.72	\$2.09		
		median	\$4.68	\$2.07	\$ 2.10	
		10.100 (1994) (1994) (1994)				
		Indicated Value			\$ 378,052	
		Rounded			\$ 380,000	

## SUBJECT SITE VALUE CONCLUSION:

**Current Land Value**: The adjusted sales indicate a range from \$1.84 to \$2.38 per square foot with a mean and median of \$2.09 and \$2.10 per square foot. The middle of the range is considered as the best overall indicator of value for the subject. I am of the opinion a value of **\$2.10** per square foot is appropriate for the subject parcel.

I am of the opinion that the current market value of the subject parcel as of March 2, 2021, is outlined in the following chart:

Conclusion of Value						
Parcle	Size AC	Size SF	Pri	ce / SF		Value
Subject	3.1500	137,214	\$	2.10	\$	288,149
Rounded					\$	290,000

\* Subject to the Extraordinary Assumptions and Limiting Conditions as noted on Page 8 of this report.

#### I certify that to the best of my knowledge and belief:

the statements of fact contained in this report are true and correct,

the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial and unbiased professional analyses, opinions, and conclusions,

I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved,

I have not performed any services with regard to the property that is the subject site within the three years immediately preceding acceptance of this assignment,

I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment,

my engagement in this assignment was not contingent upon developing or reporting predetermined results,

my compensation is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event, directly related to the intended use of this appraisal,

my analyses, opinions, and conclusions were developed, and this report was prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute and to the Uniform Standards of Professional Appraisal Practice,

the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives,

I have made a personal inspection of the property that is the subject of this report,

No one provided significant real property appraisal assistance to the person signing this certification,

as of the date of this report, Genevieve S. Pendergras, MAI, has completed the continuing education program for Designated Members of the Appraisal Institute

Genevieve S. Pendergras, MAI State Certified TX-1331023-G March 9, 2021

#### QUALIFICATIONS OF THE APPRAISER GENEVIEVE S. PENDERGRAS

#### **PROFESSIONAL EXPERIENCE:**

Member Appraisal Institute (MAI) - #402810 Qualified Expert Witness – El Paso County Courts at Law, United States Bankruptcy Court Certified General Real Estate Appraiser licensed in Texas and New Mexico Certified General Texas 1331023-G expires 05/31/2022 Certified General New Mexico 02600-G expires 04/30/2022

#### EDUCATIONAL BACKGROUND AND SPECIAL TRAINING:

Graduate of the University of Texas at El Paso in the Bachelor of Science Degree in Business Administration with a concentration in Economics.

Appraisal Institute Courses:

**Real Estate Appraisal Principles Basic Valuation Procedures** Capitalization Theory & Techniques - Part A Capitalization Theory & Techniques - Part B **General Applications Report Writing & Valuation Analysis** Standards of Professional Practice Subdivision Valuation The Uniform Standards of Appraisal Practice Update Course **Business Practices & Ethics** Appraising Nursing Facilities General Demonstration Report Writing Seminar Forecasting Revenue Attacking & Defending an Appraisal in Litigation Separating Real Personal Property and Intangible Business Assets **Eminent Domain & Condemnation Complex Litigation Appraisal Case Studies** Rates & Ratios: Making Sense of GIMs, OARs and DCF Appraising Airports & Airplane Hangers **Appraising Cell Towers** Carving Out Your Legal Niche: Do's and Don'ts of Litigation Support Commercial Bankruptcy, Workouts, and the Valuation Process **Regression Analysis IRS Valuation** Highest & Best Use and Market Analysis Advanced Sales Comparison & Cost Approaches Advanced Applications Valuation of Assisted Living Facilities Condemnation Appraising – Principles & Application Uniform Standards of Professional Appraisal Practice **Residential & Commercial Valuation of Solar** 

#### **EMPLOYMENT:**

1999 to Present – Partner, Wilkinson, Pendergras & Beard, L.P. 1996 to February 1999 – Credit / Collection Manager, International Data, LLC

#### **REPRESENTATIVE APPRAISALS:**

Residential Subdivision Development, Commercial Subdivision Development, Master Planned Development, Easement Valuations, Right of Way Valuations, Eminent Domain & Condemnation, Municipal Utility Reimbursements, Partial Interests, Fast Food Restaurants, Restaurants, Light Industrial, Heavy Industrial, Office/warehouse, Office, Governmental Office, Retail, Apartments,

Hotel/Motel, Banks, Self-Storage, Commercial Land, Agricultural Land, Automotive Dealerships, Special-Purpose, Truck Dealerships, Mobile Home, Car Washes, Churches, IRS Valuations, Day Care, Fitness Center, Lifestyle Retail, Neighborhood Retail, Retail Strip Center, Medical Office, Surgical Centers, Urgent Care Centers

#### **REPRESENTATIVE CLIENTS:**

Bank of America, Wells Fargo Bank, BBVA Compass Bank, Bank of the West, West Star Bank, First National Bank, Washington Federal, The National Bank of El Paso, The National Bank of Arizona, Inter National Bank, Vantage Bank, Comerica Bank, First Savings Bank, United Bank, City Bank Texas, Bank of Texas, Pioneer Bank, Sunflower Bank, V.P. Clarence Co., Trinity Finance, ScottHulse, PC, Gordon, Davis, Johnson & Shane PC, The University of Texas System, The University of Texas at El Paso, The City of El Paso, El Paso County, Texas Department of Transportation, Federal Aviation Administration, Texas Tech University, El Paso Independent School District, Barron & Adler, LLP, Mounce, Green, Myers, Safi, Paxson & Galatzan, PC, Windle, Hood, Alley, Norton, Brittain & Jay, LLP, Hunt Communities, El Paso Water Utilities, The City of Socorro, The Town of Horizon City, Lower Valley Housing Authority, Hobson, Stribling & Carson, LLP, Lauterbach & Borshchow & Company, Plains Capital Bank, Bank 34, Kemp Smith, PC, The Greater El Paso Chamber of Commerce, Veterans Administration

#### **QUALIFIED AS EXPERT WITNESS:**

Deposition, 5 hours at Ainsa Hutson, LLP, Frank Ainsa, legal counsel, 02/17/2009

Deposition, 8 hours at El Paso County Courthouse, Barron Adler, Mr. Roy Brandys legal counsel, 07/12/10

Deposition, 6 hours at Windle, Hood, Alley, Norton, Britain & Jay, LLP, Jeff Alley, legal counsel, 04/11/2011

El Paso County Court #6, Cause 2009-4045, Clyde A. Pine, Jr., Legal Counsel, 07/25/11

Bankruptcy Case No.11-30977, DHC Realty, Harrel L. Davis, Legal Counsel, Deposition, 6 hours; 03/13/12

Bankruptcy Case No.11-30977, DHC Realty, Harrel L. Davis, Legal Counsel, Testimony, 5 hours; 03/17/12

Condemnation Hearing, Desert Acceptance Project, MAB Real Estate, El Paso County, 4 hours; 01/30/2017

Cause Number 2012DCV04937 (Parcel 15), The State of Texas v. River Oaks HD 2, LLC et al, Harrel L. Davis, Legal Counsel, Deposition, 2 hours; 10/13/17

#### PROFESSIONAL & CIVIC AFFILIATSIONS:

Appraisal Institute – MAI Rio Grande Chapter of the Appraisal Institute – Nominating Committee & Finance Committee Zoning Board & Adjustment, City of El Paso, Board Member – 2017 - present El Paso Estate Planning Council – Board Member - 2016-2017 The Greater El Paso Chamber of Commerce – Leadership El Paso Class XXXVI Greater El Paso CCIM Chapter Junior League of El Paso Insights of El Paso, Board Member, 2010 - 2011 St. Matthew Catholic School, Board Member & President - 2012-2015 El Paso Complete Count Committee – appointed April 7, 2009





## ADDENDA



TASK ORDER #3

(Check One) X Primary Appraisal \_\_\_\_ Review Appraisal

Federal or federally-assisted program regulations apply? Yes \_\_\_\_ No X

This Task Order is in accordance with the provisions of the Consulting Services Agreement executed on July 10, 2020, between the El Paso Water Utilities - Public Service Board and <u>Wilkinson. Pendergas. & Beard.</u> <u>LP.</u>

General Purpose: Sale of Land

Address/Location: Between Castner & Diesel Streets in El Paso, TX

Legal Description: A portion of a parcel of land lying in 54 YSLETA 23-G-1(0.979 AC) & 23-G-2 (3.1538 AC) (4.1328 AC); Property ID: 253964

Owner of Record: City of El Paso - El Paso Water Utilities

Land and Improvements: Land only

Completion & Delivery of Reports Required Due By: 21 days from Notice to Proceed

Fee Quote: \$1,500.00

By: Genevieve S. Pendergras, MAI (Genna) Wilkinson, Pendergras & Beard, LP

Date: \_\_\_\_\_ Signature: \_

Accepted: El Paso Water Utilities - Public Service Board

By: <u>Robert Davidson</u> Title: <u>Contract Construction Administrator</u>

Date: \_\_\_\_\_\_ Signature:

When fully executed, this document is your AUTHORIZATION TO PROCEED and to contact Alex Vidales, (915) 594-5636; <u>avidales@enwater.org</u>, for information or to schedule your inspection.

1154 Hawkins Blvd P.O. Box 511 El Paso, TX 78981-0511 815.594.5500



Legislation Text

### File #: 21-1002, Version: 1

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

## DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Raul Garcia, (915) 212-1643

#### AGENDA LANGUAGE:

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

An Ordinance amending Title 19 (Subdivision and Development Plats) Sections: 19.01.010 (Authority, Purpose and Applicability), 19.01.020 (Types of plats required), 19.01.030 (Exemptions), 19.01.050 (Application and Procedures), 19.02.020 (Application and Procedures), 19.03.020 (Application and Procedures), 19.04.020 (Application and Procedures), 19.04.070 (Plat Recordation), 19.05.020 (Application and Procedures), 19.06.020 (Application and Procedures), 19.07.040 (Amending Plats), 19.10.020 (In General), 19.31.030 (City Development Director), 19.37.060 (Application Contents), and 19.37.070 (Application Fees) of the El Paso City Code to update references in the Title, correct typographical errors, provide for the submittal of electronic applications, clarify presentation of final plats to City Plan Commission, provide for signature of Planning and Inspections Director on final plats, update figures, and remove reduction of certain fees for properties located within the boundaries of Tax Increment Zones or Empowerment Zones. The penalty is as provided under Title 19, Chapter 19.42 of the El Paso City Code. (Citywide)

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: September 28, 2021

### CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Raul Garcia, (915) 212-1643

DISTRICT(S) AFFECTED: Citvwide

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

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

#### SUBJECT:

An Ordinance amending Title 19 (Subdivision and Development Plats) Sections: 19.01.010 (Authority, Purpose and Applicability), 19.01.020 (Types of plats required), 19.01.030 (Exemptions), 19.01.050 (Application and Procedures), 19.02.020 (Application and Procedures), 19.03.020 (Application and Procedures), 19.04.020 (Application and Procedures), 19.04.070 (Plat Recordation), 19.05.020 (Application and Procedures), 19.06.020 (Application and Procedures), 19.07.040 (Amending Plats), 19.10.020 (In General), 19.31.030 (City Development Director), 19.37.060 (Application Contents), and 19.37.070 (Application Fees) of the El Paso City Code to update references in the Title, correct typographical errors, provide for the submittal of electronic applications, clarify presentation of final plats to City Plan Commission, provide for signature of Planning and Inspections Director on final plats, update figures, and remove reduction of certain fees for properties located within the boundaries of Tax Increment Zones or Empowerment Zones. The penalty is as provided under Title 19, Chapter 19.42 of the El Paso City Code. (Citywide)

#### **BACKGROUND / DISCUSSION:**

City Plan Commission recommended to approve the proposed amendments on September 17, 2020.

#### **PRIOR COUNCIL ACTION:**

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_YES \_\_\_NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division SECONDARY DEPARTMENT: El Paso International Airport

#### 

**DEPARTMENT HEAD:** 

Philip Etiwe Philip F. Etiwe – Planning and Inspections Director

Revised 04/09/2021

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 19 (SUBDIVISION AND DEVELOPMENT PLATS) SECTIONS: 19.01.010 (AUTHORITY, PURPOSE AND APPLICABILITY), 19.01.020 (TYPES OF PLATS REQUIRED), 19.01.030 (EXEMPTIONS), 19.01.050 (APPLICATIONS AND PROCEDURES), 19.02.020 (APPLICATION AND 19.04.020 **PROCEDURES)**, 19.03.020 (APPLICATION AND **PROCEDURES)**, (APPLICATION AND PROCEDURES), 19.04.070 (PLAT RECORDATION), 19.05.020 AND **PROCEDURES)**, 19.06.020 (APPLICATION (APPLICATION AND PROCEDURES), 19.07.040 (AMENDING PLATS), 19.10.020 (IN GENERAL), 19.31.030 (CITY DEVELOPMENT DIRECTOR), 19.37.060 (APPLICATION CONTENTS), AND 19.37.070 (APPLICATION FEES) OF THE EL PASO CITY CODE TO UPDATE **REFERENCES IN THE TITLE, CORRECT TYPOGRAPHICAL ERRORS, PROVIDE** FOR THE SUBMITTAL OF **ELECTRONIC** APPLICATIONS, **CLARIFY** PRESENTATION OF FINAL PLATS TO CITY PLAN COMMISSION, PROVIDE FOR SIGNATURE OF PLANNING AND INSPECTIONS DIRECTOR ON FINAL PLATS, UPDATE FIGURES, AND REMOVE REDUCTION OF CERTAIN FEES FOR **PROPERTIES LOCATED WITHIN THE BOUNDARIES OF TAX INCREMENT ZONES** OR EMPOWERMENT ZONES. THE PENALTY IS AS PROVIDED UNDER TITLE 19, **CHAPTER 19.42 OF THE EL PASO CITY CODE.** 

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

- 1. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.010 (Authority, purpose and applicability), Subsection D is amended in its entirety to read as follows:
  - D. Subdivision plat and development plat rules. The provisions of this title, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the City of El Paso Design Standards for Construction (DSC), as developed by the city manager or designee and adopted by resolution by the city council and as may be amended from time to time, constitute the subdivision and development rules of the City of El Paso, which apply to applications for plat approval inside city limits and within the city's extraterritorial jurisdiction. Other ordinances of the city may also apply to land development and must be complied with.
- 2. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.020 (Types of plats required), Subsection A is amended in its entirety to read as follows:
  - A. Subdivision plats. A final plat shall be submitted approved and filed prior to any nonexempt land division.

 Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.030 (Exemptions) is amended in its entirety to read as follows: 19.01.030 - Exemptions.

Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with <u>Section 19.37.100</u>:

- 1. The combining of two or more legally recorded lots into one parcel will not be required to be replatted into one lot provided all lots are permanently joined by a structure or improvements built over the property line(s) are in accordance with the zoning ordinance;
- 2. The division of a legally recorded lot into two portions and the combining of the portions of the lots with the adjacent lots on each side shall be allowed without replatting, provided each new lot complies with the zoning ordinance. The parcel line dividing the middle lot shall become the new lot line and the side setbacks required by zoning shall be measured from that line;
- 3. The split by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted lot within a commercial unit development;
- 4. Provided, however, that on those parcels described in subsections 1., 2. and 3. above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;
- 5. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded;
- 6. Use of existing cemeteries complying with all state and local laws and regulations;
- 7. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;
- 8. Creation of a remainder tract in accordance with <u>Section 19.02.060</u>, provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current City of El Paso ordinances, and provided however, that prior to construction of improvements, a plat meeting the

requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;

- 9. Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter;
- 10. Bona fide agricultural activities; and
- 11. Construction of agricultural accessory structures and related development activities.
- 12. The acquisition of land for the purpose of widening or extending public rightsof-way, stormwater drainage and water or wastewater infrastructure facilities.
- 13. The division of a legally subdivided and recorded lot in which a duplex is constructed, located in a district where duplexes are permitted may be resubdivided by metes and bounds into two separate lots, provided that the following requirements are met:
  - a. One dwelling unit of the duplex must remain on each separate lot at the time that the division is created;
  - b. The metes and bounds survey and survey map are prepared by a licensed surveyor of the State of Texas;
  - c. No panhandle lots or lots without access are created;
  - d. The metes and bounds survey and survey map shall be duly recorded and filed with the office of the El Paso County Clerk;
  - e. A copy of the recorded instrument shall be provided with all building permit applications; and
  - f. Any future building construction of dwelling units shall comply with all provisions of the zoning code.
- 14. Land to be used for electric company substations or minor utility facilities as defined in <u>Title 20</u> of the City Code.
- 15. Construction of accessory buildings and additions of less than fifty percent of the total existing square footage of schools that were built at least thirty years prior to the date that the current submitted application is deemed complete.
- 4. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.01 (Provisions Applicable to all Platting Procedures), Section 19.01.050 (Applications

ORDINANCE NO.

and procedures) first sentence under section and subsection A are amended in their entirety to read as follows:

Complete Application. Where a conflict exists between the procedures listed in this chapter and any other chapters of this title, the procedures of this chapter shall control.

- A. An application must be complete in order to be accepted for review by the City of El Paso. All applications shall be made electronically or on forms available from the city. To be complete, it must comply with all the procedures and requirements of this title. Refer to Chapter 19.37 of this title and to the administrative submission requirements available in the planning division for complete application procedures and requirements.
- 5. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.020 (Application and procedures) subsection B is amended in its entirety to read as follows:
  - B. Submittal. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form.
- 6. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.02 (Land Studies), Section 19.02.020 (Application and procedures) subsection E is amended in its entirety to read as follows (subsubsections of Subsection E remain as they are currently):
  - E. General Requirements. The subdivider shall submit the land study in accordance with the application form, requirements and checklist as adopted by the city. The land study shall be accompanied by a processing fee established by the city council. The land study must be prepared by an engineer and must provide all of the following information:
- Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.03 (Preliminary Plats), Section 19.03.020 (Application and procedures) subsection C is amended in its entirety to read as follows:
  - C. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
- 8. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.020 (Application and procedures) Subsection E is amended in its entirety to read as follows:

- E. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
- 9. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.020 (Application and procedures) Subsection F is amended in its entirety to read as follows:
  - F. Staff Review. The staff shall review each final plat application to be placed on the agenda of the City Plan Commission. Staff shall recommend either:

1. Approval of the final plat;

2.Denial of the final plat; or

- 3. Approval of the final plat with conditions.
- 10. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.04 (Final Plat), Section 19.04.070 (Plat recordation) subsection A, subsubsection 1 is amended in its entirety to read as follows:
  - 1. Signatures. After approval of the final plat, the city manager, or designee shall procure the signature of the chairperson of the city plan commission on the final plat ready for recording, the signature of the secretary of the city plan commission who shall attest to the signature of the chairperson, and the signature of the Planning and Inspections Director.
- 11. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.05 (Development Plats), Section 19.05.020 (Application and procedures) Subsection B is amended in its entirety to read as follows (Subsubsections to Subsection B remain as they currently are):
  - B. Application contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. Information required shall be the same as required for a final plat. In addition to this information, a development plat shall:
- 12. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.06 (Minor Plats), Section 19.06.020 (Application and procedures) Subsection B, is amended in its entirety to read as follows:
  - B. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the

ORDINANCE NO.

planning division. The minor plat document shall be prepared by a registered professional land surveyor. The applicant shall submit a combined plat (preliminary/final) of the minor subdivision application.

- 13. Title 19 (Subdivision and Development Plats), Article 1 (Platting Procedures), Chapter 19.07 (Revisions to Recorded Plats), Section 19.07.040 (Amending plats) Subsection D is amended in its entirety to read as follows:
  - D. Application Contents. All applications shall be submitted electronically or on a form supplied by the planning division with the required information as stated on the application form. The amending plat document shall be prepared by a registered professional land surveyor.
- 14. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsubsection 1, paragraph a. is amended in its entirety to read as follows:
  - a. Electronic submission or completed forms, available at the office of the planning division, signed by the property owner;
- 15. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsubsection 1, paragraph c. is amended in its entirety to read as follows (all subparagraphs under paragraph c. remain as they are):
  - c. A survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the city manager or designee approves a modified scale or other acceptable format, showing all of the following:
- 16. Title 19 (Subdivision and Development Plats), Article 2 (Subdivision Standards), Chapter 19.10 (Dedication, Construction Requirements and City Participation), Section 19.10.020 (In general), Subsection A, subsubsection 1, paragraph e. is amended in its entirety to read as follows:
  - e. A detailed justification for the request for exception of the regulations contained under this title; and
- 17. Title 19 (Subdivision and Development Plats), Article 3 (Authority of Decision Makers), Chapter 19.31 (Responsible Officials), Section 19.31.030 (City Development Director) is amended in its entirety to read as follows:

## **19.31.030 – Planning and Inspections Director.**

## ORDINANCE NO.

- A. Responsible official. The director of the Planning and Inspections Department or his designee ("director") is the responsible official for the following types of applications and relief petitions (except as provided):
  - 1.Application for approval of construction and engineering plans, and all related construction management tasks, including without limitation, approval of contracts for public improvements;
  - 2. Application for a site preparation permit;
  - 3. Appeal of a decision on any application for which the director is the responsible official;
  - 4. Alternative subdivision designs, exception or waiver petition for any application for which the director is the responsible official;
  - 5.Vested rights petition for any decision where the director is the responsible official for the application for which the vested rights petition is submitted; and
  - 6.Petition for relief from a dedication or construction requirement in accordance with <u>Chapter 19.46</u> and other provisions of this title.
- B. Initial decision-maker. The director is the initial decision-maker for the following types of applications and relief petitions, subject to appeal as provided in this title:
  - 1.Application for approval of construction plans, and all related construction management tasks, including without limitation approval of a contract for public improvements;
  - 2. Application for a site preparation permit; and
  - 3.Vested rights petition for any decision for which the director is the initial decision-maker.
- 18. Title 19 (Subdivision and Development Plats), Article 3 (Authority of Decision-Makers), Chapter 19.37 (Application Processing), Section 19.37.060 (Application contents) is amended in its entirety as follows:

19.37.060 - Application contents.

- A. Application Forms Generally. The city is authorized to prepare application forms that include information requirements, checklists, drawing sizes, applicant contact information, and any other relevant information.
- B. Information for Subdivision Applications. All subdivision applications shall contain the following information:
   1.Identification of property owner and authorized agent, if any;
  - 2.Description of the property and the nature of the development that is the subject of the application;

ORDINANCE NO. \_\_\_\_\_ 20-1007-2668 | 1045354 Title 19 Code Amendment OAR

- 3.Identification of all zoning classifications (inside the city only) or development agreements for the property;
- 4. Identification of all pending legislative applications for the property;
- 5.Identification of decisions on all quasi-judicial or administrative applications for the property that remain in effect;
- 6.Identification of all accompanying applications;
- 7. Identification of all pending or accompanying requests for relief;

8.Demonstration of compliance with prior approved permits on the subject property;

9.All requests for alternative subdivision design approval.

- C. All application forms are available in the office of the planning official and on the city's website.
- 19. Title 19 (Subdivision and Development Plats), Article 4 Specific Application and Processing Requirements, Chapter 19.37 (Application Processing), Section 19.37.070 (Application fees) Subsection B is amended in its entirety to read as follows.
  - C. <u>Reserved</u>.
- 20. Except as herein amended, Title 19 remains in full force and effect.

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

# THE CITY OF EL PASO:

# ATTEST:

Oscar Leeser, Mayor

Laura D. Prine City Clerk

# **APPROVED AS TO FORM:**

Omar A. De La Rosa

Assistant City Attorney

# **APPROVED AS TO CONTENT:**

Philip Elive Philip F. Eliwe, Director

Philip F. Eliwe, Director Planning & Inspections Department

# ORDINANCE NO.

20-1007-2668 | 1045354 Title 19 Code Amendment OAR

### REDLINES

### Title 19 - SUBDIVISION AND DEVELOPMENT PLATS

### Chapters:

Article 1. - Platting Procedures

### Chapter 19.01 - PROVISIONS APPLICABLE TO ALL PLATTING PROCEDURES

### Sections:

19.01.010 - Authority, purpose and applicability.

- A. Authority. The procedures of this article are authorized under the authority of Texas Local Government Code, Chapter 212 (including Subchapter B) and the city's Charter. The provisions of this article expressly extend to all areas inside the city limits and throughout the city's extraterritorial jurisdiction.
- B. Purpose.
  - 1. The provisions of this title are intended to implement standards and requirements provided for herein, andherein and shall be minimum requirements for the subdivision and/or development of land within the City of El Paso and its extraterritorial jurisdiction, as authorized by state statute.
  - 2. The subdivision and/or development of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. Through the application of these regulations, the interests of public and private parties are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this title further the possibility that land will be developed in accordance with existing physical, social, economic and environmental conditions.
  - 3. The provisions of this title are intended to implement the following objectives:
    - a. Promote the development and the utilization of land in a manner that assures an attractive and high quality community environment in accordance with the comprehensive plan and the zoning regulations (where applicable) of the City of El Paso;
    - b. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;
    - c. Protect the public interest by adopting standards for the location, design, class and type of streets, walkways (sidewalks), trails, alleys, utilities and essential public services;
    - d. Assist orderly, efficient and coordinated development within the city's limits and its extraterritorial jurisdiction;
    - e. Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
    - f. Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
    - g. Provide for compatible relationships between land uses as allowed by the Zoning Code and buildings;
    - h. Provide for the circulation of traffic throughout the municipality;
    - i. Provide for pedestrian circulation that is appropriate for the various uses of land and buildings;
    - j. Prevent pollution of the air, streams, bodies of water, arroyos and aquifers; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage

the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

- k. Preserve the natural beauty and topography of the area regulated by this title, and ensure development that is appropriate with regard to these natural features;
- I. Establish adequate and accurate records of land subdivision;
- m. Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the city and its extraterritorial jurisdiction;
- n. Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- o. Ensure that each subdivision approved by the city is designed in such a way as to minimize stormwater runoff from the site in accordance with the Drainage Design Manual (DDM) and to minimize flooding potential upstream, downstream and within from such subdivision with the DDM.
- C. Applicability.
  - 1. The provisions of this title apply to any division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the city and within its extraterritorial jurisdiction.
  - 2. No permit shall be issued for any development on a property until either a subdivision plat or a development plat has been approved, and if required by this title, filed for record, in accordance with Title 19, except that the following shall be exceptions to this requirement:
    - a. Permits for repair or remodeling of an existing structure or for site improvements (parking areas, driveways, etc.) which involve no increase in square footage; or
    - b. The replacement of an existing primary single-family or duplex structure, not to exceed the square footage, nor deviate from the original location, of the original structure, provided that the new structure is in conformance with all other provisions of the City Code; or
    - c. Building additions to single-family or duplex structures of not over one hundred percent of the existing structure's value, and of not over fifty percent of the gross floor area of the structure; provided that any increase in square footage of a structure, any additions to a structure, and/or any site improvements are in compliance with all other provisions of the City Code; or
    - d. Demolition permits, or permits for removal of a structure from a parcel or tract; or
    - e. Permits for accessory buildings (as defined in Title 20 of the Zoning Ordinance).
  - 3. No owner or agent of the owner of any parcel of land located in a proposed subdivision shall transfer or sell any part of the parcel before a subdivision is duly recorded with the county clerk as provided within this title.
  - 4. The subdivision of any lot or any parcel of land by the use of metes and bounds description, contract of sale, or any other legal instrument, for the purpose of sale, transfer, lease or development is prohibited except as otherwise provided for in this title.
- D. Subdivision plat and development plat rules. The provisions of this title, the standards governing water and wastewater facilities applicable to plats, and the technical standards contained in the City of El Paso Design Standards for Construction (DSC), as developed by the city manager or designee and adopted by resolution by the city council and as may be amended from time to time, constitute the subdivision and development rules of the City of El Paso, which apply to applications for plat approval inside city limits and within the city's extraterritorial jurisdiction. The DSC shall be maintained by and be available in the planning division of the planning and economic development department. Other ordinances of the city may also apply to land development and must be complied with.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 1, 27, 11-10-2009; Ord. No. 17251, § 1, 12-15-2009; Ord. No. 17396, § 1, 8-24-2010; Ord. No. 17561, § 3, 5-17-2011)

19.01.020 - Types of plats required.

- A. Subdivision plats. A final plat or a minor plat shall be submitted, and approved, and filed prior to any non-exempt land division.
- B. Development plats. Any person who proposes the development of a tract of land or parcel located within the limits or within the city's extraterritorial jurisdiction of the municipality, to include tracts exempted from preparing a subdivision plat, must have a development plat of the tract or parcel prepared and approved in accordance with Chapter 19.05 prior to development on the tract or parcel. Tracts or parcels included within an approved subdivision plat meeting all the requirements of Title 19 are exempt from the requirements for submittal of a development plat.
- C. Replats. A replat and the provisions of Chapter 19.07 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property, except as allowed below in Section 19.01.030, Exemptions. In the case of revisions to recorded plats or lots, a minor or amending plat may also be utilized if allowed by state law in accordance with Chapter 19.06 and Section 19.07.040.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17561, § 4, 5-17-2011)

19.01.030 - Exemptions.

Exemptions. The following land divisions are exempt from the requirements of this article that apply to plats, provided that the applicant has an approved exemption determination application in accordance with Section 19.37.100:

- The combining of two or more legally recorded lots into one parcel will not be required to be replatted into one lot provided all lots are permanently joined by a structure or improvements built over the property line(s) <u>are in accordance with the zoning ordinance;</u>
- 2. The division of a legally recorded lot into two portions and the combining of the portions of the lots with the adjacent lots on each side shall be allowed without replatting, provided each new lot complies with the zoning ordinance. The parcel line dividing the middle lot shall become the new lot line and the side setbacks required by zoning shall be measured from that line;
- 3. The <u>sale\_split</u> by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted <u>commercial</u> lot within a commercial unit development;
- 4. Provided, however, that on those parcels described in subsections 1., 2. and 3. above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;
- 5. Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is intended, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded;
- 6. Use of existing cemeteries complying with all state and local laws and regulations;

- 7. A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;
- 8. Creation of a remainder tract in accordance with Section 19.02.060, provided such remainder tract is suitable for development in the future and does not make any other tracts undevelopable under current City of El Paso ordinances, and provided however, that prior to construction of improvements, a plat meeting the requirements of the ordinance codified in this title shall be completed and recorded prior to the issuance of permits;
- 9. Any development activity associated with a plat that conforms to the subdivision requirements set forth in this chapter;
- 10. Bona fide agricultural activities; and
- 11. Construction of agricultural accessory structures and related development activities.
- 12. The acquisition of land for the purpose of widening or extending public rights-of-way, stormwater drainage and water or wastewater infrastructure facilities.
- 13. The division of a legally subdivided and recorded lot in which a duplex is constructed, located in a district where duplexes are permitted may be resubdivided by metes and bounds into two separate lots, provided that the following requirements are met:
  - a. One dwelling unit of the duplex must remain on each separate lot at the time that the division is created;
  - b. The metes and bounds survey and survey map are prepared by a licensed surveyor of the State of Texas;
  - c. No panhandle lots or lots without access are created;
  - d. The metes and bounds survey and survey map shall be duly recorded and filed with the office of the El Paso County Clerk;
  - e. A copy of the recorded instrument shall be provided with all building permit applications; and
  - f. Any future building construction of dwelling units shall comply with all provisions of the zoning code.
- 14. Land to be used for electric company substations or minor utility facilities as defined in Title 20 of the City Code.
- 15. Construction of accessory buildings and additions of less than fifty percent of the total existing square footage of schools that were built at least thirty years prior to the date that the current submitted application is deemed complete.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 27, 11-10-2009; Ord. No. 17251, § 1, 12-15-2009; Ord. No. 17276, § 1, 2-16-2010; Ord. No. 18056, § 1, 7-16-2013; Ord. No. <u>18627</u>, § 1, 2-7-2017)

19.01.050 - Applications and procedures.

Complete Application. Where a conflict exists between the procedures listed in this <u>chapter title</u> and any other chapters of this title, the procedures of this <u>chapter title</u> shall control.

A. An application must be complete in order to be accepted for review by the City of El Paso. All applications shall be made <u>electronically or</u> on forms available from the city. To be complete, it must comply with all the procedures and requirements of this title<u>and</u> any other chapters pertaining specifically to each application. Refer to Chapter 19.37 of this title and to the

administrative submission requirements available in the planning division for complete application procedures and requirements.

- B. Required documentation for the initial application to be considered complete for each review process is listed in subsections C through F below.
- C. Preliminary Plat (See Chapter 19.03 for Substantive Requirements).
  - 1. Application and related documents meeting the requirements in the preliminary plat submission checklist.
  - 2. Application fee.
- D. Final Plat (See Chapter 19.04 for Substantive Requirements).
  - 1. Application and related documents meeting the requirements in the final plat submission checklist.
  - 2. Application fee.
  - 3. An electronic copy of the plat in a format acceptable to the city as specified in the DSC.
  - 4. Field notes as specified in the DSC.
  - 5. Title opinion or proof of ownership dated within thirty days of submission.
  - 6. Final subdivision improvement plans with all accompanying documentation must be submitted prior to or at the time of submission of the final plat.
  - 7. Drainage plans.
  - 8. Utility plans, even though provided by another agency.
- E. Minor Plat (See Chapter 19.06 for Substantive Requirements).
  - 1. Application and related documents meeting the requirements in the final plat submission checklist.
  - 2. Application fee.
  - 3. An electronic copy of the plat in a format acceptable to the city tied to state plane coordinate system or city monuments as required.
  - 4. Field notes as specified in the DSC.
  - 5. Title opinion or proof of ownership dated within thirty days of submission.
  - 6. Drainage plans.
- F. Development plat (See Chapter 19.05 for substantive requirements).
  - 1. Application and related documents meeting the requirements in the development plat submission checklist.
  - 2. Application fee.
  - 3. An electronic copy of the plat in a format acceptable to the city as specified in the DSC.
  - 4. Field notes as specified in the DSC.
  - 5. Title opinion or proof of ownership dated within thirty days of submission.
  - 6. Final subdivision improvement plans with all accompanying documentation must be submitted prior to or at the time of submission of the development plat.
  - 7. Drainage plans.
  - 8. Utility plans, even though provided by another agency.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 27, 11-10-2009; Ord. No. 17396, § 1, 8-24-2010; Ord. No. 17561, § 6, 5-17-2011)

19.02.020 - Application and procedures.

- A. Responsible Official. The city manager or designee shall be the responsible official for a land study.
- B. Submittal. All applications shall be submitted <u>electronically or on a form supplied by the planning</u> division with the required information as stated on the application form.
- C. Prior Approved Applications. An application for a land study shall not be approved unless all zoning amendments, including a request for a zoning change or a comprehensive plan, thoroughfare plan or other adopted plan amendment, which are necessary to authorize the uses or layout proposed on the land study have been approved and remain in effect for the land included in the land study. An application may be conditionally approved subject to the other required zoning and plan amendment approvals being approved.
- D. Accompanying Applications.
  - 1. An application for a land study may be accompanied by an application for rezoning approval provided that the rezoning application shall be decided first.
  - 2. An application for a land study may be accompanied by an application for approval of a preliminary plat for the first phase of the project, provided that the application for land study shall be decided first. The applicant may request simultaneous review. However, the applicant assumes all responsibility for any problems or issues created by simultaneous submission.
- E. General Requirements. The subdivider shall submit the land study application in a number and form that is in accordance with the application form, requirements, and checklist as adopted by the city. The land study shall be accompanied by a processing fee established by the city council. The land study shall be prepared by an engineer at a scale of one inch equals two hundred feet, except where the city manager or designee approves a modified scale, on one or more twenty four-inch by thirty-six-inch sheets which provides and provide all of the following information:
  - 1. General arrangement of existing and proposed land uses, including, but not limited to, park and school sites, other public facilities, open space areas, floodplains and drainage ways. The land uses regulated by zoning must comply with both the location and layout as prescribed by the official adopted zoning map and zoning ordinance of the City of El Paso, unless a rezoning is proposed as part of the combined application;
  - The proposed density expressed in units per acre and population by land use. The proposed densities shown may not exceed those prescribed by the official adopted zoning map and zoning ordinance of the City of El Paso unless a rezoning is proposed as part of the combined application;
  - 3. Proposed phasing of platting;
  - 4. The proposed traffic circulation, layout, and width of all collector streets and arterial street classifications. The proposed street layout must comply with the adopted thoroughfare plan for the City of El Paso as to location and size of roadways, unless an amendment to such plans is proposed as part of the combined application;
  - Traffic impact/capacity study to determine the capacity need, if any, for additional traffic lanes (e.g., acceleration, deceleration, or turning), signalization and other roadway or traffic mitigation improvements. The traffic impact/capacity study shall be prepared in accordance with standards provided by the city;

- 6. Conceptual drainage plan indicating existing and proposed major stormwater sewer facilities. The drainage plans shall indicate the phasing plans and approximate location of temporary and permanent easements and rights-of-way that will be needed to accommodate the phasing plan and to carry the storm drainage to its ultimate destination;
- 7. Layout and relationship of the proposed subdivision(s) to surrounding development, including the location, width, and names of all existing and platted streets, subdivisions, public ways, drainage channels, and other relevant features;
- 8. Existing and/or proposed zoning of the property and adjoining land;
- 9. Dimensions of the land study boundaries;
- 10. Existing contours of the tract in intervals appropriate to the topography as determined by the city manager, or designee, in accordance with the DSC and based on National Geodetic Vertical Datum (year to be specified on land study);
- 11. Existing major water and sanitary sewer facilities.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17396, § 3, 8-24-2010; Ord. No. <u>18971</u>, § 2, 9-3-2019)

19.03.020 - Application and procedures.

- A. Responsible Official and Initial Review. The city manager, or designee shall be the responsible official for a preliminary plat, and the staff shall be the initial reviewing body for a preliminary plat application.
- B. Pre-Application Conference. Refer to Section 19.37.050 of Chapter 19.37.
- C. Application Contents. All applications shall be submitted <u>electronically or</u> on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.
- D. Preliminary engineering information in accordance with the DSC checklists meeting the submission requirements must also be submitted with the preliminary plat application.
- E. Accompanying Applications. An application for a preliminary plat may be accompanied by an application for rezoning approval, including a request for a planned development district, or a land study application. The rezoning application and land study application shall be decided first, or the preliminary plat shall be approved subject to their approvals. Action in accordance with this title will be taken on the preliminary plat within thirty days.
- F. Staff Review. The staff shall review each preliminary plat application to be placed on the agenda of the forthcoming meeting of the City Plan Commission. The staff shall recommend either:
  - 1. Approval of the preliminary plat;
  - 2. Denial of the preliminary plat;
  - 3. Approval of the preliminary plat with conditions; or
  - 4. Approval of the preliminary plat with recommendations regarding any exceptions provided for in this title.
- G. Resubmittal Following Staff Review.
  - 1. The applicant shall retain in his possession a copy of the original preliminary plat that was submitted for review by the staff.
  - 2. At least eight days prior to the meeting of the City Plan Commission during which the preliminary plat is scheduled for action, the applicant shall provide to the city manager or

designee copies of the preliminary plat meeting the submission requirements. The city manager or designee shall then review the preliminary plat for compliance with staff recommendations.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 8, 11-10-2009; Ord. No. 17396, § 4, 8-24-2010; Ord. No. <u>18971</u>, § 4, 9-3-2019)

19.04.020 - Application and procedures.

- A. Responsible Official. The city manager, or designee shall be the responsible official for a final plat, and the staff shall be the initial reviewing body for a final plat application.
- B. Pre-Application Conference. Refer to Section 19.37.050.
- C. Prior Approved Preliminary Plat. The final plat and all accompanying data shall conform to the preliminary plat as approved by the City Plan Commission, incorporating all approved exceptions and conditions. The final plat shall be prepared by a registered professional land surveyor.
- D. Proof of Ownership. The applicant shall furnish with the application to the city a current title commitment issued by a title insurance company authorized to do business in Texas policy, a title opinion letter from an attorney licensed to practice in Texas or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the plat. The final plat shall be signed (on the face of the plat in plain view) by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such consent shall be subject to review and approval by the city attorney.
- E. Application Contents. All applications shall be submitted <u>electronically or</u> on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division.<u>- of the development</u> services department.
- F. Staff Review. The staff shall review each final plat application to be placed on the agenda of the forthcoming meeting of the City Plan Commission. Staff shall recommend either:
  - 1. Approval of the final plat;
  - 2. Denial of the final plat; or
  - 3. Approval of the final plat with conditions.
- G. Resubmittal Following Staff Review.
  - 1. The applicant shall retain in his possession the original final plat that was submitted for review by the staff.
  - 2. At least eight days prior to the meeting of the City Plan Commission during which the final plat is scheduled for review, the applicant shall provide to the city manager, or designee a copy meeting submission requirements of the final plat, with revisions made based on staff comments and recommendations. The city manager or designee shall then review the final plat for compliance with staff recommendations.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, §§ 2, 8, 27, 11-10-2009; Ord. No. 17396, § 6, 8-24-2010; Ord. No. <u>18971</u>, § 6, 9-3-2019)

#### 19.04.070 - Plat recordation.

- A. Procedure.
  - 1. Signatures. After approval of the final plat, the city manager, or designee shall procure the signature of the chairperson of the city plan commission on the final plat ready for recording, as well as the signature of the secretary of the city plan commission who shall attest to the signature of the chairperson, and the signature of the Planning and Inspections Director.
  - 2. Recording upon performance. The city manager or designee shall cause the final plat to be recorded with the appropriate county clerk upon the subdivider's or developer's performance of one of the following:
    - a. Completion of the construction of required improvements prior to recordation;
    - b. Where the city manager or designee has authorized public improvements to be deferred, the final plat may be approved, recorded and foundation or building permits for up to fifty percent of the residential lots may be issued in accordance with Section 19.08.040 and 19.08.020, provided that: 1) the lots have water and sanitary sewer service and a letter of Conditional Acceptance issued by the El Paso Water Utilities; and, 2) the lots are contiguous and form a complete block face or block faces within the subdivision; and, 3) no Certificate of Occupancy shall be issued until a letter of Final Acceptance has been issued by the El Paso Water Utilities, or
    - c. Regardless of which option above, is chosen, subdivision improvement plans must be approved or conditionally approved in accordance with this chapter and Section 19.08.010 prior to plat recordation.
- B. Timing of recordation. The final signed copies of the plats for recordation will be recorded within ten days of the date that staff:
  - 1. Received the final, approved, corrected recordation plat;
  - 2. Received all fees, certificates and required documents for recording;
  - 3. Determines that all other recording requirements have been met; and
  - 4. Provided that the plat may be held for recordation until a date agreed upon with the subdivider if the final signed copies of the plats for recordation meeting the requirements of this title have been delivered to the city and all other recording requirements have been met.
- C. Submittal of record plat where improvements have been installed. Where public improvements have been installed and approved for acceptance by the city prior to recording of the plat, the property owner, developer or contractor shall submit a maintenance bond in accordance with Chapter 19.08 of this article from each contractor, one sealed set of "as built" plans in accordance with the DSC or record drawings (submitted as mylars), and an electronic copy of all plans (in a format as determined by the city manager or designee), together with a letter stating the contractors' compliance with Chapter 19.08 of this article, and bearing sealed certification by an engineer that all public improvements have been constructed in compliance with all city construction standards. The property owner also shall submit copies of the approved final plat, revised to reflect the "as built" plans or record drawings, in the format and number as required by the city manager or designee.
- D. Submittal of record plat where improvements have hot been installed. Where public improvements have yet to be completed in connection with an approved final plat, the property owner shall submit in the format and number as set forth in the DSC, the approved final plat, revised to reflect any changes required by the city plan commission.
- E. Update of owner consents. If there has been any change in the ownership prior to recordation of the approved final plat, the applicant shall furnish to the city an updated title policy commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas or some other proof of ownership, identifying all persons having an interest in the property subject to the plat. If there has been any change in the owners

since the time of the owner consent agreement provided under Section 19.04.020, the final plat shall be signed (on the face of the plat in plain view) by each owner as of the date of submission, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the plat. Such consent shall be subject to review and approval by the city attorney.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 18056, § 8, 8-6-2013)

19.05.020 - Application and procedures.

- A. Responsible official. The city manager, or designee shall be the responsible official for a development plat, and the staff shall be the initial reviewing body for a development plat.
- B. Application contents. All applications shall be submitted <u>electronically or</u> on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. Information required shall be the same as required for a final plat. In addition to this information, a development plat shall:
  - 1. Be prepared by a registered professional land surveyor as a boundary survey showing:
    - a. Each existing and/or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
    - b. Each easement and right-of-way within or abutting the boundary of the surveyed property;
    - c. The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
    - d. Be accompanied by the required number of copies of the development plat, a completed application form, the required submission fee (per the city's current fee schedule), and all related documents meeting the requirements in the development plat submission checklist. A copy of all the above application materials for a development plat shall be simultaneously submitted to the planning division for review in the same manner as for a final plat, or the application shall be deemed incomplete in accordance with Section 19.01.05.
- C. Procedure. The application and review procedure for a development plat shall be submitted to the city in the same manner as a final plat (see Chapter 19.04).

(Ord. No. 17561, § 8, 5-17-2011)

19.06.020 - Application and procedures.

- A. Responsible Official. The city manager, or designee, shall be the responsible official for a minor plat.
- B. Application Contents. All applications shall be submitted <u>electronically or</u> on a form supplied by the planning division with the required information as stated on the application form and the administrative submission requirements available in the planning division. The minor plat document shall be prepared by a registered professional land surveyor. The applicant shall submit a combined plat (preliminary/final) of the minor subdivision application.
- C. Pre-Application Conference. Prior to the official submission of a minor plat application, the applicant(s) may request a pre-application conference with the city manager, or designee and any other pertinent city official(s). Such conference is optional, and before it is convened a vested rights waiver shall be submitted in accordance with Section 19.37.050.

D. Accompanying Applications. An application for approval of a minor plat may be accompanied by an application for approval of a site preparation, building and other permits for the land subject to the plat, provided that the minor plat shall be decided prior to decision on any permit.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 2, 11-10-2009; Ord. No. 17251, § 5, 12-15-2009; Ord. No. 17396, § 7, 8-24-2010)

19.07.040 - Amending plats.

- A. Purpose. The purpose of an amending plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent with provisions of state law.
- B. Applicability. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to achieve the following:
  - 1. Correct an error in a course or distance shown on the preceding plat;
  - 2. Add a course or distance that was omitted on the preceding plat;
  - 3. Correct an error in a real property description shown on the preceding plat;
  - 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - 5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - 6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, addresses and identification of adjacent recorded plats;
  - 7. Correct an error in courses and distances of lot lines between two adjacent lots if:
    - a. Both lot owners join in the application for amending the plat,
    - b. Neither lot is abolished,
    - c. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
    - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat;
  - 8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - 9. Relocate one or more lot lines between one or more adjacent lots if:
    - a. The owners of all those lots join in the application for amending the plat,
    - b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
    - c. The amendment does not increase the number of lots;
  - 10. Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    - a. The changes do not affect compliance with applicable zoning and other regulations of the city,

- b. The amendment does not attempt to remove or modify recorded covenants or restrictions or easements, and
- c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area; or
- 11. Replat one or more lots fronting on an existing street if:
  - a. The owners of all those lots join in the application,
  - b. The amendment does not attempt to remove recorded covenants or restrictions,
  - c. The amendment does not increase the number of lots, and
  - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- C. Effect. Upon approval by the city manager, or designee, an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat.
- D. Application Contents. All applications shall be submitted <u>electronically or</u> on a form supplied by the planning division with the required information as stated on the application form. The amending plat document shall be prepared by a registered professional land surveyor.
- E. Decision. The city manager or designee shall either approve, approve with conditions, or deny the application for an amending plat within ten days.
- F. Expiration. Approval of an amending plat shall expire if the plat is not submitted for recordation within the time period specified for recordation of a final plat.
- G. Additional. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 2, 11-10-2009; Ord. No. 17251, § 6, 12-15-2009; Ord. No. 17396, § 8, 8-24-2010; Ord. No. <u>18971</u>, § 11, 9-3-2019)

19.10.020 - In general.

- A. Dedication and construction of improvements. The property owner shall dedicate all rights-of-way and easements for and shall construct, capital improvements within the rights-of-way or easements for water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans and construction design standards, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed, subject to the rough proportionality requirements of this ordinance. Such dedication shall be made and shown on the plat, provided, however, the planning division may grant an exception and allow for a dedication to be completed by metes and bounds. The following procedures shall be followed:
  - 1. Where a property owner requests that the city plan commission grant an exception and that approval be given for the metes and bounds dedication of a public easement or right-of-way, the property owner shall file an application for a metes and bounds dedication with the city manager or designee. The metes and bounds dedication application shall include:
    - a. <u>Electronic subdivision or Cc</u>ompleted forms, available at the office of the planning division, signed by the property owner;
    - b. A metes and bounds description prepared by a surveyor of the property to be dedicated as a public easement or right-of-way, including calculations showing the area;

- c. A minimum of eighteen copies of a survey map prepared by a surveyor, clearly and legibly drawn at a scale of one hundred feet to an inch on one or more twenty-four-inch by thirty-six-inch sheets having a minimum one-half-inch border on all sides, except where the city manager or designee approves a modified scale or other acceptable format, showing all of the following:
  - i. Legal description stating approximate acreage;
  - ii. Date of preparation, map scale (both graphic and numeric), north direction and basis of north direction;
  - iii. Length, bearings and curve data for the survey map boundaries;
  - iv. Dimensions and identifications of parcel boundaries, adjacent or abutting easements, canals, drains and subdivisions; including at least one row of adjacent lots and parcels;
  - v. Width and location of proposed public easements or rights-of-way;
  - vi. A location map at a scale of one inch equals six hundred feet, except where the city manager or designee approves a modified scale, which provides identification of the proposed public easement or right-of-way in relation to features such as local streets, arterial streets, schools and other features;
  - vii. Identification of any release or other limitations of rights of access to and from the proposed public easement or right-of-way;
  - viii. Survey data, including:
    - (a) The survey map shall be tied by bearing and distance to either a section corner, survey line, grant line, or other known and accepted survey points. This tie shall be delineated on the plat,
    - (b) Any section line, survey line, or grant line crossing or adjoining the property shall be clearly designated and located on the survey map,
    - (c) The survey map shall show bearings and lengths of all lines, the radius, central angle, chord bearing and distance, length of curve and tangent of curve for all curved lines,
    - (d) All recognized survey monuments and other evidence of the survey map boundary location found, set, reset or replaced, describing their type and location shall be identified,
    - (e) All adjoining property shall be identified by legal description, i.e., lot, block and subdivision or tract name or by section, township or other proper identification,
    - (f) The centerlines of streets adjoining the property, indicating all permanent survey monuments found,
    - (g) All distances shall be to the nearest hundredth of a foot and shall be shown in feet and decimals thereof; all bearings shall be shown to the nearest degree, minute and second,
    - (h) A print-out of the mathematical closure of the exterior boundary of the property, which indicates the error of closure of the respective parcel,
    - (i) The survey map shall be tied to a horizontal control monument established by either the National Geodetic Survey (N.G.S.) or the city if the property is within three thousand feet of such horizontal control monument as determined by the city engineer or other designee of the city manager,
    - (j) A survey map tied to a horizontal control monument shall be tied to the monument by course and distance. The tie to the monument, including the

reference angle to a published azimuth marker, shall be shown on the map. All N.G.S. reference information for the horizontal control monument, including the N.G.S. station designation, State Plane Coordinates grid factor, mapping angle, reference datum and the State Plane Coordinate zone shall also be shown on the plat. The tie to the horizontal control monument shall be made by the surveyor responsible for the boundary survey;

- ix. Certification by the surveyor that the survey map represents a survey made on the ground under his supervision and is in compliance with the current Texas Board of Professional Land Surveying Professional and Technical Standards;
- x. Certification from a title company qualified to do business in the state, showing the name(s) of the owner(s) of the property to be dedicated by metes and bounds;
- d. A processing fee in the amount established by city council;
- e. A <u>written</u> detailed justification for the request for exception of the regulations contained under this title; and
- f. Documentation to show proof of ownership.
- g. A current tax certificate from the city tax assessor-collector indicating that all ad valorem taxes have been paid on the property included within the survey map.
- 2. Review for application completeness. The city manager or designee shall, upon receipt of a metes and bounds dedication application, determine whether or not the application meets all of the content requirements for submittal required in this section. An application not meeting all of the submission requirements of this title shall be returned to the property owner within five working days following the date of acceptance for review of application completeness, indicating the information which is lacking on the application. For purposes of this section, the date of acceptance of a metes and bounds dedication application for review of application completeness shall not be counted as the first day of the five working day review period. If an application accepted for review of application completeness is not returned to the property owner within the five working day review period, the metes and bounds dedication application ap
- 3. Application procedure.
  - a. Distribution and review. Upon receipt of an application for metes and bounds dedication of a public easement or right-of-way, the city manager or designee shall distribute the application to affected departments. Written comments and recommendations on the application for metes and bounds dedication of a public easement or right-of-way shall be submitted to the city manager or designee within one week from the date of distribution. All objections to the application shall be submitted in writing. Comments and recommendations not submitted or received within the specified time period shall result in comments not being considered by the city manager or designee, and may require that the affected department's late comments and recommendations be presented directly to the city plan commission.
  - b. The recommendation of the city manager or designee, accompanied with an explanation of their recommendation and comments submitted by staff, shall be presented to the city plan commission in a written report.
  - c. A copy of this report shall be provided to the property owner and surveyor at least three working days prior to the commission hearing. The property owner shall be present at the commission hearing when the application is heard.
- 4. Appeal of city plan commission recommendation to disapprove granting the exception. In the event that the city plan commission recommends disapproval of granting the exception for a metes and bounds dedication of a public easement or right-of-way, no dedication instrument

shall be prepared by the city attorney, nor shall the application be submitted to the city council for approval. The property owner may, in writing, request an appeal to the city council by filing an application and any required documentation to support the appeal with the city manager or designee and paying any required fee. The city manager or designee shall place an item on the agenda of a regularly scheduled city council meeting. The appeal must be made within fifteen days of the recommendation by the city plan commission.

The city manager or designee shall advise the property owner of the date of the city council meeting. The city council may deny the appeal for the metes and bounds dedication of a public easement or right-of-way or may approve the metes and bounds dedication application and direct the preparation of the dedication instrument for recording.

Where the city council approves a metes and bounds dedication application, the property owner shall be required to submit the necessary documents for recording. Failure of the property owner to submit the necessary documents for recording within six months following the date of the city council approval on appeal shall require the total resubmission of the metes and bounds dedication application which shall be subject to the then existing regulations.

- 5. Resubmission of a metes and bounds dedication application. No application for a metes and bounds dedication of a public easement or right-of-way shall be resubmitted within a twelvemonth period from the date of final action by the city plan commission or the city council, whichever action occurs last.
- B. Facilities impact studies. The city manager, or designee, may require that a property owner pay the costs including any consulting fees associated with the preparation of a comprehensive traffic impact analysis, drainage study or other public facilities study in accordance with this title in order to assist the city in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The city manager or designee may also allow the developer to arrange for such studies in lieu of the city preparing such studies. If the study is to determine rough proportionality in accordance with this title, then the city shall provide such study.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17251, § 7, 12-15-2009; Ord. No. 17396, § 10, 8-24-2010; Ord. No. 17738, § 1, 3-6-2012; Ord. No. 17811, § 2, 6-5-2012, eff. 6-11-2012

19.31.030 - City development Planning and Inspections dDirector.

- A. Responsible official. The director of the <u>city\_development\_departmentPlanning\_and\_Inspections</u> <u>Department</u> or his designee ("director") is the responsible official for the following types of applications and relief petitions (except as provided):
  - 1. Application for approval of construction and engineering plans, and all related construction management tasks, including without limitation, approval of contracts for public improvements;
  - 2. Application for a site preparation permit;
  - 3. Appeal of a decision on any application for which the director is the responsible official;
  - 4. Alternative subdivision designs, exception or waiver petition for any application for which the director is the responsible official;
  - 5. Vested rights petition for any decision where the director is the responsible official for the application for which the vested rights petition is submitted; and
  - 6. Petition for relief from a dedication or construction requirement in accordance with Chapter 19.46 and other provisions of this title.

- B. Initial decision-maker. The director is the initial decision-maker for the following types of applications and relief petitions, subject to appeal as provided in this title:
  - 1. Application for approval of construction plans, and all related construction management tasks, including without limitation approval of a contract for public improvements;
  - 2. Application for a site preparation permit; and
  - 3. Vested rights petition for any decision for which the director is the initial decision-maker.

(Ord. No. 17811, § 8, 6-5-2012, eff. 6-11-2012)

Editor's note— Ord. No. 17811, § 8, adopted June 5, 2012, effective June 11, 2012, amended 19.31.030 in its entirety to read as herein set out. Former 19.31.030 pertained to city engineer, and derived from Ord. 16882 § 2 (part), 2008; Ord. No. 17396, § 24, 8-24-2010.

19.37.060 - Application contents.

- A. Application Forms Generally. The city is authorized to prepare application forms that include information requirements, checklists, drawing sizes, applicant contact information, and any other relevant information..., which shall be available in the DSC.
- B. Information for <u>SubdivisionAll</u> Applications. All <u>subdivision</u> applications shall contain the following information:
  - 1. Identification of property owner and authorized agent, if any;
  - 2. Description of the property and the nature of the development that is the subject of the application;
  - 3. Identification of all zoning classifications (inside the city only) or development agreements for the property;
  - 4. Identification of all pending legislative applications for the property;
  - 5. Identification of decisions on all quasi-judicial or administrative applications for the property that remain in effect;
  - 6. Identification of all accompanying applications;
  - 7. Identification of all pending or accompanying requests for relief;
  - 8. Demonstration of compliance with prior approved permits on the subject property;
  - 9. All requests for alternative subdivision design approval.
- C. All application forms are available in the office of the planning official and on the city's website.

(Ord. 16882 § 2 (part), 2008)

(Ord. No. 17236, § 5, 11-10-2009; Ord. No. 17396, § 26, 8-24-2010)

19.37.070. - Application fees.

A. Every application shall be accompanied by the prescribed fees in the amounts established and set forth in the annual budget resolution of the city or other appropriate fee schedule prepared and adopted by the city council. The prescribed fees shall not be refundable and shall be submitted no later than the date an application is determined to be complete. The fee schedule may be amended from time to time by resolution of the city council.

B. <u>Reserved.</u> The fees required by this title pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent (100%) for the period from May 12, 2008 through August 31, 2008; reduced by eighty percent (80%) for the period from September 1, 2008 through August 31, 2010; reduced by forty percent (40%) for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent (20%) for the period from September 1, 2011 through August 31, 2012.

(Ord. 16882 § 2(part), 2008)

(Ord. No. 17236, § 18, 11-10-2009)



Legislation Text

### File #: 21-986, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

### All Districts

Planning and Inspections, Philip Etiwe, (915) 212-1553 Planning and Inspections, Anne Guayante, (915) 212-1814

### AGENDA LANGUAGE:

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

An Ordinance Amending various sections of Title 20 (Zoning), Chapters 20.04 (Administrative Provisions), 20.08 (Permissible Uses), and 20.10 (Supplemental Use Regulations) to update Code reference language, delete language regarding fee reductions for detailed site development plans pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone. The penalty being as provided in Section 20.24 of the El Paso City Code.

The proposed amendments meet the intent of and are in accordance with *Plan El Paso*, the City's Comprehensive Plan.

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

AGENDA DATE: August 31<sup>th</sup>, 2021 PUBLIC HEARING DATE: September 28<sup>th</sup>, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Anne M. Guayante, (915) 212-1814

DISTRICT(S) AFFECTED: All

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

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

### SUBJECT:

An Ordinance Amending various sections of Title 20 (Zoning), Chapters 20.04 (Administrative Provisions), 20.08 (Permissible Uses), and 20.10 (Supplemental Use Regulations) to update Code reference language, delete language regarding fee reductions for detailed site development plans pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone. The penalty being as provided in Section 20.24 of the El Paso City Code.

The proposed amendments meet the intent of and are in accordance with *Plan El Paso*, the City's Comprehensive Plan.

### **BACKGROUND / DISCUSSION:**

The proposed amendments to Title 20 replace references to former department and position names with their current counterparts, and make other, similar, clerical corrections affecting Chapters 20.04, 20.08, and 20.10 of the El Paso City Code. The City Plan Commission recommended 6-0 to approve the proposed amendments on September 17, 2020. As of August 19, 2021, Planning and Inspections has received no communication in support of or opposition to the request. See attached draft ordinance for additional information.

### PRIOR COUNCIL ACTION:

Title 20 was most recently adopted, in its entirety, in 2007 via Ordinance 16653. It has been amended several times over the years to address specific provisions, but this will be the first comprehensive amendment since that time.

# AMOUNT AND SOURCE OF FUNDING:

N/A

# HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division Revised 04/09/2021

# 

**DEPARTMENT HEAD:** 

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

### ORDINANCE NO.

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 20 (ZONING), **CHAPTERS 20.04 (ADMINISTRATIVE PROVISIONS), 20.08 (PERMISSIBLE** USES), AND 20.10 (SUPPLEMENTAL USE REGULATIONS) TO UPDATE CODE REFERENCE LANGUAGE, DELETE LANGUAGE REGARDING FEE **REDUCTIONS FOR DETAILED SITE DEVELOPMENT PLAN PERTAINING TO** PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX **INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD** EMPOWERMENT ZONE, DELETE MIXED USE DEVELOPMENT PLAN **REOUIREMENT, DELETE LANGUAGE REGARDING FEE REDUCTIONS FOR** SPECIAL PERMITS PERTAINING TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD EMPOWERMENT ZONE, AND DELETE LANGUAGE FEE **REDUCTIONS FOR** REZONING REGARDING APPLICATIONS PERTAINING TO PROPERTIES LOCATED WITHIN THE BOUNDARIES OF THE TAX INCREMENT FINANCING ZONE NO. 5 AND ANY NEIGHBORHOOD **EMPOWERMENT ZONE. THE PENALTY BEING AS PROVIDED IN SECTION** 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and,

**WHEREAS**, the City should endeavor to keep said references accurate so as to maintain clarity in the City's regulations,

WHEREAS, the City wishes to amend Title 20 to update code reference language, delete language regarding fee reductions for detailed site development plan pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, delete mixed use development plan requirement, delete language regarding fee reductions for special permits pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone, and delete language regarding fee reductions for rezoning applications pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5 and any neighborhood empowerment zone.

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

<u>SECTION 1.</u> That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article I. – Administrative Bodies and Related Agencies Authority, Section 20.04.010 (Responsibility for administration of provisions), is amended in its entirety to read as follows:

20.04.010 – Responsibility for administration of provisions.

Responsibility for the administration of the provisions of this title shall be vested in the City Council, the City Plan Commission, the Planning & Inspections Department, the Zoning Board of Adjustments, the Fire Department, the Environmental Services Department, the Streets & Maintenance Department, and the Department of Public Health, in accordance with the provisions of this Code, including the provisions of this title.

**SECTION 2**. That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article III – Detailed Site Development Plan Approval Process, Section 20.04.160 (Content of application), is amended in its entirety to read as follows:

20.04.160 - Content of application.

Detailed site development plan applications shall be submitted in a digital form compatible with the city's system. Paper submittals of application documents shall be assessed the established fee for conversion of paper documents to digital format. The fee for conversion of paper documents to digital format shall be in the amount established by City Council in the annual budget resolution, amendments to the budget resolution, or other appropriately adopted resolution or ordinance of the City Council. Applications shall at a minimum include the following:

- A. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a professional engineer (P.E.) or a registered land surveyor;
- B. The detailed site development plan showing the boundaries of the tract proposed for development; elevations or perspective of the building; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures and number of bedrooms in each unit; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; stormwater drainage; on-site parking spaces, to include loading and unloading berths; open spaces; landscape planted areas; size, design and location of exterior signs; screening walls; screening of on-site parking facilities;
- C. Stamp or seal and signature of a professional engineer or architect preparing plans;
- D. Proof of ownership (warranty deed, title commitment, etc.);
- E. Tax certificate;
- F. Fee as adopted by City Council.

**SECTION 3.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article IV. – Master Zoning Plan Approval Process, Section 20.04.200 (Master zoning plan), is amended in its entirety to read as follows:

20.04.200 – Master zoning plan.

ORDINANCE NO.

- A. Master Zoning Plan (MZP).
  - 1. As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate subdistricts. A subdistrict is a geographic subcomponent of a larger mixed use district. Its purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical, a subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

- 2. While the submittal requirements below reflect the use of subdistricts, their use is not required. Applications not using subdistricts shall be required to submit the same information but aggregated for the entire mixed use district. The MZP shall, at a minimum, include the proposed land uses and locations, as well as the information required below.
- 3. Submittal Requirements.
  - a. General Data Required for the Mixed Use District.
    - i. Legal description of area proposed to be developed or metes and bounds description of district;
    - ii. Total acreage as depicted on a survey certified by a registered land surveyor;
    - iii. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iv. Maximum proposed total floor area for all nonresidential land uses combined, expressed in square feet.
  - b. General Data Required for Each Proposed Subdistrict.
    - i. Total acreage;
    - ii. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iii. Maximum proposed floor area for all nonresidential land uses combined, expressed in square feet.
  - c. Property Development Regulations Required per Subdistrict by Land Use Type.
    - i. Proposed acreages for each proposed land use, including parks, open space, buffer zones, trails and school sites (as

### **ORDINANCE NO.**

applicable);

- ii. Minimum and maximum lot coverages;
- iii. Minimum lot width;
- iv. Minimum lot depth;
- v. Minimum building setbacks:
  - a) Front,
  - b) Rear,
  - c) Cumulative front and rear,
  - d) Side-interior,
  - e) Side-street,
  - f) Cumulative side setbacks,
  - g) Garage;
- vi. Maximum building height:
  - a) Primary structure(s),
  - b) Accessory structure(s);
- vii. Maximum proposed density for each residential land use type expressed in dwelling units pre gross acre of developable land;
- viii. Maximum proposed intensity for each nonresidential land use type expressed in floor area ratio (FAR).
- d. Development Plan Map Requirements.
  - i. Overall development boundary, labeled with bearings and distances;
  - ii. General arrangement and acreages of existing and proposed land uses including open space;
  - iii. Proposed phasing boundaries;
  - iv. Layout and relationship of proposed development where adjacent to existing development;
  - v. General location and acreages for each proposed park, open space, buffer zone, trails and school site (as applicable), provided that any change in location may be approved administratively by the parks director.
- 4. A table or list depicting the proposed acreage for each land use type, park, open space, trail and school site (as applicable) shall accompany the MZP.
- 5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the

### **ORDINANCE NO.**

development relates to the city's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.

- 6. A phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development.
- 7. The application for mixed use zoning, to include the MZP shall be reviewed by the City Plan Commission (CPC) for recommendation to City Council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this title.
- 8. As part of the approval and adoption of a mixed use district, the City Council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the city's comprehensive plan and stated purposes of zoning in this title. The City Council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed use district by City Council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.
- B. Amendments to an Approved Master Zoning Plan. An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.
  - 1. Major Amendments.
    - a. Any amendment meeting one or more of the criteria listed below or any other proposed change not considered a minor amendment as described below shall require resubmittal, review and approval of a new zoning application to amend the MZP by the CPC and City Council. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the MZP, except that the mixed use zoning district designation shall not be revised unless requested by the applicant. If a change within a subdistrict constitutes a major amendment, as defined herein, requiring an amendment to the MZP, the CPC and City Council shall review the proposed change for compatibility within the subdistrict and the adjacent subdistricts.
      - i. Any change to the overall mixed use district boundary.

### **ORDINANCE NO.**

- ii. Any change to the approved mix of land use types within a designated subdistrict that increases the nonresidential intensity of development within that subdistrict by ten percent or more of the relevant characteristic(s) of development intensity, provided that the total projected nonresidential development intensity within the entire MZP shall not increase by ten percent of such characteristic(s). For purposes of this section, intensity may be measured by a single characteristic or by multiple characteristics as appropriate to the land use type, including, but not limited to, FAR, parking, and vehicular trips generated.
- iii. Any change to the boundary of a land use within a subdistrict that results in the relocation of ten percent or more of the area of that land use.
- iv. Any change to the boundary of a subdistrict that results in the relocation of ten percent or more of the area of the subdistrict.
- v. An increase of ten percent or more of the originally approved number of projected dwelling units within a designated subdistrict, provided that the total projected dwelling units within the entire MZP shall not increase by ten percent.
- vi. An increase of ten percent or more of the originally approved floor area for nonresidential uses within a designated subdistrict.
- vii. Any reduction to the public or private open space components within a designated subdistrict.
- viii. A twenty percent or greater increase in the height of structures by land use type within a designated subdistrict.
- ix. A ten percent or greater reduction in the originally approved setbacks by land use type within a designated subdistrict.
- x. A five percent or greater increase in lot coverage by structures by land use type within a designated subdistrict.
- xi. Any changes within and/or between subdistricts that, when aggregated result in an increase to one or more of the aforementioned variances for the mixed use districts as a whole.
- xii. Any change which would result in the juxtaposition of incompatible land uses.
- b. Approval of a major amendment may be granted upon a finding that:

### **ORDINANCE NO.**

- i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
- ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
- iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impact will be substantially mitigated.
- 2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor amendment process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection (B)(1) above.
  - a. Minor amendments shall be submitted in writing to the planning division and accompanied with three copies of the revised MZP. Minor amendments may be acted upon administratively by the planning official, only upon the finding that the amendment meets all of the following requirements:
    - i. The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
    - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
    - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
  - b. A decision of the planning official to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen days of the receipt of the written request for amendments.
  - c. In no instance shall the planning official approve a minor amendment that results in a change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.

### **ORDINANCE NO.**

- d. Any change in location of parks and trails maybe approved administratively by the parks director.\
- C. Reserved.
- D. Incentives.
  - 1. An applicant with an approved MZP may utilize the alternative subdivision design standards (Title 19, Section 19.26.050), so long as the development is in accordance with the MZP.
  - 2. Applications under this section shall be processed with priority on a "fast-track" basis, defined as follows:
    - a. Processing for mixed use development plans: thirty days;
    - b. Processing for an MZP or other application that requires City Council approval: approximately sixty days (minimum) for final approval.
  - 3. The city shall waive application fees for rezoning, mixed use development plans, and any major or minor amendment applications.
- E. Applicability. While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

**SECTION 4.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article V. – Special Permit Approval Process, Section 20.04.260 (Special permits generally), is amended in its entirety to read as follows:

20.04.260 – Special permits generally.

- A. The City Council may by special permit after hearing and report by the City Plan Commission authorize the location of the uses subject to special permits identified in the district regulations.
- B. In addition to the development standards identified in this title, City Council shall impose such additional conditions and safeguards including those related to architecture, site plan, landscape planting and screening as required to protect the public welfare and to conserve and protect property and property values in the immediate vicinity of the special permit.
- C. Applications for special permits shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received. A complete application shall be scheduled for action by the City Plan Commission, which shall have forty-five days in which to recommend approval, disapproval or approval with conditions or amendments.
- D. Where disapproval is recommended the procedure shall be concluded unless the applicant within fifteen days of disapproval appeals the recommendation to City Council. In the event of such a request the executive secretary of the

City Plan Commission shall forward to the City Council a statement of the reasons for disapproval.

- E. Applications for special permits shall include a detailed site development plan that complies with Article III.
- F. Special permits are automatically terminated whenever conditions made a part of them are not complied with, and construction shall stop or occupancy be discontinued until the violation ceases.

**SECTION 5.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article V. – Special Permit Approval Process, Section 20.04.320 (Special permit approvals), is amended in its entirety to read as follows:

20.04.320 - Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the City Council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the Historic Landmark Commission.
- D. The City Council, after hearing and report by the City Plan Commission, may approve a special permit upon find that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
  - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standard applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;
  - 2. The proposed development is in accordance with and in furtherance of the Comprehensive Plan, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
  - 3. The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for

OAR

installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;

- 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
- 5. The design of the proposed development mitigates substantial environmental problems;
- 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
- 7. The proposed development is compatible with adjacent structures and uses;
- 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the City Plan Commission waive one or more of the criteria based on its nonapplicability to the proposed development. The City Plan Commission, upon a recommendation of the planning official, shall make a determination on the nonapplicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to City council for final review and approval.

**SECTION 6.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments, Section 20.04.370 (Application form), is amended in its entirety to read as follows:

20.04.370 - Application form.

- A. Application forms for proposals and requests shall be provided by the planning official and, when completed, shall be filed with the executive secretary of the City Plan Commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.
- B. Reserved.
- C. The fee required by this section and Section 20.04.410 of this chapter, and established by the City Council in accordance with Section 20.04.800 of this chapter, shall not be required for an application submitted by a property owner for the sole purpose of designating the property with a historic "H" overlay.

<u>SECTION 7.</u> That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments Section 20.04.400 (Notice of public hearing before city plan commission), is amended in its entirety to read as follows:

20.04.400 - Notice of public hearing before City Plan Commission

- A. The planning official shall schedule a public hearing before the City Plan Commission not less than fifteen days and not more than forty-five days from receipt of complete proposal or application with payment of fee. Notice shall be sent by mail to owners of all property within three hundred feet of the property to be rezoned, not less than ten days nor more than thirty days in advance of the hearing. Notice shall include the time, place and purpose of such a hearing.
- B. Where the change does not amend the district map and is a general change in the text of the regulations, or the comprehensive plan, notice shall be posted as required by state law.

**SECTION 8.** That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article VI. – Changes and Amendments, Section 20.04.430 (Recommendation by commission), is amended in its entirety to read as follows:

20.04.430 – Recommendation by commission.

A. A report on the Commission's recommendation and merits of the proposal and requested change shall be forwarded for introduction to City Council within sixty days from the date of the Commission's final consideration.

- 1. Extension. An applicant may request the city manager or designee to extend the sixty day introduction period requirement for an additional sixty days. The request must be in writing and must be submitted prior to expiration of the initial sixty day prescribed period. In the event the application is not forwarded to City Council by the end of the extended prescribed period, the application shall expire and a new application and fee shall be required in order to re-submit the application to the City Plan Commission.
- B. The Commission may recommend approval, approval with modification, or disapproval.
- C. The report of the Commission shall include the relation of the proposed change to the city's comprehensive plan, and the effect upon the natural environment, and upon its surrounding neighborhood and the city as a whole.
- D. In the event of recommendation for disapproval by the City Plan Commission, the procedure shall be concluded unless the applicant within fifteen days of the City Plan Commission recommendation appeals the recommendation to the City Council. In the event of such an appeal, the executive secretary shall forward the application and appeal to the City Council for introduction within thirty days of the request for appeal along with a statement giving the City Plan Commission's reasons for recommending disapproval.
  - 1. Extension. At the request of the applicant, the thirty day prescribed period to forward the appeal to City Council for introduction may be extended by the city manager or designee for an additional thirty days. The request shall be in writing and shall be submitted prior to

expiration of the initial thirty-day prescribed period. In the event the appeal is not forwarded to City Council for introduction by the end of the extended prescribed period, the procedure shall be concluded.

SECTION 9. That Title 20 (Zoning), Chapter 20.04 (Administrative Provisions), Article XIII. - Enforcement, Section 20.04.900 (Administrative and enforcement activities), is amended in its entirety to read as follows:

20.04.900 – Administrative and enforcement activities.

- A. It shall be the duty of the planning official and such other employees as are appointed by the city manager to interpret the provisions of this title.
- B. The director of the Planning & Inspections Department, the building official, employees of the code enforcement division, and other enforcing officers as defined or designated by the city manager, constitute authorized city officials and are authorized to enforce the provisions of this title, issue citations for violations of this title, and take all other actions authorized by this Code relating to the matters regulated under this title.
- C. The employees designated in this section are authorized to make inspections of any property necessary to enforce the provisions of this title, as further provided in this code.

SECTION 10. That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.010 (Uses permitted by district), is amended in its entirety to read as follows:

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, as adopted in its entirety, incorporated herein by reference, and in accordance with the provisions of this title.

SECTION 11. That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.020 (Interpretive provisions), is amended in its entirety to read as follows:

20.08.020 – Interpretive 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.

OAR

- 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 development 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 development 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 in 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 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 references 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.

**SECTION 12.** That Title 20 (Zoning), Chapter 20.08 (Permissible Uses), Section 20.08.060 (Combination uses), is amended in its entirety to read as follows:

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 development plan approval if any of the principal uses combined is permitted only following a detailed site development plan approval; or
- C. A building permit in all other cases.

**SECTION 13.** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.145 (Civic buildings, public spaces, and educational facilities), is amended in its to read as follows:

20.10.145 - Civic buildings, public spaces, and educational facilities.

Any civic building, public space, and/or educational facilities as defined n this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein.

A. For purposes of this ordinance, a civic building and/or public space shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the detailed site development plan:

Neighborhood Facility. A civic building and/or public space designed for and which serves the residents of a neighborhood, which is defined for purposes of this section as an area of one-half square mile. Minimum standards for a Neighborhood Facility shall include:

Maximum L Area:	Fifteen contiguous acres	
		1

### **ORDINANCE NO.**

Location:		Allowed on collectors and residential streets
Front setback:	yard	Fifty feet maximum
Frontage out:	Build-	Sixty percent of the building façade (including the main entrance) must remain unobstructed.

Community Facility. A civic building and/or public space designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this section as an area of one square mile.

Maximum Area:	Lot	Twenty-five contiguous acres
Location:		Allowed on minor arterials, collectors, and residential streets
Front setback:	yard	Eighty feet maximum
Frontage out:	Build-	Sixty percent of the building façade (including the main entrance) must remain unobstructed

Regional Facility. A civic building and/or public space designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Maximum Lot Area:	Forty contiguous acres
Location:	Allowed in major and minor arterials
Front setback:	One hundred feet maximum
Frontage Build- out:	Sixty percent the building façade (including the main entrance) must remain unobstructed

B. Minimum Standards for Educational Facilities: For the purpose of this ordinance, an educational facility is defined as a school serving pre-kindergarten through sixth grade (PK-6<sup>th</sup>).

Maximum Developed	
Lot Area:	Twenty-five acres
Front yard setback:	One hundred feet maximum
Frontage Build-Out:	Sixty percent of unobstructed building façade to include the main entrance

C. Additional Requirements: The application process for a civic building and/or public space will require a detailed site development plan illustrating

integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city on the detailed site development plan within thirty days of submission, the detailed site development plan, listed in subsection 2(a) through (j) below, may be granted by the city manager or designee. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the City Plan Commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:

- 1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
- 2. A detailed site plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with

the surrounding area and/or districts.

- g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
- h. Landscaping shall conform to current city regulations.
- i. Civic buildings may be located adjacent to a public park.
- j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.140 C.2.c.
- k. Illustrate the quarter-mile pedestrian shed in which at a maximum, the following may be illustrated:
  - i. For neighborhood facility: Seventy-five percent of surrounding residential land uses should be included within this shed.
  - ii. For community facility: Fifty percent of surrounding residential land uses should be included within this shed.
  - iii. For regional facility: Twenty-five percents of surrounding residential land uses should be included within this shed.
- 3. An intergovernmental agreement for the shared use of facilities is encouraged.
- D. Educational facilities: The application process for an educational facility will require a detailed site development plan illustrating the integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city on the detailed site development plan within thirty days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site development plan, listed in subsection 2.(a) through (j) below, may be granted by the city manager. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the City Plan Commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:
  - 1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or

## **ORDINANCE NO.**

public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.

- 2. A detailed site development plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
  - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
  - h. Landscaping shall conform to current city regulations. Exceptions to reduce requirements may be granted as per 18.46.90 of the El Paso City Code.
  - i. When possible, educational facilities may be located adjacent to a public park.
  - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 10.20.145 D.2.c.
- 3. Schools are encouraged to enter into intergovernmental agreements for the shared use of school facilities.

SECTION 14. That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations),

## ORDINANC NO.

Section 20.10.360 (Mixed-use development), is amended in its entirety to read as follows:

20.10.360 – Mixed-use development.

A. Special Development (S-D).

- 1. Design Requirements Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with standards of the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the development permit and subdivision plat. Satisfactory provision for the maintenance of common open space shall be provided in accordance with the procedure in Chapter 20.04.
- 2. Design Requirements Preservation of Environment. In all S-D development, the elements of natural environment including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features shall be considered in planning the design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
- 3. The provisions of Chapter 20.20 (Historic Designations) where applicable, shall continue to apply in addition to the provisions of this section.
- 4. Perimeter Treatment. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or proposed development, if known, by provision of compatible uses and structures, setbacks, masonry walls, landscaping or other treatment.
- 5. Height Regulations. No building shall exceed three stories or forty-five feet in height, except as follows:
  - a. As provided in Chapter 20.12;
  - b. Where the development would consist of twenty-five acres or more; or
  - c. Where, after City Plan Commission recommendation, City Council approves an exception to these height restrictions under the following conditions:
    - i. The authorized height is compatible with the uses, appearance and environment of adjacent areas,
    - ii. The applicant submits a traffic study describing traffic volumes and impact of proposed development on adjacent streets,
    - iii. The council finds that the proposed development

mitigates those traffic impacts and provides for an acceptable level of service,

- iv. The site is located on an arterial street (collector, minor or major) that is served by a regularly scheduled mass transit line, and
- v. Any other condition reasonably necessary to protect the health, safety and welfare of the general public.
- 6. Review Standards for Establishment of S-D District.
  - a. The City Plan Commission and the City Council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The Commission and the City Council shall study the relationship between uses of high intensity permitted in the S-D district and uses of low intensity, existing or future, outside the proposed S-D district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by the section unless such uses create immediate land use conflicts along project boundary lines.
  - b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development plan shall not be required.
  - c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development plan shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan Commission and approved by the City Council in order to protect the public health, safety and welfare.
- B. Union Plaza (U-P).
  - 1. District Boundaries. The district created under this chapter is recognized as that part of the city within the following described boundaries: Blocks 7, 25, 31, 32, 45, 46, 51, 152, 160, 161, 169, 170 and 171 Campbell Addition also known as Mills Addition blocks 7, 25, 31, 32, 45, 46 and 51.
  - 2. Development Standards.
    - a. For residential/commercial mixed-use developments, where residential and commercial uses are combined in a single building, residential uses may not occupy the ground floor. In other multifamily dwelling buildings, not including

## **ORDINANCE NO.**

commercial uses, residential uses may occupy the ground floor.

- b. Lot and Site Area Standards.
  - i. Residential/commercial mixed use developments must have a lot area of at least five hundred fifty square feet per unit, excluding the area devoted to commercial uses. For buildings three or more stories in height, a minimum lot area of three hundred square feet per unit is required, excluding the area devoted to commercial uses. A minimum site area of nine thousand three hundred sixty square feet, having a minimum average width of seventyfive feet is required.
  - ii. Multifamily residential developments must have a lot area of at least five hundred square feet per unit.
  - iii. For all other uses, no minimum lot area is required.
- c. Off-Street Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district.
- d. Drive-through facilities are prohibited in the district.
- e. Outside Amplification. No person shall make, continue or cause to be made or continued any noise as prohibited in Chapter 9.40 of this Code.
- 3. Plans and Permits Required. Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the planning official, to ensure that the proposed construction complies with the architectural and design guidelines described in this section. Application shall be reviewed within ten business days upon receipt of a complete application. The planning official may request assistance of other departments to review drawings and applications.
- 4. Architectural and Design Guidelines. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza Architectural and Design Guidelines. Copies of the Union Plaza Architectural and Design Guidelines are on file in the Planning & Inspections Department.
- 5. Application requirements. In addition to those items required for the application for a building permit, the following information shall be submitted for approval prior to issuance of a building permit for new construction or exterior renovation of existing buildings in the district. Digital copies of the site plan and development plan are preferred unless

hard copies are specifically requested by the planning official. All maps, plans and drawing should be at a scale of not less than twenty feet to the inch unless a modification is authorized by the planning official.

- a. A detailed site plan including:
  - i. Legal description,
  - ii. Metes and bounds if portion of lot, block or if property is unplatted,
  - iii. Site dimensions,
  - iv. Adjacent public right-of-way, public transportation routes and pedestrian systems,
  - v. Utility lines to rights-of-way and easements through the site,
  - vi. Description of other site features including drainage, soils or other considerations that may affect the development of the site,
  - vii. Location of any special or custom street lighting to be approved by the city engineer, if proposed,
  - viii. Stamp or seal and signature of a registered professional engineer or architect preparing plans;
- b. A development plan including:
  - i. Site layout including sizes and location of proposed buildings, parking, open space and other facilities,
  - ii. Location, capacity and design of parking facilities to include ingress/egress, landscaping, signage and fencing,
  - iii. Stormwater drainage,
  - iv. Description of use of individual building(s), included in the project and maximum floor area devoted to each use,
  - v. Schematic location and design of open space on site, if proposed, including proposed landscaping if any,
  - vi. Sidewalks, to include any existing traffic signals and signage, light poles or other utility apparatus adjacent to the site,
  - vii. Schematic building elevations and sections, as required to describe the general design and themaximum heigh of the building including proposed colors and construction materials,
  - viii. Proposed water and sanitary sewer and utility improvements. The application shall include a permit approved by El Paso Water Utilities,

### **ORDINANCE NO.**

- ix. Location, sizes and types of proposed signs, lighting, fencing or walls, landscaping and trash receptacles,
- x. Design standards applicable to the project,
- xi. Site location map to scale, and
- xii. Location and size of loading and unloading berths, if proposed.
- C. Planned Residential (PR-1 and PR-2).
  - 1. Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the detailed site development plan and subdivision plat. Satisfactory provision shall be made for the maintenance of common open space in accordance with the procedure in Chapter 20.04.
  - 2. Preservation of the Environment. In all P-R developments, the elements of natural environment, including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features, shall be considered in planning and design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
  - 3. Perimeter Treatment.
    - a. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures; masonry walls; and landscaping or other treatment.
    - b. A minimum setback of ten feet plus two additional feet of separation for each story above two shall be maintained between any structure and the outside boundary line of the planned residential development.
  - 4. Review Standards for Establishment of P-R District.
    - a. The City Plan Commission and the City Council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The Commission and the City Council shall study the relationship between uses of high intensity permitted in the P-R district and uses of low intensity, existing or future, outside the proposed P-R district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by this section unless such uses create immediate land use conflicts along project

### **ORDINANCE NO.**

boundary lines.

- b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development plan shall not be required.
- c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the City Plan Commission and approved by the City Council in order to protect the public health, safety and welfare.
- D. Planned Commercial (P-C).
  - 1. Ownership Control.
    - a. The land in a P-C district shall be developed as a unified whole. All owners shall be included as joint applicants and all approvals shall bind all owners.
    - b. A building or land shall be used only in accordance with an approved detailed site development plan conforming with Chapter 20.04 and only for the uses permitted in Chapter 20.08, provided that the district shall be planned and developed as a unit, subject to the additional requirements and provisions of this section.
  - 2. General Procedures Plans Required.
    - a. Establishment of a P-C planned commercial district shall follow the procedures for changes and amendments of Chapter 20.04, including notice and hearings, recommendations by the City Plan Commission and action by the City Council. A detailed site development plan complying with the requirements of Chapter 20.04 shall be required.
    - b. If the project is to be accomplished as a series of development units, a detailed site development plan of a proposed unit shall be submitted with a general concept plan and a schedule of phasing provided.
    - c. The proposed development shall follow all applicable procedures, standards, and requirements of this chapter and other regulations governing the subdivision of land. Where a plat is required, no building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the City Plan Commission, filed and recorded.

- 3. Supplemental Height and Bulk Standards.
  - a. When a community or regional shopping center is a part of a planned development of one hundred fifty acres or more, or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the City Plan Commission may recommend and the City Council may approve height limits for community and regional shopping centers in excess of those specified in Chapter 20.12.
  - b. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30. A maximum floor area ratio may be specified for community and regional shopping centers or general commercial areas as a condition of development permit approval.
- 4. Compatibility with Nearby Properties. The development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, particularly in larger centers or where tall buildings are to be located in the vicinity of buildings of low height, and to this end may employ such design techniques as may be appropriate to a particular site, including location of building, orientation, spacing and setback of buildings, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and screening.
- 5. Access. The principal means of access shall be from arterial or collector streets. For a major shopping center, principal access shall be from at least one major arterial street. In no case shall the principal means of access be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion and shall be approved by the city engineer.
- 6. Internal Circulation. The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians with special attention ot reduction of crossing conflicts, improvement of visibility, convenience of pickup areas, traffic signs and speed controls.
- 7. Paved Areas. Service drives or other areas shall be provided for offstreet loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
- 8. Refuse. Refuse containers or refuse storage areas shall be hidden from general public view, either from within or outside the center, by means

of fences, walls, or landscape planting.

- 9. Findings Required of City Plan Commission. Before recommending approval of a P-C planned commercial district, the Plan Commission shall make specific findings as follows:
  - a. That the location and design of the commercial areas are appropriate and are in compliance with the requirements and purpose of the P-C district, and specifically that there is adequate provision for traffic to and from the center, without undue congestion, on existing streets or on streets schedules to be completed by the time the center is to be opened;
  - b. That a proposed construction timing schedule has been approved by the Commission and is recommended for adoption by the City Council;
  - c. Specific conditions, if any, which should be imposed, including recommendations to insure construction of improvements.
- 10. Abandonment After Final Approval.
  - a. In the event that the detailed site development plan is approve by the City Council and thereafter the applicant or his successor abandons said plan, or in the event the applicant or his successor fails to commence the development of a specific unit within four years after final approval has been granted, then such approval of the detailed site plan shall terminate and be deemed null and void unless such time period is extended by the City Council upon recommendation by the City Plan Commission upon written application by the applicant or his successor.
  - b. Once terminated, a new detailed site development plan must be approved following the procedures of Chapter 20.04, including public hearing, prior to issuance of a building permit or permits for the project.
- E. Planned Industrial (P-I).
  - 1. Compatibility with Nearby Properties. The industrial development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and services.
  - 2. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open

### **ORDINANCE NO.**

storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or other abutting property by a solid masonry wall not less than six feet or more than eight feet in height. This screening must be located behind any required landscaping. Screening may be waived by the City Council where it is found the screening will not service the purpose of blocking the view from a street or from a more restrictive zoning district.

- 3. Parking. Adequate parking space shall be provided off the street for all employees and visitors to the building, if necessary, in excess of the minimum requirements of Chapter 20.14. No parking shall be permitted in the required front yard or within ten feet of the boundary of any residential district and no storage of materials, equipment, or products shall be permitted in any part of a required front yard.
- 4. Loading.
  - a. Off-street loading space for individual uses shall be provided in accord with the provisions of Chapter 20.14. Loading operations shall be conducted within a building or screened from general public view from a front street where possible, but may be conducted at the side or rear of buildings whether or not facing a street.
  - b. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, railroad loading docks or the building itself may extend to the property line for the purpose of receiving service from the railroadspur tracks.
- 5. Paved Areas. Service drives or other areas shall be provided for offstreet loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
- F. Special Residential Revitalization (SRR).
  - 1. This district is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.
  - 2. District Boundaries. This district is created to maintain a compatible mix of residential and neighborhood commercial uses within the area

known as South El Paso. For purposes of this section, South El Paso is defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street. No applications for SRR zoning may be requested outside of South El Paso.

- 3. Off-street parking requirements found in Chapter 20.14 shall not apply in this district; loading spaces, however, shall be required to comply.
- G. Residential, General and Industrial Mixed Use Districts (RMU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.
  - 1. General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.
    - a. Development Perspective.
      - i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
      - ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
      - iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
      - iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
      - v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
      - vi. That transportation corridors be planned and reserved in coordination with land use patterns.
      - vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
      - viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the

#### **ORDINANCE NO.**

automobile.

- ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
- x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
- xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
- xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.
- xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
- xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
- xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.

## b. Building Perspective.

- i. That buildings and landscaping contribute to the physical definition of streets as civic places.
- ii. That the design of streets and buildings reinforce safe environments.
- iii. That architecture and landscape design grow from local climate, topography, history and building practice.
- iv. That public gathering spaces be provided in locations that reinforce community identity.
- v. That the preservation and renewal of historic buildings be facilitated.
- vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.
- 2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.
  - a. Neighborhoods limited in size and oriented toward pedestrian activity.

#### **ORDINANCE NO.**

- b. A variety of housing types, jobs, shopping, services, and public facilities.
- c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
- d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
- e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
- f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
- g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
- h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
- i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.
- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.
- 3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
  - a. Architectural compatibility;
  - b. Human scale design;
  - c. Integration of uses;
  - d. Encouragement of pedestrian activity;
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
  - f. Residential scale buildings in any mixed residential area;

- g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
- h. Buildings that focus activity on a neighborhood open space, square or plaza.
- 4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.
- 5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces.

Community-parking facilities or shared parking shall be encouraged in lieu of traditional off-street parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

- 6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the City Council as part of the review of the master zoning plan.
- 7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

**<u>SECTION 15.</u>** That Title 20 (Zoning), Chapter 20.10 (Supplemental Use Regulations), Section 20.10.370 (Mountain development), is amended in its entirety to read as follows:

20.10.370 – Mountain development.

**ORDINANCE NO.** 

- A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain development areas:
  - 1. To protect significant natural features of the mountain development area and preserve the city's unique visual setting as part of the comprehensive plan;
  - 2. To provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space;
  - 3. To minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance;
  - 4. To control water runoff and soil erosion;
  - 5. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within the mountain development area;
  - 6. To encourage sound engineering practices related to mountain development.
- B. Minimum District Area. The minimum area for a mountain development district where common or public open space is to be provided shall be one acre. Extensions to the original district, from a common boundary, may be considered in increments of less than one acre, provided, however, that all other requirements are observed.
- C. Ownership Control. Where required, the common open space shall be owned by an incorporated or unincorporated association to assure that it will be permanently maintained in its natural state. Open space may be made public if dedicated or transferred in trust to the city and the City Council accepts such dedication or transfer without affecting any other provision of this title.

Percent Average Slope	Maximum per Gross Acre	Density
0 to 5	7.0	
5.1 to 10	6.0	
10.1 to 15	5.0	
15.1 to 20	4.0	
20.1 to 25	3.0	
25.1 to 30	2.5	
30.1 to 35	2.0	
35.1 to 40	1.5	
40.1 or more	1.0	

D. Density Permitted. The maximum dwelling units per gross acre shall be calculated based on the percentage average slope of the property as follows:

E. Open Space Required. To retain the significant natural features of the mountain

development area, common, public or private open space, or a combination thereof, shall be provided as part of a proposed development. The minimum amount of open space to be provided shall be based on the percent average slope of the property as shown below. The required open space within a mountain development district shall be shown on the subdivision plat and detailed site plan.

Percent Average Slope	Open Required/Perc Total to Average Undisturbed	ent Gross Remain	Space of Acreage Percent Slope
0 to 5	20		
5.1 to 10	25		
10.1 to 15	30		
15.1 to 20	35		
20.1 to 25	40		
25.1 to 30	45		
30.1 to 35	50		
35.1 to 40	55		
40.1 or more	60		

- F. Architectural Design Standards. Building and construction materials within a mountain development district shall meet the following architectural design standards:
  - 1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface shall be prohibited;
  - 2. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections;
  - 3. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast;
  - 4. Development design and construction techniques shall blend scale, form and visual character into the natural landform, and shall minimize exposed scars;
  - 5. Exterior lighting shall be low scale and directed downward, recessed, or shielded so that the light source is not visible from the adjacent developments;
  - 6. Reflective building materials shall be prohibited;
  - 7. 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.)

- G. Property Development Standards. The following property development standards shall apply to all land, buildings and structures within a mountain development district:
  - 1. Subdivision Plat. Buildings and structures in a mountain development district shall be erected only on land where a plat or replat approved by the City Plan Commission, has been filed of record, and indicates compliance with the provisions of this section. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits;
  - 2. Site Plan. A detailed site development plan complying with all of the requirements of Chapter 20.04 (Administrative Review Procedures) shall be required for all property within a mountain development district, except where a development is for single-family detached dwellings meeting the minimum yard requirements of Chapter 20.12 (Density and Dimensional Regulations) and where common or public open space is provided to satisfy the open space requirements of this section. If a development is to be undertaken in a series of phases, a development schedule indicating the proposed phasing shall accompany the required detailed site plan;
  - 3. Common or Public Open Space. Where required, the total amount and distribution of common or public open space shall be shown on the detailed site development plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common or public open space shall be provided;
  - 4. Percent Slope. The percent slope of a proposed mountain development used to determine the common open space shall be shown on the required detailed site development plan and subdivision plat;
  - 5. Perimeter Treatment. The perimeter treatment of the proposed mountain development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of the proposed mountain development.
- H. Private Streets. Where authorized by the City Plan Commission in approving a subdivision plat, streets may be privately owned.
- I. Preservation of the Environment. In all mountain developments, existing vegetation, animal life, arroyos, floodprone areas, steep slopes, and other natural features shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces reserve the natural environment.
- J. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to the proposed mountain development shall be:
  - 1. Determined from the standards contained in the city's current subdivision

## **ORDINANCE NO.**

regulations and any applicable ordinance governing streets;

- 2. In conformity with the estimated needs of the entire mountain development and the traffic to be generated thereby;
- 3. Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.
- K. Off-street Parking and Loading. The minimum requirements for off-street parking and loading shall be satisfied as set forth in Chapter 20.14 (Off-Street Parking and Loading Regulations).
- L. Utilities and Public Services. Every mountain development shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.
- M. Property Grading Standards. Grading in a mountain development shall be in accordance with Chapter 18.44 (Grading) of this Code.

SECTION 16. Except as herein amended, Title 20 of the El Paso City Code shall remain in full force and effect.

**ADOPTED** this day of 2021.

THE CITY OF EL PASO:

**ATTEST:** 

Oscar Leeser, Mayor

Laura D. Prine City Clerk

## **APPROVED AS TO FORM:**

Omar A. De La Rosa Assistant City Attorney

# **APPROVED AS TO CONTENT:**

Philip Eive Philip F. Etiwe, Director Planning & Inspections Department

**ORDINANCE NO.** 



City of El Paso – City Plan Commission Staff Report

## Title 20 (Zoning) Code Amendments

Staff proposes to update Title 20 (Zoning) in a manner that assures consistency with the City's Zoning Ordinance, Comprehensive Plan, and Strategic Plan. The zoning ordinance was last adopted in 2007 and a comprehensive update is due.

These amendments are phase one of an incremental approach to a comprehensive list of Title 20 amendments. These amendments consistent of simple text edits, update outdated references, and minor code clarifications.

## Attachments:

- Proposed Redlines
- Draft Ordinance

#### Chapter 20.04 - ADMINISTRATIVE PROVISIONS

#### Sections:

Article I. - Administrative Bodies and Related Agencies Authority

20.04.010 - Responsibility for administration of provisions.

Responsibility for the administration of the provisions of this title shall be vested in the city council, the city plan commission, the city development Planning & Inspections department, the zoning board of adjustments, the fire department, the department of environmental services <u>department</u>, the <u>department</u> of transportation Streets & Maintenance Department, and the department of public health, in accordance with the provisions of this Code, including the provisions of this title.

(Ord. 16817 § 1, 2008: Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 4, 10-26-2010; Ord. No. 17801, § 1, 6-5-2012, eff. 6-11-2012)

20.04.160 - Content of application.

Detailed site <u>development</u> plan applications shall be submitted in a digital form compatible with the city's system. Paper submittals of application documents shall be assessed the established fee for conversion of paper documents to digital format. The fee for conversion of paper documents to digital format. The fee for conversion of paper documents to digital format shall be in the amount established by city council in the annual budget resolution, amendments to the budget resolution, or other appropriately adopted resolution or ordinance of the city council. Applications shall at a minimum include the following:

- A. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a professional engineer (P.E.) or a registered land surveyor;
- B. The detailed site development plan showing the boundaries of the tract proposed for development; elevations or perspective of the building; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures and number of bedrooms in each unit; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; stormwater drainage; on-site parking spaces, to include loading and unloading berths; open spaces; landscape planted areas; size, design and location of exterior signs; screening walls; screening of on-site parking facilities;
- C. Stamp or seal and signature of a professional engineer or architect preparing plans;
- D. Proof of ownership, (warranty deed, title commitment, etc.);
- E. Tax certificate;
- F. Fee as adopted by city council;-.
- <u>G.</u> The fee required by this section and Section 20.04.410 of this Code, and established by the city council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2008; reduced by eighty percent for the period from September 1, 2008 through August 31, 2009; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012.

(Ord. 16877 § 1, 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. <u>18817</u>, § 1, 7-24-2018)

#### Article IV. - Master Zoning Plan Approval Process

20.04.200 - Master zoning plan.

- A. Master Zoning Plan (MZP).
  - As part of any zoning application for a mixed use district, a Master Zoning Plan shall be required and shall accompany the application. The MZP shall provide sufficient details necessary about the proposed land uses and proposed development so that the El Paso City Council may determine their compatibility within the proposed district and the impact on the adjacent properties.

As part of the MZP, an application may propose and delineate subdistricts. A subdistrict is a geographic subcomponent of a larger mixed use district. Its purpose is to enable the incremental measurement and reconciliation of maximum dwelling units, density and other data required in the MZP to subsequent development. Where practical, a subdistrict's boundary should be consistent with natural geographic features, reflect man-made transitional barriers (such as roadways), or separate sharp changes in proposed land uses.

- 2. While the submittal requirements below reflect the use of subdistricts, their use is not required. Applications not using subdistricts shall be required to submit the same information but aggregated for the entire mixed use district. The MZP shall, at a minimum, include the proposed land uses and locations, as well as the information required below.
- 3. Submittal Requirements.
  - a. General Data Required for the Mixed Use District.
    - i. <u>Legal description of area proposed to be developed or metes and bounds description</u> of district;
    - ii. Total acreage as depicted on a survey certified by a registered land surveyor;
    - **<u>Hill</u>**. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iii<u>v</u>. Maximum proposed total Floor Area<u>floor area</u> for all nonresidential land uses combined, expressed in square feet.
  - b. General Data Required for Each Proposed Subdistrict.
    - i. Total acreage;
    - ii. Maximum proposed total number of dwelling units for all residential land uses combined;
    - iii. Maximum proposed floor area for all nonresidential land use uses combined, expressed in square feet.
  - c. Property Development Regulations Required per Subdistrict by Land Use Type.
    - i. Proposed acreages for each proposed land use, including parks, open space, buffer zones, trails and school sites (as applicable);
    - ii. Minimum and maximum lot coverages;

- iii. Minimum lot width;
- iv. Minimum lot depth;
- v. Minimum building setbacks:
  - (A) Front,
  - (B) Rear,
  - (C) Cumulative front and rear,
  - (D) Side-interior,
  - (E) Side-street,
  - (F) Cumulative side setbacks,
  - (G) Garage;
- vi. Maximum building height:
  - (A) Primary structure(s),
  - (B) Accessory structure(s);
- vii. Maximum proposed density for each residential land use type expressed in dwelling units per gross acre of developable land;
- viii. Maximum proposed intensity for each nonresidential land use type expressed in floor area ratio (FAR).
- d. Development Plan Map Requirements.
  - i. Overall development boundary, labeled with bearings and distances;
  - ii. General arrangement and acreages of existing and proposed land uses including open space;
  - iii. Proposed phasing boundaries;
  - iv. Layout and relationship of proposed development where adjacent to existing development;
  - v. General location and acreages for each proposed park, open space, buffer zone, trails and school site (as applicable), provided that any change in location may be approved administratively by the parks director.
- 4. A table or list depicting the proposed acreage for each land use type, park, open space, trail and school site (as applicable) shall accompany the MZP.
- 5. A written report shall accompany the MZP that describes the purpose, characteristics, components and timing of the proposed mix of land uses within the development, and includes a general statement of how the development relates to the city's comprehensive plan. A detailed description shall be required for each proposed land use, identifying the permissible uses for any subdistrict within the mixed-use district to determine the compatibility of such uses within the mixed use district.
- 6. A phasing schedule shall be submitted with the rezoning application that indicates the proposed phasing of the development, the approximate time frame in which construction and development is expected to begin and the duration of time required for completion of the development.
- 7. The application for mixed use zoning, to include the MZP shall be reviewed by the city plan commission (CPC) for recommendation to city council. The CPC may recommend any amendments or conditions to the MZP necessary to minimize incompatibilities between land

uses within the development or between land uses and adjacent properties or with the stated purposes of zoning in this title.

- 8. As part of the approval and adoption of a mixed use district, the city council shall find that the development will promote compatible buildings and uses, and that such development will be appropriate in area, location and overall planning for the purpose intended, in accordance with the city's comprehensive plan and stated purposes of zoning in this title. The city council, in approving any mixed use district, will also be approving the MZP establishing the required zoning standards within the district. Approval of a mixed used district by city council designates the zoning for the property as stated in the ordinance approving such zoning and as depicted on the MZP. All development of the property, regardless of whether the property changes ownership, shall be in accordance with the Master Zoning Plan.
- B. Amendments to an Approved Master Zoning Plan. An applicant may request amendments to an approved MZP. These amendments shall be delineated as minor or major amendments according to the criteria set forth herein.
  - 1. Major Amendments.
    - a. Any amendment meeting one or more of the criteria listed below or any other proposed change not considered a minor amendment as described below shall require resubmittal, review and approval of a new zoning application to amend the MZP by the CPC and city council. Major amendments shall follow the same procedural and notice requirements required for the initial approval of the MZP, except that the mixed use zoning district designation shall not be revised unless requested by the applicant. If a change within a subdistrict constitutes a major amendment, as defined herein, requiring an amendment to the MZP, the CPC and city council shall review the proposed change for compatibility within the subdistrict and the adjacent subdistricts.
      - i. Any change to the overall mixed use district boundary.
      - ii. Any change to the approved mix of land use types within a designated subdistrict that increases the nonresidential intensity of development within that subdistrict by ten percent or more of the relevant characteristic(s) of development intensity, provided that the total projected nonresidential development intensity within the entire MZP shall not increase by ten percent of such characteristic(s). For purposes of this section, intensity may be measured by a single characteristic or by multiple characteristics as appropriate to the land use type, including, but not limited to, FAR, parking, and vehicular trips generated.
      - iii. Any change to the boundary of a land use within a subdistrict that results in the relocation of ten percent or more of the area of that land use.
      - iv. Any change to the boundary of a subdistrict that results in the relocation of ten percent or more of the area of the subdistrict.
      - v. An increase of ten percent or more of the originally approved number of projected dwelling units within a designated subdistrict, provided that the total projected dwelling units within the entire MZP shall not increase by ten percent.
      - vi. An increase of ten percent or more of the originally approved floor area for nonresidential uses within a designated subdistrict.
      - vii. Any reduction to the public or private open space components within a designated subdistrict.
      - viii. A twenty percent or greater increase in the height of structures by land use type within a designated subdistrict.
      - ix. A ten percent or greater reduction in the originally approved setbacks by land use type within a designated subdistrict.

- x. A five percent or greater increase in lot coverage by structures by land use type within a designated subdistrict.
- xi. Any changes within and/or between subdistricts that, when aggregated result in an increase to one or more of the aforementioned variances for the mixed use district as a whole.
- xii. Any change which would result in the juxtaposition of incompatible land uses.
- b. Approval of a major amendment may be granted upon a finding that:
  - The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
  - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
  - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
- 2. Minor Amendments. An amendment will be deemed minor if it is a change to the timing or phasing of the proposed development or if it does not involve any one of the foregoing provisions of a major amendment. The minor amendment process is limited in nature and may not be used by the applicant to exceed the numeric variance permitted by subsection (B)(1) above.
  - a. Minor amendments shall be submitted in writing to the planning division and accompanied with three copies of the revised MZP. Minor amendments may be acted upon administratively by the planning official, only upon the finding that the amendment meets all of the following requirements:
    - The requested amendment is in general conformity with the stated purposes of this section and the purposes of the specific zoning district to which the property is subject to;
    - ii. The requested amendment meets all other applicable zoning, building, drainage, water quality, and safety code requirements, and any other applicable law or regulation; and
    - iii. The requested amendment will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated.
  - b. A decision of the planning official to deny a minor amendment shall be binding. Requests for minor amendments shall be acted upon within fifteen days of receipt of the written request for amendment.
  - c. In no instance shall the planning official approve a minor amendment that results in a change in conditions imposed as part of the zoning ordinance approval, or any subdivision plan, site plan, contract condition or other condition applicable to the property.
  - d. Any change in location of parks and trails may be approved administratively by the parks director.
- C. Mixed Use Development Plan. Reserved.
  - 1. Upon approval or amended approval of a mixed use district and MZP, a mixed use development plan is required showing development in conformance with the MZP as well as compliance with the requirements of Title 19 prior to the issuance of building permits and development of the property.

- A mixed use development plan, if not submitted with the MZP, may be administratively approved by the planning official, provided that the mixed use development plan is in accordance with the MZP approved by city council.
- 3. Contents. The mixed use development plan approval applications shall include:
  - a. Legal description of area proposed to be developed or metes and bounds description and amount of land included certified by a registered land surveyor;
  - b. Eight copies of the mixed use development plan are required, showing the boundaries of the tract proposed for development; elevations or perspectives of the buildings; location and arrangement, use, dimensions, square footage and height of all structures, including, where applicable; number of dwelling units in multifamily structures; yards, setbacks (number of feet); sidewalks and curb cuts; driveways; general stormwater drainage layout; general sanitary sewer layout; general water layout; on-site parking spaces, to include loading and unloading berths; open spaces; landscaped areas; size, and location of exterior signs; screening walls; screening of on-site parking facilities. For development tracts containing residential dwelling units, representative examples of typical elevations shall be provided;
  - c. Proof of ownership, (warranty deed, title commitment, etc.);
  - d. Tax certificate.
- 4. A mixed use development plan may be submitted for the entire mixed use district or in phases in accordance with the MZP.
- 5. Approval of mixed use development plan will authorize application for building permits, provided that all requirements of the El Paso City Code have been met.
- 6. For purposes of expediting the review process, a mixed use development plan may accompany the initial application for mixed use zoning and be processed concurrently with the MZP; provided, however, that no final action on the mixed use development plan shall occur prior to approval of the zoning request and the MZP by city council.
- D. Incentives.
  - 1. An applicant with an approved MZP may utilize the alternative subdivision design standards (Title 19, Section 19.26.050), so long as the development is in accordance with the MZP.
  - 2. Applications under this section shall be processed with priority on a "fast-track" basis, defined as follows:
    - a. Processing for mixed used development plans: thirty days;
    - b. Processing for an MZP or other application that requires city council approval: approximately sixty days (minimum) for final approval.
  - 3. The city shall waive application fees for rezoning, mixed use development plans, and any major or minor amendment applications.
- E. Applicability. While ownership of a project may subsequently be transferred, in whole or in part, a MZP shall continue to be implemented and maintained on the total acreage of the mixed use district.

(Ord. 16915 § 2, 2008: Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 8, 10-26-2010)

- Article V. Special Permit Approval Process
- 20.04.260 Special permits generally.

- A. The city council may by special permit after hearing and report by the city plan commission authorize the location of the uses subject to special permits identified in the district regulations.
- B. In addition to the development standards identified in this title, city council shall impose such additional conditions and safeguards including those related to architecture, site plan, landscape planting and screening as required to protect the public welfare and to conserve and protect property and property values in the immediate vicinity of the special permit.
- C. Applications for special permits shall be filed with the executive secretary of the city plan commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received. A complete application shall be scheduled for action by the city plan commission, which shall have forty-five days in which to recommend approval, disapproval or approval with conditions or amendments.
- D. Where disapproval is recommended the procedure shall be concluded unless the applicant within fifteen days of disapproval appeals the recommendation to city council. In the event of such a request the executive secretary of the city plan commission shall forward to the city council a statement of the reasons for disapproval.
- E. Applications for special permits shall include a detailed site development plan that complies with Article III.
- F. Special permits are automatically terminated whenever conditions made a part of them are not complied with, and construction shall stop or occupancy be discontinued until the violation ceases.
- <u>G.</u> The fee required by this section and Section 20.04.410 of this Code, and established by the city council in accordance with Section 20.04.800 of this Code, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by one hundred percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2008; reduced by eighty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012.

(Ord. 16877 § 2, 2008; Ord. 16653 § 2 (part), 2007)

20.04.320 - Special permit approvals.

- A. Building and occupancy permits shall not be issued to any building or use identified in this title as requiring a special permit until after approval of such special permit by the city council.
- B. Building and occupancy permits shall not be issued for any building or use identified in this title as requiring an approved detailed site development plan as required by Article III, until such approval has been granted.
- C. No building or occupancy permit may be granted for the erection, rehabilitation, enlargement or demolition of any building in a designated historic area or for any building that is a designated historic landmark until prior approval has been granted by the historic landmark commission.
- D. The city council, after hearing and report by the city plan commission, may approve a special permit upon a finding that the proposed development meets the following minimum requirements necessary to protect the public health, safety and general welfare of the community:
  - 1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning

district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed, or to the particular area in which the development is proposed; complies with any special approvals required in connection with such development or area;

- The proposed development is in accordance with and in furtherance of the plan for El <u>PaseComprehensive Plan</u>, any special neighborhood plans or policies adopted by the city regarding the development area, or any approved concept plan;
- The proposed development is adequately served by and will not impose an undue burden upon the public improvements and rights-of-way by which it will be served or benefited, or which exist or are planned for installation within its boundaries or their immediate vicinity. A traffic impact study may be required to determine the effects of the proposed development on the public rights-of-way;
- 4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development;
- 5. The design of the proposed development mitigates substantial environmental problems;
- 6. The proposed development provides adequate landscaping and/or screening where needed to reduce visibility to adjacent uses;
- 7. The proposed development is compatible with adjacent structures and uses;
- 8. The proposed development is not materially detrimental to the enjoyment or valuation of the property adjacent to the site.
- E. The applicant may request that the city plan commission waive one or more of the criteria based on its nonapplicability to the proposed development. The city plan commission, upon a recommendation of the planning official, shall make a determination on the nonapplicability of the criteria and shall render a finding based on such determination, and shall forward their recommendation to city council for final review and approval.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 9, 10-26-2010)

20.04.370 - Application form.

- A. Application forms for proposals and requests shall be provided by the planning official and, when completed, shall be filed with the executive secretary of the city plan commission. The application shall be reviewed by the planning division for completeness and shall not be processed until any missing information is supplied by the applicant and the fee has been received.
- B. The fee required by this section and Section 20.04.410 of this chapter, and established by the city council in accordance with Section 20.04.800 of this chapter, pertaining to properties located within the boundaries of the Tax Increment Financing Zone No. 5, and any neighborhood empowerment zone which may be designated by a resolution of the city council, shall be reduced by eighty percent for the period from the effective date of the ordinance codified in this chapter through August 31, 2009; reduced by sixty percent for the period from September 1, 2009 through August 31, 2010; reduced by forty percent for the period from September 1, 2010 through August 31, 2011; and reduced by twenty percent for the period from September 1, 2011 through August 31, 2012. Reserved.
- C. The fee required by this section and Section 20.04.410 of this chapter, and established by the city council in accordance with Section 20.04.800 of this chapter, shall not be required for an application

submitted by a property owner for the sole purpose of designating the property with a historic "H" overlay.

(Ord. 16877 § 3, 2008: Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 10, 10-26-2010)

20.04.400 - Notice of public hearing before city plan commission.

- A. The planning official shall schedule a public hearing before the city plan commission not less than fifteen days and not more than forty-five days from receipt of <u>complete</u> proposal or application with payment of fee. Notice shall be sent by mail to owners of all property within three hundred feet of the property to be rezoned, not less than ten days nor more than thirty days in advance of the hearing. Notice shall include the time, place and purpose of such hearing.
- B. Where the change does not amend the district map and is a general change in the text of the regulations, or the comprehensive plan, notice shall be posted as required by state law.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 11, 10-26-2010)

20.04.430 - Recommendation by commission.

- A. A report on the commission's recommendation and merits of the proposal and requested change shall be forwarded for introduction to city council within sixty days from the date of the commission's final consideration.
  - Extension. An applicant may request the city manager or designee to extend the sixty day introduction period requirement for an additional sixty days. The request must be in writing and must be submitted prior to expiration of the initial sixty day prescribed period. In the event the application is not forwarded to city council by the end of the extended prescribed period, the application shall expire and a new application and fee shall be required in order to re-submit the application to the city plan commission.
- B. The commission may recommend approval, approval with modification, or disapproval.
- C. The report of the commission shall include the relation of the proposed change to the city's comprehensive plan, and the effect upon the natural environment, and upon social and economic conditions and property values in the vicinityits surrounding neighborhood and in the city as a whole.
- D. In the event of recommendation for disapproval by the city plan commission, the procedure shall be concluded unless the applicant within fifteen days of the city plan commission recommendation appeals the recommendation to the city council. In the event of such an appeal, the executive secretary shall forward the application and appeal to the city council for introduction within thirty days of the request for appeal along with a statement giving the city plan commission's reasons for recommending disapproval.
  - Extension. At the request of the applicant, the thirty day prescribed period to forward the appeal to city council for introduction may be extended by the City Manager or designee for an additional thirty days. The request shall be in writing and shall be submitted prior to expiration of the initial thirty-day prescribed period. In the event the appeal is not forwarded to city council for introduction by the end of the extended prescribed period, the procedure shall be concluded.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. <u>18817</u>, § 3, 7-24-2018)

Article XIII. - Enforcement

20.04.900 - Administrative and enforcement activities.

- A. It shall be the duty of the planning official and such other employees as are appointed by the city manager designee to interpret the provisions of this title.
- B. The director of the <u>city\_developmentPlanning & Inspections</u> department, the building official, employees of the code enforcement division, and other enforcing officers as defined or designated by the city manager, constitute authorized city officials and are authorized to enforce the provisions of this title, issue citations for violations of this title, and take all other actions authorized by this Code relating to the matters regulated under this title.
- C. The employees designated in this section are authorized to make inspections of any property necessary to enforce the provisions of this title, as further provided in this Code.

(Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 17, 10-26-2010; Ord. No. 17801, § 3, 6-5-2012, eff. 6-11-2012)

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 <u>development</u> 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 <u>development</u> 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)

20.08.060 - 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 <u>development</u> plan approval if any of the principal uses combined is permitted only following a detailed site <u>development</u> plan approval; or
- C. A building permit in all other cases.

(Ord. 16653 § 2 (part), 2007)

Chapter 20.10 - SUPPLEMENTAL USE REGULATIONS

Sections:

20.10.145 - Civic buildings, public spaces, and educational facilities.

Any civic building, public space, and/or educational facilities as defined in this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein.

A. For purposes of this ordinance, a civic building and/or public space shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the detailed site <u>development</u> plan:

Neighborhood Facility. A civic building and/or public space designed for and which serves the residents of a neighborhood, which is defined for purposes of this section as an area of one-half square mile. Minimum standards for a Neighborhood Facility shall include:

Maximum Lot Area:	Fifteen contiguous acres
Location:	Allowed on collectors and residential streets
Front yard setback:	Fifty feet maximum
Frontage Build- out:	Sixty percent of the building façade (including the main entrance) must remain unobstructed.

Community Facility. A civic building and/or public space designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this section as an area of one square mile.

Maximum Lot Area:	Twenty-five contiguous acres
Location:	Allowed on minor arterials, collectors, and residential streets

Front yard setback:	Eighty feet maximum
Frontage Build- out:	Sixty percent of the building façade (including the main entrance) must remain unobstructed

Regional Facility. A civic building and/or public space designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Maximum Lot Area:	Forty contiguous acres
Location:	Allowed in major and minor arterials
Front setback:	One hundred feet maximum
Frontage Build- out:	Sixty percent the building façade (including the main entrance) must remain unobstructed

B. Minimum Standards for Educational Facilities: For the purpose of this ordinance, an educational facility is defined as a school serving pre-kindergarten through sixth grade (PK—6 <sup>th</sup>).

Maximum Developed	
Lot Area:	Twenty-five acres
Front yard setback:	One hundred feet maximum
Frontage Build-Out:	Sixty percent of unobstructed building façade to include the main entrance

C. Additional Requirements: The application process for a civic building and/or public space will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site <u>development</u> plan under this subsection is exempt from Sections 20.04.150 C.1. and 2.

Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city te-on the detailed site development plan within thirty days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site <u>development</u> plan, listed in subsection 2(a) through (j) below, may be granted by the city manager or designee. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the city planning commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:

- 1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
- 2. A detailed site plan must depict the following:
  - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as <u>a</u> secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
  - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
  - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
  - d. The number of access points shall not exceed three along any B street and two along any A street.
  - e. The width of driveway apron shall not exceed twenty-eight feet.
  - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
  - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
  - h. Landscaping shall conform to current city regulations.
  - i. Civic buildings may be located adjacent to a public park.
  - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.145 C.2.c.
  - k. Illustrate the quarter-mile pedestrian shed in which at a maximum, the following may be illustrated:
    - i. For neighborhood facility: Seventy-five percent of surrounding residential land uses should be included within this shed.
    - ii. For community facility: Fifty percent of surrounding residential land uses should be included within this shed.
    - iii. For regional facility: Twenty-five percents of surrounding residential land uses should be included within this shed.
- 3. An intergovernmental agreement for the shared use of facilities is encouraged.

- D. Educational facilities: The application process for an educational facility will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. Administrative review and approval of the detailed site development plan must be completed no more than thirty days after submission of a completed application. An application for a detailed site development plan under this subsection is exempt from Sections 20.04.150 C.1. and 2. Administrative approval and 20.04.150 D. City plan commission approval. If no comments are provided by the city te-on the detailed site development plan within thirty days of submission, the detailed site development plan, listed in subsection 2. (a)- through (j)- below, may be granted by the city manager. In the event that the city and the applicant cannot agree on the contents of a proposed detailed site development plan, the applicant can appeal to the city planning commission within fifteen business days from the denial of the application. An application for a detailed site development plan must include the following:
  - 1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the educational facilities. Examples of outreach and consultation include but are not limited to notices of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
  - 2. A detailed site <u>development</u> plan must depict the following:
    - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in Section 20.10.145 A. Frontage build-out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
    - b. Minimum five-foot sidewalks with minimum five-foot parkway along all street frontages shall be required.
    - c. In no instance shall parking be placed directly between the principal entrance and the street. Parking may be placed beyond the sixty percent unobstructed frontage build-out.
    - d. The number of access points shall not exceed three along any B street and two along any A street.
    - e. The width of any driveway apron shall not exceed twenty-eight feet.
    - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
    - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
    - h. Landscaping shall conform to current city regulations. Exceptions to reduce requirements may be granted as per 18.46.90 of the city's municipal El Paso City code.
    - i. When possible, educational facilities may be located adjacent to a public park.
    - j. Principle frontage screening may be constructed and be limited to a four-foot maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed sixty percent frontage build-out as outlined in Section 20.10.145 D.2.c.
  - 3. Schools are encouraged to enter into intergovernmental agreements for the shared use of school facilities.

(Ord. No. 18104, § 4, 12-17-2013)

#### 20.10.360 - Mixed-use development.

- A. Special Development (S-D).
  - 1. Design Requirements—Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with standards of the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation, and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the development permit and subdivision plat. Satisfactory provision for the maintenance of common open space shall be provided in accordance with the procedure in Chapter 20.04.
  - Design Requirements—Preservation of Environment. In all S-D development, the elements of natural environment including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features shall be considered in planning the design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
  - 3. The provisions of Chapter 20.20 (Historic Designations) where applicable, shall continue to apply in addition to the provisions of this section.
  - 4. Perimeter Treatment. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or proposed development, if known, by provision of compatible uses and structures, setbacks, masonry walls, landscaping or other treatment.
  - 5. Height Regulations. No building shall exceed three stories or forty-five feet in height, except as follows:
    - a. As provided in Chapter 20.12;
    - b. Where the development would consist of twenty-five acres or more; or
    - c. Where, after city plan commission recommendation, city council approves an exception to these height regulations under the following conditions:
      - i. The authorized height is compatible with the uses, appearance and environment of adjacent areas,
      - ii. The applicant submits a traffic study describing traffic volumes and impact of proposed development on adjacent streets,
      - iii. The council finds that the proposed development mitigates those traffic impacts and provides for an acceptable level of service,
      - iv. The site is located on an arterial street (collect<u>orion</u>, minor or major) that is served by a regularly scheduled mass transit line, and
      - v. Any other condition reasonably necessary to protect the health, safety and welfare of the general public.
  - 6. Review Standards for Establishment of S-D District.
    - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the S-D district and uses of low intensity, existing or future, outside the proposed S-D district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by the section unless such uses create immediate land use conflicts along project boundary lines.

- b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development shall <u>plan</u> not be required.
- c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development <u>plan</u> shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the city plan commission and approved by the city council in order to protect the public health, safety and welfare.
- B. Union Plaza (U-P).
  - 1. District Boundaries. The district created under this chapter is recognized as that part of the city within the following described boundaries: Blocks 7, 25, 31, 32, 45, 46, 51, 152, 160, 161, 169, 170 and 171 Campbell Addition also known as Mills Addition blocks 7, 25, 31, 32, 45, 46 and 51.
  - 2. Development Standards.
    - a. For residential/commercial mixed-use developments, where residential and commercial uses are combined in a single building, residential uses may not occupy the ground floor. In other multifamily dwelling buildings, not including commercial uses, residential uses may occupy the ground floor.
    - b. Lot and Site Area Standards.
      - i. Residential/commercial mixed use developments must have a lot area of at least five hundred fifty square feet per unit, excluding the area devoted to commercial uses. For buildings three or more stories in height, a minimum lot area of three hundred square feet per unit is required, excluding the area devoted to commercial uses. A minimum site area of nine thousand three hundred sixty square feet, having a minimum average width of seventy-five feet is required.
      - ii. Multifamily residential developments must have a lot area of at least five hundred square feet per unit.
      - iii. For all other uses, no minimum lot area is required.
    - c. Off-Street Parking. Off-street parking requirements of Chapter 20.14 shall not apply to properties in the district.
    - d. Drive-through facilities are prohibited in the district.
    - e. Outside Amplification. No person shall make, continue or cause to be made or continued any noise as prohibited in Chapter 9.40 of this Code.
  - 3. Plans and Permits Required. Prior to the issuance of any building or related permits for any new construction or renovation of the exterior of existing building(s), drawings and applications shall be reviewed for approval by the planning official, to ensure that the proposed construction complies with the architectural and design guidelines described in this section. Applications shall be reviewed within ten business days upon receipt of a complete application. The planning official may request assistance of other departments to review drawings and applications.
  - 4. Architectural and Design Guidelines. The purpose of these guidelines is to protect business investments in the district from unsightly construction that would ultimately diminish the appeal of the district. All applications for redevelopment of existing buildings or structures or new construction must comply with the Union Plaza Architectural and Design Guidelines. Copies of the Union Plaza Architectural and Design Guidelines are on file in the city development Planning <u>& Inspections</u> department.
  - 5. Application requirements. In addition to those items required for the application for a building permit, the following information shall be submitted for approval prior to issuance of a building

permit for new construction or exterior renovation of existing buildings in the district. Eight <u>Digital</u> copies of the site plan and development plan are <u>required\_preferred</u> unless <u>additional</u> <u>hard</u> copies are <u>required\_specifically requested</u> by the planning official. All maps, plans and drawings should be at a scale of not less than twenty feet to the inch unless a modification is authorized by the planning official.

- a. A detailed site plan including:
  - i. Legal description,
  - ii. Metes and bounds if portion of lot, block or if property is unplatted,
  - iii. Site dimensions,
  - iv. Adjacent public right-of-way, public transportation routes and pedestrian systems,
  - v. Utility lines to rights-of-way and easements through the site,
  - vi. Description of other site features including drainage, soils or other considerations that may affect the development of the site,
  - vii. Location of any special or custom street lighting to be approved by the city engineer, if proposed,
  - viii. Stamp or seal and signature of a registered professional engineer or architect preparing plans;
- b. A development plan including:
  - i. Site layout including sizes and location of proposed buildings, parking, open space and other facilities,
  - ii. Location, capacity and design of parking facilities to include ingress/egress, landscaping, signage and fencing,
  - iii. Stormwater drainage,
  - iv. Description of use of individual building(s), included in the project and maximum floor area devoted to each use,
  - v. Schematic location and design of open space on site, if proposed, including proposed landscaping if any,
  - vi. Sidewalks, to include any existing traffic signals and signage, light poles or other utility apparatus adjacent to the site,
  - vii. Schematic building elevations and sections, as required to describe the general design and the maximum height of the building including proposed colors and construction materials,
  - viii. Proposed water and sanitary sewer and utility improvements. The application shall include a permit approved by the El Paso water-utilities,
  - ix. Location, sizes and types of proposed signs, lighting, fencing or walls, landscaping and trash receptacles,
  - x. Design standards applicable to the project,
  - xi. Site location map to scale, and
  - xii. Location and size of loading and unloading berths, if proposed.
- C. Planned Residential (PR-1 and PR-2).
  - 1. Open Space and Recreation Area. The amount and arrangement of open space and recreation area should be in accord with the comprehensive plan and the purposes of the design of the development, including preservation of natural landscape, active recreation, passive recreation,

and improvement of view as may be appropriate to a particular case. Both private and common use open space are to be encouraged. Open space proposed for common or general public access shall be so designated on the detailed site <u>development</u> plan and subdivision plat. Satisfactory provision shall be made for the maintenance of common open space in accordance with the procedure in Chapter 20.04.

- 2. Preservation of the Environment. In all P-R developments, the elements of natural environment, including existing vegetation, arroyos, flood-prone areas, mountains, steep slopes and other features, shall be considered in planning and design and layout of buildings, location of streets and preservation of open spaces, in order to further the preservation of the natural environment.
- 3. Perimeter Treatment.
  - a. The perimeter of the planned development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible uses and structures; masonry walls; and landscaping or other treatment.
  - b. A minimum setback of ten feet plus two additional feet of separation for each story above two shall be maintained between any structure and the outside boundary line of the planned residential development.
- 4. Review Standards for Establishment of P-R District.
  - a. The city plan commission and the city council shall review the conformity of the proposed development or redevelopment with the comprehensive plan. The commission and the city council shall study the relationship between uses of high intensity permitted in the P-R district and uses of low intensity, existing or future, outside the proposed P-R district to ascertain compatibility, but shall not reduce the amount of such uses below the maximum established by this section unless such uses create immediate land use conflicts along project boundary lines.
  - b. Where the development is for single-family detached dwellings that meet all minimum requirements set forth in Chapter 20.12 (Density and Dimensional Standards) a detailed site development <u>plan</u> shall not be required.
  - c. Where the development is for single-family detached dwellings but does not meet the requirements set forth in Chapter 20.12 (Density and Dimensional Standards); or where the development proposes permitted uses other than single-family detached dwellings, a detailed site development <u>plan</u> shall be submitted in accordance with Chapter 20.04. Additional reasonable conditions may be recommended by the city plan commission and approved by the city council in order to protect the public health, safety and welfare.
- D. Planned Commercial (P-C).
  - 1. Ownership Control.
    - a. The land in a P-C district shall be developed as a unified whole. All owners shall be included as joint applicants and all approvals shall bind all owners.
    - b. A building or land shall be used only in accordance with an approved detailed site <u>development</u> plan conforming with Chapter 20.04 and only for the uses permitted in Chapter 20.08, provided that the district shall be planned and developed as a unit, subject to the additional requirements and provisions of this section.
  - 2. General Procedures—Plans Required.
    - a. Establishment of a P-C planned commercial district shall follow the procedures for changes and amendments of Chapter 20.04, including notice and hearings, recommendations by the city plan commission and action by the city council. A detailed site <u>development</u> plan complying with the requirements of Chapter 20.04 shall be required.

- b. If the project is to be accomplished as a series of development units, a detailed site development plan of a proposed unit shall be submitted with a general concept plan and a schedule of phasing provided.
- c. The proposed development shall follow all applicable procedures, standards, and requirements of this chapter and other regulations governing the subdivision of land. Where a plat is required, no building permit shall be issued until a final plat of the proposed development, or part thereof, is approved by the city plan commission, filed and recorded.
- 3. Supplemental Height and Bulk Standards.
  - a. When a community or regional shopping center is a part of a planned development of one hundred fifty acres or more, or where there are unique features of topography, access, and location with respect to existing and future development to justify such action, the city plan commission may recommend and the city council may approve height limits for community and regional shopping centers in excess of those specified in Chapter 20.12.
  - b. The floor area ratio for a neighborhood shopping center or area shall not exceed 0.30. A maximum floor area ratio may be specified for community and regional shopping centers or general commercial areas as a condition of development permit approval.
- 4. Compatibility with Nearby Properties. The development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, particularly in larger centers or where tall buildings are to be located in the vicinity of buildings of low height, and to this end may employ such design techniques as may be appropriate to a particular site, including location of building, orientation, spacing and setback of buildings, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and screening.
- 5. Access. The principal means of access shall be from arterial or collector streets. For a major shopping center, principal access shall be from at least one major arterial street. In no case shall the principal means of access be from a minor residential street. Access points shall be designed to minimize traffic hazard and congestion and shall be approved by the city engineer.
- 6. Internal Circulation. The design for internal circulation shall be appropriately related to access points and provide for safe and efficient movement of vehicles and pedestrians with special attention to reduction of crossing conflicts, improvement of visibility, convenience of pickup areas, traffic signs and speed controls.
- 7. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
- 8. Refuse. Refuse containers or refuse storage areas shall be hidden from general public view, either from within or outside the center, by means of fences, walls, or landscape planting.
- 9. Findings Required of City Plan Commission. Before recommending approval of a P-C planned commercial district, the plan commission shall make specific findings as follows:
  - a. That the location and design of the commercial areas are appropriate and are in compliance with the requirements and purpose of the P-C district, and specifically that there is adequate provision for traffic to and from the center, without undue congestion, on existing streets or on streets scheduled to be completed by the time the center is to be opened;
  - b. That a proposed construction timing schedule has been approved by the commission and is recommended for adoption by the city council;
  - c. Specific conditions, if any, which should be imposed, including recommendations to insure construction of improvements.

- 10. Abandonment After Final Approval.
  - a. In the event that the detailed site <u>development</u> plan is approved by the city council and thereafter the applicant or his successor abandons said plan, or in the event the applicant or his successor fails to commence the development of a specific unit within four years after final approval has been granted, then such approval of the detailed site plan shall terminate and be deemed null and void unless such time period is extended by the city council upon recommendation by the city plan commission upon written application by the applicant or his successor.
  - b. Once terminated, a new detailed site <u>development</u> plan must be approved following the procedures of Chapter 20.04, including public hearing, prior to issuance of a building permit or permits for the project.
- E. Planned Industrial (P-I).
  - Compatibility with Nearby Properties. The industrial development shall be designed to promote harmonious relationships with surrounding adjacent and nearby properties, developed and undeveloped, and to this end may employ such design techniques as may be appropriate to a particular case, including location of permitted elements, orientation, spacing and setback of buildings, maintenance of natural vegetation, location of access points, size and location of signs, open spaces and parking areas, grading, landscaping and services.
  - 2. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or other abutting property by a solid masonry wall not less than six feet or more than eight feet in height. This screening must be located behind any required landscaping. Screening may be waived by the city council where it is found the screening will not serve the purpose of blocking the view from a street or from a more restrictive zoning district.
  - 3. Parking. Adequate parking space shall be provided off the street for all employees and visitors to the building, if necessary, in excess of the minimum requirements of Chapter 20.14. No parking shall be permitted in the required front yard or within ten feet of the boundary of any residential district and no storage of materials, equipment, or products shall be permitted in any part of a required front yard.
  - 4. Loading.
    - a. Off-street loading space for individual uses shall be provided in accord with the provisions of Chapter 20.14. Loading operations shall be conducted within a building or screened from general public view from a front street where possible, but may be conducted at the side or rear of buildings whether or not facing a street.
    - b. Where an industrial tract abuts railroad property containing a spur track on the rear or side property line, railroad loading docks or the building itself may extend to the property line for the purpose of receiving service from the railroad spur tracks.
  - 5. Paved Areas. Service drives or other areas shall be provided for off-street loading and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive or extend into any fire lane or other public or private drive or street used for traffic circulation. The drives, parking areas, loading areas, and walks shall be paved with hard, all-weather surface material meeting applicable specifications of Chapter 20.14.
- F. Special Residential Revitalization (SRR).
  - This district is established in recognition that developments containing both residential and commercial uses can create an appealing and vital urban environment when carefully designed. Developments approved for this district shall be designed to eliminate potential use conflicts through creative design methods. The SRR district allows for mixing residential environments

with workplaces and services. Development in the SRR district must accommodate transportation systems, surrounding environments and pedestrian movements.

- 2. District Boundaries. This district is created to maintain a compatible mix of residential and neighborhood commercial uses within the area known as South El Paso. For purposes of this section, South El Paso is defined as the area south of Paisano Drive, and lying between Santa Fe Street and Cotton Street. No applications for SRR zoning may be requested outside of South El Paso.
- 3. Off-street parking requirements found in Chapter 20.14 shall not apply in this district; loading spaces, however, shall be required to comply.
- G. Residential, General and Industrial Mixed Use Districts (RMU, GMU and IMU). Uses permitted in a mixed-use development are as approved by city council through a master zoning plan. A mixed-use development may be authorized to encourage use schemes such as but not limited to, residential, entertainment, medical, and employment centers. The following principles and requirements shall apply to a mixed-use development and shall serve as the basis for approval of a master zoning plan.
  - General Design Principles. These design principles shall serve as guidelines only, and compliance with any guideline within a mixed-use development shall be determined on a case by case basis as part of the master zoning plan and mixed use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design guidelines.
    - a. Development Perspective.
      - i. That the natural infrastructure and visual character of the development area be retained as derived from existing topography, riparian corridors and other environmentally sensitive areas.
      - ii. That the development strategy utilized encourages infill and redevelopment in parity with new and existing neighborhoods.
      - iii. That proposed development contiguous to urban areas be organized as town centers and neighborhoods, and be integrated with the existing urban pattern.
      - iv. That proposed development noncontiguous to urban areas be organized in the pattern of an isolated community consisting of a complete town center serving the neighborhood(s).
      - v. That a mixture of housing types and densities be distributed throughout the mixed-use development.
      - vi. That transportation corridors be planned and reserved in coordination with land use patterns.
      - vii. That natural or man-made green corridors and open space areas be used to define and connect neighborhoods to other facilities within the development, and that these areas allow for connectivity outside of the development where feasible.
      - viii. That the development include a framework of transit, pedestrian and bicycle systems that provide alternatives to the automobile.
      - ix. That neighborhoods with town centers be the preferred pattern of development and that developments specializing in single use be discouraged.
      - x. That neighborhoods be compact, pedestrian-friendly, and mixed use.
      - xi. That ordinary activity of daily living occurs within walking distance of most dwellings.
      - xii. That interconnected networks of streets be designed to disperse and reduce the length of vehicle trips.

- xiii. That within neighborhoods, a range of housing types and price levels be provided to accommodate people of diverse ages and incomes.
- xiv. That appropriate building densities and land use be provided within walking distance of transit stops.
- xv. That civic, institutional and commercial activity be embedded, and not isolated, in the development.
- xvi. That a range of open space including parks, squares, and playgrounds be distributed within the development.
- xvii. That a development have sufficient size to accommodate the mixed-use concentration of uses.
- b. Building Perspective.
  - i. That buildings and landscaping contribute to the physical definition of streets as civic places.
  - ii. That the design of streets and buildings reinforce safe environments.
  - iii. That architecture and landscape design grow from local climate, topography, history and building practice.
  - iv. That public gathering spaces be provided in locations that reinforce community identity.
  - v. That the preservation and renewal of historic buildings be facilitated.
  - vi. That principal buildings and facades, where possible, be located parallel to the frontage line to encourage a community-friendly environment.
- 2. General Design Elements. A mixed-use development is characterized by any combination of the design elements described below. These design elements shall serve as guidelines only, and compliance with any design element within a mixed-use development shall be determined on a case-by-case basis as part of the master zoning plan and mixed-use development plan approval. It is not intended that every mixed-use development conform to all or any set number of the enumerated design elements.
  - a. Neighborhoods limited in size and oriented toward pedestrian activity.
  - b. A variety of housing types, jobs, shopping, services, and public facilities.
  - c. Residences, shops, workplaces, and other buildings interwoven within the neighborhood, all within close proximity.
  - d. A network of interconnecting streets and blocks that maintain respect for the natural landscape.
  - e. Natural features and undisturbed areas that are incorporated into the open space of the neighborhood.
  - f. A coordinated transportation system with a hierarchy of appropriately designed facilities for pedestrians, bicycles, public transit and automotive vehicles.
  - g. Well-configured squares, plazas, greens, landscaped streets, preserves, greenbelts, or parks dedicated to the collective social activity, recreation, and visual enjoyment of the neighborhood.
  - h. Buildings, spaces, and other features that act as landmarks, symbols, and focal points for community identity.
  - i. Compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character and landscaping to establish a livable and harmonious environment.

- j. Classification of uses deploying a range from rural-to-urban to arrange in useful order the typical context groupings of natural and urban areas to ensure compatibility of land uses.
- 3. Architectural Objectives. As part of the review of the mixed-use development plan the architectural design shall achieve the following objectives:
  - a. Architectural compatibility;
  - b. Human scale design;
  - c. Integration of uses;
  - d. Encouragement of pedestrian activity;
  - e. Buildings that relate to and are oriented toward the street and surrounding buildings;
  - f. Residential scale buildings in any mixed residential area;
  - g. Buildings that contain special architectural features to signify entrances to the mixed-use development; and
  - h. Buildings that focus activity on a neighborhood open space, square or plaza.
- 4. Roadway Design. The roadway designs, whether public or private, used within a mixed-use development may vary depending on the proposed function of the roadway, the anticipated land uses, and the anticipated traffic load. A variety of designs to lend character to the neighborhood are encouraged. The requirements of Title 19 (Subdivisions) of this Code shall apply in all instances.
- 5. Parking. The off-street parking requirements in Chapter 20.14 (Off-Street Parking and Loading Requirements) of this title shall apply for purposes of calculating required spaces.

Community-parking facilities or shared parking shall be encouraged in lieu of traditional offstreet parking design. This concept would permit the collocation of required parking for individual uses in order to promote pedestrian activity within the neighborhood. In instances where shared parking is proposed, a shared parking study shall be reviewed by the city along with any traffic engineering and planning data that are appropriate to the establishment of parking requirements for the uses proposed. A shared parking study shall include, but not be limited to, estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute, the Institute of Traffic Engineers, or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed uses. The shared parking analysis shall be based on the mixture of uses and corresponding peak demand for all uses. The study shall document the source of data used to develop recommendations.

- 6. Setbacks. Properties within a mixed-use development shall be allowed zero setbacks for all uses, unless otherwise required by the city council as part of the review of the master zoning plan.
- 7. Landscaping. Uses within a mixed-use development shall not be required to conform to the landscaping requirements of Title 18 (Building and Construction) of the El Paso City Code. Landscaping, streetscape, and other green areas proposed within the mixed-use development shall be shown and considered as part of the master zoning plan and mixed-use development plan approval process.

(Ord. 16915 § 4, 2008; Ord. 16653 § 2 (part), 2007)

(Ord. No. 17442, § 20, 10-26-2010; Ord. No. 17801, § 4, 6-5-2012, eff. 6-11-2012)

20.10.370 - Mountain development.

- A. Purpose. The purpose of these regulations is to promote the following city objectives within mountain development areas:
  - 1. To protect significant natural features of the mountain development area and preserve the city's unique visual setting as part of the comprehensive plan;
  - To provide an alternative approach to conventional flat land development by allowing transfer of residential densities through clustering of dwellings in order to preserve larger areas of open space;
  - 3. To minimize scarring and disturbances of the natural character of the mountain development area through control of grading and cut/fill operations as defined in the grading ordinance;
  - 4. To control water runoff and soil erosion;
  - 5. To provide a safe means of ingress and egress for vehicular and pedestrian traffic to and within the mountain development area;
  - 6. To encourage sound engineering practices related to mountain development.
- B. Minimum District Area. The minimum area for a mountain development district where common or public open space is to be provided shall be one acre. Extensions to the original district, from a common boundary, may be considered in increments of less than one acre, provided, however, that all other requirements are observed.
- C. Ownership Control. Where required, the common open space shall be owned by an incorporated or unincorporated association to assure that it will be permanently maintained in its natural state. Open space may be made public if dedicated or transferred in trust to the city and the city council accepts such dedication or transfer without affecting any other provision of this title.
- D. Density Permitted. The maximum dwelling units per gross acre shall be calculated based on the percentage average slope of the property as follows:

Percent Average Slope	Maximum Density per Gross Acre
0 to 5	7.0
5.1 to 10	6.0
10.1 to 15	5.0
15.1 to 20	4.0
20.1 to 25	3.0
25.1 to 30	2.5
30.1 to 35	2.0
35.1 to 40	1.5

40.1 or more	1.0

E. Open Space Required. To retain the significant natural features of the mountain development area, common, public or private open space, or a combination thereof, shall be provided as part of a proposed development. The minimum amount of open space to be provided shall be based on the percent average slope of the property as shown below. The required open space within a mountain development district shall be shown on the subdivision plat and detailed site plan.

	Open Space
	Required/Percent of
Percent	Total Gross Acreage
Average Slope	to Remain Percent
	Average Slope
	Undisturbed
0 to 5	20
5.1 to 10	25
10.1 to 15	30
15.1 to 20	35
20.1 to 25	40
25.1 to 30	45
30.1 to 35	50
35.1 to 40	55
40.1 or more	60

- F. Architectural Design Standards. Building and construction materials within a mountain development district shall meet the following architectural design standards:
  - 1. Mirrored surfaces or any treatments that change ordinary glass into a mirrored surface shall be prohibited;
  - 2. Bright untarnished copper or other metallic surfaces shall be treated to reduce reflections;

- 3. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast;
- 4. Development design and construction techniques shall blend scale, form and visual character into the natural landform, and shall minimize exposed scars;
- 5. Exterior lighting shall be low scale and directed downward, recessed, or shielded so that the light source is not visible from the adjacent developments;
- 6. Reflective building materials shall be prohibited;
- 7. 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.)
- G. Property Development Standards. The following property development standards shall apply to all land, buildings and structures within a mountain development district:
  - Subdivision Plat. Buildings and structures in a mountain development district shall be erected only on land where a plat or replat approved by the city plan commission, has been filed of record, and indicates compliance with the provisions of this section. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits;
  - 2. Site Plan. A detailed site <u>development</u> plan complying with all of the requirements of Chapter 20.04 (Administrative Review Procedures) shall be required for all property within a mountain development district, except where a development is for single-family detached dwellings meeting the minimum yard requirements of Chapter 20.12 (Density and Dimensional Regulations) and where common or public open space is provided to satisfy the open space requirements of this section. If a development is to be undertaken in a series of phases, a development schedule indicating the proposed phasing shall accompany the required detailed site plan;
  - Common or Public Open Space. Where required, the total amount and distribution of common or public open space shall be shown on the detailed site <u>development</u> plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common or public open space shall be provided;
  - 4. Percent Slope. The percent slope of a proposed mountain development used to determine the common open space shall be shown on the required detailed site <u>development</u> plan and subdivision plat;
  - 5. Perimeter Treatment. The perimeter treatment of the proposed mountain development shall be designed to insure compatibility with adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of the proposed mountain development.
- H. Private Streets. Where authorized by the city plan commission in approving a subdivision plat, streets may be privately owned.
- I. Preservation of the Environment. In all mountain developments, existing vegetation, animal life, arroyos, floodprone areas, steep slopes, and other natural features shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces reserve the natural environment.
- J. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to the proposed mountain development shall be:
  - 1. Determined from the standards contained in the city's current subdivision regulations and any applicable ordinance governing streets;

- 2. In conformity with the estimated needs of the entire mountain development and the traffic to be generated thereby;
- 3. Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.
- K. Off-street Parking and Loading. The minimum requirements for off-street parking and loading shall be satisfied as set forth in Chapter 20.14 (Off-Street Parking and Loading Regulations).
- L. Utilities and Public Services. Every mountain development shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.
- M. Property Grading Standards. Grading in a mountain development shall be in accordance with Chapter 18.44 (Grading) of this Code.

(Ord. 16905 § 1, 2008; Ord. 16653 § 2 (part), 2007)



Legislation Text

File #: 721-980, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Karina Brasgalla, (915) 212-1604

#### AGENDA LANGUAGE:

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

An Ordinance amending Title 21 (SmartCode), Chapter 20.50 (Building Scale Plans), Section 20.50.060 (Building Disposition), to calibrate the SmartCode to the local character of the place and local conditions. The penalty being as provided in Section 21.60 of the El Paso City Code.

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

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

AGENDA DATE: August 31, 2021

PUBLIC HEARING DATE: September 28, 2021

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

Karina Brasgalla, (915) 212-1604

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

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

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

#### SUBJECT:

An Ordinance amending Title 21 (SmartCode), Chapter 20.50 (Building Scale Plans), Section 20.50.060 (Building Disposition), to calibrate the SmartCode to the local character of the place and local conditions. The penalty being as provided in Section 21.60 of the El Paso City Code.

#### **BACKGROUND / DISCUSSION:**

The proposed amendments modify language regulating building disposition - see attached City Plan Commission Staff Report for a detailed explanation of the amendments.

#### **PRIOR COUNCIL ACTION:**

N/A

#### AMOUNT AND SOURCE OF FUNDING:

N/A

**DEPARTMENT HEAD:** 

Philip Cliwe Philip F. Etiwe – Planning and Inspections Director

#### **ORDINANCE NO.**

# AN ORDINANCE AMENDING TITLE 21 (SMARTCODE), CHAPTER 20.50 (BUILDING SCALE PLANS), SECTION 20.50.060 (BUILDING DISPOSITION), TO CALIBRATE THE SMARTCODE TO THE LOCAL CHARACTER OF THE PLACE AND LOCAL CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 21.60 OF THE EL PASO CITY CODE.

**WHEREAS**, the City Council of the City of El Paso, by Ordinance 016945 approved on June 29, 2008, adopted Title 21 (SmartCode), and added Title 21 to the El Paso City Code; and

**WHEREAS**, Title 21 of the El Paso City Code was adopted to promote the health, safety, and general welfare of the community; and

WHEREAS, the El Paso City Council, having considered the recommendations and held a public hearing at which the public was allowed to comment on the proposed ordinance amendments, finds that the amendments will further protect and provide for the public health, safety, and general welfare of the community, and will carry out the purpose and spirit of the policies express in Plan El Paso; and

WHEREAS, the El Paso City Council finds that the regulations established by this amendment have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and

**WHEREAS**, the City of El Paso's SmartCode requires calibration to the local character of the place and local conditions;

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

**SECTION 1.** That Title 21 (SmartCode), Chapter 21.50 (Building Scale Plans), Section 21.50.060 (Building Disposition), is amended in its entirety and replaced by the following section:

21.50.060 – Building disposition.

- A. Specific to zones T3 and T4.
  - 1. One principle building at the frontage, and one outbuilding to the rear of the principle building, may be built on each lot as shown in Table 17c.
- B. Specific to zones T3, T4, T4-O, T5, T5-O, T6 and special districts SD3, SD4, SD5, SD6, and SD7.
  - 1. Newly platted lots shall be dimensioned according to Table 14f, Table 16f

and Table 15.

- 2. Building disposition types shall be as shown in Table 9.
- 3. Buildings shall be disposed in relation to the boundaries of their lots according to Table 14g, Table 16g and Table 15.
- 4. Reserved.
- 5. Lot coverage by building shall not exceed that recorded in Table 14f, Table 16f and Table 15.
- 6. Façades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage length at the setback, as specified on Table 14g, Table 16g and Table 15.
- 7. Setback for principal buildings shall be as shown in Table 14g, Table 16g and Table 15. In the case of an infill lot, setbacks shall match one of the existing adjacent setbacks. Setbacks may otherwise be adjusted by Warrant provided it does not exceed a ten percent deviation.
- 8. Rear setbacks for outbuildings shall be a minimum of twelve feet measured from the centerline of the rear alley of rear lane easement. In the absence of rear ally or rear lane, the rear setback shall be as shown in Table 14h, Table 16h and Table 15.9.
- 9. To accommodate building on slopes over ten percent, relief from front setback requirements is available by warrant provided it does not exceed a twenty percent deviation.
- C. Specific to zones T5, T5-O, T6 and special districts SD3 and SD4.
  - 1. The principal entrance shall be on a frontage line.

**SECTION 2.** Except as herein amended, Title 21 of the El Paso City Code shall remain in full force and effect.

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

THE CITY OF EL PASO:

ATTEST:

Oscar Leeser, Mayor

Laura D. Prine, City Clerk

#### **APPROVED AS TO FORM:**

Omar A. De La Rosa

Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Ciwe Philip F. Etiwe, Director

Philip F. Etiwe, Director Planning & Inspections Department

#### ORDINANCE NO. 19-1007-2467 | 1038931 Title 21 Amendment-Building OAR



City of El Paso – City Plan Commission Staff Report

#### Title 21 (SmartCode) Amendments

Planning staff is proposing to make two amendments to Chapter 21.50.060, which includes language regulating building disposition:

<u>Amendment #1:</u> Remove requirement that "only one building in excess of 200 feet" in width be permitted in a single pedestrian shed. Removal of this regulation will permit additional flexibility for development, specifically in the T4-O and T-6 transect zones, where lots up to 450 feet and 700 feet in width (respectively) are permitted. Other existing regulations, including setback and minimum buildout requirements, will ensure that future development meets the design intent of the SmartCode.

<u>Amendment #2:</u> Allow multiple structures on a single lot in higher intensity transect zones (T4-O through T6). This regulation currently applies to all transect zones, and enforcement of this regulation on commercial or mixed-use projects can lead to increased time and cost for the developer with no substantive improvement to the design of the development.

Attachments: Title 21 Amendment Redlines

#### Title 21 - SMART CODE

21.50.060 – Building disposition.

- A. Reserved. Specific to zones T3 and T4.
  - 1. One principle building at the frontage, and one outbuilding to the rear of the principle building, may be built on each lot as shown in Table 17c.
- B. Specific to zones T3, T4, T4-O, T5, T5-O, T6 and special districts SD3, SD4, SD5, SD6, and SD7.
  - 1. Newly platted lots shall be dimensioned according to Table 14f, Table 16f and Table 15.
    - a. Only one building in excess of two hundred feet shall be permitted in a single pedestrian shed. The width may be adjusted by Warrant up to ten percent.
  - 2. Building disposition types shall be as shown in Table 9.
  - 3. Buildings shall be disposed in relation to the boundaries of their lots according to Table 14g, Table 16g and Table 15.
  - One principle building at the frontage, and one outbuilding to the rear of the principle building, may be built on each lot as shown in Table 17c. Reserved.
  - 5. Lot coverage by building shall not exceed that recorded in Table 14f, Table 16f and Table 15.
  - 6. Façades shall be built parallel to a rectilinear principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage length at the setback, as specified on Table 14g, Table 16g and Table 15.
  - 7. Setback for principal buildings shall be as shown in Table 14g, Table 16g and Table 15. In the case of an infill lot, setbacks shall match one of the existing adjacent setbacks. Setbacks may otherwise be adjusted by Warrant provided it does not exceed a ten percent deviation.
  - 8. Rear setbacks for outbuildings shall be a minimum of twelve feet measure from the centerline of the rear alley or rear lane easement. In the absence of rear alley or rear lane, the rear setback shall be as shown in Table 14h, Table 16h and Table 15.9. To accommodate building on slopes over ten percent, relief from front setback requirements is available by warrant provided it does not exceed a twenty percent deviation.
- C. Specific to zones T5, T5-O, T6 and special districts SD3, and SD4.
  - 1. The principle entrance shall be on a frontage line.

**Formatted:** Normal, Indent: Left: 0.31", Hanging: 0.31"



Legislation Text

#### File #: 21-983, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### **District 5**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Karina Brasgalla, (915) 212-1604

#### AGENDA LANGUAGE:

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

An Ordinance annexing the following real property described as a Portion of Berryville Street and Triumph Street, Horizon City Estates Unit 54, El Paso County, Texas.

Subject Property: Berryville Street South of Montwood Dr. Applicant: El Paso County SUAX20-00002

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

AGENDA DATE:August 31, 2021PUBLIC HEARING DATE:September 14, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Karina Brasgalla, (915) 212-1604

**DISTRICT(S) AFFECTED**: District 5

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

**SUBGOAL:** 3.2 Set One Standard for Infrastructure Across the City

#### SUBJECT:

An Ordinance annexing the following real property described as a Portion of Berryville Street and Triumph Street, Horizon City Estates Unit 54, El Paso County, Texas.

Subject Property: Berryville Street South of Montwood Dr. Applicant: El Paso County SUAX20-00002

#### BACKGROUND / DISCUSSION:

The applicant is requesting to annex approximately 3.62 acres of land located within the City of El Paso's extraterritorial jurisdiction (ETJ). An annexation agreement with service plan is required prior to the annexation of land. City Plan Commission recommended 7-0 to approve the proposed annexation agreement on August 12, 2021. See attached staff report for additional information.

#### PRIOR COUNCIL ACTION:

On July 20, 2021, City Council voted unanimously to approve the Berryville ROW Annexation Agreement.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

#### 

**DEPARTMENT HEAD:** 

Philip Eive

#### ORDINANCE NO.

#### AN ORDINANCE ANNEXING THE FOLLOWING REAL PROPERTY DESCRIBED AS A PORTION OF BERRYVILLE STREET AND TRIUMPH STREET, HORIZON CITY ESTATES UNIT 54, EL PASO COUNTY, TEXAS.

WHEREAS, The County of El Paso (owner of record), is the owner of approximately 3.62 acres lying in the City of El Paso's East Extraterritorial Jurisdiction; the property more fully described in the attached metes and bounds description, identified as **Exhibit "A"**, and survey of the property, identified as **Exhibit "B"** and made a part hereof by reference, and both Owner and the City of El Paso request that this area be annexed into the El Paso City Limits; and,

WHEREAS, the City of El Paso and the Owner have entered into an Annexation Agreement on July 20, 2021, attached as Exhibit "C", which governs the development of the property after the annexation; and,

WHEREAS, the Annexation Agreement includes a Service Plan that identifies the municipal services to be extended to this annexed area and adopted as part of this ordinance; and,

**WHEREAS**, public hearings were held on August 12, 2021 and, September 14, 2021 at which persons interested in the annexation were given the opportunity to be heard; and that no person voiced opposition to the annexation; and,

WHEREAS, the City Plan Commission reviewed and recommended approval of the annexation at their public hearing meeting held on August 12, 2021; and,

**WHEREAS,** the City Council of the City of El Paso finds that approval of this annexation is in the best interest, health, safety and welfare of the City;

# NOW, THEREFORE, 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 include a portion of Berryville Street and Triumph Street, Horizon City Estates Unit 54, El Paso County, Texas, and more particularly described in **Exhibit "A"** and **Exhibit "B"**.

(Signatures Begin on Following Page)

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

#### THE CITY OF EL PASO:

Oscar Leeser, Mayor

**ATTEST:** 

Laura D. Prine, City Clerk

#### **APPROVED AS TO FORM:**

Wed N. Vigad

Wendi N. Vineyard Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip <u>Tiwe</u> Philip F. Etiwe

Philip F. Étiwe Planning & Inspections Department Prepared For: CEA Group August 6, 2020

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Berryville Street and Triumph Street out of Horizon City Estate Unit 54 as recorded in Volume 32, Pages 3, 3A & 3B, Plat Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING" being a found nail for the common corner of Sections 47 and 48, Block 79 Township 2, Texas and Pacific Railway Company Surveys and Sections 1 and 2, Block 79 Township 3, Texas and Pacific Railway Company Surveys from which a found brass disk City Monument at the centerline intersection of Montwood Drive and Honey Dew Street bears, North 86°50'35" West a distance of 1453.11 feet; and a found mag nail bears, South 78°48'01" East a distance of 0.45 feet;

Thence along the northerly line of Triumph Street, South  $86^{\circ}55'29''$  East a distance of 80.89 feet to a set  $\frac{1}{2}''$  rebar with cap marked TX 5152;

Thence leaving said line, South 03°04'31" West a distance of 60.00 feet to a point for a point of curve on the northerly right of way line of Triumph Street;

Thence, 31.64 feet along the arc of a curve to the left which has a radius of 20.00 feet a central angle of 90°37'57" a chord which bears, South 47°45'34" West a distance of 28.44 feet to set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the easterly right of way line of Berryville Street;

Thence along said right of way line, South  $02^{\circ}26'36''$  West a distance of 2525.68 feet to a set  $\frac{1}{2}''$  rebar with cap marked TX 5152;

Thence leaving said line, North 87°33'24" West a distance of 60.00 feet to a found ½" rebar with cap marked TX 5152 on westerly right of way line of Berryville and the easterly right of way line of John Hayes Street out of Tierra Del Este Unit Seventy Nine as recorded in Clerks file no. 20160086952, Real Property Records of El Paso County, Texas;

Thence along said line, North 02°26'36" East a distance of 2606.57 feet to the "TRUE POINT OF BEGINNING" and containing 157,685 square feet or 3.62 acres of land more or less.

Note: A drawing of even date accompanies this description.

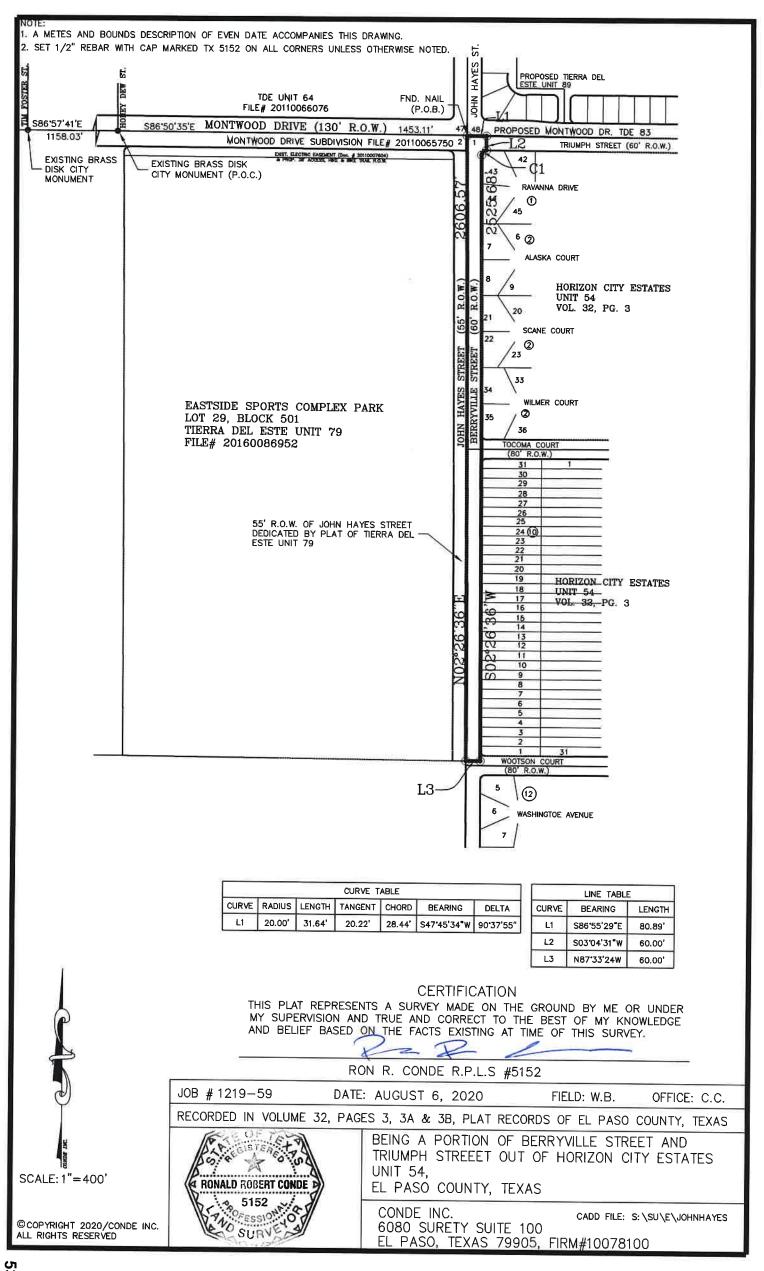
Ron R. Conde

R.P.L.S. No. 5152



CONDE INC ENGINEERING / LAND SURVEYING / PLANNING 6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905 (915) 592-0283 FAX (915) 592-0286 firm# 10078100

# EXHIBIT "B"



# EXHIBIT "C"

#### RESOLUTION

WHEREAS, El Paso County (hereinafter referred to as "Property Owner"), wishes to annex 3.62 acres of real property described in the Annexation Agreement and incorporated for all purposes; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City; and

WHEREAS, Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and

WHEREAS, Property Owner has agreed to be responsible for all costs relating to annexation and right-ofway improvements as described herein; and

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the annexation and development of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

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

That the City Manager or his Designee is authorized to sign an Annexation Agreement between the City and El Paso County, for 3.62 acres of real property, located adjacent to John Hayes St. South of Montwood Dr., that will specify the terms and conditions in which the property will be annexed should the City annex the property, as well as the services and schedule of service that the City will provide following annexation. Furthermore, that the City Manager or his Designee is authorized to provide any and all notices required under law in order to annex this property.

APPROVED this 20th day of July, 2021.

THE CITY OF EL PASO Oscar Le

Mayor

ATTEST:

ura D. Phino

Laura D. Prine, City Clerk

**APPROVED AS TO FORM:** 

Werd N. Viza

Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Etiwe, Director

Philip Etiwe, Director Planning & Inspections Department

# THE STATE OF TEXAS COUNTY OF EL PASO

#### ANNEXATION AGREEMENT SUAX20-00002

### COUNTY OF EL PASO ) THIS AGREEMENT made and entered into this 20 th July by and between the City of El Paso. Texas. a Municipal Corporation. of the Count

)

)

**THIS AGREEMENT** made and entered into this  $20^{\circ}$  day of  $30^{\circ}$  day of  $20^{\circ}$ , by and between the City of El Paso, Texas, a Municipal Corporation, of the County of El Paso in the State of Texas (hereinafter referred to as "City"), and El Paso County (hereinafter referred to as "Owner");

WHEREAS, Owner is the owner-of-record of 3.62 acres of real property described in **Exhibits "A"** and **Exhibit "B"** that is attached to the annexation ordinance (which real property is hereinafter referred to as "Property"), and which Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City; and,

WHEREAS, Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and

WHEREAS, Owner, after full consideration, accepts the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the attached Service Plan, described as Exhibit "C", identifies the municipal services to be extended to the Property upon annexation; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

<u>One</u>: Should the City annex the Property such annexation will be in accordance with the terms and conditions of this Agreement. This Agreement shall be an exhibit to the ordinance which annexes the property and shall be incorporated for all purposes. It is understood by the Owner that there are significant costs to the City associated with the annexation of Property into the City and of paramount consideration for the City in entering into this Agreement is that the Owner participate in the municipal infrastructure costs and costs for providing municipal services as required in this Agreement.

<u>*Two:*</u> Owner hereby agrees that the development of the Property shall be in accordance with the rules and regulations of the City, including Public Service Board Regulations, and subject to the application and payment of all necessary application and permit fees except as otherwise provided below and Section Three and Section Four of this Agreement. It is understood by the Owner that the requirements specified below and specified in Section Three of this Agreement are in addition to the requirements specified in the City of El Paso City Code, City ordinances, City rules and regulations, and the Rules and Regulations of the El Paso Water-Public Service Board (EPW-PSB), and Owner agrees to comply with the additional requirements. Owner agrees to develop the Property in accordance with the following additional conditions:

- 1. No off-premise signs shall exist on the Property at the time of annexation.
- 2. Property is to be used for right-of-way purposes only (John Hayes Street)
- 3. The area will be dedicated as right-of-way to provide the required Major Arterial roadway.
- The Owner shall provide for the dedication and improvement of roadway for the extension of John Hayes Street as indicated on the Major Thoroughfare Plan as required by Title 19 (Subdivisions) of the City Code.
- 5. The Owner shall make accommodation for the additional stormwater runoff generated by the development of John Hayes Street. Ponding shall be developed in accordance with the Design Standards for Construction and all other applicable provisions of the City Code.
- 6. The Owner shall reimburse the City for all costs incurred by the City to complete the public notification procedures required by applicable sections of Title 2, Subtitle C, Chapter 43 of the Texas Local Government Code.
- 7. The Owner shall reimburse the City for all costs incurred by the City to compensate Emergency Service Districts as required by applicable sections of Title 9, Subtitle B, Chapter 775 of the Texas Health and Safety Code.

<u>*Three:*</u> Owner hereby agrees that within 90 days of the passage of the ordinance annexing Property, Owner shall apply for a subdivision plat in accordance with the procedures of Title 19 (Subdivisions) of the Code.

<u>Four</u>: Owner shall provide the City with one (1) mylar and three (3) paper prints of a current aerial map of the Property depicting the condition of the Property at the time of annexation to the City. Such aerial, and any other evidence necessary to demonstrate the existence of any non-conforming lot, use or structure on the Property at the time of annexation, shall be provided by the Owner within thirty (30) days from passage of the ordinance annexing Property to the City. The aerial and other evidence shall be submitted to the Zoning Administrator in the Development Services Department of the City for validation of such non-conforming lot, use, or structure within the Property.

**Notice:** Any formal notice or other communication ("Notice") required to be given by one party to the other under this Agreement shall be given in writing, addressed to the Party to be notified at the address set forth below, by (i) delivering the same in person, (ii) depositing the same in the United States Mail, certified or registered, return receipt requested, postage prepaid, (iii) depositing the same with Federal Express or with another nationally recognized courier service guaranteeing "next day delivery," or (iv) sending the same by telefax with confirming copy sent by certified or registered mail. For the purpose of notice, the addresses of the Parties, until changed as provided below, shall be as follows:

(1) CITY: City of El Paso Attn: City Manager
P. O. Box 1890
El Paso, Texas 79901

> Copy to: City Clerk Same Address as above

(2) OWNER: El Paso County500 E. San Antonio, Suite 301El Paso, Texas 79901

The Parties shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address within the United States of America by giving at least five (5) days written notice to the other Party. If any date or any period provided in this agreement ends on a Saturday, Sunday, or legal holiday, the applicable period for calculating the notice shall be extended to the first business day following such Saturday, Sunday, or legal holiday.

**Successors and Assigns:** This Agreement is a restriction, condition and covenant running with the Property and a charge and servitude thereon and shall be binding upon and inure to the benefit of the parties hereto, and their heirs, successors and assigns of all or any part of the Property. Any future conveyance of the Property shall contain the restrictions, conditions and covenants and shall embody this Agreement by express reference; provided, however, this Agreement shall not be binding on, and shall not create any encumbrance to title as to, any endbuyer of a fully developed and improved lot within the Property, except for land-use regulations that may apply to a specific lot.

**Remedies:** This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties or by an appropriate action at law or in equity to secure the performance of the restrictions, conditions and covenants herein contained. In the event a Party (the "Defaulting Party") commits a breach of this Agreement, the other Party (the "Non-Defaulting Party"), shall, prior to bringing suit or pursuing any other remedy, provide written notice of such breach to the Defaulting Party. Following receipt of such notice, the Defaulting Party shall have thirty (30) days within which to cure the breach. If the breach cannot be cured within such thirty- (30-) day period, the Defaulting Party shall commence to cure such breach within said period and thereafter diligently continue such cure to completion. In the event the Defaulting Party fails to cure the breach within said period, then the Non-Defaulting Party may pursue any remedy provide at law or in equity.

**Severability:** If any provision of this Agreement is held invalid by a court of competent jurisdiction, such provision shall be deemed to be excised herefrom, and the invalidity thereof shall not affect any of the other provisions contained herein, provided that any invalid provisions are not deemed by the City or the Owner to be material to the overall purpose and operation of this Agreement. If the City or Owner determines that the invalid provision is material, then, if the City has made such determination, the City shall have the option to disannex the Property. If the Owner has made such determination, the Owner shall have the option to terminate this Agreement. Such judgment or decree shall relieve the City and the Owner from performance under such invalid provision of this Agreement.

**Entire Agreement:** This Agreement contains the entire agreement of the Parties, and there are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement may be amended only by written agreement signed by the Parties.

**Governing Law, Jurisdiction & Venue:** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, as it applies to contracts performed within the State of Texas and without regard to any choice of law rules or principles to the contrary. The Parties acknowledge that this Agreement is performable in El Paso County, Texas and hereby submit to the jurisdiction of the courts of that County, and hereby agree that any such Court shall be a proper forum for the determination of any dispute arising hereunder.

**No Third-Party Beneficiary:** This Agreement is not intended, nor will it be construed, to create any third-party beneficiary rights in any person or entity who is not a Party, unless expressly otherwise provided.

**Waiver:** Any failure by a Party hereto to insist upon strict performance by the other Party of any material provision of this Agreement shall not be deemed a waiver thereof or of any provision hereof, and such Party shall have the right at any time thereafter to insist upon strict performance of any and all of the provisions of this Agreement.

**Reservation of Rights:** to the extent not inconsistent with this Agreement, each Party reserves all rights, privileges, and immunities under applicable laws.

**Further Documents:** Each Party agrees that at any time after execution of this Agreement, it will upon request of the other Party, execute and deliver such further documents and do such further acts and things as the other Party may reasonably request in order to effect the terms of this Agreement.

**Incorporation of Exhibits and Other Documents by Reference:** All exhibits and other documents attached to or referred to in this Agreement are incorporated herein by reference for the purposes set forth in this Agreement.

Effect of State and Federal Laws: Notwithstanding any other provisions of this Agreement, each Party in carrying out the terms of this Agreement shall comply with all applicable State and Federal laws.

**Headings**: The headings as to contents of particular articles or sections herein are inserted only for convenience, and they are in no way to be construed as a limitation on the scope of the particular articles or sections to which they refer.

**Ambiguities**: In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any Party on the basis that such Party did or did not author the same.

**Counterparts**: It is understood and agreed that this Agreement may be executed in any number of counterparts, each which shall be deemed an original for all purposes.

Authority for Execution: Each Party hereby certifies, represents, and warrants that the execution of this Agreement has been duly authorized.

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals and have caused this instrument to be executed by their duly authorized officials and the corporate seal affixed hereto, all on the day and year first above written.

#### THE CITY OF EL PASO

Tomás Gonza City Manager

**APPROVED AS TO FORM:** 

Wendi Vineyard Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip (Tiwe

Philip F. Etiwe, Director Planning & Inspections Department

#### (ACKNOWLEDGMENT AND ACCEPTANCE ON FOLLOWING PAGE)

#### ACKNOWLEDGEMENT

STATE OF TEXAS COUNTY OF EL PASO

This instrument was acknowledged before me on the 30 day of 100 day of 202, by Tomou Gonzalezas City Manager of the City of El Paso, Texas

Carywestin for

Notary Public, State of Texas

Angel Rocha

Notary's Printed or Typed Name

Angel Rocha ID# 13158986-9 NOTARY PUBLIC In and for the State of Texas My commission expires 06-01-2022

My Commission Expires:

#### ACCEPTANCE

The above Agreement, with all conditions thereof, is hereby accepted this <u>21st</u> day of <u>June</u>, 2021.

Owner(s): Recardo A. Samaniero

Title: County Judge Ricardo A. Samaniego

#### ACKNOWLEDGEMENT

STATE OF TEXAS COUNTY OF EL PASO

Ricardo A. Samango as County gudge of County of El Paso.

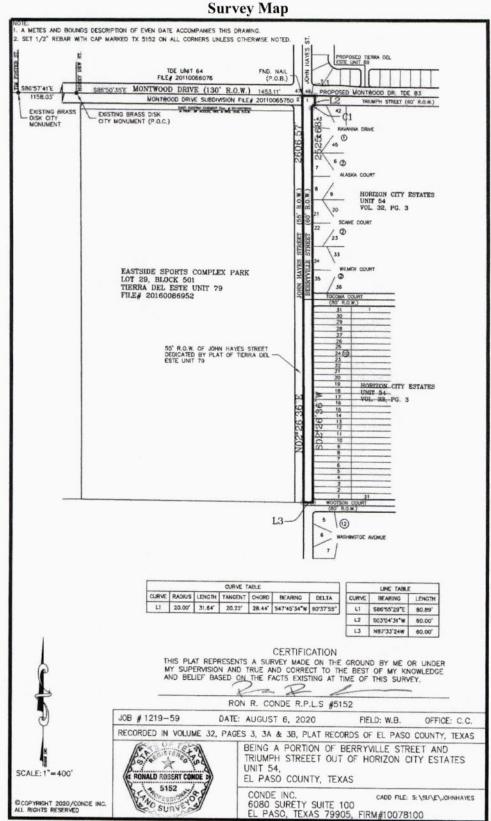
pudia Wette Musaue Notary Public, State of Texas audia Vrette Murguia otary's Printed or Typed Name Claudia Yvette Murguia NOTARY PUBLIC ID# 12896754-5 for the State of Texas commission expires 04-25-2024

(EXHIBITS ON FOLLOWING PAGES)

2021-0068 21-1007-2701 / 1086147 | RTA Berryville ROW Annexation Service Agreement

6 | P a g e SUAX20-00002

540



#### Exhibit B Metes and Bounds Description

Prepared For: CEA Group August 6, 2020

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Berryville Street and Triumph Street out of Horizon City Estate Unit 54 as recorded in Volume 32, Pages 3, 3A & 3B, Plat Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING" being a found nail for the common corner of Sections 47 and 48, Block 79 Township 2, Texas and Pacific Railway Company Surveys and Sections 1 and 2, Block 79 Township 3, Texas and Pacific Railway Company Surveys from which a found brass disk City Monument at the centerline intersection of Montwood Drive and Honey Dew Street bears, North 86°50'35" West a distance of 1453.11 feet; and a found mag nail bears, South 78°48'01" East a distance of 0.45 feet;

Thence along the northerly line of Triumph Street, South 86°55'29" East a distance of 80.89 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said line, South 03°04'31" West a distance of 60.00 feet to a point for a point of curve on the northerly right of way line of Triumph Street;

Thence, 31.64 feet along the arc of a curve to the left which has a radius of 20.00 feet a central angle of  $90^{\circ}37^{\circ}57^{\circ}$  a chord which bears, South  $47^{\circ}45'34''$  West a distance of 28.44 feet to set  $\frac{1}{2}$ " rebar with cap marked TX 5152 on the easterly right of way line of Berryville Street;

Thence along said right of way line, South 02°26'36" West a distance of 2525.68 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said line, North 87°33'24" West a distance of 60.00 feet to a found ½" rebar with cap marked TX 5152 on westerly right of way line of Berryville and the easterly right of way line of John Hayes Street out of Tierra Del Este Unit Seventy Nine as recorded in Clerks file no. 20160086952, Real Property Records of El Paso County, Texas;

Thence along said line, North 02°26'36" East a distance of 2606.57 feet to the "TRUE POINT OF BEGINNING" and containing 157,685 square feet or 3.62 acres of land more or less.

Note: A drawing of even date accompanies this description.

Ron R. Conde R.P.L.S. No. 5152



CONDE INC ENGINEERING / LAND SURVEYING / PLANNING 6080 SURETY DRIVE / SUITE 100 / EL PASO, TEXAS 79905 (915) 592-0283 FAX (915) 592-0286 firm# 10078100

### Exhibit C Service Plan

#### INTRODUCTION

This Service Plan (Plan) is made by the City of El Paso, Texas (City) pursuant to Chapter 43 of the Texas Local Government Code. This Plan is made specifically for a 59.892-acre property located in the City's East Extraterritorial Jurisdiction (ETJ), A Portion of Section 17, Block 79, Township 3, Texas & Pacific Railway Company Surveys, El Paso County, Texas. The area is more specifically described by metes and bounds and the survey in Exhibits "A" and "B", which are attached to the annexation ordinance of which this Plan is a part.

#### **EFFECTIVE TERM**

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

#### INTENT

It is the intent of the City of El Paso that services under this Plan shall provide full municipal services in accordance with State law and the Annexation Agreement entered into by the property owners and the City, such agreement being identified as Exhibit "C", which is attached to the annexation ordinance of which this Plan is a part.

The City reserves the right guaranteed to it by Section 43.056(h) Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

#### SERVICE COMPONENTS

This Plan includes three service components: (1) Immediate Services Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities; governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

### 1. Immediate Services Program

The following services will be provided in the annexation area immediately upon the effective date of the annexation, unless otherwise noted.

a. <u>Police Protection</u>. The El Paso Police Department will provide protection and law enforcement services in the annexation area on the effective date of annexation. These services include:

- normal patrols and responses;
- · handling of complaints and incident reports;
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppressions, and special weapons and tactics team.
- b. <u>Fire Protection</u>. The El Paso Fire Department will provide emergency and fire prevention services in the annexation area, on the effective date of annexation. These services include:
  - fire suppression and rescue;
  - emergency medical services;
  - hazardous materials mitigation and regulation;
  - emergency prevention and public education efforts;
  - construction plan review;
  - inspections.
- c. <u>Solid Waste Collection</u>. The El Paso Solid Waste Management Department will provide solid waste collection services in the annexation area on the effective date of annexation. Services currently provided in the City for single-family residences include:
  - garbage collection once a week in accordance with established policies of the City;
  - dead animal collection dead animals are removed from roadways upon request.

Commercial garbage collection service for businesses, multi-family residences, and mobile home parks is available on a subscription basis from the City or private service providers.

- d. <u>Maintenance of Water and Wastewater Facilities.</u> The City's Public Service Board/El Paso Water (EPW) will maintain water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility and as governed by their Rules and Regulations.
- e. <u>Maintenance of Roads and Streets, Including Street Lighting</u>. The City's Public Works Department will maintain public streets over which the City has jurisdiction. These services include:
  - Ongoing Utility bills for:
    - 1. Electricity for street lights
    - 2. Water for dedicated landscaped medians, parkways and/or roundabouts
  - Repair and maintenance of public streets and infrastructure on as-needed basis and in accordance with established policies of the City

- 1. Maintenance of roadways, street lights, signalization, signs, striping and markings
- 2. Maintenance of dedicated landscaped medians, parkways and/or roundabouts
- 3. Street sweeping of roadways
- Emergency pavement repair
- Ice and snow remediation on major thoroughfares
- f. <u>Maintenance of Parks, Playgrounds, and Swimming Pools.</u> No public recreation facilities will be located within the annexation area however, the nearest public neighborhood park is located 55 feet from the annexed area.

#### 2. <u>Additional Services</u>

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

a. <u>Drainage Services.</u> El Paso Water Public Service Board will provide drainage maintenance in the annexation area in accordance with established policies of the City. Services include:

- maintenance of existing public ponding areas and retention dams;
- storm sewer maintenance;
- emergency spills and pollution complaints response related to storm drainage systems;

The following services will be provided by the Land Development Division of the Planning & Inspections Department of the City of El Paso:

- watershed development review and inspection;
- flood plain office (information relating to flood plains).
- b. <u>Library Department.</u> All library services now provided to areas inside the City will be provided to the annexed area on the effective date of annexation in accordance with the City's existing policies and regulations.
- c. <u>Planning & Inspection Department.</u> All inspection services now provided within the City, including building, electrical, plumbing, gas, engineering, housing, and environmental will be extended to the annexed area on the effective date of annexation.
- d. <u>City-County Health Department.</u> All of the City-County Health services codes and regulations will be extended to the annexed area on the effective date of annexation
- e. <u>Planning and Zoning</u>. The planning and zoning jurisdiction of the City will be extended to the annexed area on the effective date of annexation. All land annexed shall be classified in the R-F zoning district pending a public hearing by the City Plan Commission on the appropriate zoning classification and action by the City

Council. Such hearing shall be held within sixty days after the effective date of annexation and such action shall be taken by the City Council within thirty days after the last adjournment of the public hearing.

f. <u>Other Services.</u> All other City Departments with jurisdiction in the area will provide services according to established City policies and procedures.

#### 3. Capital Improvements Program

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary. Any such construction or acquisition shall begin within two years of the effective date of the annexation and shall be substantially completed within 4 1/2 years after that date. Construction of any capital improvement within the annexation area will be done accordance with the established policies of the City.

- a. <u>Police Protection</u>. No capital improvements are necessary to serve the annexed area.
- b. <u>Fire Protection</u>. No capital improvements are necessary to serve the annexed area.
- c. <u>Solid Waste Collection</u>. No capital improvements are necessary to serve the annexed area.
- d. <u>Water and Wastewater Facilities.</u> Water and wastewater service will be provided in accordance with the El Paso Water Utility's Rules and Regulations. Capital improvements will be initiated pursuant to the facilities plan for the annexed area. Water and Wastewater services to new subdivisions will be provided according to the standard policies and procedures of El Paso Water, which may require the developer of a new subdivision to install water and wastewater utility lines. The extension of water and sewer service will be provided in accordance with the adopted Rules and Regulations of El Paso Water.
- e. <u>Roads and Streets.</u> No road or street related capital improvements are necessary at this time. In general, the City will acquire control and jurisdiction of all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- f. <u>Parks, Playgrounds and Swimming Pools.</u> No capital improvements are necessary to serve the annexed area.

g. <u>Drainage Facilities.</u> No capital improvements are necessary to serve the annexed area

h. <u>Street Lighting</u>. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard

policies and procedures. In other cases, the City will install public street lighting in the annexation area upon request in accordance with established street lighting policies of the City.

- i. <u>Other Publicly Owned Facilities, Building or Services:</u> In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- j. <u>Capital Improvement Planning.</u> The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services in accordance with established policies of the City.

#### AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules regulations of governmental bodies and officers having jurisdiction.

#### FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure.

# Berryville ROW Annexation



City Plan Commission — August 12, 2021

CASE NUMBER: CASE MANAGER: PROPERTY OWNER: REPRESENTATIVE: LOCATION:

**PROPERTY AREA:** 

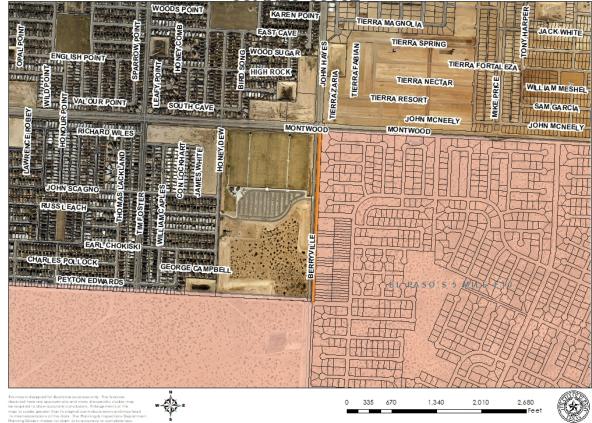
REQUEST: PUBLIC INPUT:

#### SUAX20-00002

Karina Brasgalla, (915) 212-1604, BrasgallaKX@elpasotexas.gov El Paso County Sal Alonzo Adjacent to John Hayes St., South of Montwood Dr. (adjacent to District 5) 3.62 acres Annexation of Right of Way (ROW) N/A

**SUMMARY OF REQUEST:** The owner is requesting to annex approximately 3.62 acres of land located within the City of El Paso's extraterritorial jurisdiction (ETJ) to extend improvements to John Hayes Street.

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL** of the annexation request. The proposed annexation is consistent with the City's Annexation Policy.



### SUAX20-00002

Figure A. Subject property relative to City limits

**DESCRIPTION OF REQUEST:** The applicant requests annexation of the subject property into the corporate limits of the City of El Paso. Annexation requests must comply with the standards and provisions of the City's Annexation Policy.

The subject property will be incorporated into the planned improvements along John Hayes Street adjacent to the Eastside Sports Complex. As is required, the applicant has submitted a generalized plan (Attachment 1) depicting the right of way (ROW) limits and proposed cross section.

**CASE HISTORY:** The Berryville ROW Annexation Agreement was approved by City Planning Commission (CPC) on June 3, 2021 and by City Council on July 20, 2021.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The area to the west of the subject property was annexed in 2015, and is primarily developed for single-family detached residential lots, with neighborhood parks and drainage ponds interspersed. The proposed annexation is immediately adjacent to the Eastside Sports Complex and will connect to the terminus of the Tierra Del Este 68, 78 Hike & Bike Trail (along Montwood Drive). There is a school (Pebble Hills High) located 0.7 miles away.

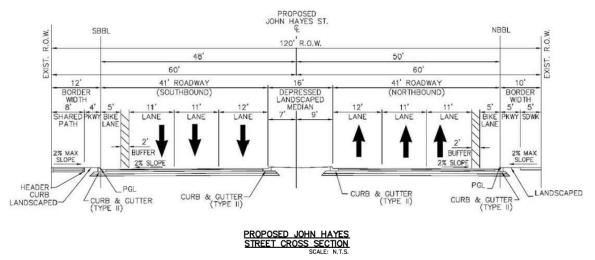


Figure B Proposed Cross-Section

COMPLIANCE WITH PLAN EL PASO – When evaluating whether a proposed annexation is		
in accordance with Plan El Paso, consider the following factors:		
Criteria	Does the Request Comply?	
Future Land Use Map: Proposed area/development is	Plan El Paso recommends the modification of City	
compatible with the Future Land Use designation for	regulations to create conditions through which O-6	
the property:	designated land would not be needed for residential	
O-6, Potential Annexation: This sector applies to	demand before 2035. However, the City annexation	
potentially developable land that is not needed	policy, which has not been updated since the	
for urban expansion at this time but is available if	adoption of Plan El Paso, states that areas for	
expansion is needed. Land can be redesignated	voluntary annexation should meet a minimum set of	
from O-6 to a growth sector through a formal	requirements that do not reflect or incorporate Plan	
amendment to the Future Land Use Map.	El Paso recommendations.	
Potential Adverse Effects: Potential adverse effects	Development of the subject property will ensure the	
that might be caused by approval or denial of the	extension of one major arterial street.	
requested annexation.		

# COMPLIANCE WITH *PLAN EL PASO* – When evaluating whether a proposed annexation is in accordance with *Plan El Paso*, consider the following factors:

•	
Natural Environment: Anticipated effects on the	The subject property is undeveloped natural land. No
natural environment.	arroyos or uniquely sensitive conditions existing on
	the property.
<b>Stability:</b> Whether the area is stable or in transition.	The neighborhoods to the west of the subject property have been developed within the last 15 years as predominantly single-family detached residential lots. The proposed ROW extension will help serve these communities

#### CONSISTENCY WITH THE CITY'S ANNEXATION POLICY

Adopted in September 2009, the City's annexation policy states that proposed annexations are subject to review requirements, including:

"A statement from the City Engineer specifying additional rights-of-way and roadway improvements deemed necessary within and abutting the proposed annexed areas. Improvements may include, but are not limited to, traffic signalization, street lighting and traffic calming devices."

The Generalized Plan submitted by the applicant shows the extension of John Hayes Street in accordance with the adopted Major Thoroughfare Plan.

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** All facilities, services and infrastructure will need to be extended to develop the property. The applicant will construct all streets needed to provide vehicular access. Provision of other services shall be required as per the approved Service Plan.

#### CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) has advisory responsibility over annexation matters. In evaluating the request, the CPC must determine the following:

- 1. Will the annexation protect the best interest, health, safety and welfare of the public in general?
- 2. What is the relation of the proposed change to the City's Comprehensive Plan?
- 3. What effect will the annexation have up on the natural, social, and economic conditions, and property values, in the vicinity, and in the City as a whole?

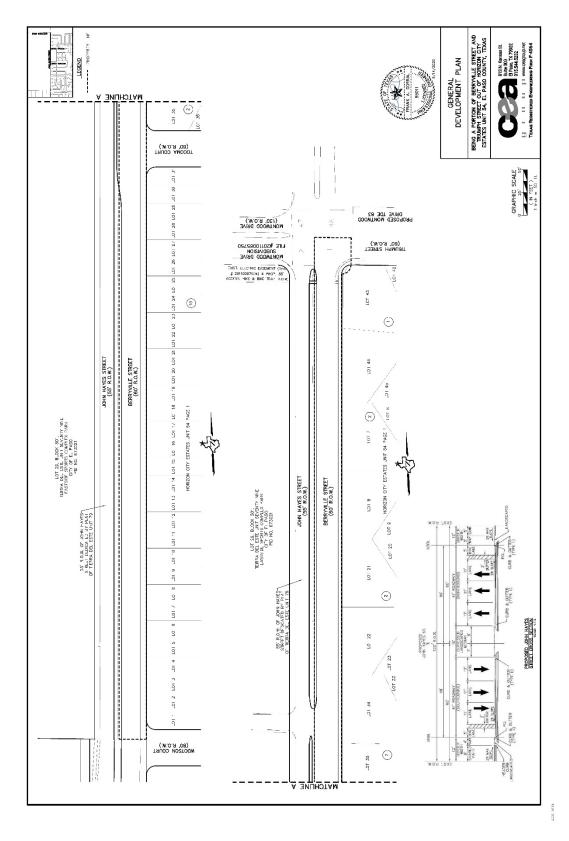
The CPC may take any of the following actions:

- 1. **Recommend Approval** of the Annexation, finding that the requested annexation is in conformance with the review criteria of *Plan El Paso* and the City's annexation policy, as reflected in the Staff Report. (Staff Recommendation)
- 2. **Recommend Approval of the Annexation With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* and/or the City's annexation policy, as reflected in the Staff Report.
- 3. **Recommend Denial** of the annexation agreement, finding that the request does not conform to the review criteria of *Plan El Paso* and the City's annexation policy, as reflected in the Staff Report.

#### ATTACHMENTS:

- 1. Generalized Plot Plan
- 2. Annexation Ordinance

# ATTACHMENT 1



4



Legislation Text

## File #: 21-992, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 7

Planning and Inspections, Phillip F. Etiwe, (915) 212-1553 Planning and Inspections, David Samaniego, (915) 212-1608

#### AGENDA LANGUAGE:

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

An Ordinance changing the zoning of a portion of Lots 1 and 2, Block 113, Vista Del Sol Unit Sixteen Replat "S", 11101 Armour Street, City of El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 11101 Armour Dr. Applicant: Mast Partners LP, PZRZ21-00011

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

AGENDA DATE:August 31, 2021PUBLIC HEARING DATE:September 28, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

David Samaniego, (915) 212-1608

**DISTRICT(S) AFFECTED**: District 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 1 and 2, Block 113, Vista Del Sol Unit Sixteen Replat "S", 11101 Armour Street, City of El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 11101 Armour Dr. Applicant: Mast Partners LP, PZRZ21-00011

### BACKGROUND / DISCUSSION:

The applicant is requesting to rezone the subject property from P-I (Planned Industrial) to C-4 (Commercial) to allow for a warehouse use. City Plan Commission recommended 5-0 to approve the proposed request on July 15, 2021. As of August 17, 2021, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

### PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

DEPARTMENT HEAD:

Philip Eive

Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO.

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 113, VISTA DEL SOL UNIT SIXTEEN REPLAT "S", 11101 ARMOUR STREET CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM P-I (Planned Industrial) TO C-4 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a portion of Lots 1 and 2, Block 113, Vista Del Sol Unit Sixteen Replat "S", 11101 Armour Dr., located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", be changed from P-I (Planned Industrial) to C-4 (Commercial), as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

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

THE CITY OF EL PASO:

Oscar Leeser, Mayor

**ATTEST:** 

Laura D. Prine, City Clerk

### **APPROVED AS TO FORM:**

Ward N. Vingad

Wendi N. Vineyard Assistant City Attorney

### **APPROVED AS TO CONTENT:**

Philip (Tiwe

Philip F. Etiwe, Director Planning & Inspections Department

# METES AND BOUNDS DESCRIPTION EXHIBIT "A"

THE PARCEL OF LAND HEREIN DESCRIBED IS A PORTION OF LOTS 1 AND 2, BLOCK 113, VISTA DEL SOL UNIT SIXTEEN REPLAT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ARMOUR DRIVE; SAID POINT BEING THE SOUTHEAST CORNER OF LOT 2, BLOCK 113, VISTA DEL SOL, UNIT 16 REPLAT IN EL PASO COUNTY, TEXAS;

THENCE, NORTH 76' 12' 00" WEST, A DISTANCE OF 146.48 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE P.C. OF A CURVE TO THE RIGHT;

THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT TO A POINT OF REVERSE CURVE ON THE EASTERLY RIGHT-OF-WAY LINE OF VANDERBUILT DRIVE AN ARC DISTANCE OF 28.17 FEET; CURVE HAVING A RADIUS OF 20.00 FEET, A CENTRAL ANGLE OF 80° 42' 10" AND A LONG CHORD BEARING OF NORTH 35°50' 55" WEST A DISTANCE OF 25.90 FEET:

THENCE CONTINUING NORTHWESTERLY ALONG SAID REVERSE CURVE AN ARC DISTANCE OF 186.92 FEET; CURVE HAVING A RADIUS OF 988.77 FEET, A CENTRAL ANGLE OF 10' 49' 53" AND A LONG CHORD BEARING OF NORTH 00' 54' 46" WEST A DISTANCE OF 186.64 FEET:

THENCE SOUTH 76' 12' 00" EAST A DISTANCE OF 213.62 FEET:

THENCE SOUTH 13' 48' 00" WEST A DISTANCE OF 197.29 FEET TO THE POINT OF BEGINNING. DESCRIBED PARCEL LIES ENTIRELY WITHIN LOTS 1 AND 2, BLOCK 113, VISTA DEL SOL UNIT 16 REPLAT, IN THE CITY OF EL PASO, EL PASO COUNTY, TEXAS AND CONTAINS 36,432.72 SQUARE FEET EQUAL TO 0.836 ACRES.



# 11101 Armour Street

City Plan Commission — July 15, 2021- REVISED

CASE NUMBER: CASE MANAGER: PROPERTY OWNER: REPRESENTATIVE: LOCATION: PROPERTY AREA: REQUEST: RELATED APPLICATIONS: PUBLIC INPUT:

#### PZRZ21-00011

David Samaniego, 915-212-1608, SamaniegoDC@elpasotexas.gov MAST Partners LP CAD Consulting Co. 11101 Armour St. (District 7) 0.86 acres Rezone from P-I (Planned Industrial) to C-4 (Commercial) N/A N/A

**SUMMARY OF REQUEST**: The applicant is requesting to rezone the subject property from P-I (Planned Industrial) to C-4 (Commercial) to allow for a warehouse use.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding commercial and industrial districts in the immediate area. Further, the proposed development meets the intent of the G7, Industrial and/or Railyards land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan in the Eastside Planning area.

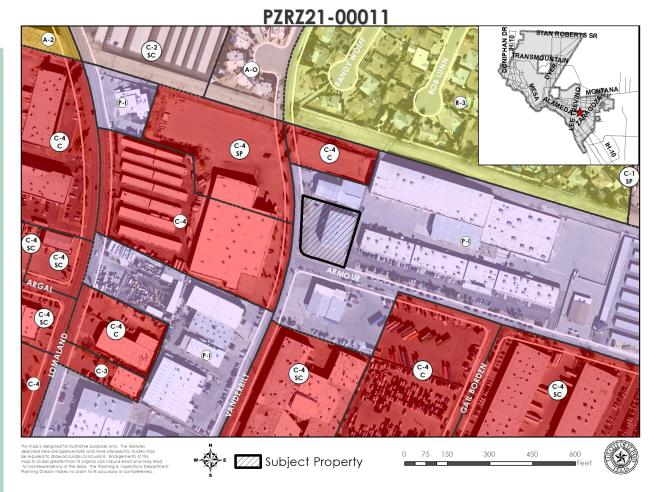


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone approximately 0.86 acres of land from P-I (Planned Industrial) to C-4 (Commercial). The property is located at 11101 Armour Street within the Eastside Planning area. There is an existing 10,824 square foot building on the property that is proposed to be used as a warehouse. Access to the development is proposed from Armour Drive and Vanderbilt Drive.

#### PREVIOUS CASE HISTORY: N/A

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development meets the intent of the G7, Industrial and/or Railyards land use designation of *Plan El Paso* within the Eastside Planning area. The nearest park is Reese McCord Park (1 mile) and the nearest school is El Paso Academy East Charter (0.30 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?	
Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property: <u>G-7, Industrial and/or Railyards</u> : This sector applies to industrial parks, large free- standing industrial uses, refineries, non- military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.	Yes, the G-7 designation is compatible with the C-4 (Commercial) and abutting industrial and commercial zone districts. The abutting parcels to the north and east are zoned P-1 (Planned Industrial) with the parcels directly across the street zoned C-4 (Commercial). The proposed use of warehouse is permitted by right in the C-4 district and is compatible with the surrounding warehouses and intensive commercial uses.	
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: <u>C-4 (Commercial) District</u> : The purpose of the district is to provide for locations for the most intensive commercial uses intended to serve the entire city. It is intended that the district regulations permit heavy commercial uses characterized by automotive and light warehousing. The regulations of the districts are intended to provide a transition from general business areas to industrial and manufacturing uses, and to accommodate major locations of commerce, service and employment activities.	Yes, the proposed use of warehouse is a permitted use, by right, in the C-4 (Commercial) zone district. In addition, properties on the same block face and directly across the street are zoned C-4 (Commercial), along Vanderbilt Drive and Armour Street, which provide access to the subject property.	

557

COMPLIANCE WITH PLAN EL PASO/REZONING	POLICY – When evaluating whether a	
proposed rezoning is in accordance with <i>Plan El Paso</i> , consider the following factors:		
<b>Preferred Development Locations:</b> Yes, as per Policy 1.9.1 the proposed rezoning encourages the development of new industrial areas. The development proposes office warehouse, which is in line with the existing uses within its vicinity.	Yes, the proposed commercial development supplements the character within the G-7, Industrial designation of Plan El Paso. The property is located on Armour Drive and Vanderbilt Drive, both which are classified as a Local street, per the City of El Paso's Major Thoroughfare Plan.	
THE PROPOSED ZONING DISTRICT'S EFFECT ON TH AFTER EVALUATING THE FOLLOWING FACTORS:	E PROPERTY AND SURROUNDING PROPERTY,	
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.	No, the proposed development is outside any historic districts or other special designation areas.	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects anticipated from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.	
<b>Natural Environment:</b> Anticipated effects on the natural environment.	No effect on the natural environment is anticipated as the subject property is in an area that is already developed.	
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The subject property and the immediately abutting properties have not be been rezoned within the last ten (10) 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:** The subject property is platted and is accessed from Armour Drive and Vanderbilt Drive – both which are classified as local streets on the City of El Paso's Major Thoroughfare Plan. In addition, there is an existing 8-inch diameter water main extending along Vanderbilt Drive that fronts the subject property that is available for service. The owner of the subject property is responsible for extension and onsite/off-site easement acquisition costs.

**PUBLIC COMMENT:** The subject property lies within the Eastside Planning area. Notices were mailed to property owners within 300 feet of subject property on June 30, 2021. As of July 8, 2021, Planning has not received any communication in support of or opposition to the rezoning request.

#### **RELATED APPLICATIONS:** N/A

#### **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:

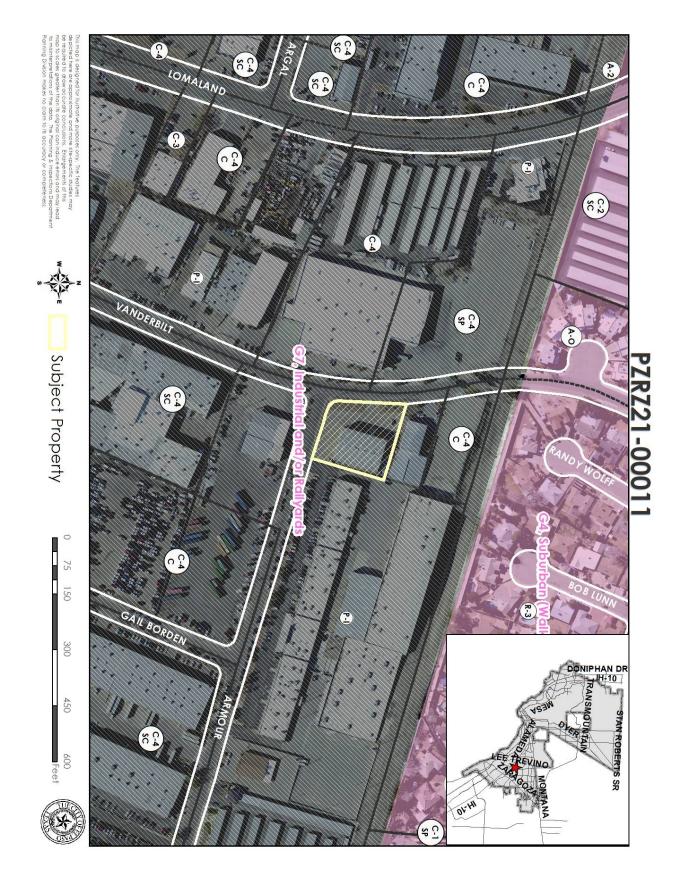
3

- 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. Detailed Site Plan (Non-Binding)

# ATTACHMENT 1



# ATTACHMENT 2

#### Planning and Inspections Department – Planning

Please note that this detailed site plan is required as a documentation of existing conditions on the subject property at the time of rezoning. Any changes in use or to the improvements on the subject property will be reviewed at the time of permit issuance or certificate of occupancy for compliance with all applicable regulations.

#### Planning and Inspections Department – Plan Review

1. Recommend approval – existing development.

#### Planning and Inspections Department – Landscaping Division

No comments received.

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

1. No objections to proposed rezoning.

#### **Streets and Maintenance Department**

- 1. A TIA is not required since the rezoned property does not have the potential to generate more than 100 peak hour trips based on the proposed land use and size of the property.
- 2. No additional comments

#### Fire Department

1. Recommend approval – no adverse comments.

#### Sun Metro

1. Recommend approval – no objections.

#### **Historic Land Commission**

1. Historic review not required.

#### El Paso Water

#### Water:

There is an existing 8-inch diameter water main extending along Vanderbilt Dr. fronting the subject property. This main is located approximately 20-feet west of the eastern right-of-way line of Vanderbilt Dr. This water main is available for service.

There is an existing 8-inch diameter water main extending along Armour Dr. approximately 20-feet south of the eastern right-of-way line Armour Dr. This water main is available for service.

Previous water pressure readings from fire hydrant # 3753 located 190-feet south of the intersection of Vanderbilt Dr. and Armour Dr., have yielded a static pressure of 110 pounds per square inch, a residual pressure of 92 pounds per square inch, and a discharge flow of 1034 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.

#### Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Vanderbilt Dr. fronting the

subject property. This main is located approximately 25-feet east of the western right-of-way line of Vanderbilt Dr. This sanitary sewer main is available for service.

There is an existing 8-inch diameter sanitary sewer main extending along Armour Dr. approximately 25-feet north of the southern right-of-way line Armour Dr. This sanitary sewer main is available for service.

#### General:

EPWU requires a new service application to provide additional service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

EPWater - SW has reviewed the case distribution described above and has no objections to the proposal.

7

#### <u>911</u>

The 911 District has no objections.

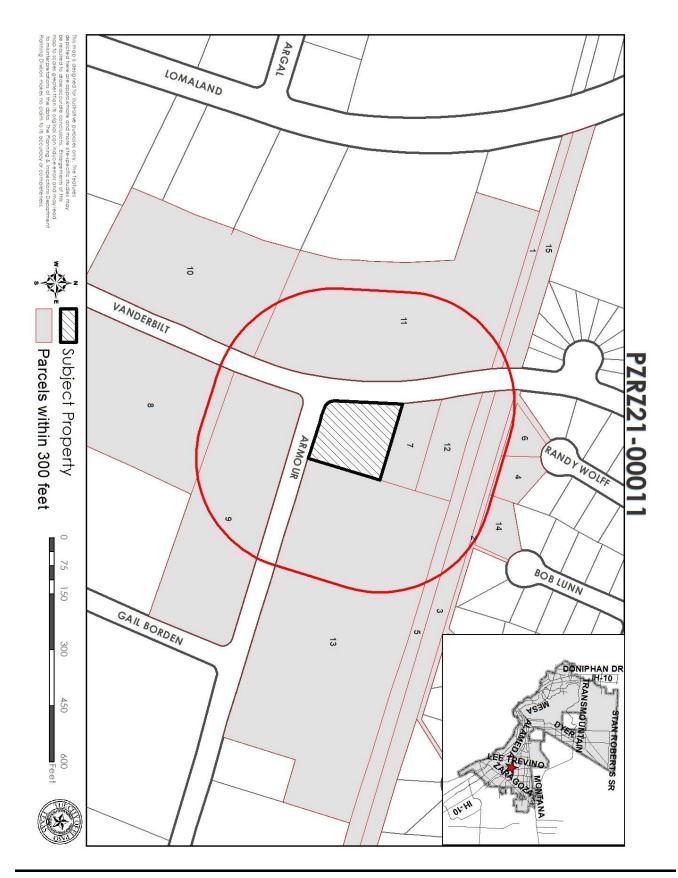
#### **Texas Department of Transportation**

Subdivision is not abutting TxDOT Right of Way

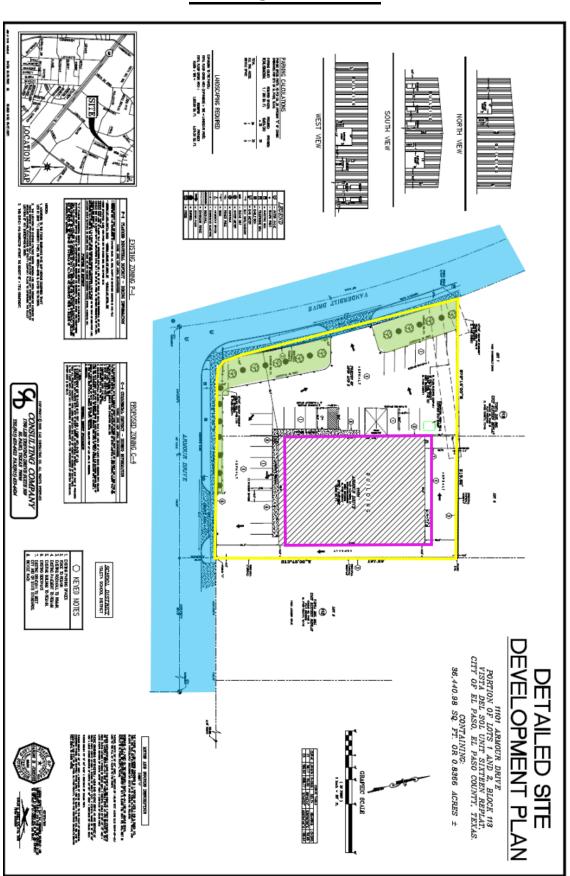
#### **Police Department**

No comments received

# **ATTACHMENT 3**



8





Legislation Text

## File #: 21-993, Version: 1

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

# DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 4

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, David Samaniego, (915) 212-1608

#### AGENDA LANGUAGE:

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

An Ordinance changing the zoning for the property described as a Portion of Tract 4D, of First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 10032 Cross St. Applicant: Premium Intercapital Group, Inc., PZRZ21-00013

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: September 28, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

David Samaniego, (915) 212-1608

DISTRICT(S) AFFECTED: District 4

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

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

### SUBJECT:

An Ordinance changing the zoning for the property described as a Portion of Tract 4D, of First Supplemental Map of Parkland Addition, City of El Paso, El Paso County, Texas R-4 (Residential) to R-5 (Residential). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 10032 Cross St. Applicant: Premium Intercapital Group, Inc., PZRZ21-00013

### **BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from R-4 (Residential) to R-5 (Residential) to allow for a single-family, residential development. City Plan Commission recommended 6-0 to approve the proposed request on July 29, 2021. As of August 17, 2021, the Planning Division has not received any communication in support or opposition to the rezoning request. See attached staff report for additional information.

### **PRIOR COUNCIL ACTION:**

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division SECONDARY DEPARTMENT: N/A

**DEPARTMENT HEAD:** 

Philip Eive Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO.

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 4D, OF FIRST SUPPLEMENTAL MAP OF PARKLAND ADDITION, 10032 CROSS STREET, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a portion of Tract D, of First Supplemental Map of Parkland Addition, 10032 Cross Street, located in the City of El Paso, El Paso County, Texas, more particularly described by metes and bounds attached as Exhibit "A" be changed from R-4 (Residential) to R-5 (Residential), 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 Leeser, Mayor

**ATTEST:** 

Laura D. Prine, City Clerk

**APPROVED AS TO FORM:** 

Russell T. Abeln Assistant City Attorney

### **APPROVED AS TO CONTENT:**

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

**ORDINANCE NO.** 21-1007-2770 | 1101770 PZRZ21-00013 10032 Cross RTA

EXHIBIT "A"

# 10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

# METES AND BOUNDS DESCRIPTION

**Description** of a portion of Tract 4D, of First Supplemental Map of Parkland Addition, an addition to the City of El Paso, El Paso County, Texas, according to the plat or map thereof recorded in Volume 16, Page 62, plat records of El Paso County, Texas, being the same property as described in Volume 97, Page 2255, and being more particularly described as follows:

**COMMENCING,** for reference a found city monument on the point of intersection of Cross Street and Oryx Street; **THENCE,** S02°07'55" W, along a monument line and centerline of said Cross Street, a distance of 264.69 feet to a point; **THENCE,** S87°52'05" E, leaving the centerline of said Cross Street, a distance of 30.01 feet to a found 5/8" rebar on the easterly right-of-way line of Cross Street, also being the **POINT OF BEGINNING** of this description:

**THENCE**, S86°52'55" E (S90°00'00" W), leaving said easterly right-of-way line of Cross Street, and along the southerly line of Parkland East, according to the plat or map thereof recorded in Volume 75, Page 31, plat records of El Paso County, Texas, a distance of 208.12 (208.71) feet to a set 1/2" rebar with cap stamped "B&A Inc." for the northwesterly corner of Lot 16, Block 2, Falcon Heights Addition, according to the plat or map thereof recorded in File No. 20060054816, plat records of El Paso County, Texas;

**THENCE,** S01°59'44" W (N01°07'00" W), along the westerly line of Lots 16 and Lot 27, Block 2, Parkland East, a distance of 209.11 (208.71) feet to a found 1/2" rebar on the northerly right-of-way line of Spotted Eagle Drive;

**THENCE**, N86°52'46" W (N90°00'00" E), along the northerly right-of-way line of Spotted Eagle Drive, a distance of 208.62 (208.71) feet to a set 1/2" rebar with cap stamped "B&A Inc." on the easterly right-of-way line of Cross Street;

**THENCE,** N02°07'55" E (N01°07'00" E), along the easterly right-of-way line of said Cross Street, a distance of 209.09 (208.71) feet to the **POINT OF BEGINNING** of this description and containing in all 1.00 acres of land more or less.

#### NOTES:

- 1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
- Bearings recited are grid bearings derived from RTK observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) Central Zone. Distances are ground distances and may be converted to grid dividing by 1.00020946.
- 3. This description does not intend to be a subdivision process which may be required by local or state code, and it is the client's/owner responsibility to comply with this code if required.
- 4. A Plat of Survey dated 04/21/2021, accompanies this description.

TEXAS OF **BENITO BARRAGAN** 5615 Benito Barragan, Texas R.P.L.S. 5615

Barragan and Associates Inc. Texas Surveying Firm #10151200 April 21, 2021 10032 Cross Street

Page 1 of 1

# 10032 Cross St.

CASE NUMBER: CASE MANAGER: PROPERTY OWNER: REPRESENTATIVE: LOCATION: PROPERTY AREA:

**REQUEST:** 

PUBLIC INPUT:

**RELATED APPLICATIONS:** 

City Plan Commission — July 29, 2021

ssion	n — July 29, 2021 REZON G
	PZRZ21-00013
	David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
	Premium Intercapital Group, Inc.
	Ray Mancera
	10032 Cross St. (District 4)
	1 acre

Rezone from R-4 (Residential) to R-5 (Residential) N/A Five (5) calls of inquiry as of July 22, 2021

**SUMMARY OF REQUEST:** The applicant is requesting to rezone the subject property from R-4 (Residential) to R-5 (Residential) to allow for single-family, residential lots.

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential and apartment districts in the immediate area. Further, the proposed development meets the intent of the G3, Post-War land use designation of *Plan El Paso*, the City's adopted Comprehensive Plan in the Northeast Planning area.

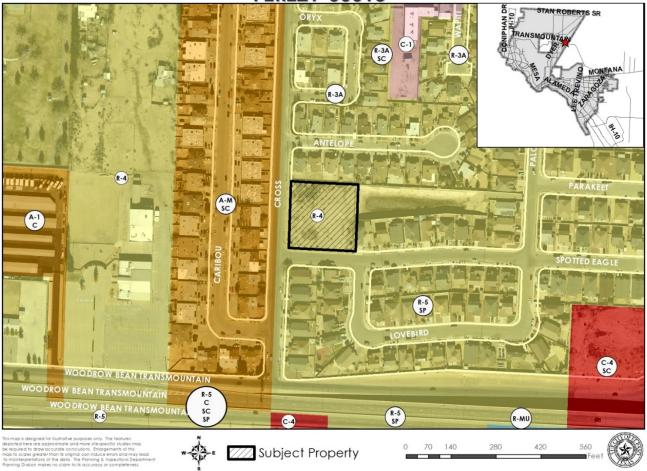


Figure A. Subject Property & Immediate Surroundings

# PZRZ21-00013



**DESCRIPTION OF REQUEST:** The applicant proposes to rezone approximately one (1) acre of land from R-4 (Residential) to R-5 (Residential). The property is located at 10032 Cross Street within the Northeast Planning area. The subject property is currently vacant. The conceptual site plan proposes to split the one (1) acre lot into eight (8) single-family, residential lots. The proposed rezoning to the R-5 (Residential) zone district would allow for a minimum lot area of 4,500-square feet for single-family lots. Access to the development is proposed from Cross Street and Spotted Eagle Drive.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The proposed development meets the intent of the G3, Post-War land use designation of *Plan El Paso* within the Northeast Planning area. Properties abutting to the east of the subject property and directly across the street to the south, are zoned R-5 (Residential), which is the proposed rezoning designation. The nearest park is Franklin Park (0.26 miles) and the nearest school is Parkland High School (0.48 miles).

# COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

Criteria	Does the Request Comply?	
Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property: <u>G-3, Post-War</u> : This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	Yes, the G-3, Post-War designation is compatible with the R-5 (Residential) and abutting residential and apartment zone districts. The abutting properties to the east and directly across the street to the south are zoned R-5 (Residential). The proposed use of single-family lots is permitted in the R-5 (Residential) zone district with a minimum lot area of 4,500-square feet.	
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: <u>R-5 (Residential) District</u> : The purpose of the district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single- family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.	Yes, the proposed zoning district is compatible with the surrounding districts. Properties abutting the subject property along Cross Street and Spotted Eagle Drive are zoned R-5 (Residential). The proposed use of single-family, residential lots is compatible with the surrounding residential and apartment zone districts, and is permitted by right in the R-5 (Residential) zone district with a minimum lot area of 4,500- square feet.	

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with Plan El Paso, consider the following factors:		
<b>Preferred Development Locations:</b> Is the property in a preferred development location identified in Plan El Paso? State which one.	The proposed rezoning would permit an increase in residential density as the R-5 (Residential) zone districts allows for smaller minimum lot sizes (4,500-square feet for single- family lots in the R-5 district versus 6,000- square feet for the R-4 district). In addition, the proposed development is accessed from Cross Street, which is classified as a residential collector street 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.	No, the proposed development is outside any historic districts or other special designation areas.	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	There are no adverse effects anticipated from the proposed rezoning. The existing infrastructure was originally designed for the proposed district and uses.	
<b>Natural Environment:</b> Anticipated effects on the natural environment.	No effect on the natural environment is anticipated as the subject property is in an area that is already developed.	
<b>Stability:</b> Whether the area is stable or in transition.	The area is stable. The subject property and the immediately abutting properties have not be been rezoned within the last ten (10) 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:** The subject property is platted and has access from Cross Street, which is classified as a residential collector and from Spotted Eagle Drive, which is classified as a local street, on the City of El Paso's Major Thoroughfare Plan. In addition, there is an existing eight (8) inch diameter water main extending along the east side of Cross Street, that is available for service. There is also an existing eight (8) inch diameter water main extending along the north side of Spotted Eagle Dr., approximately eighteen (18) feet south of and parallel to the northern right-of-way line of Spotted Eagle Dr. that is available for service. The owner of the subject property is responsible for extension and on-site/off-site easement acquisition costs.

**PUBLIC COMMENT:** The subject property lies within the Northeast Planning area. Notices were mailed to property owners within 300 feet of subject property on July 13, 2021. As of July 22, 2021, Planning has not received five (5) calls of inquiry, but no communication in support of or opposition to the rezoning request.

3

#### **RELATED APPLICATIONS:** N/A

#### **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.

4

#### ATTACHMENTS:

- 1. Future Land Use Map
- 2. Department Comments
- 3. Neighborhood Notification Boundary Map
- 4. Conceptual Site Plan (non-binding)

# ATTACHMENT 1



# ATTACHMENT 2

#### Planning and Inspections Department – Planning

Please note that this conceptual site plan is required as a documentation of existing conditions on the subject property at the time of rezoning. Any changes in use or to the improvements on the subject property will be reviewed at the time of permit issuance or certificate of occupancy for compliance with all applicable regulations.

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

Recommend approval.

#### Planning and Inspections Department – Land Development

Recommend Approval w/Condition:

1. Show proposed drainage flow patterns on the site plans. Label proposed ponding location(s).

2. As per Municipal Code: new developments and redevelopments are required to maintain the predevelopment hydrologic response in their post-development state as nearly as practicable in order to reduce flooding as per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

3. 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).

#### El Paso Water

EPWater does not object to this request.

#### Water:

There is an existing 8-inch diameter water main extending along the east side of Cross St., approximately 20-feet west of and parallel to the eastern right-of-way line of Cross St. This water main is available for service.

There is an existing 8-inch diameter water main extending along the north side of Spotted Eagle Dr., approximately 18-feet south of and parallel to the northern right-of-way line of Spotted Eagle Dr. This water main is available for service.

There is an existing 30-inch diameter water flow line extending along the west side of Cross St. No service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

EPWater records indicate no water meter serving the subject property.

Previous water pressure from fire hydrant #9630 located at the intersection of Spotted Eagle Dr. and Lovebird Ln. has yield a static pressure of 80 (psi), a residual pressure of 52 (psi) and a discharge of 1,034 gallons per minute (gpm). 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.

#### Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main that extends along the south side of Spotted Eagle Dr., approximately 21-feet north of and parallel to the southern right-of-way line of Spotted Eagle Dr. This main is available for service.

#### General:

Separate water and sewer services will be required for each lot (within the limits of each lot).

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 8 to 10 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

#### Stormwater:

EP Water-SW reviewed the property described above and provide the following comments:

 As per Municipal Code: new developments and redevelopments are required to maintain the predevelopment 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.

7

#### Fire Department

Recommend approval – no adverse comments.

<u>Sun Metro</u> Recommend approval – no objections.

#### <u>911</u>

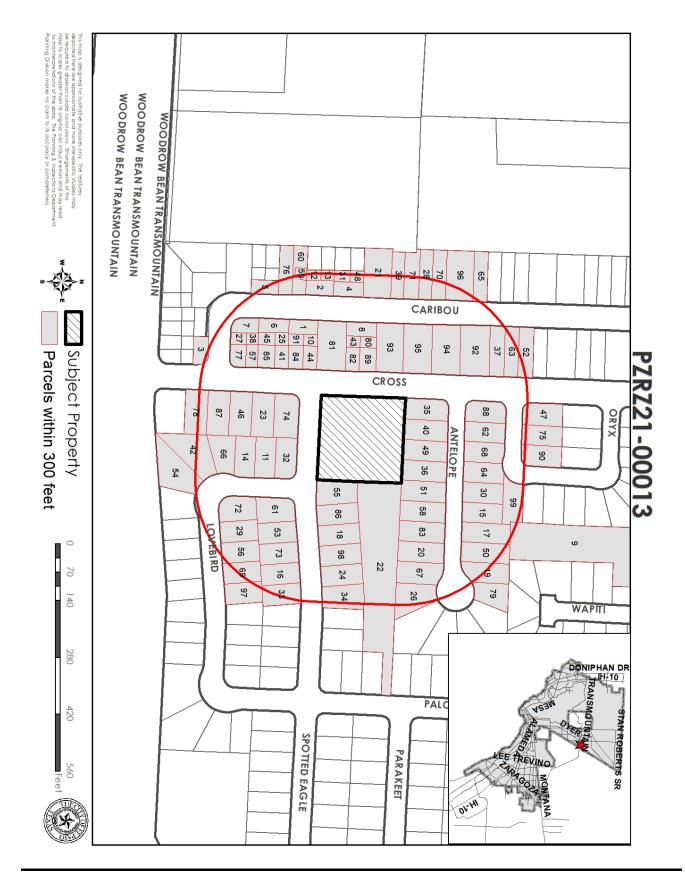
The 911 district has no objections.

#### **Texas Department of Transportation**

No comments received

# Police Department

No comments received







Legislation Text

#### File #: 21-1001, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### **District 8**

Planning and Inspections, Philip F. Etiwe, (915) 212-1553 Planning and Inspections, Raul Garcia, (915) 212-1643

#### AGENDA LANGUAGE:

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

An Ordinance vacating the 20-foot alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: West of St. Vrain St. and North of Paisano Dr. Applicant: Sisu Environ Development, LLC (SURW20-00005)

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: September 14, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Raul Garcia, (915) 212-1643

DISTRICT(S) AFFECTED: District 8

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

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

#### SUBJECT:

An ordinance vacating the 20-foot alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas.

Subject Property: West of St. Vrain St. and North of Paisano Dr. Applicant: Sisu Environ Development, LLC (SURW20-00005)

#### BACKGROUND / DISCUSSION:

The applicant is requesting to vacate the subject alley and proposes to gate the property in an effo. City Plan Commission recommended 7-0 to approve the proposed right-of-way vacation on February 25, 2021. As of August 19, 2021 staff has not received any correspondence in support or opposition of the request. See attached staff report for additional information.

#### PRIOR COUNCIL ACTION:

N/A.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

**DEPARTMENT HEAD:** 

Philip (Tive

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

#### ORDINANCE NO.

#### AN ORDINANCE VACATING THE 20-FOOT ALLEY WITHIN BLOCK 144, CAMPBELL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS

WHEREAS, the abutting property owners have requested vacation of the City right-of-way located on a parcel of land being the 20-foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas; and,

WHEREAS, after public hearing the City Plan Commission recommended that the 20-foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas, should be vacated and the City Council finds that said right-of-way is not needed for public use and should be vacated as recommended;

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

That a determination has been made that it is in the best interest of the public that the City Rightof-Way located on the property described as the 20-foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas, and which is more fully described in the attached metes and bounds description, identified as Exhibit "A" and in the attached survey identified as Exhibit "B" and made a part hereof by reference is hereby vacated subject to the entire length and width of the right-of-way in Exhibit "A" being retained as a utility easement and the area readily accessible to utility companies for maintenance, repair, and replacement of their facilities.

In addition, the City Manager is authorized to sign an instrument quitclaiming all of the City's right, title and interest in and to such vacated property to Sisu Environ Development, LLC.

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

THE CITY OF EL PASO

Oscar Leeser, Mayor

**ATTEST:** 

Laura D. Prine, City Clerk

**APPROVED AS TO FORM:** 

Wendi N. Vineyard

Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Philip Clive Philip F. Etiwe, Director Planning & Inspections Department

#### NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

}

}

#### **QUITCLAIM DEED**

#### COUNTY OF EL PASO

That in consideration of the receipt by the **CITY OF EL PASO** of Ten Dollars (\$10.00) and other valuable consideration, the sufficiency of which is acknowledged, **THE CITY OF EL PASO**, has released and quitclaimed and by these presents does release and quitclaim unto Sisu Environ Development, LLC (the "Grantee"), all its rights, title interest, claim and demand in and to the property which was vacated, closed and abandoned by Ordinance No. \_\_\_\_\_\_\_, passed and approved by the City Council of the City of El Paso and described as **THE 20-FOOT ALLEY WITHIN BLOCK 144, CAMPBELL ADDITION, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS**, which is more fully described in the attached metes and bounds description, identified as **Exhibit "A"** and in the attached survey identified as **Exhibit "B"** and made a part hereof by reference.

WITNESS the following signatures and seal this \_\_\_\_\_day of \_\_\_\_\_\_, 20\_\_\_\_.

CITY OF EL PASO

**ATTEST:** 

Tomás González, City Manager

Laura D. Prine, City Clerk

#### **APPROVED AS TO FORM:**

Wendi N. Vinevard

Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Philip Tiwe

Philip F. Etiwe, Director Planning and Inspections Department

#### **ACKNOWLEDGMENT**

### THE STATE OF TEXAS )

)

)

#### COUNTY OF EL PASO

This instrument is acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Tomás González, as City Manager for the CITY OF EL PASO.

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

My Commission Expires:

AFTER FILING RETURN TO: City of El Paso 300 N. Campbell El Paso, Texas 79901

#### **EXHIBIT A**

#### METES AND BOUNDS

Property Description: The 20 foot Alley within Block 144, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas and more particularly described by metes and bounds as follows:

Commencing at a city monument located on the intersection of Third Street and Virginia Street; Thence,, N 05°02'00" E, a distance of 507.99 feet to a point for a property corner lying on the northerly right-of-way line of Paisano Drive, said point being the TRUE POINT OF BEGINNING of this description;

THENCE, leaving said northerly right-of-way line, N 12' 28' 57" W, a distance of 130.09 feet to a point for a boundary corner, lying on the southerly right-of-way line of 1st Avenue;

THENCE, along said southerly right-of-way line, N 77° 31' 03" E, with said right-of-way line, a distance of 20.00 feet to a point for a boundary corner;

THENCE, leaving said southerly right-of-way line, S 12° 28' 57" E, a distance of 120.73 feet to a point for a boundary corner lying on the northerly right-of-way line of Paisano Drive:

THENCE, along said northerly right-of way line, S 52° 25' 12" W, a distance of 22.09 feet back to the POINT OF BEGINNING of this description.

Said parcel of land containing 0.058 of an acre, or 2,508.19 s.f. of land, more or less.



Reg. No. F-1902 SURVEYING Reg. No. 100120-00

CERTIFICATION I HEREBY CERTIFY THAT THE FOREGOING PLAT OF BOUNDARY SURVEY WAS PERFORMED UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

GUILLERMO LICON, R.P.L.S. REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS LICENSE NO. 2998

ALL

SLI ENGINEERING, INC.

\_ F.B. #: \_

JOB #: 20-4486 DR. BY: \_\_

20'

SCALE: 1"=20'

DATE: 10/26/20

Copyright 2020 SLI Engineering, Inc. This map and survey are being provided solely for the use of <u>RIVER OAKS PROPERTIES</u> and no license has been created, expressed or implied, to copy the surveys and/or map(s) except as necessary in conjunction with the original transaction. This transaction shall be effective within six (6) months from the date hereon OCTOBER 26, 2020.

LAND SURVEYORS

600 WESTWIND DRIVI EL PASO, TEXAS

SM

\*\*\*

(MEETS AND BOUNDS)

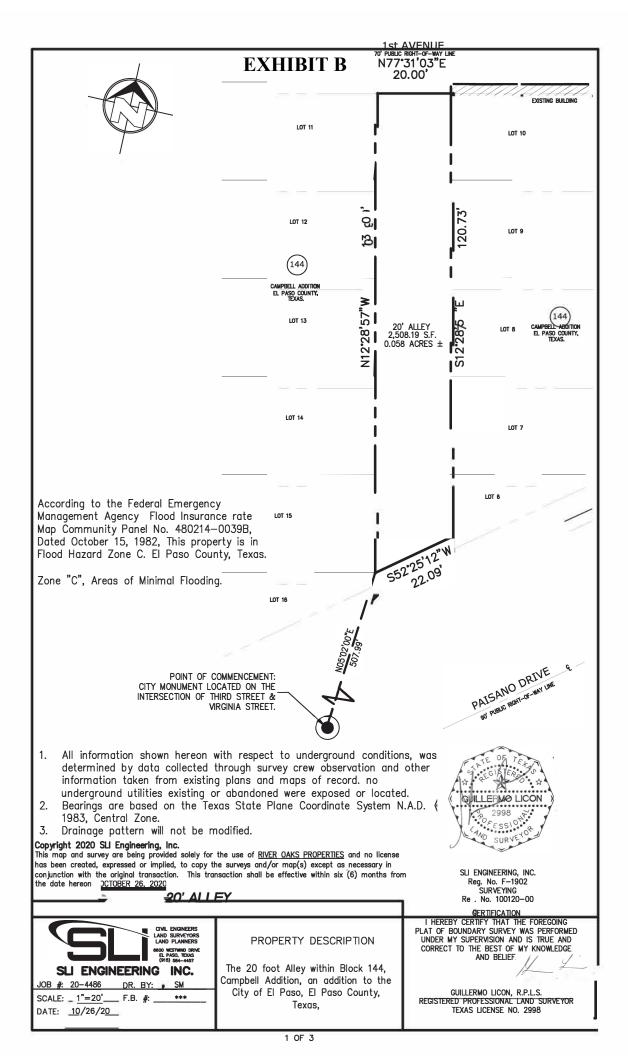
PROPERTY DESCRIPTION

The 20 foot Alley within Block 144,

Campbell Addition, an addition to the

City of El Paso, El Paso County,

Texas,



### **Paisano Alley L Vacation**

City Plan Commission — February 25, 2021 - REVISED



CASE NUMBER/TYPE:	SURW20-00005 – RIGHT-OF-WAY VACATION
CASE MANAGER:	Tuuli Martin, (915) 212-1561, MartinTK@elpasotexas.gov
PROPERTY OWNER:	City of El Paso
REPRESENTATIVE:	SLI Engineering, Inc.
LOCATION:	North of Paisano Dr. and West of St. Vrain St. (District 8)
PROPERTY AREA:	0.058 acres
ZONING DISTRICT(S):	M-1 (Light Manufacturing)
PUBLIC INPUT:	No opposition received as of 02/19/2021

**SUMMARY OF RECOMMENDATION:** Staff recommends **APPROVAL WITH CONDITION** of Paisano Alley L Vacation subject to the following condition:

• That a utility easement be retained over the subject property to accommodate existing utilities.



Figure A: Proposed plat with surrounding area

**DESCRIPTION OF REQUEST:** The applicant is proposing to vacate a 20-foot public alley located within Block 144 of Campbell Addition. The area requested to be vacated is 0.058 acres in size. All properties abutting the alley belong to one owner. The owner seeks to gate the alley to prevent dumping of trash. Further coordination is required with utility companies to retain existing infrastructure and services.

#### CASE HISTORY/RELATED APPLICATIONS: N/A

**NEIGHBORHOOD CHARACTER:** Surrounding neighborhood characteristics are identified in the following table.

Surrounding Zoning and Use			
North	C-4 (Commercial) / Parking lot and commercial development		
South	C-4 (Commercial) / Church		
East	M-1 (Light Manufacturing) / Car dealership		
West	M-1 (Light Manufacturing) / Commercial development		
Nearest Public Facility and Distance			
Park	Tual Irraboli Park (0.36 mi.)		
School	Aoy Elementary School (0.57 mi.)		
Plan El Paso Designation			
G2, Traditional Neighborhood (Walkable)			
Impact Fee Service Area			
N/A			

**PUBLIC COMMENT:** Notices of the proposed right-of-way vacation were sent on February 12, 2021 to all property owners within 200 feet of the subject property. As of February 19, 2021, staff has not received any inquiries regarding this request.

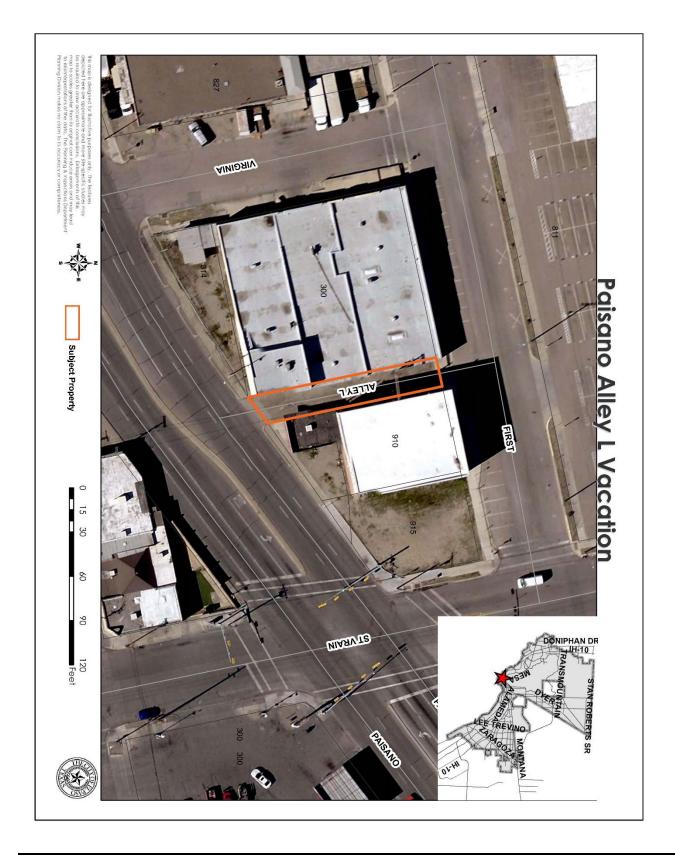
#### **CITY PLAN COMMISSION OPTIONS:**

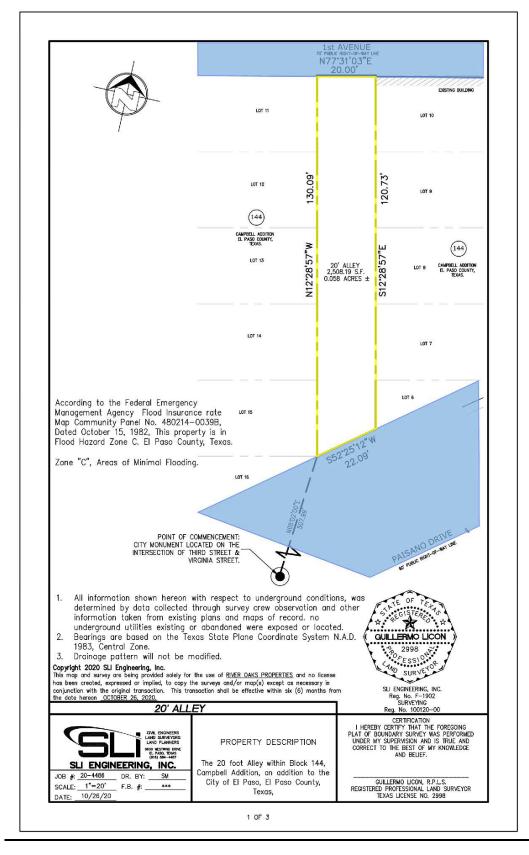
The City Plan Commission (CPC) has the authority to advise City Council on right-of-way vacation requests. When a request is brought forward to the CPC for review, the Commission may take any of the following actions:

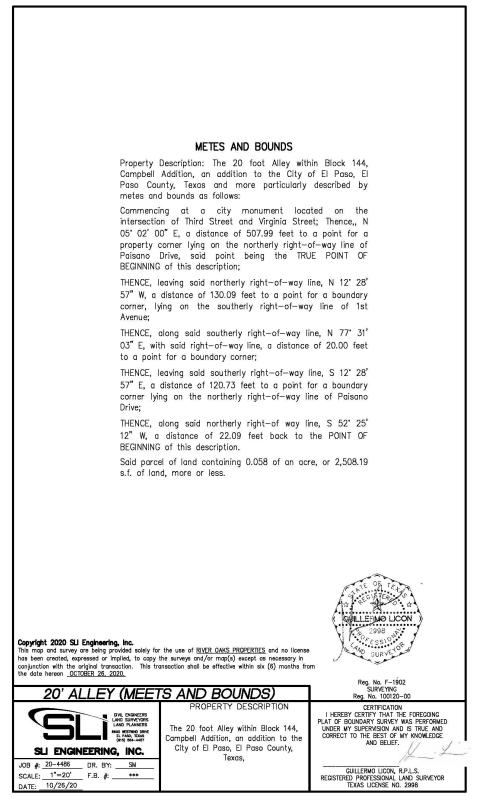
- 1. **Recommend Approval**: The CPC finds that the proposed vacation request is in conformance with all applicable requirements of Title 19 of the El Paso City Code.
- 2. **Recommend Approval with Conditions:** The CPC may recommend that City Council impose additional conditions on approval of the request that bring the request into conformance with all applicable requirements of Title 19 of the El Paso City Code. (Staff Recommendation)
- 3. **Recommend Denial:** The CPC finds that the proposed request is not in conformance with all applicable requirements of Title 19 of the El Paso City Code.

#### ATTACHMENTS:

- 1. Aerial Map
- 2. Survey
- 3. Metes and Bounds Description
- 4. Application
- 5. Department Comments







2 OF 3



#### VACATION PUBLIC EASEMENTS AND RIGHTS-OF-WAY APPLICATION

	Date: 08-10-2020	File No				
t,	APPLICANTS NAME					
ι,		ZIP CODE 79912 TELEPHONE 584-4457				
2,	Request is hereby made to vacate the follow	wing: (check one)				
	StreetAlley_XEasement	Other				
	Street Name(s)	Subdivision Name				
	Abutting Blocks 144	Abutting Lots 11-16 AND 6-10				
3.	Reason for vacation request:					
4.	Surface Improvements located in subject property to be vacated: NonePaving XCurb & GutterPower Lines/PolesFences/WallsStructuresOther					
5.	Underground Improvements located in the existing rights-of-way: NoneTelephoneElectricGasWaterStorm DrainOther					
6,	Future use of the vacated right-of-way: YardsParkingExpand Building AreaReplat with abutting LandOther					
7.	Related Applications which are pending (give name or file number): ZoningBoard of AdjustmentSubdivisionBuilding PermitsOther					
8.	3. Signatures: All owners of properties which abut the property to be vacated must appear below with an adequate legal description of the properties they own (use additional paper if necessary).					
	Signature	Legal Description	Telephone			
	Sugare Bl	Lots 11-16 Block 144 Campbell addition				
	hawke	Lots 6-10, block 144 Campbell Addition				
	~					
	The undersigned Owner/Applicant/Agent understands that the processing of this Application will be handled in accordance with the procedure for Requesting Vacations and that no action on processing will be taken without payment of the non-refundable processing e. It is further understood that acceptance of this application and fee in no way obligates the City to grant the Vacation. I/We urther understand that the fee, if the Vacation is granted will be determined by the City of El Paso and a Certified or Cashier's Check- nust be presented before the request will be recommended for Council action.					
	he City confirming these representations.					
	any applicable City ordinances.	onstrued to be a waiver of or an approval of any violation of any	of the provisions of			
	OWNER SIGNATURE	REPRESENTATIVE SIGNATURE	HAR			
	REPRESENTATIVE (HONE):		all a			
	V	and P Sli- empirecing - Cure				
		IN DOES NOT CONSTITUTE ACCEPTANCE FOR PROC EVIEWS THE APPLICATION FOR ACCURACY AND CO				
		ng & Inspections Department 0   El Paso, Texas 79950-1890  (915) 212-0085				

#### Planning and Inspections Department- Planning Division

Developer / Engineer shall address the following comments:

1. Submit to the Planning & Inspections Department – Planning Division the following prior to recording of the subdivision:

- a: Current certificate tax certificate(s)
- b: Current proof of ownership.
- 3. Verify easements in the requested vacation area. See El Paso Water comment.
- 4. Staff will recommend that a utility easement be retained over the subject property to accommodate existing utility services.
- 5. Coordinate with Texas Gas and AT&T.

#### Planning and Inspections Department- Land Development Division

We have reviewed subject plats and recommend Approval.

The Developer/Engineer shall address the following comments.

1. No objections to proposed alley vacation.

#### **EPWU Stormwater Comments:**

No comments received.

#### Parks and Recreation Department

We have reviewed Paisano Alley L - ROW Vacation survey map and on behalf of Parks & Recreation Department we offer "No" objections to this proposed Street Right-of-way vacation request.

#### El Paso Water

We have reviewed the request described above and provide the following comments:

EPWater-PSB does not object to this request as long as a full width PSB easement is retained to accommodate the existing water and sewer mains and services.

#### Water:

There is an existing 2-inch diameter water main that extends along the east side of the alley east of Virginia Dr., located approximately 5-feet west of and parallel to the eastern right-of-way line of this alley. This water main is available for service.

There is an existing 1-inch diameter water main that extends along the south side of First Ave. located approximately 2-feet north of and parallel to the southern right-of-way line of First Ave. This water main is available for service.

There is an existing 8-inch diameter water main that extends along the north side of First Ave., located approximately 45-feet north of and parallel to the southside right-of-way line of north side of First Ave. This water main is available for service

EPWater records indicate two active 3/4-inch water meters within the subject property. The service addresses for these meters are 911 E. Paisano Dr. and 300 S. Virginia St.

Previous water pressure from fire hydrant #976 located on the southwest corner of First Ave. and St. Vrian St. has yield a static pressure of 100 (psi), a residual pressure of 92 (psi) and a discharge of 1363 gallons per minute (gpm). 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 6-inch diameter sanitary sewer main that extends along the west side of the alley east of Virginia Dr., approximately 10-feet west of and parallel to the eastern right-of-way line of this alley. This sanitary sewer main is available for service.

#### General:

Paisano Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Paisano Drive right-of-way requires written permission from TxDOT.

EPWater requires a new service application for services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

#### <u>AT&T</u>

AT&T does have facilities in the alley to provide services. A fence will not impede our service ability but access is required for repair and installations. A door should be available with a contact to open or we can provide an ATT lock for technician access.

#### <u>Texas Gas</u>

TGS has a main that provides service to the buildings and has recently completed a replacement project. Developer and/or Owner Representative must coordinate the development with TGS in order to determine if an easement is required and/or if the main needs to be relocated, retired before the Alley is vacated.

8

#### Sun Metro

No objections.

<u>Fire Department</u> No adverse comments.

#### **Streets and Maintenance Department**

No comments or objections.

#### **Environmental Services Department**

No objections.

#### <u>TxDOT</u>

Property is not abutting TxDOT Right of Way.

#### El Paso County 911 District

The 911 District has no objections to this alley vacation.

#### El Paso County Water Improvement District #1

No comments received.

#### El Paso County

No comments received.

#### El Paso Electric

No comments received.

#### **Capital Improvement Department**

No comments received.



Legislation Text

#### File #: 21-973, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 8

Streets and Maintenance, Richard Bristol, (915) 212-0118 Streets and Maintenance, Hannah Adele Allen, (915) 212-7003

#### AGENDA LANGUAGE:

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

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited at all times on certain streets) of the City Code, to add portions of South El Paso Street; the penalty being provided in Chapter 12.84 of the El Paso City Code.

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: September 14, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Hannah Adele Allen (Williams), (915) 212-7003

DISTRICT(S) AFFECTED: 8

**STRATEGIC GOAL:** 3 – Promote the Visual Image of El Paso 7 – Enhance and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 3.2 – Improve the visual impression of the community 7.3 – Enhance a regional comprehensive transportation system

#### SUBJECT:

Amend Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all times on certain streets) of the City Code, to add portions of South El Paso Street; the penalty being provided in Chapter 12.84 of the El Paso City Code.

#### **BACKGROUND / DISCUSSION:**

CID has requested that the Streets and Maintenance Department restrict parking in the area immediately adjacent to the recently constructed roundabout at South El Paso Street and East San Antonio Avenue.

#### PRIOR COUNCIL ACTION:

Current Municipal Code (previously approved):

12.88.030 (Schedule III – Parking Prohibited at all times on certain streets)

39. El Paso Street between San Antonio Avenue and a point 80 feet south of the most southerly curbline of Overland Avenue, east side

#### AMOUNT AND SOURCE OF FUNDING:

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_\_ YES \_\_\_ NO

**PRIMARY DEPARTMENT:** Streets and Maintenance **SECONDARY DEPARTMENT:** Capital Improvement

#### 

**DEPARTMENT HEAD:** 

Richard Bristol

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

#### ORDINANCE NO.

# AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III – PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) OF THE CITY CODE, TO AMEND SUBSECTION 39, IN ITS ENTIRETY, TO ADD PORTIONS OF SOUTH EL PASO STREET; THE PENALTY PROVIDED IN CHAPTER 12.84 OF THE CITY CODE.

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

**SECTION 1.** That Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedules III – Parking prohibited at all times on certain streets), Subsection 39 is hereby amended, in its entirely, as follows:

- 39. On the following described portions of South El Paso Street:
  - a. South El Paso Street from Henry Trost Court/West Mills Avenue to West San Antonio Avenue, west side only;
  - b. South El Paso Street from Henry Trost Court/West Mills Avenue to a point 311 feet along the curb line south, and east along the curb line of East San Antonio Avenue, to the alley;
  - c. South El Paso Street from West San Antonio Avenue to a point 260 feet north along the curb line, and east along the curb line on East San Antonio Avenue, to the alley;

**SECTION 2.** Except as herein amended, Title 12 of the 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:** 

oberta Birto

Roberta Brito Assistant City Attorney

#### **APPROVED AS TO CONTENT:**

Richard Bristol

Richard Bristol, Director Streets and Maintenance Department



# Ordinance Amending Title 12.88.030

Parking Prohibited at All Times on Certain Streets El Paso & San Antonio Roundabout

> City Council Introduction: August 17, 2021 Public Hearing: August 31, 2021

> > **District: 8**





# Strategic Plan Goal

# 3 – Promote the Visual Image of El Paso 3.2 – Improve the visual impression of the community

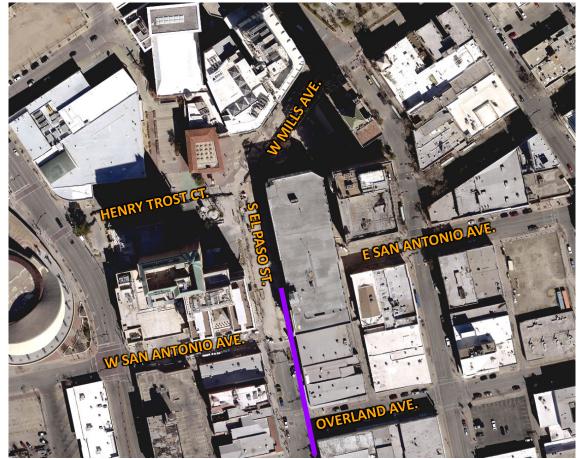
# 7 – Enhance and Sustain El Paso's Infrastructure Network 7.3 – Enhance a regional comprehensive transportation system

# City Council History / Existing Conditions

### 12.88.030 (Schedule III – Parking Prohibited at all times on certain streets)

39. El Paso Street between San Antonio Avenue and a point 80 feet south of the most southerly curbline of Overland Avenue, east side

> \*Image NTS \*Parking restrictions assumed





# **Purpose of Amendment**

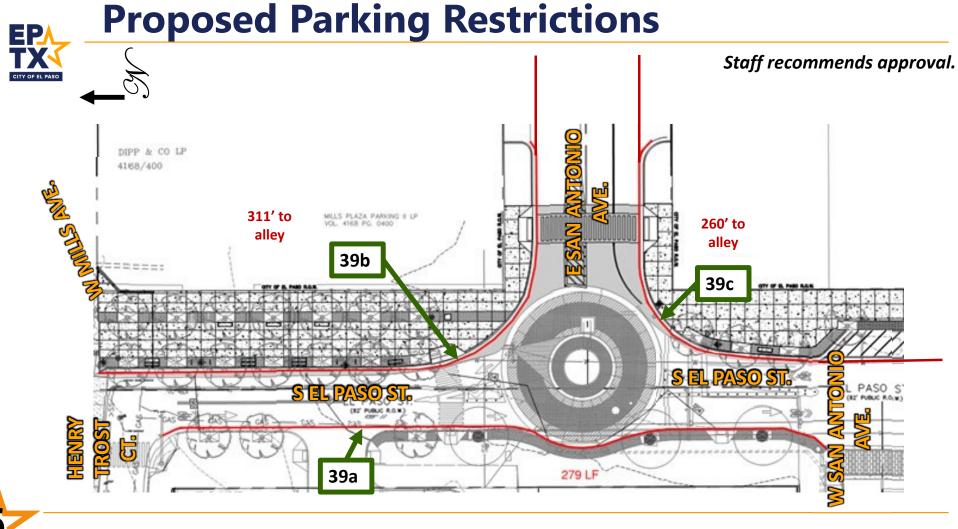
CID has requested that the Streets and Maintenance Department restrict parking in the area immediately adjacent to the recently constructed roundabout at South El Paso Street and East San Antonio Avenue.

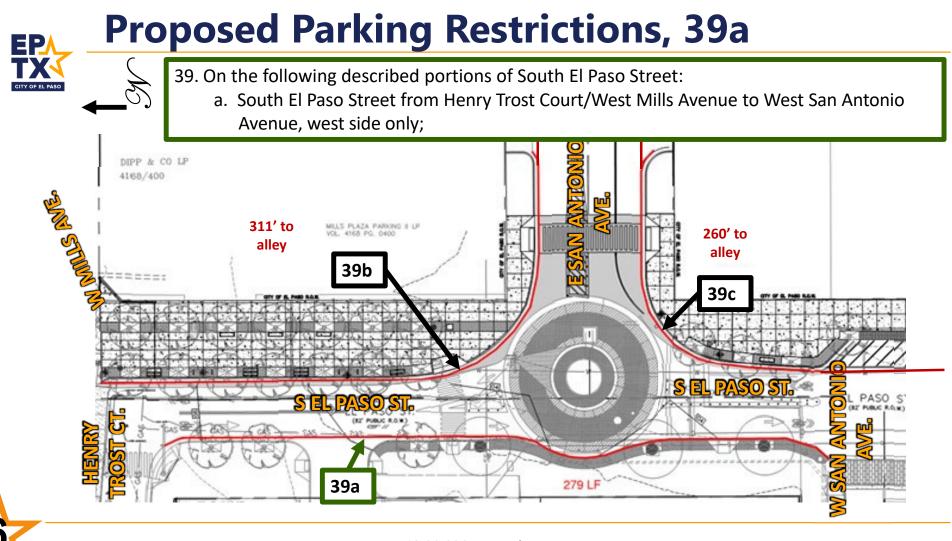
### **Benefits:**

- Clear path of travel
  - Increase visibility for all road users
- Reduce congestion
  - Increase flow of traffic
- Aesthetically appealing

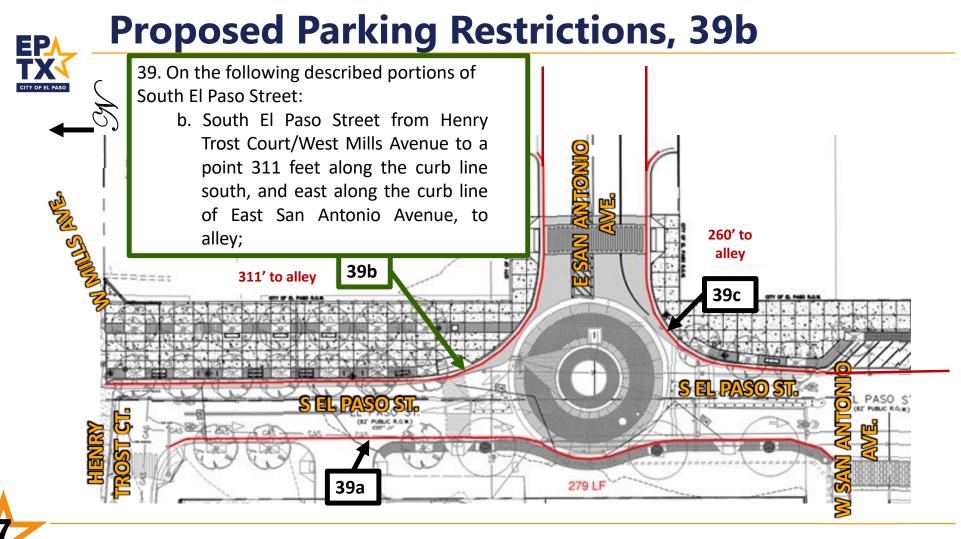


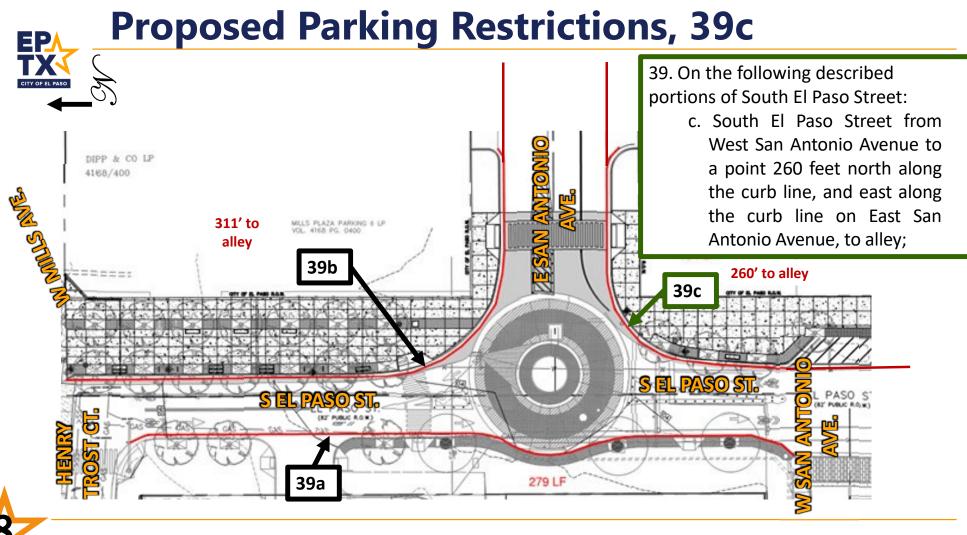






12.88.030 Amendment





# **Requested Council Action**



Amend Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all times on certain streets) of the City Code, to add portions of South El Paso Street; the penalty being provided in Chapter 12.84 of the El Paso City Code.

### Amend:

39. El Paso Street between San Antonio Avenue and a point 80 feet south of the most southerly curbline of Overland Avenue, east side;

#### To Read:

- 39. On the following described portions of South El Paso Street:
  - a. South El Paso Street from Henry Trost Court/West Mills Avenue to West San Antonio Avenue, west side only;
  - b. South El Paso Street from Henry Trost Court/West Mills Avenue to a point 311 feet along the curb line south, and east along the curb line of East San Antonio Avenue, to the alley;
  - c. South El Paso Street from West San Antonio Avenue to a point 260 feet north along the curb line, and east along the curb line on East San Antonio Avenue, to the alley;





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



Integrity, Respect, Excellence, Accountability, People

# Vision

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





Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

# ☆ Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

# Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



# Ordinance Amending Title 12.88.030

Parking Prohibited at All Times on Certain Streets El Paso & San Antonio Roundabout

> City Council Introduction: August 17, 2021 Public Hearing: August 31, 2021

> > **District: 8**





# Strategic Plan Goal

# 3 – Promote the Visual Image of El Paso 3.2 – Improve the visual impression of the community

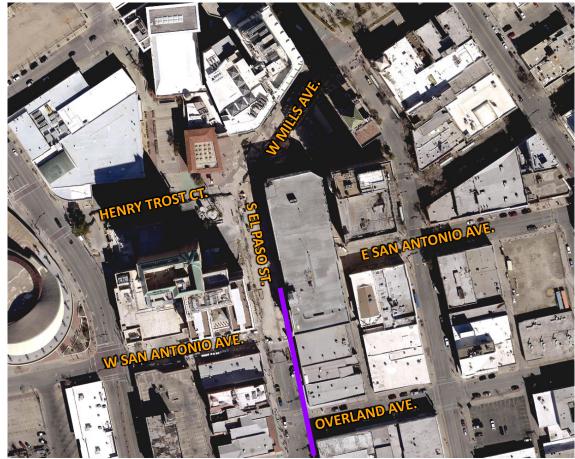
# ▶7 – Enhance and Sustain El Paso's Infrastructure Network ▶7.3 – Enhance a regional comprehensive transportation system

# City Council History / Existing Conditions

### 12.88.030 (Schedule III – Parking Prohibited at all times on certain streets)

39. El Paso Street between San Antonio Avenue and a point 80 feet south of the most southerly curbline of Overland Avenue, east side

> \*Image NTS \*Parking restrictions assumed



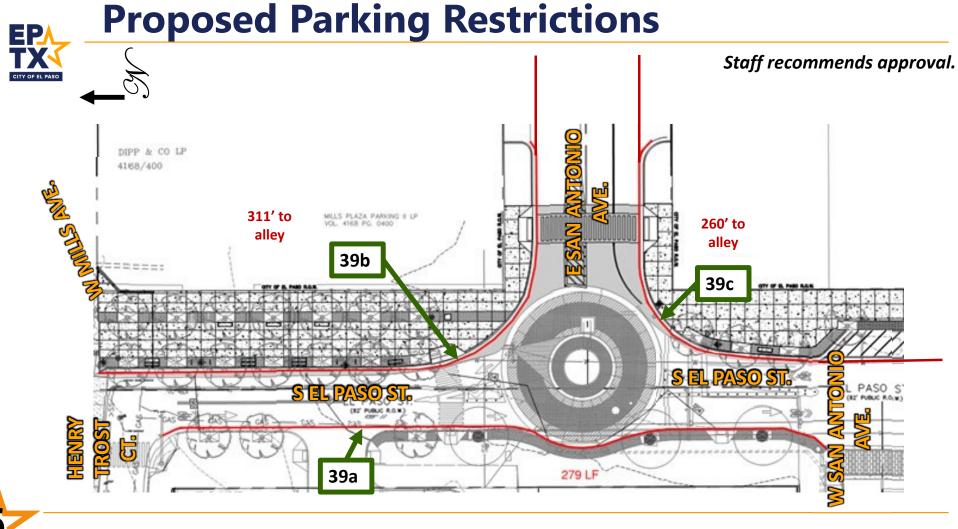


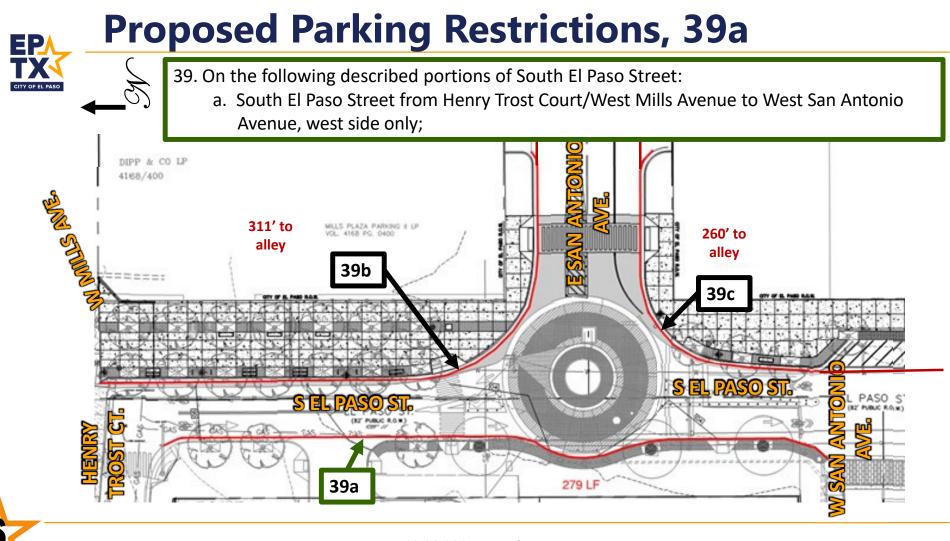
# **Purpose of Amendment**

CID has requested that the Streets and Maintenance Department restrict parking in the area immediately adjacent to the recently constructed roundabout at South El Paso Street and East San Antonio Avenue.

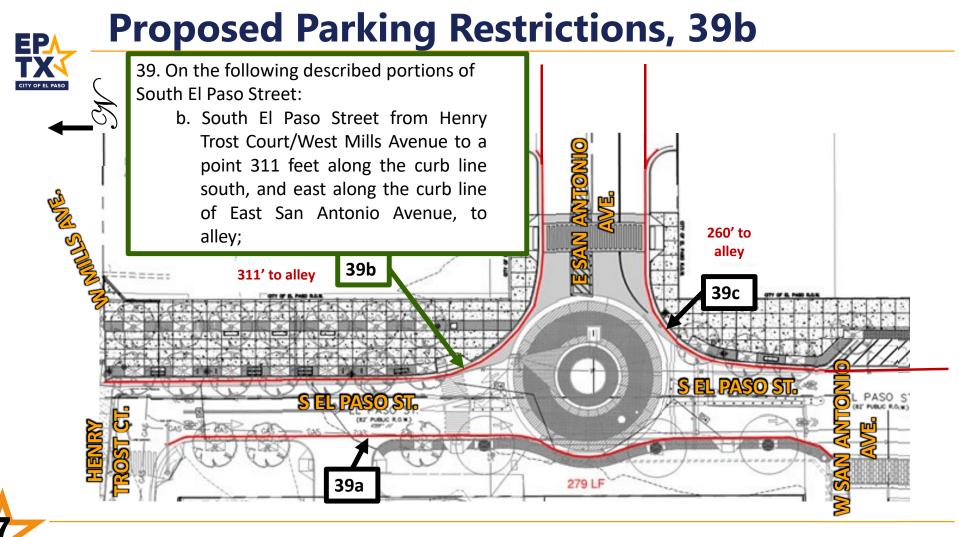
### **Benefits:**

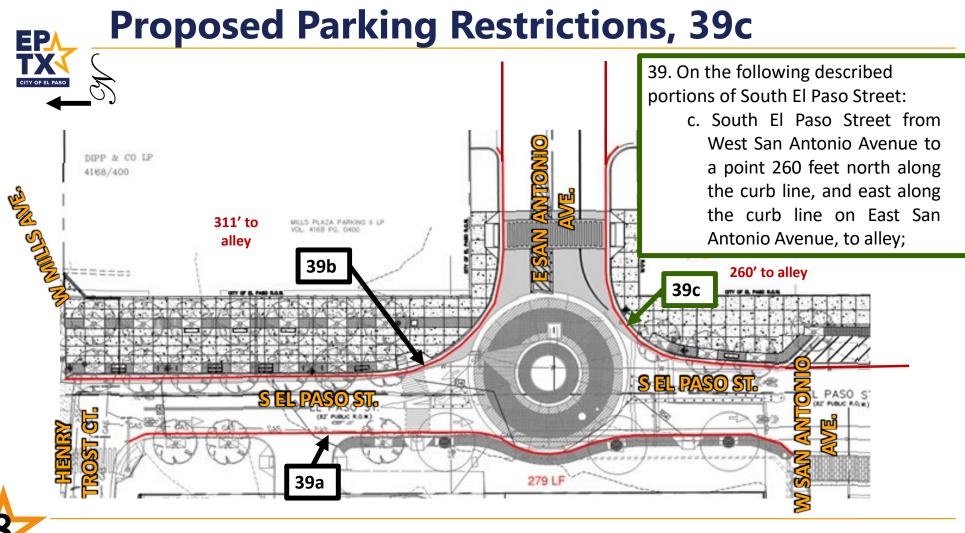
- Clear path of travel
  - Increase visibility for all road users
- Reduce congestion
  - Increase flow of traffic
- Aesthetically appealing





12.88.030 Amendment





## **Requested Council Action**



Amend Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III – Parking Prohibited at all times on certain streets) of the City Code, to add portions of South El Paso Street; the penalty being provided in Chapter 12.84 of the El Paso City Code.

### Amend:

39. El Paso Street between San Antonio Avenue and a point 80 feet south of the most southerly curbline of Overland Avenue, east side;

### To Read:

- 39. On the following described portions of South El Paso Street:
  - a. South El Paso Street from Henry Trost Court/West Mills Avenue to West San Antonio Avenue, west side only;
  - b. South El Paso Street from Henry Trost Court/West Mills Avenue to a point 311 feet along the curb line south, and east along the curb line of East San Antonio Avenue, to the alley;
  - c. South El Paso Street from West San Antonio Avenue to a point 260 feet north along the curb line, and east along the curb line on East San Antonio Avenue, to the alley;





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



Integrity, Respect, Excellence, Accountability, People

## Vision

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





Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

## ☆ Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

## Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



Legislation Text

### File #: 21-987, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 6

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

### AGENDA LANGUAGE:

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

The linkage to the Strategic Plan is subsection 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner.

#### Award Summary:

Discussion and action on the award of Solicitation 2021-1233 Pavo Real Recreation Center Improvements to Gracen Engineering & Construction, Inc. for an estimated award of \$1,209,000.00. The project consists of reroofing, mechanical and electrical improvements, replacement of flooring materials, and new casework to an existing public recreation facility.

Department:	Capital Improvement	
Award to:	Gracen Engineering & Construction, Inc	
	El Paso, TX	
Items:	Base Bid I, Base Bid II, Additive Alternate I and Additive A	Alternate II
Initial Term:	180 Consecutive Calendar Days	
Base Bid I:	\$1,160,000.00	
Base Bid II:	\$24,000.00	
Additive Alternate I:	\$18,000.00	
Additive Alternate II:	\$7,000.00	
Total Estimated Award:	\$1,209,000.00	
Funding Source:	2012 Quality of Life Bond	
Account:	190-4800-29010- 580270-PCP13PRKD08	
District:	6	

This is a Low Bid procurement, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Gracen Engineering & Construction, Inc., the lowest responsive and responsible bidder.

### File #: 21-987, Version: 1

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: N/A

### CONTACT PERSON(S) NAME AND PHONE NUMBER:

DISTRICT(S) AFFECTED:	Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer, (915) 212-1845 Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-1181 6
STRATEGIC GOAL:	NO. 4 – Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

**SUBGOAL:** 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner.

### SUBJECT:

Discussion and action on the award of solicitation 2021-1233 Pavo Real Recreation Center Improvements to Gracen Engineering & Construction, Inc for or Base Bid I: \$1,160,000.00, Base Bid II: \$24,000.00, Additive Alternate I: \$18,000.00 and Additive Alternate II: \$7,000.00 for an estimated award of \$1,209,000.00.

### **BACKGROUND / DISCUSSION:**

The project consists of the reroofing, mechanical and electrical improvements of an existing public recreation facility, approximately encompassing 28,556 square feet. Replacement of flooring materials, new casework, adding accessories, and reroofing including structural patching of the deck. Provide new and replace piping required for new HVAC equipment, roof drains, new drinking fountains, and other items as noted or specified. Remove and dispose of existing mechanical equipment as noted and shown, add new equipment, ductwork, diffusers and devices to support new and existing equipment to remain. Electrical Power and Lighting: Replace feeders and meter as noted, add panels and transformers as indicated. Provide new and maintain existing service throughout for lighting. Owner awarded a contract for supply and installation of Security camera system which will commence on a date determined following submission of construction schedule.

### **SELECTION SUMMARY:**

Solicitation was advertised on May 18, 2021 and May 25, 2021. The solicitation was posted on City website on May 18, 2021. The email (Purmail) notification was sent out on May 20, 2021. There were a total one hundred nine (109) viewers online; eight (8) bids were received; seven (7) being local suppliers.

### **CONTRACT VARIANCE:**

N/A

**PROTEST** No protest was received for this requirement.

### PRIOR COUNCIL ACTION:

N/A

### AMOUNT AND SOURCE OF FUNDING:

Amount: \$1,209,000.00 Source: 2012 Quality of Life Bond 190-4800-29010- 580270-PCP13PRKD08

### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_\_X\_YES \_\_\_NO

PRIMARY DEPARTMENT: Capital Improvement SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

### 

**DEPARTMENT HEAD:** 

erry DeMuro/for

Sam Rodriguez Chief Operations and Transportation Officer, Aviation Director and City Engineer

#### COUNCIL PROJECT FORM (Low Bid)

### 

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of August 31, 2021.

## STRATEGIC GOAL 4 – Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

The linkage to the Strategic Plan is subsection 4.1 - Deliver bond projects impacting quality of life across the city in a timely, efficient manner

#### Award Summary:

Discussion and action on the award of solicitation 2021-1233 Pavo Real Recreation Center Improvements to Gracen Engineering & Construction, Inc. for an estimated award of \$1,209,000.00. The project consists of reroofing, mechanical and electrical improvements, replacement of flooring materials, and new casework to an existing public recreation facility.

Department:	Capital Improvement
Award to:	Gracen Engineering & Construction, Inc
	El Paso, TX
Item(s):	Base Bid I, Base Bid II, Additive Alternate I and Additive Alternate II
Initial Term:	180 Consecutive Calendar Days
Base Bid I:	\$1,160,000.00
Base Bid II:	\$24,000.00
Additive Alternate I:	\$18,000.00
Additive Alternate II:	\$7,000.00
Total Estimated Award:	\$1,209,000.00
Funding Source:	2012 Quality of Life Bond
Account:	190-4800-29010- 580270-PCP13PRKD08
District(s):	6

This is a Low Bid procurement, lump sum contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Gracen Engineering & Construction, Inc., the lowest responsive and responsible bidder.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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.

	2021-1233 Pavo Real Recreation Center Improvements Bid Tab Summary					
No.	Bidder	Sum Total Base Bid I	Sum Total Base Bid II	Sum Total Additive Alternate I	Sum Total Additive Alternate II	Sum Total Base Bid I, Base Bid II, Additive Alternate I and Additive Alternate II
1	Gracen Engineering & Construction, Inc.	\$1,160,000.00	\$24,000.00	\$18,000.00	\$7,000.00	\$1,209,000.00
2	Perikin Enterprises, LLC	\$1,174,574.41	\$22,734.22	\$12,936.24	\$8,449.49	\$1,218,694.36
3	Noble General Contractors, LLC	\$1,297,000.00	\$24,700.00	\$12,200.00	\$7,600.00	\$1,341,500.00
4	Roman Construction Associates, LLC	\$1,311,691.00	\$24,379.00	\$12,260.00	\$12,000.00	\$1,360,330.00
5	Mirador Enterprises, Inc.	\$1,453,760.52	\$15,760.59	\$13,524.47	\$10,941.79	\$1,493,987.37
6	Vistacon II, LLC	\$1,475,804.61	\$14,720.00	\$12,700.00	\$8,096.00	\$1,511,320.61
7	AAA General Contractors, LLC	\$1,459,233.88	\$52,261.23	\$20,499.61	\$11,757.38	\$1,543,752.10
8	Pride General Contractors, LLC	\$1,077,067.00	\$1,093,817.00	\$3,156.00	\$9,512.00	\$2,183,552.00



### CITY OF EL PASO BID TABULATION FORM



**BID TITLE: Pavo Real Recreation Center Improvements** 

BID DATE: July 7, 2021

BID NO: 2021-1233 DEPARTMENT: Capital Improvement

JD DATE: Ouly 7, 2021			BEIA		
	AAA General Contractors, LLC	Gracen Engineering & Construction, Inc	Mirador Enterprises, Inc.	Noble General Contractors LLC	
	El Paso, TX	El Paso, TX	El Paso, TX	El Paso, TX	
	BIDDER 1 of 8	BIDDER 2 of 8	BIDDER 3 of 8	BIDDER 4 of 8	
BASE BID I:	\$1,459,233.88	\$1,160,000.00	\$4 450 700 FD	¢4 007 000 00	
BASE BID I.	*Note: Sale Tax Included	\$1,100,000.00	\$1,453,730.52	\$1,297,000.00	
BASE BID II: \$52,261.23 \$24,000.00		\$24,000.00	\$15,760.59	\$24,700.00	
	*Note: Sale Tax Included	¥= 1,000100		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	\$20,499.61	¢18 000 00	¢42.524.47	¢42 200 00	
ADDITIVE ALTERNATE I:	*Note: Sale Tax Included	\$18,000.00	\$13,524.47	\$12,200.00	
	\$11,757.38	AT			
ADDITIVE ALTERNATE II:	*Note: Sale Tax Included	\$7,000.00	\$10,941.79	\$7,600.00	
Amendment(s) Acknowledged:	Yes	Yes	Yes	Yes	
Bid Bond:	Yes	Yes	Yes	Yes	



### CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pavo Real Recreation Center Improvements

BID DATE: July 7, 2021

BID NO: 2021-1233 DEPARTMENT: Capital Improvement

DID DATE. Ouly 7, 2021				
	Perikin Enterprises, LLC	Pride General Contractors, LLC	Roman Construction Associates, LLC	Vistacon II, LLC
	Albuquerque, NM	El Paso, TX	El Paso, TX	El Paso, TX
	BIDDER 5 of 8	BIDDER 6 of 8	BIDDER 7 of 8	BIDDER 8 of 8
	-			
BASE BID I:	\$1,174,574.41	\$1,077,067.00	\$1,311,691.00	\$1,475,804.61
BASE BID II:	\$22,734.22	\$1,093,817.00	\$24,379.00	\$14,720.00
ADDITIVE ALTERNATE I:	\$12,936.24	\$3,156.00	\$12,260.00	\$12,700.00
ADDITIVE ALTERNATE II:	\$8,449.49	\$9,512.00	\$12,000.00	\$8,096.00
Amendment(s) Acknowledged:	Yes	Yes	Yes	Yes
Bid Bond:	Yes	Yes	Yes	Yes

2021-1233 Pavo Real Recreation Center Improvements View List			
1	AAA General Contrato	Skertchly, Edgar	
2	Abescape	Gallegos, Mari	
3	AC Electrical Contra	Chacon, Ben	
4	Access Communication	Dittmar, Mark	
5	Aim Construction Com	Flores, Amada	
6	Air Moving Equipment	ELLIS, MARK	
7	AMTEK	Rugh, John	
8	AREDI Enterprises, L	DIAZ, REBECA	
9	Arrow Building Corp.	David, McGlohon	
10	Atom Electric EP, LL	Ramirez, Adam	
11	Aztec Contractors	Shane, Coler	
12	Banes General Contra	Stresow, Adrian	
13	Bella Luna Engineeri	Luna, Larry	
14	Best Ironworks	Guardado, Carlos	
15	Black Fire And Secur	Black, Rick	
16	Black Stallion Contr	Luna, Hector	
17	Border Demolition	Anguiano, Carlos	
18	Caballero Electric C	Caballero, Luis	
19	CAndE Industrial Ser	Hernandez, Joe	
20	CARDINA	Arguijo, Carlos	
21	CEA Group	Concha, David	
22	ced	Ponzio, Ronnie	
23	cemaf welding	ceniceros, roberto	
24	Cemrock	Ekman, Keeler	
25	CMD Endeavors	Brayan, Chavarria	
26	ConstructConnect	Kyle, Bellomy	
27	Construction Journal	Exton, Pamela	
28	Construction Reporte	Wood, Jane	
29	Contractors Register	Deg, Maria	
30	CSA Constructors	Oney, Hilary	
31	CSNA Enterprises LLC	Ruiz, Cessna	
32	D.H. Pace Company, I	Venegas, Juan	
33	DAndH United	Steve, Teran	
34	Dantex General Contr	Marrufo, Martin	
35	dayrep	Lowman, Henry	
36	DEL MAR CONTRACTING,	HARRISON, MIKE	
37	Deltek	Management, Source	
38	Desert Contracting	Ornelas, Pablo	
39	Direx Construction,	Hudson, Brad	
40	Dodge Data	Peggy, Koehn	
41	DRS Rock Materials,	Soto, Daniel	
42	El Paso Bid Deposito	Baca, Ricardo	
43	EMINENT GENERAL CONT	RAMOS, RAFAEL	
44	EP MECHANICAL TECHNO	LEON, VIRGIL	

2021-1233 Pavo Real Recreation Center Improvements View List			
45			
45 46	Fulcrum Contracting Gamboa Electric Inc	Jaramillo, Jorge	
40		Gamboa, Lorenzo	
	Gracen Eng. And Cons	Sambrano, Michael	
48	Greenfields Outdoor	Vasquez, Frank	
49	HAWK	Jorge, Ojeda	
50	Horizone constructio	RAFAEL, ALONSO	
51	i- Sourcing Technolo	Balai, Rakesh	
52	IMS	Gaynor, Shabron	
53	INDOFF INC.	Peterson, Allen	
54	Integrated Fire Syst	Garcia, Gonzalo	
55	Iron Horse Electrica	Concha, Joe	
56	J. Carrizal General	avila, mike	
57	J. Muniz Contractor,	Jorge, Muniz	
58	JCSS	Myriam, Acosta	
59	Jobe Materials, L.P.	Lowrance, Gloria	
60	Jordan Foster Constr	Kim, Candee	
61	Keystone	MIchael, Guillen	
62	LAC Construction	Soto, Mauro	
63	Leverich Contracting	Cook, Danielle	
64	Lizandro Naranjo	Naranjo, Lizandro	
65	Lomeli and sons Land	Gonzalez, Ruben	
66	Martinez Brothers Co	mota, pablo	
67	MASOTA CONSTRUCCION	Mario, Sosa	
68	Mirador	Lopez, Jose	
69	Mission Trail Constr	Briseno, Fernando	
70	MTI Ready Mix	Drapes, Michael	
71	Natare Corporation	Ponto, Michelle	
72	Noble General Contra	Rey, Nohemi	
73	One Stop Roofers Inc	CALDERON, ARTURO	
74	Perikin Enterprises	Silva, Luis	
75	Pride General Contra	Salgado, Ramon	
76	Prime Vendor Inc.	Jones, Kim	
77	PWXPress	Miller, Mary	
78	QTO Solutions	Uddin, Nisar	
79	RBM Engineeering, In	Morris, Bryan	
80	RCPM,LLC	teran, miguel	
81	Rhizome Workshop	Edwards, Louis	
82	Roman Construction	Valdespino, Carlos	
83	Rummel Construction,	Gribler, Amber	
84	SandWall	Wallace, Roberto	
85	SigmCon	Torres, Elizabeth	
86	Smartprocure	Bjornsson, Ron	
87	SOTO WAndF LLC	Soto, Patricia	
88	South Central Dispat	Ott, Zachary	
00	South Central Dispar	Ou, Zachary	

2021-1233 Pavo Real Recreation Center Improvements			
View List			
89	Southwest Drywall An	Vasquez, Gustavo	
90	SPARTAN CONSTRUCTION	ALLEN, STEVE	
91	Sunsets West, Inc	Hall, Garnett	
92	Terence Keith Johnso	JOHNSON, TERENCE	
93	The Fitness Supersto	Weingardt, Jay	
94	The PlanIt Room	Hernandez, Cecilia	
95	TIA Facility Service	Diaz, Christian	
96	triple m recreation	romero, ron	
97	Veliz Construction	Perez Campos, Martin	
98	Vertex Contractors,	Ruiz, Erika	
99	Vistacon Ventures	Silva, Basilio	
100	Vitual Builders Exch	Olguin, Jeannette	
101	Wayne Enterprises	Austin, Fork	
102	Win Supply	Garcia, Mark	
103	Wright And Dalbin Ar	Dalbin, Frederic	
104	Ztex Construction	Construction, Ztex	
105		Martinez, Jessica	
106		Sierra, Idaly	
107		Watson, Frank	
108		Banquil, Lovely	
109		RAMIREZ, ARTURO	



# Pavo Real Recreation Center Improvements

**Solicitation No:** 2021-1233 August 31, 2021

> <u>Strategic Plan Goal:</u> 4) Enhance El Paso's Quality of Life Through Recreational, Cultura and Educational Environments

# **Project Details**



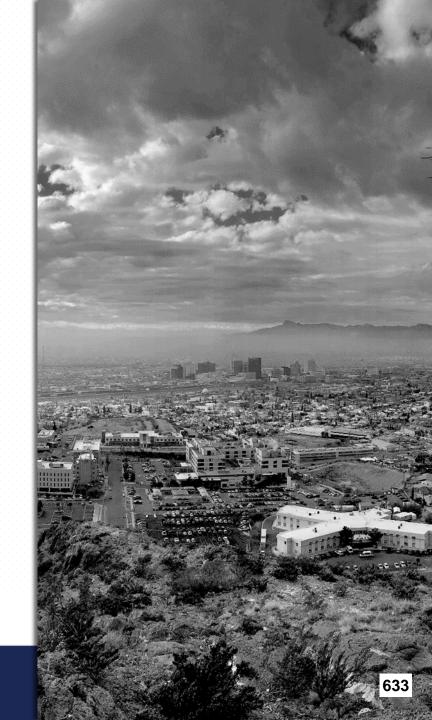
Location:	9301 Alameda Ave, El Paso, TX 79907	
District(s):	6	
Total Budget:	\$1,961,538.47	
Funding Source:	2012 Quality of Life	



# **Project Details**

- Initial base bids I and II include
  - HVAC replacement over gym
  - Re-roofing of facility building
  - New floor finish at administration wing
  - New electrical service
  - New Reception desk
- Additive alternates I and II include
  - Rubber tile flooring in exercise room
  - Remove and replace acoustical ceiling in main corridor





# **Project Location – Pavo Real Recreation Center**





# **Project Location – Pavo Real Recreation Center**

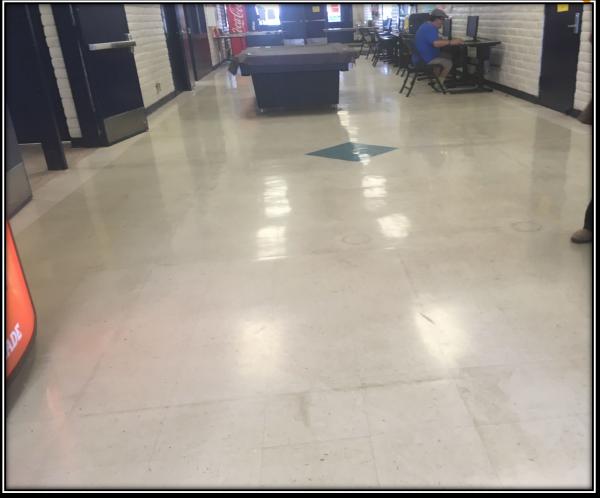




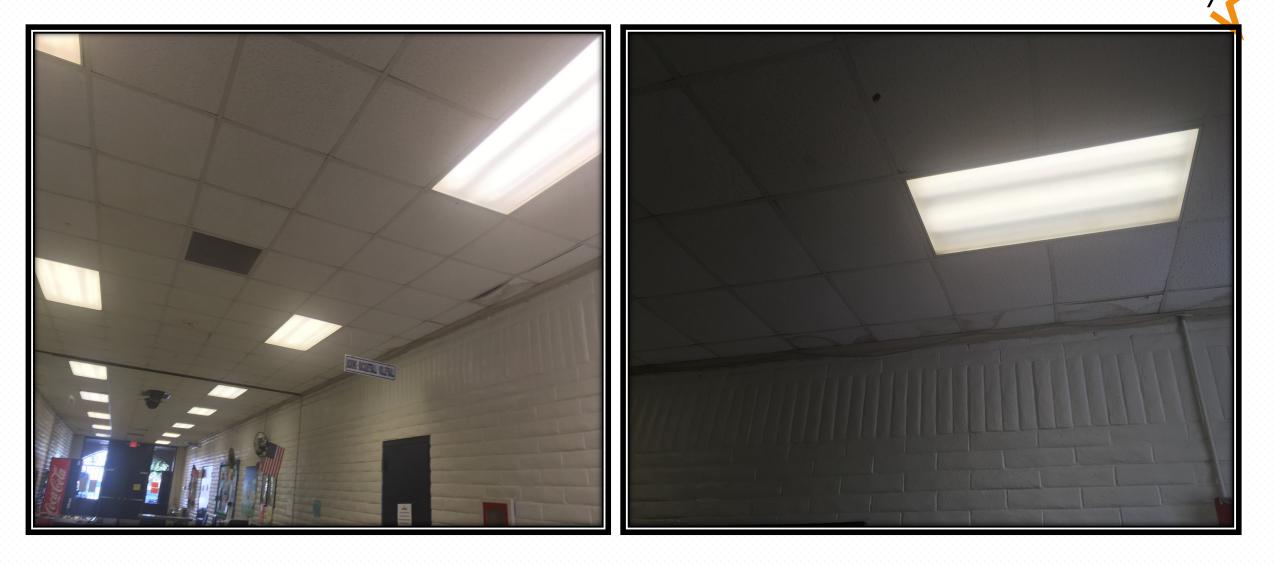
# **Existing Conditions**





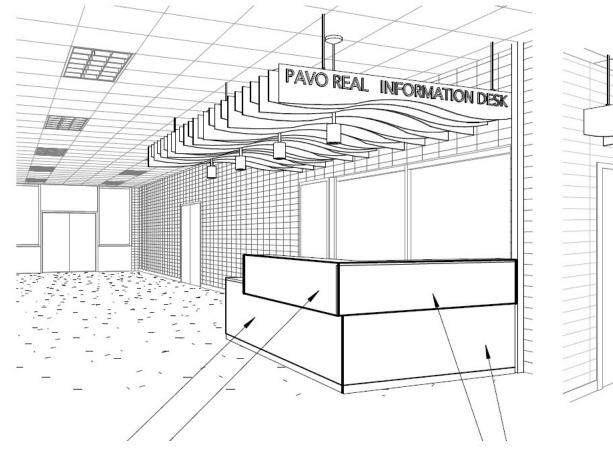


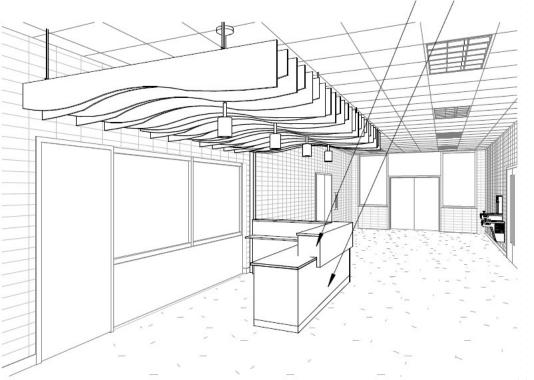
# **Existing Conditions**



# **Project Rendering**









## Procurement Method

- Solicitation advertised on May 18, 2021 and May 25, 2021
  - Eight (8) firms submitted bids, Seven (7) local vendors
- Recommendation
  - To award the construction contract to Gracen Engineering and Construction Inc., a local firm, in the amount of \$1,209,000
- Construction Schedule
  - Start: Fall 2021

End: Spring 2022



# **Mission**

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



Integrity, Respect, Excellence, Accountability, People

# Vision

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





Legislation Text

### File #: 21-1009, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

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

#### AGENDA LANGUAGE:

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

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

Award Summary:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order to Texas- New Mexico Newspaper LLC dba El Paso Times the sole source provider for the newspaper legal notices, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: increase average from \$2.62 to \$4.85 per line, which represents an 85.11% increase for the same services.

Department: Award to:	Purchasing & Strategic Sourcing Texas- New Mexico Newspaper LLC dba El Paso Times Dallas, TX
Initial Term:	3 years
Annual Estimated Amount:	\$600,000.00
Total Estimated Award:	\$1,800,000.00 (3 years)
Account No.:	Various Accounts
Funding Source:	Various Sources
Districts(s):	All
Sole Source No.:	2021-1480

This is a Sole source, service contract.

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

AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE: Not Applicable

### CONTACT PERSON(S) NAME AND PHONE NUMBER:

Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-1181

DISTRICT(S) AFFECTED: All

**STRATEGIC GOAL:** No. 6 - Set the Standard for Sound Governance and Fiscal Management

**SUBGOAL:** 6.7 Deliver effective and efficient processes to maximize value in obtaining goods and services.

### SUBJECT:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order to Texas- New Mexico Newspaper LLC dba El Paso Times the sole source provider for the newspaper legal notices, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

### **BACKGROUND / DISCUSSION:**

Requirement being sourced pursuant to Section 252.022(7)(a) items that are available from only one source and comply with the statutory designation to publish legal notices as per the Texas State Code for the El Paso County.

### SELECTION SUMMARY:

NA

### CONTRACT VARIANCE:

The difference in price, based on comparison to the previous contract is as follows: increase average from \$2.62 to \$4.85 per line, which represents an 85.11% increase for the same services.

<u>PROTEST</u>

NA

PRIOR COUNCIL ACTION: NA

AMOUNT AND SOURCE OF FUNDING:

Amount: \$1,200,000.00 Funding Source: Various Sources Account: Various Accounts

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_NO PRIMARY DEPARTMENT: Purchasing & Strategic Sourcing SECONDARY DEPARTMENT: NA

### 

### **DEPARTMENT HEAD:**

Bruce D. Collins, Director of Purchasing & Strategic Sourcing

### COUNCIL PROJECT FORM (SOLE SOURCE)

### 

Please place the following item on the **REGULAR** agenda for the Council Meeting of **August 31**, **2021**.

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

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

### Award Summary:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue a Purchase Order to Texas- New Mexico Newspaper LLC dba El Paso Times the sole source provider for the newspaper legal notices, with the stipulation that the vendor provides an updated sole source letter and affidavit each year.

Contract Variance:

The difference in price, based on comparison to the previous contract is as follows: increase average from \$2.62 to \$4.85 per line, which represents an 85.11% increase for the same services.

Department:	Purchasing & Strategic Sourcing
Award to:	Texas- New Mexico Newspaper LLC dba El Paso Times
	Dallas, TX
Initial Term:	3 years
Annual Estimated Amount:	\$600,000.00
Total Estimated Award:	\$1,800,000.00 (3 years)
Account No.:	Various Accounts
Funding Source:	Various Sources
Districts(s):	All
Sole Source No.:	2021-1480

This is a Sole source, service contract.



### **PURCHASING & STRATEGIC SOURCING DEPARTMENT**

### SOLE SOURCE AFFIDAVIT

### THIS IS AN OFFICIAL PURCHASING DOCUMENT-RETAIN WITH PURCHASE ORDER FILE

Before me, the undersigned official, on this day, personally appeared a person known to me to be the person whose signature appears below, whom after being duly sworn upon his/her oath deposed and said:

- 1. My name is <u>Tara Hamm</u>. I am over the age of 18, have never been of a convicted crime and am competent to make this affidavit.
- 2. I am an authorized representative of the following company or firm: \_\_\_\_\_El Paso Times
- The above named company or firm is the sole source for the following item(s), product(s) or service(s): Legal notice publishing
- 4. Competition in providing the above named item(s) product(s), service(s) is precluded by the existence of a patent, copyright, secret process or monopoly as stated under Section 252.022, Subchapter A of the Local Governmental Code 7A or as provided for under 7B-F of the same section. Also, attached hereto is a sole source letter, which sets forth the reasons why this Vendor is a sole source provider (dated and signed).
- 5. There is/are no other like item(s) or product(s) available for purchase that would serve the same purpose or function.
- 6. Note: This Vendor understands that by providing false information on this Sole Source Affidavit, it may be considered a non-responsible Vendor on this and future purchases and may result in discontinuation of any/all business with the City of El Paso.

	Signature
SUBSCRIBED AND SWORN to before me on this	Jay of Quegust 2021 NOTARY PUBLIC FILL
VICKY FELTY Notary Public State of Wisconsin	PRINTED NAME 9-19.21 MY COMMISSION EXPIRES
COMPANY NAME:El Paso Times	
ADDRESS, CITY, S TATE & ZIP CODE remit address: PO Box 677890, Dallas, TX 75267-7890	
	FAX NUMBER:
CONTACT NAME AND TITLE: Tara Hamm, Director	
WEB ADDRESS:www.elpasotimes.com	EMAIL:legals@elpasotimes.com
FEDERAL TAX ID NUMBER: 06-1684210	TEXAS SALES TAX NUMBER:

City 1 / 300 N. Campbell, 1st Floor / El Paso, Texas 79901 (915) 212-1183 / WWW.ELPASOTEXAS.GOV/PURCHASING

## **El Paso Times**

To Whom it May Concern-

8/19/2021

In regard to the El Paso Times publishing legal notices per the Texas State Code.

The El Paso Times meets the following requirements:

- (1) devote not less than 25 percent of its total column lineage to general interest items;
- (2) be published at least once each week;
- (3) be entered as second-class postal matter in the county where published; and
- (4) have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice

Please let me know if we can assist with anything else.

Thank you,

JalaHamm

Tara Hamm

**Director- Public Notices** 



Legislation Text

### File #: 21-989, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

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

### AGENDA LANGUAGE:

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

The linkage to the strategic plan is subsection 7.2 Improve competitiveness through infrastructure improvements impacting the quality of life.

### Award Summary:

Discussion and action on the award of Solicitation 2021-1263 2021 Thermoplastic Striping to Pavement Marking, LLC dba PMI Pavement Marking LLC for seven hundred fifty (750) consecutive calendar days as initial term for an estimated award of \$332,000.00. The award also includes a seven hundred fifty (750) consecutive calendar day's option in the amount of \$332,000.00. The total value of the contract is, including the initial term plus the option for a total of one thousand five hundred (1,500) consecutive calendar days, for an estimated total award of \$664,000.00. This contract will consist of on demand application of thermoplastic striping and markings on City owned right-of-way, in accordance with TXDoT Manual of Uniform Traffic Control Devices, as needed or required for special projects and/or maintenance activities.

Department: Award to:	Capital Improvement Pavement Marking, LLC dba PMI Pavement Marking LLC Tempe, AZ
Item:	Base Bid I
Initial Term:	750 Consecutive Calendar Days
Option to Extend	750 Consecutive Calendar Days
Base Bid I:	\$332,000.00
Initial Term Estimated Award:	\$332,000.00 (750 Consecutive Calendar Days)
Option Estimated Award:	\$332,000.00 (750 Consecutive Calendar Days)
Total Estimated Award:	\$664,000.00 (1,500 Consecutive Calendar Days)
Funding Source:	General Fund
Account:	532-1000-32020-522270-P3254
Districts:	All

### File #: 21-989, Version: 1

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Pavement Marking, LLC dba PMI Pavement Marking LLC the sole responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed.

It is requested that the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this award.

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

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

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

AGENDA DATE:	August 31, 2021
PUBLIC HEARING DATE:	Not Applicable

#### CONTACT PERSON(S) NAME AND PHONE NUMBER:

Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer, (915) 212-1845 Richard J. Bristol, Director of Streets and Maintenance, 212-2000 Bruce D. Collins, Director of Purchasing & Strategic Sourcing, (915) 212-1181

DISTRICT(S) AFFECTED: All

**STRATEGIC GOAL:** Strategic Goal No. 7: Enhance El Paso and Sustain El Paso's Infrastructure Network

**SUBGOAL:** 7.2 – Improve competitiveness through infrastructure improvements impacting the quality of life

#### SUBJECT:

Discussion and action on the award of solicitation 2021-1263 - 2021 Thermoplastic Striping to Pavement Marking, LLC dba PMI Pavement Marking LLC for seven hundred fifty (750) consecutive calendar days as initial term for an estimated award of \$332,000.00. The award also includes a seven hundred fifty (750) consecutive calendar day's option in the amount of \$332,000.00. The total value of the contract is, including the initial term plus the option for a total of one thousand five hundred (1,500) consecutive days, for an estimated total award of \$664,000.00.

#### **BACKGROUND / DISCUSSION:**

This contract will consist of on demand application of thermoplastic striping and markings on City owned right-ofway, in accordance with TXDoT Manual of Uniform Traffic Control Devices, as needed or required for special projects and/or maintenance activities.

#### **SELECTION SUMMARY:**

Solicitation was advertised on June 22, 2021 and June 29, 2021. The solicitation was posted on City website on June 22, 2021. The email (Purmail) notification was sent out on June 24, 2021. There were a total of forty two (42) viewers online; one (1) bids were received; zero (0) from local suppliers. An Inadequate Competition Survey was conducted.

#### CONTRACT VARIANCE:

The difference in price, based on comparison to the previous contract is as follows: An increase of \$199,250.00 for the initial term, which represents a 150.09% increase due to an increase in quantities and additional items to the scope of work.

#### PROTEST

No protest received for this requirement.

#### **PRIOR COUNCIL ACTION:**

N/A

#### AMOUNT AND SOURCE OF FUNDING:

Amount: \$332,000.00 Funding Source: General Fund Account: 532/1000/32020/522270/P3254

#### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

#### PRIMARY DEPARTMENT: Streets and Maintenance SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

**DEPARTMENT HEAD:** 

Richard J. Bristol. Streets and Maintenance Director

8-91-9-021

#### COUNCIL PROJECT FORM (Low Bid)

#### 

Please place the following item on the REGULAR AGENDA for the Council Meeting of August 31, 2021.

#### 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

#### Award Summary:

Discussion and action on the award of solicitation 2021-1263 -2021 Thermoplastic Striping to Pavement Marking, LLC dba PMI Pavement Marking LLC for seven hundred fifty (750) consecutive calendar days as initial term for an estimated award of \$332,000.00. The award also includes a seven hundred fifty (750) consecutive calendar day's option in the amount of \$332,000.00. The total value of the contract is, including the initial term plus the option for a total of one thousand five hundred (1,500) consecutive calendar days, for an estimated total award of \$664,000.00. This contract will consist of on demand application of thermoplastic striping and markings on City owned right-of-way, in accordance with TXDoT Manual of Uniform Traffic Control Devices, as needed or required for special projects and/or maintenance activities.

Department:	Capital Improvement
Award to:	Pavement Marking, LLC dba PMI Pavement Marking LLC
	Tempe, AZ
Item(s):	Base Bid I
Initial Term:	750 Consecutive Calendar Days
Option to Extend	750 Consecutive Calendar Days
Base Bid I:	\$332,000.00
Initial Term Estimated Award:	\$332,000.00 (750 Consecutive Calendar Days)
Option Estimated Award:	\$332,000.00 (750 Consecutive Calendar Days)
Total Estimated Award:	\$664,000.00 (1,500 Consecutive Calendar Days)
Funding Source:	General Fund
Account:	532/1000/32020/522270/P3254
District(s):	All

This is a Low Bid procurement, unit price contract.

The Purchasing & Strategic Sourcing and Capital Improvement Departments recommend award as indicated to Pavement Marking, LLC dba PMI Pavement Marking LLC the sole responsive and responsible bidder. In accordance with this award, the City Manager or designee is authorized to exercise future options if needed

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**

#### 2021-1263 - 2021 Thermoplastic Striping

	Contractor	Base Bid I	Total Amount
1	PMI Pavement Marking LLC	\$332,000.00	\$332,000.00



#### CITY OF EL PASO BID TABULATION FORM



#### BID TITLE: 2021 Thermoplatic Striping BID DATE: July 28, 2021

BID NO: 2021-1263 DEPARTMENT: Capital Improvement

			•					jitai ilipi e tellien	
				Tem	Marking, LLC be. AZ १1 OF 1				
ITEM NO.	ΑΡΧ QTY	UNIT	BRIEF DESCRIPTION OF ITEM	UNIT PRICE (IN FIGURES)	TOTAL AMOUNT (QUANTITY X UNIT PRICE) DO NOT ROUND ONLY TWO DECIMALS PLACES				
				BASE BID	):			•	1
1.	200,000	LF	Hot Applied Thermoplastic Reflective Pavement Marking Type 2 White 4" Solid	\$0.45	\$90,000.00				
2.	200,000	LF	Hot Applied Thermoplastic Reflective Pavement Marking Type 2 Yellow 4" Solid	\$0.45	\$90,000.00				
3.	50,000	LF	Hot Applied Thermoplastic Reflective Pavement Marking Type 2 White 4" broken	\$0.47	\$23,500.00				
4.	50,000	LF	Hot Applied Thermoplastic Reflective Pavement Marking Type 2 Yellow 4" Broken	\$0.47	\$23,500.00				
5.	150,000	LF	Elimination of 4" Hot Applied Thermoplastic Reflective Pavement Marking Type 1	\$0.50	\$75,000.00				
6.	100,000	LF	Waterborne Paint Reflective Pavement Marking Type 2 Yellow 4"	\$0.14	\$14,000.00				
7.	100,000	LF	Waterborne Paint Reflective Pavement Marking Type 2 White 4"	\$0.14	\$14,000.00				
		E	BASE BID 1 (ITEMS 1 THROUGH 7)	\$330,	000.00				
	MO	BILIZA	TION (NOT TO EXCEED 5% OF BASE BID 1)	\$2,0	00.00				
		SUM T	OTAL (BASE BID 1 AND MOBILIZATION)	\$332,	000.00				



#### CITY OF EL PASO BID TABULATION FORM



#### BID TITLE: 2021 Thermoplatic Striping BID NO: 2021-1263 BID DATE: July 28, 2021 **DEPARTMENT:** Capital Improvement **PAVEMENT MARKING LLC** TEMPE, AZ BIDDER 1 OF 1 OPTION TO EXTEND THE TERM OF THE AGREEMENT The city at its sole discretion, may exercise any option to extend the term of the agreement, by giving the contractor written notice within the time period noted on the selected options. The term of this contract shall be based on one of the selections below and under the same terms and conditions. The city manager or designee may extend the option to extend. Bidder offers the City the option to extend the term for the contract, up to one Х hundred (100%) of the original contract quantities for seven hundred fifty (750) days. NO OPTION OFFERED Yes AMENDMENT ACKNOWLEDGED: BID BOND SUBMITTED Yes

#### 1 Skertchly, Edgar AAA General Contrato 2 Gallegos, Mari Abescape 3 Rugh, John AMTEK 4 Vargas, Ronny **ARGUS Logistics Grou** 5 Luna, Hector **Black Stallion Contr** 6 cole, chuck bowen 7 Hessney, Steve **Bowen Industrial Con** 8 Lira, German CJ Desert Constructi 9 Wilbanks, Ben **Compound Design** 10 Kyle, Bellomy ConstructConnect 11 Regis, Pearl **Construction Bid Sou** 12 Wood, Jane **Construction Reporte** 13 Deg, Maria Contractors Register 14 Management, Source Deltek 15 Hudson, Brad **Direx Construction**, 16 Loganathan, Jayalakshmi Dodge Data And Analy 17 Soto, Daniel DRS Rock Materials, 18 RAMOS, RAFAEL EMINENT GENERAL CONT 19 Dominguez, Luis Enotsyek 20 Jaramillo, Jorge **Fulcrum Contracting** 21 Fritsche, Brian **Geveko Markings** 22 Balai, Rakesh i- Sourcing Technolo 23 Lowrance, Gloria Jobe Materials, L.P. 24 Figueroa, Joseph Jordan Foster Constr 25 Soto, Mauro LAC Construction 26 mota, pablo Martinez Brothers Co 27 Drapes, Michael **MTI Ready Mix** 28 CALDERON, ARTURO **One Stop Roofers Inc** 29 Arvizu, Juan **Pavement Marking Inc** 30 Jones, Kim Prime Vendor Inc. **PWXPress** 31 Miller, Mary 32 Torres, Elizabeth SigmCon 33 Bennington, Sam Sivat Services, Inc 34 Bjornsson, Ron Smartprocure 35 Soto, Patricia SOTO WAndF LLC 36 Jesus, Mesta Straight Edge Contra 37 Construction, Texas **Texas Construction** 38 Hernandez, Cecilia The PlanIt Room Vitual Builders Exch 39 Olguin, Jeannette 40 Austin, Fork Wayne Enterprises 41 Vaquera, Israel yucca contracting 42 Martinez, Jessica

#### 2021-1263 - 2021 Thermoplastic Striping Views List



### 2021-1263 Thermoplastic Striping

August 31, 2021

Richard Bristol, Director - Streets and Maintenance Department





# Strategic Plan Goal:

7: Enhance and Sustain El Paso's Infrastructure Network

7.2: Improve competitiveness through infrastructure improvements impacting the quality of life

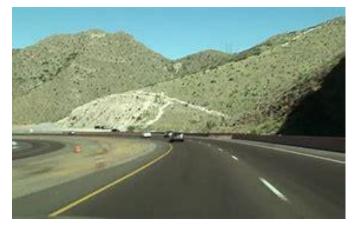




# **Purpose of Procurement**

- Replacement of the current contract
- Purchase On Demand Thermoplastic Striping Services
- Aides in thermoplastic striping and markings on paved City owned ROW's
- Striping and Markings done as per TxDot specifications
- · Added additional quantities and removal

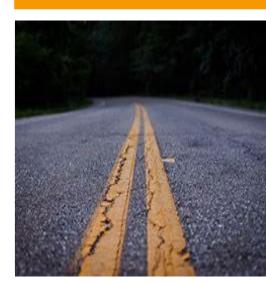






### 2021-1263 Thermoplastic Striping

Contractor	Pavement Marking, LLC dba PMI Pavement Marking, LLC
Initial Award	750 Consecutive Calendar Days - \$332,000.00
Option & Total Award	750 Consecutive Calendar Days - \$332,000.00 1500 Consecutive Calendar Days - \$664,000.00
Funding Source	General Fund
Account No.	532-1000-32020-522270-P3254





# **Mission**

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



Integrity, Respect, Excellence, Accountability, People

# Vision

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



Legislation Text

#### File #: 21-994, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

Environmental Services, Ellen Smyth, (915) 212-6060 Purchasing and Strategic Sourcing, Bruce D. Collins, (915) 212-1181

#### AGENDA LANGUAGE:

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

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

#### Award Summary:

Discussion and action on the award of Solicitation 2021-1231 Household Hazardous Waste Disposal to Green Planet, Inc. for an initial term of three (3) years for an estimated amount of \$345,561.50. The award also includes one, two-year option for an estimated amount of \$230,374.34. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$575,935.84. The award of this contract will provide Household Hazardous Waste Disposal for the Environmental Services Department.

Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$5,151.50 for the initial term, which represents a 1.5% increase from the previous contract.

Department:	Environmental Services
Award to:	Green Planet, Inc.
	Royse City, TX
Items:	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$115,187.17
Initial Term Estimated Award:	\$345,561.50 (3 years)
Total Estimated Award:	\$575,935.84 (5 years)
Account No.:	334-34100-3100-P3410-522040
Funding Source:	General Funds
Districts:	All

#### File #: 21-994, Version: 1

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Environmental Services Departments recommend award as indicated to Green Planet, Inc. the bidder offering the best value bid.

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

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

STRATEGIC GOAL:	NO. 8: Nurture and Promote a Healthy, Sustainable Community
DISTRICT(S) AFFECTED:	All
CONTACT PERSON/PHONE:	Ellen Smyth, Managing Director, ESD/Sun Metro (915) 212-6060 Bruce D. Collins, Director of Purchasing and Strategic Sourcing (915) 212-1182
AGENDA DATE:	August 31, 2021
DEPARTMENT:	Environmental Services

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

#### **SUBJECT:**

Discussion and action on the award of solicitation 2021-1231 Household Hazardous Waste Disposal to Green Planet, Inc. for an initial term of three (3) years for an estimated amount of \$345,561.50. The award also includes two (2) year option for an estimated amount of \$230,374.34. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$575,935.84. The award of this contract will provide Household Hazardous Waste Disposal Services for the Environmental Service.

#### **BACKGROUND / DISCUSSION:**

The City of El Paso solicited Household Hazardous Waste Disposal.

#### **SELECTION SUMMARY:**

Solicitation was advertised on May 11, 2021 and May 18, 2021. The solicitation was posted on City website on May 11, 2021. The email (Purmail) notification was sent out on May 13, 2021. There were a total of thirty-two (32) viewers online; Three (3) bids were received; none being local vendor.

#### **PROTEST**

No protest received for this requirement.

Protest received.

#### **CONTRACT VARIANCE:**

The difference in cost, based on the comparison from previous contract, is as follows: a n increase of \$5,151.50 for the initial term, which represents a 1.5% increase from the previous contract.

#### **PRIOR COUNCIL ACTION:**

N/A

AMOUNT AND SOURCE OF FUNDING: \$575.802.50

Funding Strings: 334-34100-3100-P3410-522040

#### **BOARD / COMMISSION ACTION:**

N/A

**DEPARTMENT HEAD:** 

PPS FORM 001, Rev. 3, 8/9/2016 (Discard Previous Versions)

#### COUNCIL PROJECT FORM (Best Value)

#### 

Please place the following item on the **REGULAR** agenda for the Council Meeting of August 31, 2021.

#### STRATEGIC GOAL NO. 8: Nurture and Promote a Healthy, Sustainable Community

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

#### Award Summary:

Discussion and action on the award of solicitation 2021-1231 Household Hazardous Waste Disposal to Green Planet, Inc. for an initial term of three (3) years for an estimated amount of \$345,561.50. The award also includes one, two year option for an estimated amount of \$230,374.34. The total value of the contract including the initial term plus option is five (5) years for an estimated amount of \$575,935.84. The award of this contract will provide Household Hazardous Waste Disposal for the Environmental Service.

#### Contract Variance:

The difference in cost, based on the comparison from previous contract, is as follows: an increase of \$5,151.50 for the initial term, which represents a 1.5% increase from the previous contract.

Department:	Environmental Services
Award to:	Green Planet, Inc.
	Royse City, TX
Item(s):	ALL
Initial Term:	3 years
Option to Extend:	2 years
Annual Estimated Award:	\$115,187.17
Initial Term Estimated Award:	\$345,561.50 (3 years)
Total Estimated Award:	\$575,935.84 (5 years)
Account No.:	334-34100-3100-P3410-522040
Funding Source:	General Funds
District(s):	All

This is a Best Value, service contract.

The Purchasing & Strategic Sourcing and Environmental Services Departments recommend award as indicated to Green Planet, Inc. the bidder offering the best value bid.

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

CITY OF EL PASO BEST VALUE SCORESHEET										
PROJECT: 2021-1231 Household Hazardous Waste Disposal										
Evaluation of Submittal										
	Green Planet, Inc. Royse City, TX	Advanced Chemical Transport, Inc. Chaparral, NM	Clean Environmental Solutions, Inc. King of Prussia, PA							
Factor A - Offeror's Fee Proposal		29.98	35	21.18						
Proposed Cost	35	\$368,041.00	\$315,207.00	\$520,941.15						
Factor B - Offeror's experience (Reference)	25	23.33	16.11	0.00						
Factor C - Employee Medical benefits and Incentives	10	2.00	2.00	2.00						
Factor C - Reputation (Past Performance)		18.67	19.98	16.67						
TOTAL SCORE	100	73.98	73.09	39.85						
		1	2	3						

Effective 4/10/2020 Version 1 Previous Versions Obsolete



CITY OF EL PASO BID TABULATION FORM



Solicitation Number: 2021-1231 Department: Environmental Services

Project Name: Household Hazardous Waste Disposal Bid Opening: June 16. 2021

Bid	Opening: June 16, 2021
CD	

				Advanced Cher	nemical Transport, Inc. Chaparral, Clean Earth Environmental Solutions, Inc. NM King of Prussia, PA			Green Planet, Inc, Royse City, TX				
ΓEM No.	DESCRIPTION	UNIT OF MEASURE (A)	ANNUAL ESTIMATED QUANTITY (B)	PRICE PER UNIT (C )	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C )	ANNUAL COST (D)	3 YEARS COS (DX3)
1	Aerosols Flammable (processable)	Drums	24	\$165.00	\$3,960.00	\$11,880.00	\$190.00	\$4,560.00	\$13,680.00	\$200.00	\$4,800.00	\$14,400.00
2	Ballasts (Non-PCB)	Each	10	\$3.00	\$30.00	\$90.00	\$3.00 5g min \$37.50	\$30.00	\$90.00	\$2.50	\$25.00	\$75.00
3	Ballasts (PCB)	Each	10	\$5.00	\$50.00	\$150.00	\$9.92	\$99.20 Vendor Price: \$1,487.5	\$297.60 Vendor Price: \$4,462.5	\$8.00	\$80.00	\$240.00
4	Batteries (Household- NiCad, alkaline, NiNH, Lithium)	Pounds	300	\$0.90	\$270.00	\$810.00	\$1.05 \$25 minimum	\$315.00	\$945.00	\$0.65	\$195.00	\$585.00
5	Corrosive Liquid pH-4	Gallons	200	\$5.00	\$1,000.00	\$3,000.00	\$5.66 30g minimum	\$1,132.00	\$3,396.00	\$6.00	\$1,200.00	\$3,600.00
6	Corrosive Liquid -Base pH>12.5	Gallons	275	\$5.00	\$1,375.00	\$4,125.00	\$6.6 30g minimum	\$1,815	\$5,445.00	\$6.00	\$1,650.00	\$4,950.00
7	Corrosive Liquid -Base pH>12.5	Drums	5	\$275.00	\$1,375.00	\$4,125.00	\$340.00	\$1,700.00	\$5,100.00	\$250.00	\$1,250.00	\$3,750.00
8	Corrosive Liquid -Base pH>12.5	Drums	5	\$275.00	\$1,375.00	\$4,125.00	\$340.00	\$1,700.00	\$5,100.00	\$250.00	\$1,250.00	\$3,750.00
9	Diesel & Solid Sorbent	Drums	1	\$150.00	\$150.00	\$450.00	\$270.00	\$270.00	\$810.00	\$125.00	\$125.00	\$375.00
10	Flammable Liquid, Solids <10%	Gallons	3520	\$3.00	\$10,560.00	\$31,680.00	\$3.16 55g min	\$11,123.20	\$33,369.60	\$3.00	\$10,560.00	\$31,680.00
11	Flammable Liquid, Solids >10%	Gallons	2710	\$3.30	\$8,943.00	\$26,829.00	\$3.16 55g min	\$8,563.60	\$25,690.80	\$5.00	\$13,550.00	\$40,650.00
12	Flammable Solid Compounds	Drums	28	\$185.00	\$5,180.00	\$15,540.00	\$174.00	\$4,872.00	\$14,616.00	\$250.00	\$7,000.00	\$21,000.00
13	Gasoline & Solid Sorbent	Drums	1	\$160.00	\$160.00	\$480.00	\$179.30	\$179.30	\$537.90	\$125.00	\$125.00	\$375.00
14	Latex Paint	Gallons	5500	\$2.70	\$14,850.00	\$44,550.00	\$3.72 55g min	\$20,460.00	\$61,380.00	\$2.50	\$13,750.00	\$41,250.00
15	Mercury- Liquid/Switches/Batteries	Gallons	55	\$31.00	\$1,705.00	\$5,115.00	\$39.6 55g min	\$2,178.00	\$6,534.00	\$12.00	\$660.00	\$1,980.00
16	Mercury- Containing Fluorescent Lamps	Linear Feet	1400	\$0.13	\$182.00	\$546.00	\$0.13 115' minimum/b ox	\$182.00	\$546.00	\$6.00	\$8,400.00	\$25,200.00
17	Oil Based Paint Related Materials	Gallons	1825	\$3.16	\$5,767.00	\$17,301.00	\$3.16 55g min	\$5,767.00	\$17,301.00	\$3.50	\$6,387.50	\$19,162.50
18	Oil Contaminated Soil	Drums	6	\$120.00	\$720.00	\$2,160.00	\$262.50	\$1,575.00	\$4,725.00	\$150.00	\$900.00	\$2,700.00
19	Oxidizer Liquid	Gallons	275	\$6.00	\$1,650.00	\$4,950.00	\$10.4 55g min	\$2,860.00	\$8,580.00	\$18.00	\$4,950.00	\$14,850.00
20	Oxidizer Solid	Drums	1	\$345.00	\$345.00	\$1,035.00	\$551.00	\$551.00	\$1,653.00	\$550.00	\$550.00	\$1,650.00
21	Pesticides and Fertilizers - Liquid	Gallons	1980	\$4.80	\$9,504.00	\$28,512.00	\$6.13 55g min	\$12,137.40	\$36,412.20	\$5.00	\$9,900.00	\$29,700.00
22	Pesticides and Fertilizers - Solid	Drums	22	\$255.00	\$5,610.00	\$16,830.00	\$407.00	\$8,954.00	\$26,862.00	\$250.00	\$5,500.00	\$16,500.00
23	Propane Tanks - Small	Each	180	\$18.00	\$3,240.00	\$9,720.00	\$22.00	\$3,960.00	\$11,880.00	\$30.00	\$5,400.00	\$16,200.00
24 25	Propane Tanks - Large Regulated Medical Waste	Each Drums	30 20	\$38.00 \$105.00	\$1,140.00 \$2,100.00	\$3,420.00 \$6,300.00	\$22.00 \$3,016.00	\$660.00 \$60,320.00	\$1,980.00 \$180,960.00	\$50.00 \$275.00	\$1,500.00 \$5,500.00	\$4,500.00 \$16,500.00
	Waste Oil- Halogenated	Gallons	330	\$6.00	\$1,980.00	\$5,940.00	\$1.6 55g min	\$528.00	\$1,584.00	\$3.00	\$990.00	\$2,970.00
27	Waste Oil - PSP Contaminated	Gallons	55	\$200.00	\$11,000.00	\$33,000.00	\$1.6 55g min	\$88.00	\$264.00	\$3.00	\$165.00	\$495.00
Total Group A (Items 1-27)					\$94,221.00	\$282,663.00		\$156,579.70 Vendor Price \$103,968	\$469,739.10 Vendor Price \$311,904.00		\$106,362.50	\$319,087.5
CCEPTED	TERMS: UNLESS A PROMPT PAYMEN BY THE CITY OF EL PASO, PAYMENT OR WITHIN THIRTY (30) DAYS FOLLO	S WILL BE MADE	TO THE		Net 30			N	et 30		Net \$	30
ELIVERY	DOES NOT SPECIFY AN EARLIER DEL SHALL PREVAIL. A DELIVERY DATE L MAY BE CAUSE FOR REJECTION OF 1		N/A		N/A N/A				1			

NOTE: The information contained in this bid tabulation is for information only and does not constitute actual award/execution of contract.

Approved by: \_\_\_\_/S/\_\_\_\_



Project Name: Household Hazardous Waste Disposal Bid Opening: June 16, 2021

GROUP B

CITY OF EL PASO BID TABULATION FORM



Solicitation Number: 2021-1231 Department: Environmental Services

				Advanced Cher	nical Transport NM	, Inc. Chaparral,	Clean Earth Environmental Solutions, Inc. King of Prussia, PA			Green Planet, Inc, Royse City, TX			
ITEM No.	DESCRIPTION	UNIT OF MEASURE (A)	ANNUAL ESTIMATED QUANTITY (B)	PRICE PER UNIT (C )	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	PRICE PER UNIT (C)	ANNUAL COST (D)	3 YEARS COST (DX3)	
1	85 Gallon Over-pack Drum	Drums	5	\$150.00	\$750.00	\$2,250.00	\$150.00	\$750.00	\$2,250.00	\$125.00	\$625.00	\$1,875.00	
2	55 Gallon Metal Drum - Closed Head	Drums	5	\$60.00	\$300.00	\$900.00	\$45.00	\$225.00	\$675.00	\$45.00	\$225.00	\$675.00	
3	56 Gallon Metal Drum - Open Head	Drums	100	\$43.00	\$4,300.00	\$12,900.00	\$41.00	\$4,100.00	\$12,300.00	\$35.00	\$3,500.00	\$10,500.00	
4	5 Gallon Metal Buckets	Buckets	5	\$35.00	\$175.00	\$525.00	\$17.00	\$85.00	\$255.00	\$20.00	\$100.00	\$300.00	
5	55 Gallon Plastic Drum	Drums	25	\$53.00	\$1,325.00	\$3,975.00	\$52.00	\$1,300.00	\$3,900.00	\$45.00	\$1,125.00	\$3,375.00	
6	20 Gallon Plastic Drum	Drums	5	\$45.00	\$225.00	\$675.00	\$39.00	\$195.00	\$585.00	\$35.00	\$175.00	\$525.00	
7	5 Gallon Plastic Bucket	Buckets	5	\$10.00	\$50.00	\$150.00	\$15.00	\$75.00	\$225.00	\$15.00	\$75.00	\$225.00	
8	20 Gallon Fiber Drums	Drums	5	\$53.00	\$265.00	\$795.00	\$40.00	\$200.00	\$600.00	\$35.00	\$175.00	\$525.00	
9	30 Gallon Fiber Drums	Drums	5	\$60.00	\$300.00	\$900.00	\$55.00	\$275.00	\$825.00	\$40.00	\$200.00	\$600.00	
10	Cubic Yard Tri-wall Boxes	Boxes	5	\$60.00	\$300.00	\$900.00	\$74.00	\$370.00	\$1,110.00	\$65.00	\$325.00	\$975.00	
11	Plastic Sheeting	Rolls	25	\$90.00	\$2,250.00	\$6,750.00	\$80.00	\$2,000.00	\$6,000.00	\$100.00	\$2,500.00	\$7,500.00	
12	Drum Funnel	Each	5	\$70.00	\$350.00	\$1,050.00	\$45.07	\$225.35	\$676.05	\$75.00	\$375.00	\$1,125.00	
13	Drum Liner	Each	24	\$4.50	\$108.00	\$324.00	\$6.00	\$144.00	\$432.00	\$7.00	\$168.00	\$504.00	
14	8 Quart SHARPS Container	Containers	5	\$30.00	\$150.00	\$450.00	\$22.00	\$110.00	\$330.00	\$150.00	\$750.00	\$2,250.00	
15	55 Gallon - Petroleum Contaminated Solid	Containers	30	CBC	\$0.00	\$0.00	\$174.00	\$5,220.00	\$15,660.00	\$150.00	\$4,500.00	\$13,500.00	
16	55 Gallon Petroleum Contaminated Liquid	Containers	10	CBC	\$0.00	\$0.00	\$179.30	\$1,793.00	\$5,379.00	\$150.00	\$1,500.00	\$4,500.00	
	Group B (Items 1-16) T	otal Amount			\$10,848.00	\$32,544.00		\$17,067.35	\$51,202.05		\$16,318.00	\$48,954.00	
ACCEPTED	TERMS: UNLESS A PROMPT PAYMEN 9 BY THE CITY OF EL PASO, PAYMEN 7 OR WITHIN THIRTY (30) DAYS FOLLO	TO THE		Net 30			Ν	et 30		Net 3	60		
DELIVERY	DOES NOT SPECIFY AN EARLIER DEL SHALL PREVAIL. A DELIVERY DATE L MAY BE CAUSE FOR REJECTION OF 1	CITY'S REQUIRED		N/A				N/A		N/A			
	CITED: 3 LOCAL BIDS SOLICITED: 0 Information contained in this bid tabulation					ntract.							
Approved by Date:	y:/S/ 7/21/2021					2021-1231 H	ousehold Hazar	dous Waste Disp	osal - ESD			Page 2 of 2	

### **Bidders List**

Name: Clean Earth Environmental Solutions Inc.

Address: 945 E. Pleasant Run Rd.

Phone number: 1-512-663-8090

Contact Person: Jack Ranney

Email: jranney@harsco.com

<u>Name:</u> Heritage Crystal Clean LLC <u>Address:</u> 8801 Castner Dr. <u>Phone number:</u> 915-352-2116 <u>Contact Person:</u> Dante Mendoza <u>Email:</u> dante.mendoza@crystal-clean.com

<u>Name:</u> Veolia North America <u>Address:</u> 7400 Meridian PL Suite D <u>Phone number:</u> 1-866-688-0988 <u>Contact Person:</u> N/A <u>Email:</u> us.adsupport@veolia.com



Legislation Text

File #: 21-1027, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

#### AGENDA LANGUAGE:

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

Presentation and discussion by the City Attorney's Office providing information on the Firearm Carry Act of 2021 - House Bill No. 1927.

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

DEPARTMENT: City Attorney's Office

AGENDA DATE: August 31, 2021

PUBLIC HEARING DATE: N/A

**CONTACT PERSON NAME AND PHONE NUMBER:** Karla Nieman, City Attorney; (915) 212-0033

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: Transparent Government

SUBGOAL: N/A

**<u>SUBJECT</u>**: Presentation and Discussion by the City Attorney's Office providing information on Firearm Carry Act of 2021 – Texas House Bill No. 1927.

**BACKGROUND / DISCUSSION:** The Firearm Carry Act of 2021 (HB 1927) will go into effective September 1, 2021. The law will allow permitless carry in Texas and will affect certain state firearm laws.

#### **PRIOR COUNCIL ACTION:**

At the Council meeting on August 17, 2021, Council directed the City Attorney's Office to prepare a presentation providing information on the Firearm Carry Act of 2021 (HB 1927).

#### AMOUNT AND SOURCE OF FUNDING:

N/A

#### 

DEPARTMENT HEAD: Karla M. Nieman



# HB 1927

### Municipal Overview



### Prior to HB 1927

- License required for handguns. License requires background check and proof of gun use and safety class.
- No license required for long guns (rifles and shotguns)
  - A person is generally allowed to carry these in public in Texas.







### HB 1927: Firearm Carry Act of 2021

- Effective September 1, 2021.
- 21<sup>st</sup> state to allow permitless carry.
- Allows <u>most</u> Texans over age 21 to carry a handgun, in a concealed manner or in a holster, without a license.
  - Ineligible if convicted in last 5 years of committing certain crimes (assault causing bodily injury; deadly or disorderly conduct involving a firearm; making terroristic threats).
  - Federal Gun Control Act also makes some people ineligible.







# Does HB 1927 abolish licensed carry?

- No still exists for state reciprocity and licensed individuals can skip background check when purchasing.
- Firearm safety courses will still be available
  - In person and online
  - Bill requires Dept. of Public Safety to develop and post an online course on firearm safety.
  - Course will be free to the public.
- Background checks still required to purchase firearms from licensed dealers.





### HB 1927 Revises Multiple Existing Laws

### Amends or repeals parts of:

- Code of Criminal Procedure
- Local Government Code
- Texas Government Code
- Labor Code
- Education Code
- Health and Safety Code
- Penal Code
- Alcohol Beverage Code





# **City Response to HB 1927**

- Review HB 1927 to determine changes to gun carry laws on City property
- Review City signage to ensure compliance with HB 1927.
- Update City Code to ensure compliance with HB 1927.
- Review City policies to ensure compliance with HB 1927 (employees, elected officials).





### **Gun Carry Laws In City Facilities Post-HB 1927**

Tx. Penal Code, § 46.03 prohibits any firearm, licensed or unlicensed, in:

- Government courts and offices used by the courts. [no change]
- Secured areas of the airport. [no change]
- Polling places on election day or during early voting. [no change]





# Gun Carry Laws In City Facilities Post-HB 1927 (cont.)

Tx. Penal Code 46.03 also prohibits guns in:

- <u>Rooms</u> where a meeting subject to TOMA is occurring. [no change]
- On the premises of a school or any place where an activity sponsored by a school is being conducted [no change]

Carrying a firearm in violation of 46.03 is a 3<sup>rd</sup> Degree Felony, punishable by 2 - 10 years in prison and a \$10,000 fine.





# Gun Carry Laws in City Facilities Post-HB 1927 (cont.)

Guns may be prohibited in other municipal areas as well:

- Under Tx. Govt. Code, Chapter 411, a licensed carrier is not permitted in secured, non-public areas of law enforcement facilities if the City provides a gun locker and posts sign with language provided in the Texas Govt. Code. [no change]
- Under Tx. Code of Crim. Procedure, an unlicensed carrier is not permitted in secured, non-public areas of law enforcement facilities if City provides a gun locker. No sign required. [This is new.]

21-1026-11711

• Under Tx. Govt. Code, guns may be prohibited on the premises of employment if prohibited by the employer. Includes local government employer). [no change]





# **City Signs**

- Opportunity to review existing signage.
- Existing signs for licensed carry are still valid.
- Signs may be posted stating that firearms are absolutely prohibited in certain areas pursuant to Penal Code Sec. 46.03.





# Updating City Code

- Section 10.12.020 regarding the carrying of handguns to align with HB 1927. (Public Peace, Morals and Welfare; First Reading August 16, 2021)
- Section 13.24.070 to allow a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun. (Streets, Sidewalks and Public Places; First Reading August 16, 2021)
- Section 14.16.080 Firearms prohibited-Firearms at the airport. (Airport; to be introduced)







# **City Employees/Elected Officials**

- City Employees: Local governments are allowed to prohibit employee carry while on the job.
- City's HR Policy on employees carrying remains the same: expressly prohibited.
- Elected Officials: Local elected officials have no special right to carry into a meeting or into another prohibited area.

21-1026-11711

• Same post-HB 1927





### **TX Penal Code Sec. 46.03 – Full List of Prohibited Places**

- School or any place where a school sponsored activity is occurring
- Polling place on election day or during early voting
- Government court or offices used by the court
- Racetrack
- Secured area of the airport
- 1,000 feet from the place where an execution is set to occur
- Business that derives 51% or more of its income from alcohol sales





### List of Prohibited Places, cont.

- Place where a high school, collegiate, or professional sporting event or interscholastic event is taking place.
- Correctional facility
- Civil commitment facility
- Hospitals or nursing facilities
- Mental hospitals
- Amusement Parks (very narrowly defined)
- Rooms where meetings are occurring that are subject to TOMA



## **Mission**

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



Integrity, Respect, Excellence, Accountability, People

## Vision

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





Brindar servicios excepcionales para respaldar una vida y un lugar de alta calidad para nuestra comunidad

## ☆ Valores

Integridad, Respeto, Excelencia, Responsabilidad, Personas

### Visión

Desarrollar una economía regional vibrante, vecindarios seguros y hermosos y oportunidades recreativas, culturales y educativas excepcionales impulsadas por un gobierno de alto desempeño



# **Questions?**



21-1026-11711| 1106202



Legislation Text

#### File #: 21-946, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts Police, Assistance Chief Zina Silva, (915) 212-4306

#### AGENDA LANGUAGE:

*This is the language that will be posted to the agenda. Please use ARIAL 11 Font.* An Ordinance Amending Title 10.12.020 - Firearms - Carrying Prohibited.

Texas House Bill 1927 authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster and also modifies the ability of municipalities to restrict firearms in certain areas. City Council wishes to modify Chapter 10.12 Offenses against Public Peace, Section 10.12.020 - Firearms-Carrying prohibited to align with Texas House Bill 1927.

#### ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 10 (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 10.12 (OFFENSES AGAINST PUBLIC PEACE), 10.12.020 FIREARMS-CARRYING PROHIBITED, TO PROVIDE UPDATES AND CORRECTIONS AS TO THE CARRYING OF FIREARMS AT CERTAIN AREAS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08 GENERAL PENALTY.

WHEREAS, Texas House Bill 1927 authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster;

WHEREAS, Texas House Bill 1927 modifies the ability of municipalities to restrict firearms in certain areas;

WHEREAS, Section 10.12.020 - Firearms-Carrying prohibited discusses specific areas where firearms are prohibited; and

WHEREAS, the El Paso City Council wishes to modify Chapter 10.12 Offenses Against Public Peace, Section 10.12.020 - Firearms-Carrying prohibited to align with Texas House Bill 1927.

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

1. Title 10 (Public Peace, Morals and Welfare), Chapter 10.12 (Offenses Against the Public Peace), 10.12.020 (Firearms - Carrying prohibited) is amended to read as follows:

10.12.020 - Firearms-Carrying prohibited.

A. As used in this section, the following words shall have the meanings ascribed herein:

- 1. "Firearm" means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosive or burning substance or any device readily convertible to that use.
- 2. "Handgun" has the meaning assigned by Section 46.01, Penal Code.
- 3. "Concealed hand<sub>gu</sub>n" means a hand<sub>gu</sub>n, the presence of which is not openly discernible to the ordinary observation of a reasonable person.
- 4. "Public meeting of the city" means all meetings, notice of which has been posted pursuant to the Open Meetings Law or city policy, and any other meeting of the mayor or city council or its individual members to which members of the public have been invited to attend.

#### ORDINANCE NO.

- B. It is unlawful for a person, to carry a firearm at a:
  - 1. Public park, except as otherwise not prohibited by law;
  - 2. Public meeting of the city;
  - 3. Political rally, parade or other official political meeting;
  - 4. Non-firearms-related school, college or professional athletic event.
- C. The City Manager, or his designee, is authorized to place or permit the placement of signs on all property and buildings, including any portion thereof, which are owned, leased, controlled, operated, used or managed by the city, which give notice, as provided by sections 30.05, 30.06, and 46.03, Texas Penal Code, that entry onto the city owned, leased, controlled, operated, used or managed property and buildings, or portions thereof, by persons carrying concealed or openly carried handguns, firearms, or other weapons is forbidden. All city employees, independent contractors of the city, and persons holding a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies while performing contracted security services for the city are authorized to give a verbal notice, as provided by Section 30.05 and 30.06, Texas Penal Code, that entry onto city owned, leased, controlled, operated, used or managed property and buildings, or portions thereof, by persons carrying concealed handguns or other weapons is forbidden.

All persons, who enter or remain on property or buildings, or any portion thereof, which are owned, leased, controlled, operated, used or managed by the city, contrary to a posted or verbal notice shall be considered trespassers.

- D. This section shall not apply to law enforcement officers licensed or commissioned pursuant to federal or state law, persons holding a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies while in the performance of their official duties, or members of the armed forces or national guard while in the performance of their official duties.
- 2. Except as herein amended, Title 10 Public Peace, Morals, and Welfare, Chapter 10.12 Offenses Against Public Peace of the El Paso City Code remains in full force and effect.

(Signatures Begin on Following Page)

#### ORDINANCE NO.

21-1026-11705/PL#1103930v.2/ORD. AMD. 10.12.020/EG (CLEAN)

PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**CITY OF EL PASO** 

Oscar Leeser Mayor

**ATTEST:** 

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

putel 3

Eric Gutierrez Assistant City Attorney

**APPROVED AS TO CONTENT:** 

my K. Allen

Greg Allen, Chief Police Department

ORDINANCE NO.

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

**DEPARTMENT:** Police

AGENDA DATE: August 17, 2021

PUBLIC HEARING DATE: August 31, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Assistant Chief Zina Silva, 212-4306,

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:

Discussion and action on an Ordinance Amending Title 10.12.020 – Firearms-Carrying Prohibited

#### **BACKGROUND / DISCUSSION:**

An Ordinance Amending Title 10.12.020 - Firearms - Carrying Prohibited.

Texas House Bill 1927 authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster and also modifies the ability of municipalities to restrict firearms in certain areas City Council wishes to modify Chapter 10.12 Offenses against Public Peace, Section 10.12.020 – Firearms-Carrying prohibited to align with Texas House Bill 1927

#### **PRIOR COUNCIL ACTION:**

AMOUNT AND SOURCE OF FUNDING: N/A

DEPARTMENT HEAD: Assistant Chief Zina Silva



### Agenda Items 35 & 36: Ordinances Amending Titles 10 & 13

August 31, 2021



693



### Amending Municipal Code Title 10.12.020 Firearms Carrying Prohibited

- New State Law authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster – and addresses the ability of municipalities to restrict firearms in certain areas
- The amendments clarify that the city manager may place signs on city property and buildings to give notice of prohibitions related to carrying of firearms





### Parks and Rec Areas - Dangerous Amusements

Amending Title 13 to clarify that the restriction does not apply for a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun in parks and parks facilities:

- Prohibited if convicted in last 5 years of committing certain crimes (assault causing bodily injury; deadly or disorderly conduct involving a firearm; making terroristic threats)
- Federal Gun Control Act also makes some people ineligible





# Questions





Legislation Text

#### File #: 21-920, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

All Districts

Parks and Recreation, Ben Fyffe, (915) 212-1766

#### AGENDA LANGUAGE:

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

An Ordinance Amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.24 (City Parks and Recreation Areas), 13.24.070 (Dangerous Amusements), to allow a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun.

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

DEPARTMENT: Parks & Recreation

AGENDA DATE: August 17, 2021 (First Reading)

PUBLIC HEARING DATE: August 31, 2021

#### CONTACT PERSON NAME AND PHONE NUMBER: Ben Fyffe, 915.212.1766

#### DISTRICT(S) AFFECTED: All

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

SUBGOAL: 4.2 Create innovative recreational, educational, and cultural programs

#### SUBJECT:

Approve an Ordinance Amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.24 (City Parks & Recreation Areas), 13.24.070 (Dangerous Amusements), to allow a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun.

#### **BACKGROUND / DISCUSSION:**

Ordinance is required to bring City of El Paso into compliance with State of Texas HB1927, going into effect September 1, 2021. New law does not allow City to prohibit anyone 21 years or older from carrying handguns at municipal parks, unless they are prohibited by Federal or State law (e.g., convicted felons, or those with an assault/family violence conviction).

#### PRIOR COUNCIL ACTION:

#### AMOUNT AND SOURCE OF FUNDING:

No City funds used.

**DEPARTMENT HEAD:** 

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

#### ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 13 (STREETS SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), 13.24.070 (DANGEROUS AMUSEMENTS), TO ALLOW A PERSON TO CARRY A HANDGUN WHO IS NOT OTHERWISE PROHIBITED BY LAW FROM CARRYING A HANDGUN.

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

1. Title 13 (Streets Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), 13.24.070 (Dangerous amusements) is amended to read as follows:

13.24.070 - Dangerous Amusements.

A. No person shall have within any city park any air rifle, pellet or b.b. gun, spring gun, bows and arrows, instruments capable of throwing a projectile, or possess any firearm, or throw or launch any stone, hard ball, remote control airplane, or other object likely to inflict injury; or drive any golf ball. No person may use roller-skates, inline skates, bicycle, skateboard or any similar device in areas in which the director has posted a sign prohibiting such activities. This section does not apply to acts done in an area designated by the city for such purpose. The provision related to firearms does not apply to a person carrying a handgun not otherwise prohibited by law from carrying a handgun.

B. No person shall possess a handgun except as provided in City Code Section 10.12.020.

2. Except as herein amended, the El Paso City Code remains in full force and effect.

PASSED AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF EL PASO

Oscar Leeser Mayor ATTEST:

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Karla Munoz Assistant City Attorney

APPROVED AS TO CONTENT:

Ben Fyffe, Managing Director Cultural Affairs and Recreation



### Agenda Items 35 & 36: Ordinances Amending Titles 10 & 13

August 31, 2021





### Amending Municipal Code Title 10.12.020 Firearms Carrying Prohibited

- New State Law authorizes most Texans over the age of 21 to carry a firearm in a concealed manner or openly in a holster – and addresses the ability of municipalities to restrict firearms in certain areas
- The amendments clarify that the city manager may place signs on city property and buildings to give notice of prohibitions related to carrying of firearms





### Parks and Rec Areas - Dangerous Amusements

Amending Title 13 to clarify that the restriction does not apply for a person to carry a handgun who is not otherwise prohibited by law from carrying a handgun in parks and parks facilities:

- Prohibited if convicted in last 5 years of committing certain crimes (assault causing bodily injury; deadly or disorderly conduct involving a firearm; making terroristic threats)
- Federal Gun Control Act also makes some people ineligible





# Questions





Legislation Text

#### File #: 21-631, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 6

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

#### AGENDA LANGUAGE:

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

An Ordinance granting Special Permit NO. PZST21-00008, to allow for a 55' Ground-Mounted Personal Wireless Service Facility on the property described as a portion of Tracts 9B, 9C, and 10A, Block 48, Ysleta Grant, 9100 Alameda Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL.** 

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

Subject Property: 9100 Alameda Avenue Applicant: Verizon c/o Les Gutierrez, PZST21-00008

#### [POSTPONED FROM 07-07-2021 AND 08-03-2021]

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

AGENDA DATE:June 8, 2021PUBLIC HEARING DATE:July 7, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 6

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

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

#### SUBJECT:

An Ordinance granting Special Permit NO. PZST21-00008, to allow for a 55' Ground-Mounted Personal Wireless Service Facility on the property described as a portion of Tracts 9B, 9C, and 10A, Block 48, Ysleta Grant, 9100 Alameda Avenue, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.455 of the El Paso City Code. The penalty being as provided in Chapter 20.24 of the El Paso City Code. **THIS IS AN APPEAL.** 

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

Subject Property: 9100 Alameda Avenue Applicant: Verizon c/o Les Gutierrez PZST21-00008

#### **BACKGROUND / DISCUSSION:**

The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the C-1 (Commercial) zone district as required by El Paso City Code Section 20.10.455. City Plan Commission recommended 6-2 to deny the proposed special permit on May 6, 2021. As of May 28, 2021, the Planning Division did not receive any communication support or opposition to the special permit request. See attached staff report for additional information.

#### PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? <u>X</u> YES <u>NO</u>

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

#### 

DEPARTMENT HEAD:

Philip Tiwe

Philip F. Etiwe – Planning and Inspections Director

#### ORDINANCE NO.

#### AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST21-00008, TO ALLOW FOR A 55' GROUND-MOUNTED PERSONAL WIRELESS SERVICE FACILITY ON THE PROPERTY DESCRIBED AS A PORTION OF TRACTS 9B, 9C, AND 10A, BLOCK 48, YSLETA GRANT, 9100 ALAMEDA AVENUE CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.455 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

**WHEREAS,** Verizon Wireless c/o Les F. Gutierrez, in its capacity as authorized agent for Elizabeth Jaquez has applied for a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a ground-mounted Personal Wireless Service Facility (PWSF) that is 55-foot tall and is required to be camouflaged as a bell tower along with 18-foot by 38-foot walled equipment enclosure; and,

**WHEREAS,** the Section 20.10.455 allows for a ground-mounted personal wireless service facility by Special Permit; and,

**WHEREAS,** the Section 20.10.455.F.1.8 allows for a ground-mounted personal wireless facility up to 60-feet by Special Permit; and

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

**WHEREAS,** the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

**WHEREAS,** the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 and 20.10.455 of the El Paso City Code.

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

- 1. That the property described as follows, is in a <u>C-1 (Commercial)</u> Zone District: A portion of Tracts 9B, 9C, and 10A, Block 48, Ysleta Grant, 9100 Alameda Avenue, City of El Paso, El Paso County, Texas; and as more particularly described by metes and bounds on the attached **Exhibit "A"**; and,
- 2. That the City Council hereby grants a Special Permit under Sections 20.04.320 and 20.10.455 of the El Paso City Code to allow for a ground-mounted 55-foot tall personal wireless service facility, which is required to be camouflaged as a bell tower along with 18-foot by 38-foot walled equipment enclosure, on the property described in Paragraph 1 of this Ordinance; and,
- 3. That this Special Permit is issued subject to the development standards in <u>C-1</u> (<u>Commercial</u>) District regulations and is subject to the approved Detailed Site Development Plan, Section 20.04.150, attached hereto as **Exhibit ''B''**, signed by

the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

- 4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, **Special Permit No. PZST21-00008** shall be subject to automatic termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and the City can avail itself of any and all legal or equitable remedies provided to it under law; and,
- 5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

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

#### THE CITY OF EL PASO

Oscar Leeser Mayor

**ATTEST:** 

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Russell T. Abeln

Russell T. Abeln Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Philip F. Etiwe, Director

Philip F. Etiwe, Director Planning & Inspections Department

#### AGREEMENT

Verizon Wireless c/o Les F. Gutierrez, in its capacity as authorized agent for Elizabeth Jaquez, (Property Owner) referred to in the above Ordinance, hereby agrees to develop the abovedescribed property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the C-1 (Commercial) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this <u>27</u> day of \_\_\_\_ \_\_\_\_\_, 2021.

OWNER: VENIZON WLAELESS, BY Les F Jah

Verizon Wireless c/o Les F. Gutierrez Authorized Agent for Elizabeth Jaquez

#### ACKNOWLEDGMENT

#### THE STATE OF NEW MEXICO ) ) COUNTY OF SANTA FE )

This instrument is acknowledged before me on this <u>77</u> day of <u>May</u> 2021, by Verizon Wireless c/o Les F. Gutierrez for Elizabeth Jaquez, as property owner.

Notary Public, State of New Mexico

inares hriela

Printed or Typed Name

My Commission Expires:

OFFICIAL SEAL Gabriela Linares OTARY PUBLIC - STATE OF NEW MEXICO

#### EXHIBIT A

#### ACCESS/UTILITY EASEMENT LEGAL DESCRIPTION

A PORTION OF TRACTS 9B, 9C AND 10A (ALSO BEING PARCEL 1 OF DOC, # 20110035641 OF EL PASO COUNTY RECORDS) BLOCK 48, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, STATE OF TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE CENTERLINES OF ALAMEDA AVENUE AND SOUTH OLD PUEBLO DRIVE; THENCE ALONG THE CENTERLINE OF ALAMEDA AVENUE SOUTH 61°13'48" EAST, 229.59 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 25°52'05" WEST, 29.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE AND THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTH LINE SOUTH 61°13'48" EAST, 20.27 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 28°46'12" WEST, 5.00 FEET; THENCE NORTH 61°13'48" WEST, 5.00 FEET; THENCE SOUTH 25°52'05" WEST, 47.34 FEET; THENCE SOUTH 12°36'49" WEST, 18.87 FEET; THENCE SOUTH 77°23'11" EAST, 10.02 FEET; THENCE SOUTH 12°36'49" WEST, 18.00 FEET; THENCE SOUTH 77°23'11" EAST, 38.00 FEET; THENCE SOUTH 12°36'49" WEST, 15.00 FEET; THENCE NORTH 77°23'11" WEST, 63.02 FEET; THENCE NORTH 12°36'49" EAST, 53.62 FEET; THENCE NORTH 25°52'05" EAST, 54.85 FEET TO THE POINT OF BEGINNING.

CONTAINING 2522 SQUARE FEET OR 0.06 ACRES MORE OR LESS.

#### UTILITY EASEMENT LEGAL DESCRIPTION

A 5.00 FOOT WIDE STRIP OF LAND BEING IN TRACTS 9B, 9C AND 10A (ALSO BEING PARCEL 1 OF DOC. # 20110035641 OF EL PASO COUNTY RECORDS) BLOCK 48, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, STATE OF TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE CENTERLINES OF ALAMEDA AVENUE AND SOUTH OLD PUEBLO DRIVE; THENCE ALONG THE CENTERLINE OF ALAMEDA AVENUE SOUTH 61°13'48" EAST, 229.59 FEET; THENCE CONTINUING SOUTH 61°13'48" EAST, 211.86 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 24°32'12" WEST, 30.06 FEET TO THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE AND WEST RIGHT-OF-WAY LINE OF THE SOUTH SIDE FEDERAL CANAL; THENCE ALONG THE WEST LINE OF SAID SOUTH SIDE FEDERAL CANAL SOUTH 24°32'12" WEST, 77.40 FEET; THENCE DEPARTING SAID WEST LINE NORTH 77°21'48" WEST, 169.84 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 77°21'48" WEST, 5.00 FEET; THENCE NORTH 11°08'33" EAST, 27.84 FEET; THENCE SOUTH 77°23'11" EAST, 5.00 FEET; THENCE SOUTH 11°08'33" WEST, 27.85 FEET; TO THE POINT OF BEGINNING,

CONTAINING 684 SQUARE FEET OR 0.02 ACRES MORE OR LESS.

#### LEASE AREA LEGAL DESCRIPTION

A PORTION OF TRACTS 9B, 9C AND 10A (ALSO BEING PARCEL 1 OF DOC. # 20110035641 OF EL PASO COUNTY RECORDS) BLOCK 48, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, STATE OF TEXAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

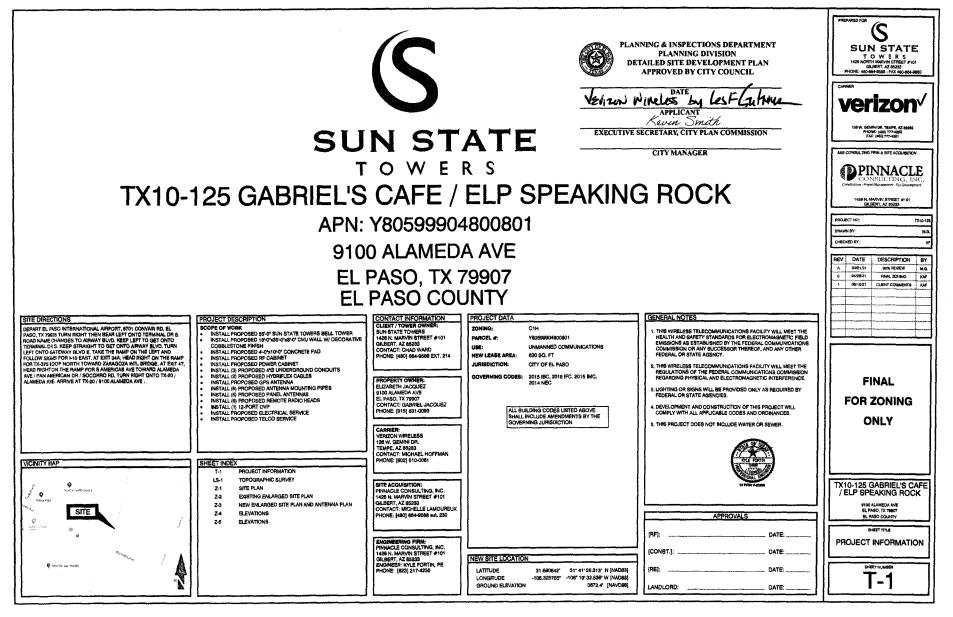
COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE CENTERLINES OF ALAMEDA AVENUE AND SOUTH OLD PUEBLO DRIVE; THENCE ALONG THE CENTERLINE OF ALAMEDA AVENUE SOUTH 61°13'48" EAST, 229.59 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 25°52'05" WEST, 29.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE; THENCE ALONG SAID SOUTH LINE SOUTH 61°13'48" EAST, 20.27 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 28°46'12" WEST, 5.00 FEET; THENCE NORTH 61°13'48" WEST, 5.00 FEET; THENCE SOUTH 25°52'05" WEST, 47.34 FEET; THENCE SOUTH 12°36'49" WEST, 18.87 FEET; THENCE SOUTH 77°23'11" EAST, 10.02 FEET TO THE POINT OF BEGINNING;

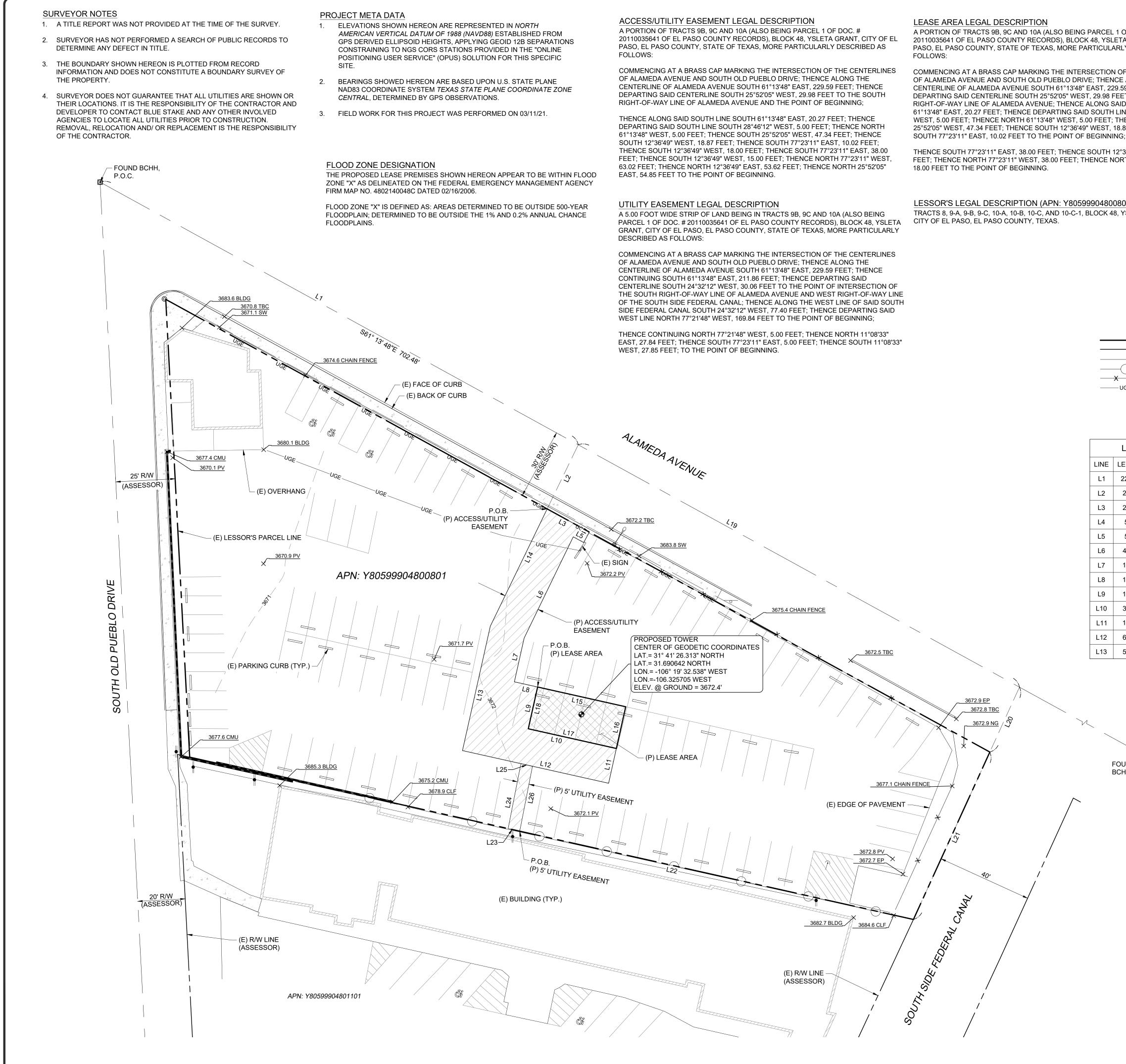
THENCE SOUTH 77°23'11" EAST, 38.00 FEET; THENCE SOUTH 12°36'49" WEST, 18.00 FEET; THENCE NORTH 77°23'11" WEST, 38.00 FEET; THENCE NORTH 12°36'49" EAST, 18.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 139 SQUARE FEET OR 0,003 ACRES MORE OR LESS.



**EXHIBIT B** 





A PORTION OF TRACTS 9B, 9C AND 10A (ALSO BEING PARCEL 1 OF DOC. # 20110035641 OF EL PASO COUNTY RECORDS), BLOCK 48, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, STATE OF TEXAS, MORE PARTICULARLY DESCRIBED AS

COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE CENTERLINES OF ALAMEDA AVENUE AND SOUTH OLD PUEBLO DRIVE; THENCE ALONG THE CENTERLINE OF ALAMEDA AVENUE SOUTH 61°13'48" EAST, 229.59 FEET; THENCE DEPARTING SAID CENTERLINE SOUTH 25°52'05" WEST, 29.98 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ALAMEDA AVENUE; THENCE ALONG SAID SOUTH LINE SOUTH 61°13'48" EAST, 20.27 FEET; THENCE DEPARTING SAID SOUTH LINE SOUTH 28°46'12" WEST, 5.00 FEET; THENCE NORTH 61°13'48" WEST, 5.00 FEET; THENCE SOUTH 25°52'05" WEST, 47.34 FEET; THENCE SOUTH 12°36'49" WEST, 18.87 FEET; THENCE SOUTH 77°23'11" EAST, 10.02 FEET TO THE POINT OF BEGINNING;

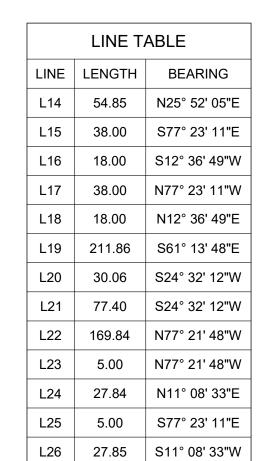
THENCE SOUTH 77°23'11" EAST, 38.00 FEET; THENCE SOUTH 12°36'49" WEST, 18.00 FEET; THENCE NORTH 77°23'11" WEST, 38.00 FEET; THENCE NORTH 12°36'49" EAST,

LESSOR'S LEGAL DESCRIPTION (APN: Y80599904800801) TRACTS 8, 9-A, 9-B, 9-C, 10-A, 10-B, 10-C, AND 10-C-1, BLOCK 48, YSLETA GRANT,

### LEGEND

$\odot$	BRASS CAP IN HANDHOLE (BCHH)
=●=	POWER POLE
←	DOWN GUY
	STREET LIGHT W/ MAST ARM
<del>- 0 -</del>	SIGN
đi	HANDICAP
$\bullet$	POSITION OF GEODETIC COORDINATES
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	CENTERLINE
	CHAIN LINK FENCE
X	CHAIN FENCE
GEUGE	U/G ELECTRIC LINE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT

LINE TABLE				
BEARING				
S61° 13' 48"E				
S25° 52' 05"W				
S61° 13' 48"E				
S28° 46' 12"W				
N61° 13' 48"W				
S25° 52' 05"W				
S12° 36' 49"W				
S77° 23' 11"E				
S12° 36' 49"W				
S77° 23' 11"E				
S12° 36' 49"W				
N77° 23' 11"W				
N12° 36' 49"E				

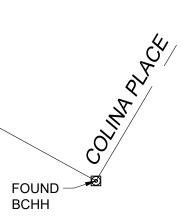


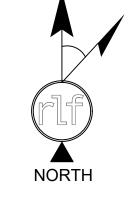
PROJECT AREA

CANANEALIN

VICINITY MAP

N.T.S.

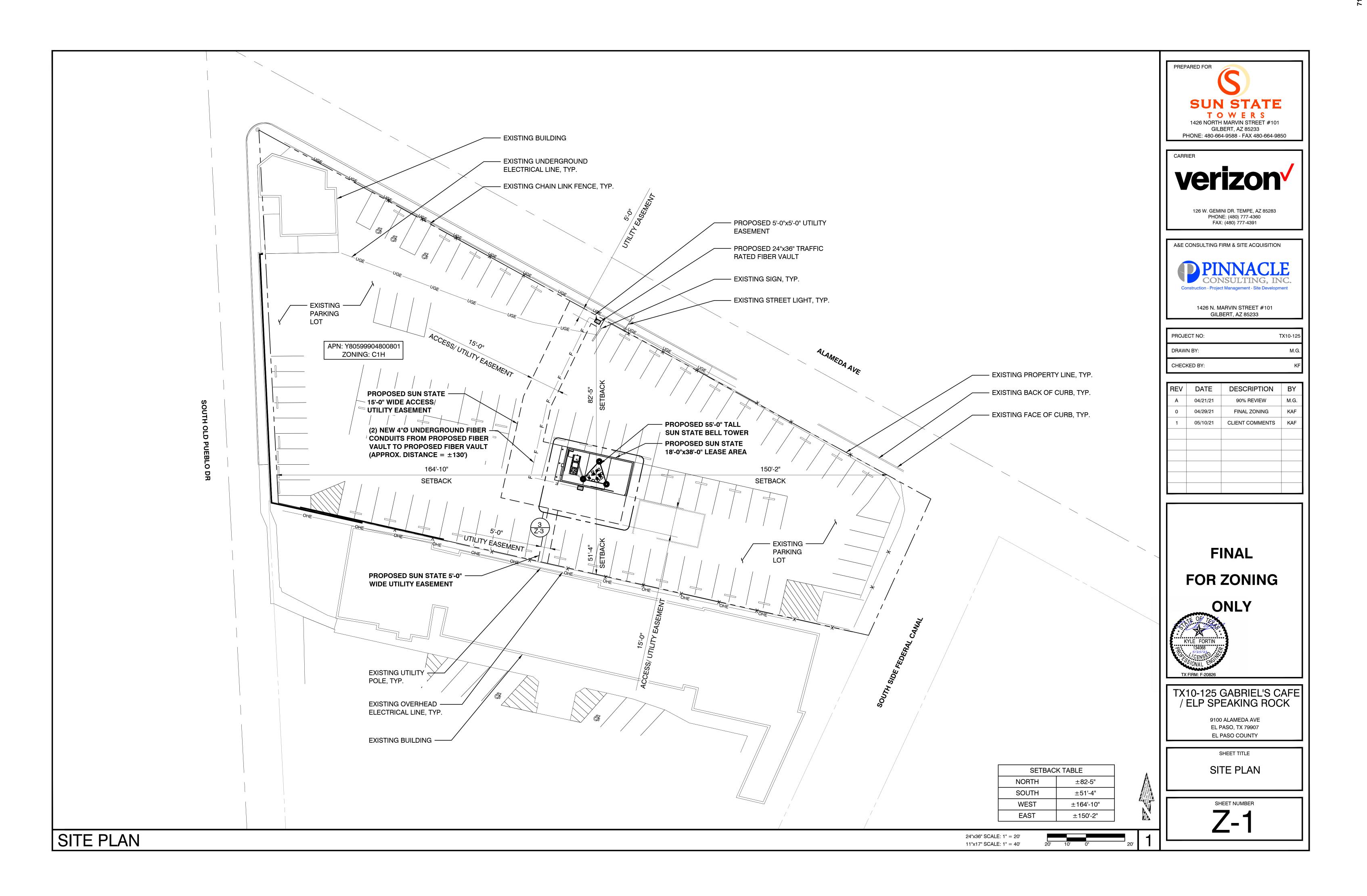


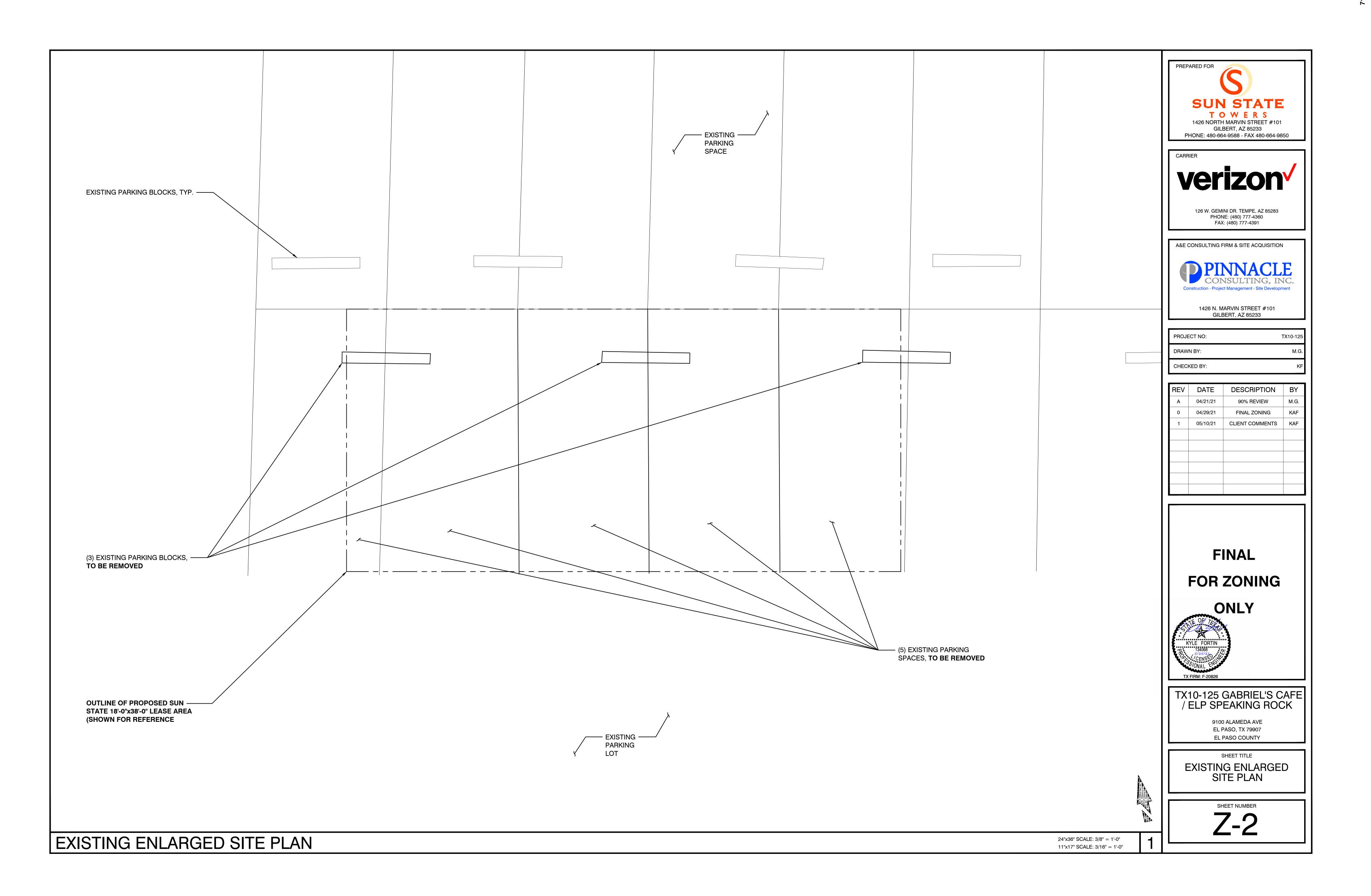


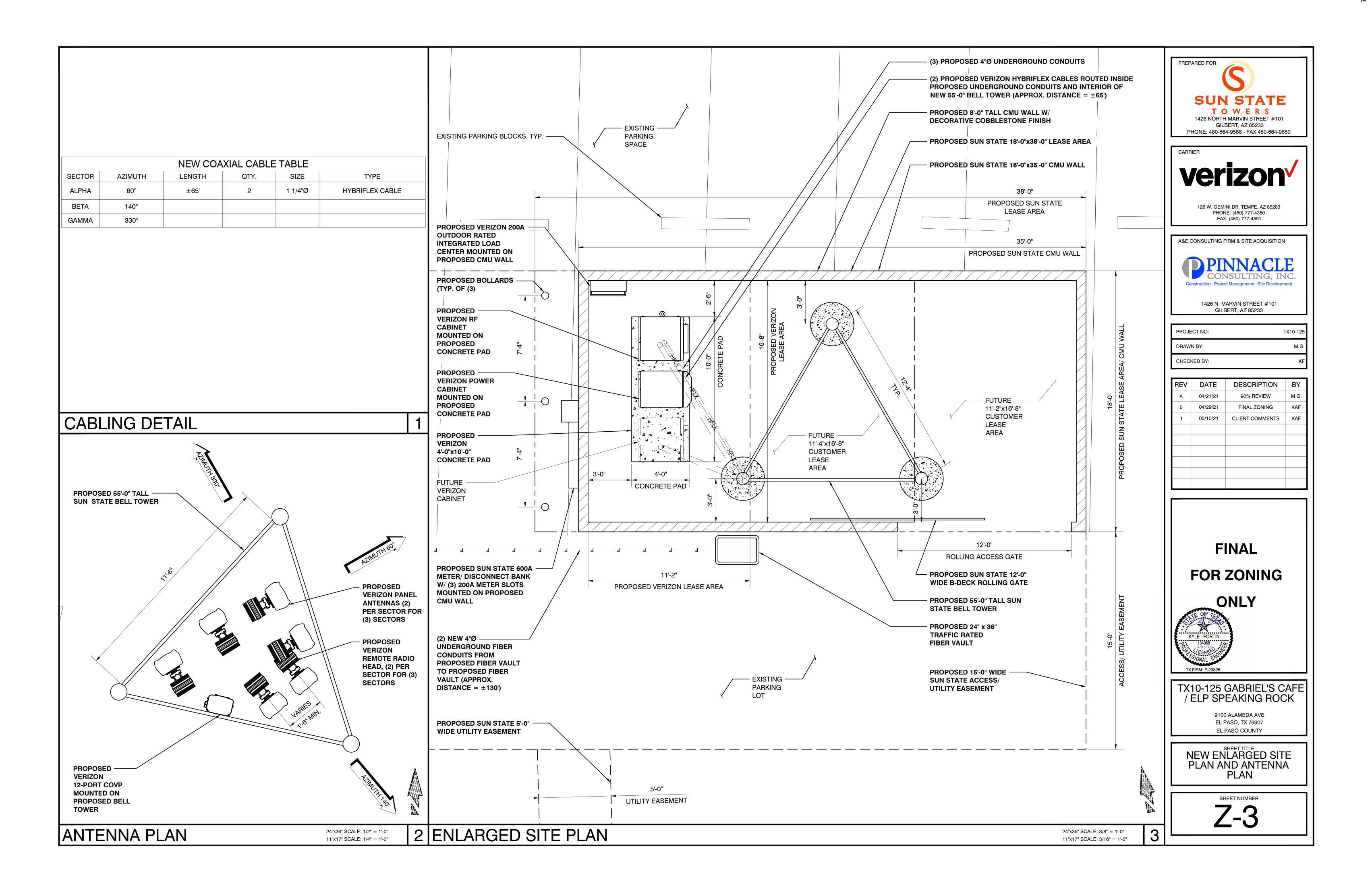
GRAPHIC SCALE

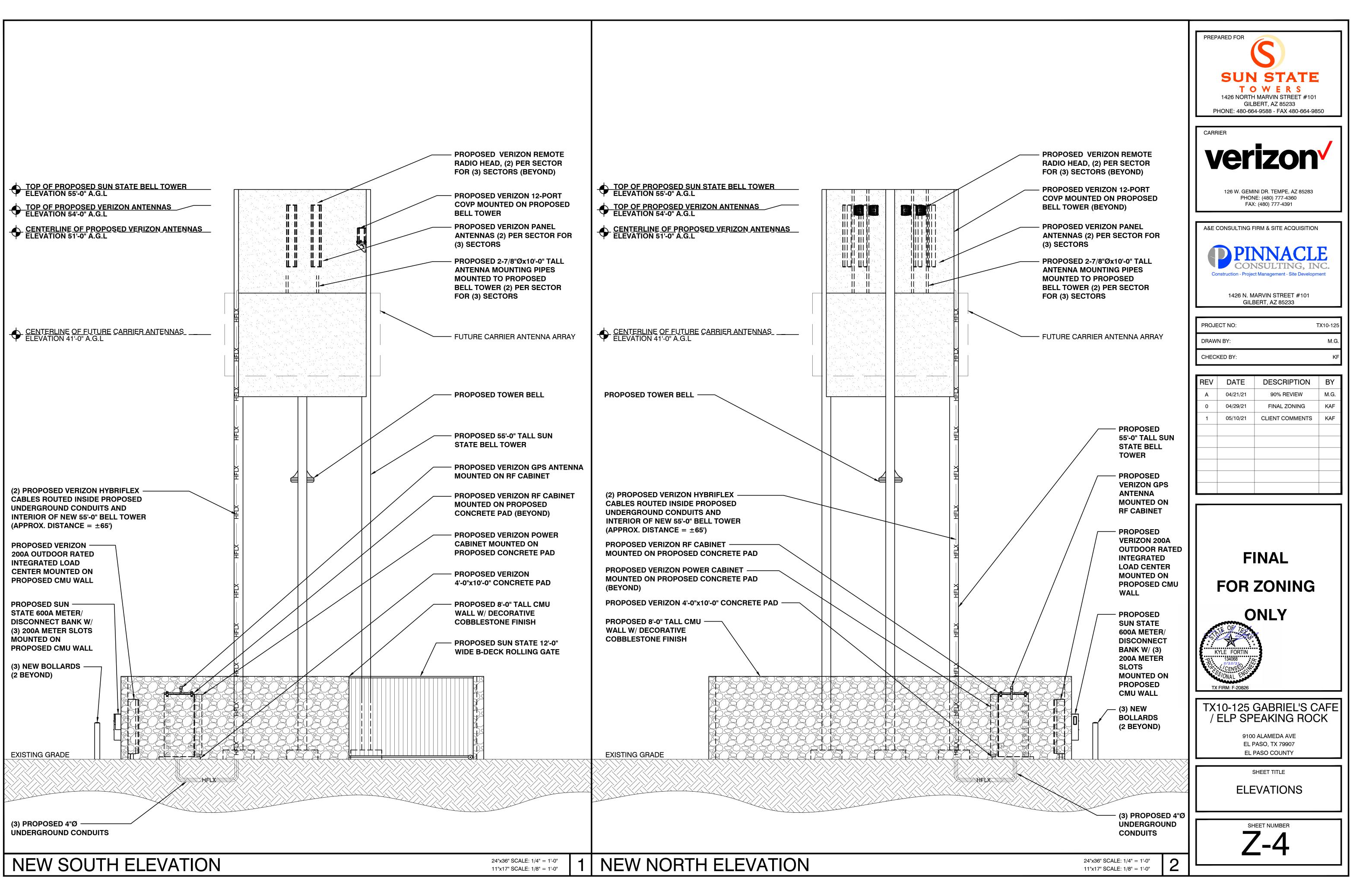
( IN FEET ) 1 inch = 20 ft.

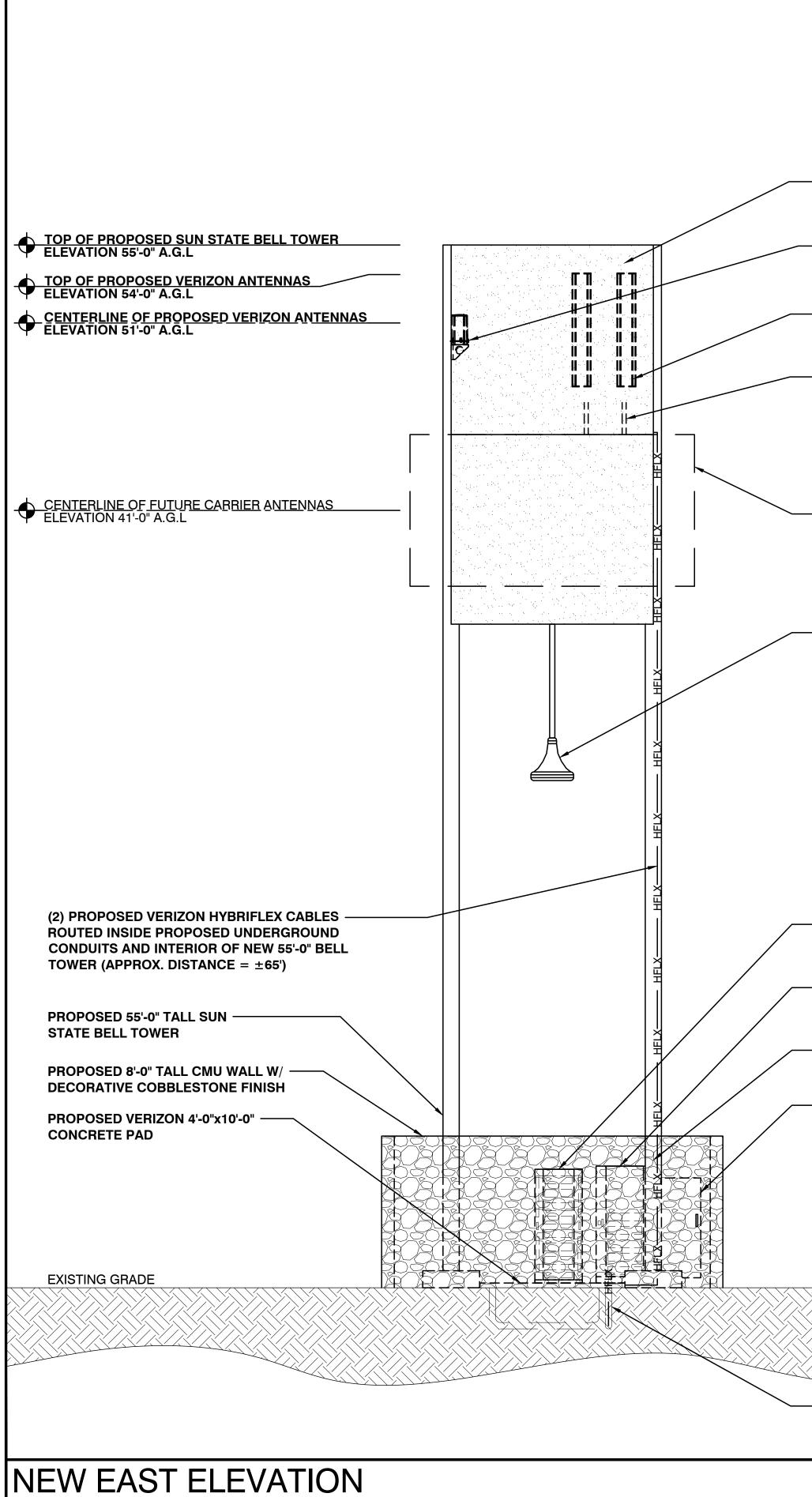
_							
	SUN STATE T 1426 NORTH MARVIN ST GILBERT, AZ 853	REET #101					
	PHONE: 480-664-9588 - FAX						
	Construction - Project Management	NG, INC.					
	1426 N. MARVIN STREET # 101 GILBERT, AZ 85233						
	FIELD BY: CEF						
	DRAWN BY: GAC						
	CHECKED BY: RLF						
	REVISION	S					
	1         04/05/21         FINA           0         03/19/21         PREI	LIMINARY					
	NO. DATE DES	CRIPTION					
		NG SOLUTIONS • 480-445-0180					
	TOM A. FIDLER						
	REUSE OF DOCUMENT THE IDEAS & DESIGN INCORPORATED HEREON, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF RLF CONSULTING, LLC & IS NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT WRITTEN AUTHORIZATION OF RLF CONSULTING, LLC.						
	PROJECT No. 100081083 SITE NAME: TX10-125 Gabriel's cafe						
	SITE ADDRESS: 9100 ALAMEDA DR EL PASO, TX 79907						
	SHEET TITLE:						
	TOPOGRAPHIC S	URVEY					
	SHEET NO.	REVISION:					
	LS-1						



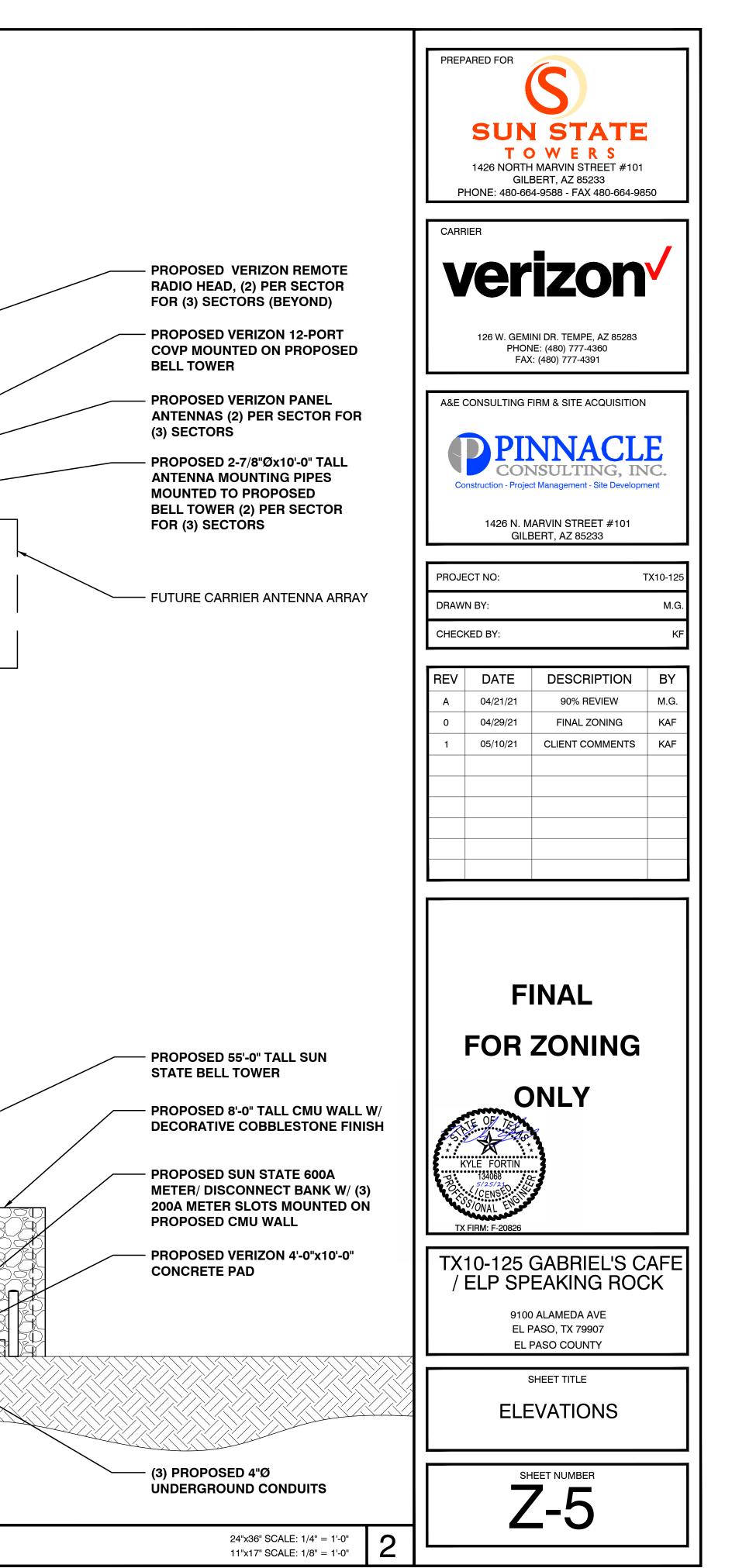








— PROPOSED VERIZON REMOTE		
RADIO HEAD, (2) PER SECTOR FOR (3) SECTORS (BEYOND)		_
— PROPOSED VERIZON 12-PORT COVP MOUNTED ON PROPOSED BELL TOWER	TOP OF PROPOSED SUN STATE BELL TOWER   ELEVATION 55'-0" A.G.L   TOP OF PROPOSED VERIZON ANTENNAS	
- PROPOSED VERIZON PANEL	• TOP OF PROPOSED VERIZON ANTENNAS         • ELEVATION 54'-0" A.G.L         • CENTERLINE OF PROPOSED VERIZON ANTENNAS         • ELEVATION 51'-0" A.G.L	/
ANTENNAS (2) PER SECTOR FOR (3) SECTORS		_
<ul> <li>PROPOSED 2-7/8"Øx10'-0" TALL</li> <li>ANTENNA MOUNTING PIPES</li> <li>MOUNTED TO PROPOSED</li> <li>BELL TOWER (2) PER SECTOR</li> <li>FOR (3) SECTORS</li> </ul>		_
- FUTURE CARRIER ANTENNA ARRAY	CENTERLINE OF FUTURE CARRIER ANTENNAS	
- PROPOSED TOWER BELL		
	(2) PROPOSED VERIZON HYBRIFLEX CABLES ROUTED INSIDE PROPOSED UNDERGROUND CONDUITS AND INTERIOR OF NEW 55'-0" BELL TOWER (APPROX. DISTANCE = ±65')	
- PROPOSED VERIZON POWER CABINET MOUNTED ON PROPOSED CONCRETE PAD	PROPOSED VERIZON POWER	
- PROPOSED VERIZON RF CABINET MOUNTED ON PROPOSED CONCRETE PAD	PROPOSED CONCRETE PAD PROPOSED VERIZON RF	
— PROPOSED VERIZON GPS ANTENNA MOUNTED ON RF CABINET (BEYOND)	PROPOSED VERIZON GPS ANTENNA MOUNTED ON RF CABINET (BEYOND)	/
<ul> <li>PROPOSED VERIZON 200A</li> <li>OUTDOOR RATED INTEGRATED</li> <li>LOAD CENTER MOUNTED ON</li> <li>PROPOSED CMU WALL</li> </ul>	PROPOSED VERIZON 200A OUTDOOR RATED INTEGRATED LOAD CENTER MOUNTED ON PROPOSED CMU WALL	Ţ,
	PROPOSED BOLLARDS (TYP. OF (3)	
— (3) PROPOSED 4"Ø		
UNDERGROUND CONDUITS		
24"x36" SCALE: 1/4" = 1'-0" 11"x17" SCALE: 1/8" = 1'-0"	NEW WEST ELEVATION	



#### APPEAL TO THE CITY COUNCIL

DATE: MAy 19, 2021

#### HONORABLE MAYOR AND CITY COUNCIL CITY OF EL PASO, TEXAS

DEAR MAYOR AND COUNCIL:

After a public hearing held on MAM 644	, 20 <b>2</b> (, the	
CITY PLAN GOMMISSION	_ denied my request for	
A NEW LOW VISABILTY PWSF TO	BE LOCATEN	
AT 9100 ALAMEDA AVE, ELI	PASO, TX 79907	

legally described as:

PLEASE SHE ATTACHED LEGAL DESCRIPTION

I hereby request the City Council to review the decision of the \_\_\_\_\_\_ Ciry PUNNO Commission \_\_\_\_\_\_AND CONSIDER MY REQUEST

#### SET OUT ABOVE. I AM ATTACHING A LETTER SETTING FORTH MY

	By Les F Guttervez, Alte
APPLICANT	
3. GbolitA PEAK, S	ANTA FE, NM 87508
ADDRESS	
505-710-2079	LESGLITEVEZ356.gmmi Gom
<b>TELEPHONE NUMBER</b>	

Two (2) copies filed in City Clerk's Office on:

#### 9100 Alameda Ave, El Paso Texas Legal Description of the Lease Area.

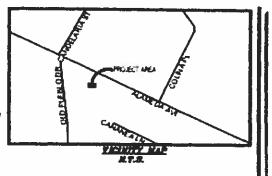
LEASE AREA LEGAL DESCRIPTION

A PORTION OF TRACTS 98 9C AND TCA LALSO BEING PARCEL 1 OF DOC # 2011003041 OF EL PASO COUNTY RECORDS) BLOCK 41 YSLETA GRANT CITY OF EL PASO EL PASO COUNTY STATE OF TEXAS WORE PARTICILARLY DESCRIGED AS FOLLOWS

COMMENCING AT A BRASS CAP MARKING THE INTERSECTION OF THE CENTERLINES OF ALAMEDA AVENUE AND SOUTH OLD PLEEDO DRIVE THENCE ALONG THE CENTERLINE OF ALAMEDA AVENUE SOUTH 61'11'AF EAST 229 SO FEET THENCE DEPARTING SAD CENTERLINE SOUTH 25'5205' WEST 20 BI FEET TO THE SOUTH RICHT-OF-WAY LINE OF ALAMEDA AVENUE THENCE ALONG SAD SOUTH LINE SOUTH 61'11'AF EAST 20 27 FEET. THENCE DEPARTING SAD SOUTH LINE SOUTH MEST SO FEET THENCE NOEMALTING WEST SO FEET THENCE SOUTH 25'52705' WEST 47 SAFEET THENCE SOUTH 12'M ROT WEST 18 AT FEET THENCE SOUTH 77'23'11'EAST 18 02 FEET TO THE POINT OF BEGINNIC

THENCE SOUTH 27/22/11" EAST 38:00 FEET THENCE SOUTH 12/36/49" WEST 18:00 FEET. THENCE NORTH 77/22/11" WEST 38:00 FEET. THENCE NORTH 12/36/49" EAST 18:00 FEET TO THE POINT OF BEGINNING.

LESSOR'S LEGAL DESCRIPTION (APN: Y8059904800801) TRACTS& BA, SB, S-C, 10A, 10B, 10-C, AND 10-C-1, BLOCK 41, VSLETA GRANT LITY OF EL PASO EL PASO COUNTY TEXAS





### APPEAL REQUEST CPC DECISION CASE # PZST21-00008 9100 Alameda Verizon Telecom Facility

May 19, 2021

City Council City of El Paso, via City Clerk

Dear City Council of the City of El Paso:

Verizon wireless is requesting this Appeal Request to overturn the CPC Hearing on May 6<sup>th</sup>, 2021 decision to deny Verizon Wireless a new PWSF to be located at 9100 Alameda Ave. Verizon Wireless has been working with the City of El Paso Planning Department and HLC for over one year before bringing it to the CPC.

#### **BACKGROUND INFORMATION**

In early May 2020, we submitted or original zoning application with a camouflaged Italian Cypress design for review by the City of El Paso and the Historic Landmark Commission. The Commission determined that the camouflaged tree was not acceptable due to a recent change in the City of El Paso's telecom code and asked that we submit a new design. HLC tabled the discussion and asked that we submit more designs for review.

In August of 2020, with comments from the City of El Paso, we redesigned the PWSF to comply with the City's low visibility requirements per the new code. We submitted a 4-sided structure with concealed antennas. Again, the HLC felt that the design was too big and not within the character of the Alameda Historic District.

November 16th of 2020 The Commission did vote to allow a standard light structure with flush mount antennas with a concealed equipment area with 6' block/rubble wall. Please see Certificate of Appropriateness dated 11/16/2020.

On January 27th, 2020, The City of El Paso then responded to Verizon Wireless and said that this design was not satisfactory with the low visibility section of the City of El Paso's telecom code and would approve a 3-legged Bell Tower design. On March 24.2020 we then re applied with the HLC to offer the new 3-legged design, with an hour of discussion with the HLC Board and City representative, Anne Guayante, the HLC agreed to this new design and issued a Certificate of Appropriateness dated 2/22/2021.



#### CPC Hearing May 6th, 2021.

Verizon would encourage the City Council to view the video playback of the May 6<sup>th</sup> CPC hearing and to read the Written Statement of the CPC hearing.

While we respect the hour long comments of the CPC, it is clear that Verizon complied with the Telecom Code to meet all the requirements to design, setbacks, for this new PWSF. This location was designed by Verizon RF Engineers to continue to provide both voice and data services for our mobile, commercial, and residential and 911 customers.

- 1. Design was reviewed and approved by HLC two times. (See Certificates of Appropriateness)
- 2. Planning staff reviewed our application for completeness and recommended staff approval.
- 3. There were no adverse comments from property owners within 500' to include the Ysleta Pueblo.
- 4. There were no persons at the CPC Public Hearing with any adverse comments.
- 5. The motion to deny by Commissioner Carlos Gallinar did not take into consideration the time and efforts of the Historic Landmark Commission two hearings with Verizon Wireless to come up with a design that met the District Standards. Commissioner Gallinar said that Verizon could build a 35' structure there by right, without CPC approval. However, because we needed the 20' additional feet for Verizon coverage and that we did not provide landscaping he would vote to deny the request, because he felt a PWSF there would not meet the character of the area.
- 6. The FCC rules and regulations for PWSF/Cell towers clearly spells out that a governing body must approve a request unless it does not meet the code requirements of the jurisdiction. Verizon did meet all the code requirements.

For the above reasons, we ask that this Appeal request to overturn the CPC's May 6<sup>th</sup> decision be granted and that the City Council grant Verizon's request as supported by the City of El Paso's planning staff be approved.

Sincerely,

Los F Gutreiliz

Agent, for Verizon Wireless



#### CERTIFICATE OF APPROPRIATENESS Issued by the El Paso Historic Landmark Commission

This is to certify that the El Paso Historic Landmark Commission at its regular meeting scheduled on November 16, 2020 reviewed and approved plans submitted by:

Property Owner:	Elizabeth Jacquez
Location:	9100 Alameda Avenue
Legal Description:	48 Ysleta Tr 8 Tr 9-A Tr 9-B Tr 9-C Tr 10-A Tr 10-B
	Tr 10-C & Tr 10-C-1 (1.0105 Ac), City of El Paso, El
181	Paso County, Texas

For:

Certificate of Appropriateness for construction of a cell tower with the modifications that the cell phone tower be a monopole design with flush mount to reduce its visibility; in addition, if the tower design changes due to Section 106 and NHPA process, the new design shall be brought forth to the HLC for reconsideration; in addition, the HLC recommends to contact the Ysleta del Sur tribe for their input and consideration on this project

The Commission finds that the proposed scope of work will not adversely affect the architectural or historical significance of the Ysleta Historic District, within which this site is located.

THEREFORE, appropriate building permits may be issued. All construction must conform to existing City Code requirements.

D.J. Sevigny, Chair

El Paso Historic Landmark Commission

Ninculser 16, 20 0



#### CERTIFICATE OF

#### APPROPRIATENESS Issued by the El Paso Historic Landmark Commission

This is to certify that the El Paso Historic Landmark Commission at its regular meeting scheduled on February 22, 2021 reviewed and approved plans submitted by:

Property Owner:	Elizabeth Jacquez
Location:	9100 Alameda Avenue
Legal Description:	48 Ysleta Tr 8 Tr 9-A Tr 9-B Tr 9-C Tr 10-A Tr 10-B
	Tr 10-C & Tr 10-C-1 (1.0105 Ac), City of El Paso, El
	Paso County, Texas

For:

Reconsideration of an approved Certificate of Appropriateness for construction of a cell tower and approved for the design proposed to the HLC on February 22, 2021 with a tower that is dark tan in color and has a rubblestone perimeter wall around the base of the tower to match the adjacent rubblestone walls on the property and to have the panels at the top of the tower presented as a singular surface on all three sides

The Commission finds that the proposed scope of work will not adversely affect the architectural or historical significance of the Ysleta Historic District, within which this site is located.

THEREFORE, appropriate building permits may be issued. All construction must conform to existing City Code requirements.

Sevieny, Chair

El Paso Historic Landmark Commission

eloria og 72, 7021

Date

#### MEMORANDUM

RE:	Special Permit PZST21-0008	
DATE:	May 17, 2021	
FROM:	Carlos Gallinar, City Plan Commission	
TO:	El Paso City Council	

On the May 6, 2021 meeting of the El Paso City Plan Commission (CPC), the commission voted to deny the special permit for the above-referenced case. As a member of the CPC, I am writing this letter to outline the reasons for denial. The applicant was seeking a special permit to allow for a new ground-mounted Personal Wireless Service Facility (PWSF) in C-1 zoning district.

The applicant could erect the PWSF by right on the C-1 district with a height limitation of 35 feet. However, the applicant was seeking to erect a PWSF at a maximum height of 55 feet. As per the staff report:

The maximum permitted height for ground-mounted PWSF structures and equipment is thirty-five (35) feet in the C-1 district. The proposed fifty-five (55) foot ground-mounted PWSF antenna support structure requires City Council approval of a Special Permit, and must demonstrate compliance with the low-visibility facility design standards and provide space for future collocation, as stated in El Paso City Code 20.10.455.F.1.8.

As the body charged with making recommendations to El Paso City Council regarding zoning and planning, we consider several factors when determining whether to approve or deny applications for cases of rezoning, submissions of subdivision plans, and in this case, for a special permit. While we weigh the recommendations of the El Paso Planning and Inspections Department heavily in our decisions, there are often several other factors which influence how we decide each case. In this case, Planning and Inspection staff recommended approval of Special Permit PZST21-0008. The City Plan Commission voted to deny. Six commissioners voted to deny the special permit with two voting to approve.

The CPC denied the application because of the following reasons:

- 1. The aesthetic of the proposed tower is not in character with the surrounding neighborhood.
- 2. The CPC felt that the tower as proposed at 55 feet would have been too tall in context with other buildings, especially the Ysleta Mission. The property where the proposed tower would be erected is directly across the street from the mission's entrance. The CPC felt that a height of 35 feet as allowed by code—and without the special permit—would suffice as an appropriate height for the PWSF in that area.

ChrisChmmings, Chairman. EC Paro City Plan Commission

### 9100 Alameda Avenue

City Plan Commission — May 6, 2021 (REVISED)

CASE NUMBER: CASE MANAGER: **PROPERTY OWNER:** APPLICANT: **REPRESENTATIVE:** LOCATION: **PROPERTY AREA: EXISTING ZONING: REQUEST:** 

#### PZST21-00008

	CASE MANAGER:	Andrew Salloum, (915)212-1603, SalloumAM@elpasotexas.gov
	PROPERTY OWNER:	Elizabeth Jaquez
	APPLICANT:	Verizon Wireless
	REPRESENTATIVE:	Les F. Gutierrez
	LOCATION:	9100 Alameda Avenue (District 6)
1	PROPERTY AREA:	0.02-acre
	EXISTING ZONING:	C-1/H (Commercial/Historic)
	REQUEST:	Special Permit to allow for a new ground-mounted Personal Wireless
		Service Facility (PWSF) in C-1 zone district
	RELATED APPLICATIONS:	None
	PUBLIC INPUT:	None as of April 30, 2021

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) with increase height in the C-1 (Commercial) zone district as required by El Paso City Code Section 20.10.455.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval of the special permit for a Personal Wireless Service Facility (PWSF) in C-1 (Commercial) zone district. The proposal meets all the requirements of 20.10.455 PWSF, 20.04.320 Special Permit, and 20.04.150, Detailed Site Development Plan.

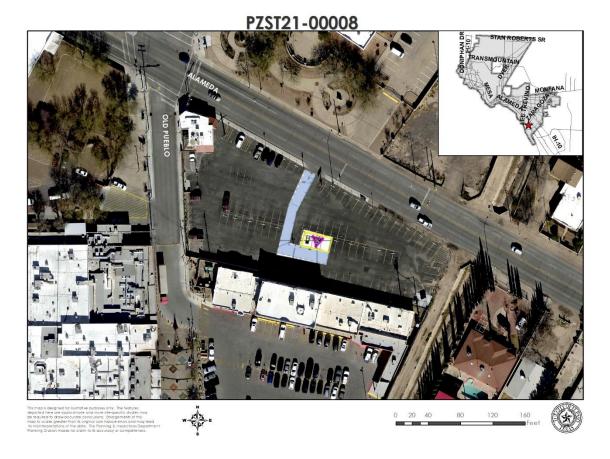


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant is requesting a special permit to allow for the placement of a new ground-mounted personal wireless service facility (PWSF) in the C-1 (Commercial) zone district, as required by El Paso City Code Section 20.10.455, and an increase in the maximum height.

The site plan shows a 684 sq. ft. lease area for a fifty-five (55) foot high structure with antennas and service equipment enclosure. The antennas and support structure will be camouflaged to resemble a bell tower, in accordance with the low-visibility facility design criteria in El Paso City Code Section 20.10.455.F(1.9). Additionally, an eighteen (18) foot by thirty-eight (38) foot equipment enclosure is proposed, with the equipment being screened by a six (6) foot concrete masonry unit wall with decorative rubblestone finish at the edge of the property adjacent to a service driveway.

The maximum permitted height for ground-mounted PWSF structures and equipment is thirty-five (35) feet in the C-1 district. The proposed fifty-five (55) foot ground-mounted PWSF antenna support structure requires City Council approval of a Special Permit, and must demonstrate compliance with the low-visibility facility design standards and provide space for future collocation, as stated in El Paso City Code 20.10.455.F.1.8. The detailed site development plan demonstrates compliance with these requirements.

There are no other PWSF facilities within one-half mile of the subject property. The applicant has requested a landscape buyout as permitted by the landscaping ordinance for unmanned facilities. A maintenance access easement off a private driveway within the subject property is proposed from Alameda Avenue.

**PREVIOUS CASE HISTORY:** On February 22, 2021, the Historic Landmark Commission (HLC) reviewed and approved a certificate of appropriateness for the construction of a new ground-mounted personal wireless service facility with a tower that is dark tan in color and has a rubblestone perimeter wall around the base of the tower to match the adjacent rubblestone walls on the property. This is the design shown on the detailed site development plan, which can be found in Attachment 1 to this staff report.

COMPLIANCE WITH PERSONAL WIRELESS SERV	VICE FACILITY REQUIREMENTS (20.10.455)
Criteria	Does the Request Comply?
Ground-mounted PWSF antenna support structures	Yes. The proposed PWSF meets the setback
and appurtenant equipment storage facilities are permitted by special permit with the following restrictions:	requirement includes right-of-way and easement of the C-1 zone district.
a. Setbacks.	
i. A setback of three feet for each foot of height, measured from the PWSF antenna support structure	
base to any abutting property line of property in a residential or apartment zoning district, shall be	
required. In the case where a right-of-way or easement	
separates the property from a residential or apartment	
district, the width of such right-of-way or easement	
shall be included in meeting the setback requirement;	
provided, however, the setback from any abutting	
property line of property in a residential or apartment	
district shall never be less than one foot for each foot	
of height, measured from the PSWF antenna support	
structure base.	
c. Separation Between PWSF Antenna Support	There are no other PWSFs within one-half mile buffer
Structures. The minimum separation distance between	of the subject property.
ground-mounted PWSF antenna support structures	
shall be one-half mile.	
G. All ground-mounted PWSF located in residential and	The PWSF is a proposed fifty-five (55) foot tall bell
apartment zoning districts shall be camouflaged.	tower with wireless antennas inside.
Camouflaging is a method of disguising or concealing	

<ul> <li>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.</li> <li>i. Screening Fence. A six-foot high screening wall or former of other than the shell her executed.</li> </ul>	A six (6) foot high concrete mixed unit with decorative
fence of other than chain-link shall be constructed around the base of a PWSF antenna support structure to provide for security	rubblestone finish is proposed.
j. Access Driveway. The access driveway and off-street parking space for use by maintenance vehicles shall be paved as approved by the building official.	A maintenance access easement is proposed from a private driveway within the subject property from Alameda Avenue.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENT	NTS (EL PASO CITY CODE SECTION 20.04.320.D)
Criteria	Does the Request Comply?
1. The proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this title, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located.	Yes, The maximum height for the C-1 District is thirty- five (35) feet. El Paso City Code Section 20.10.455.1.8 allows the applicant to request a special permit for a tower of up to sixty (60) feet in height so long as the Low Visibility Design Standards are met and space for future colocation is provided. The proposed tower height is fifty-five (55) feet and the detailed site development plan demonstrates that those standards are met.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes, the requests comply with the recommendations of <i>Plan El Paso</i> and the G-3 designation.
3. Adequately served by and will not impose an undue	Yes, access to the driveway and on-street parking will
burden upon public improvements.	be from Alameda Avenue, the improved major arterial.
4. Any impacts of the proposed development on	Yes, the proposed design of the development is
adjacent property are adequately mitigated with the	compatible with the existing building on the site.
design, proposed construction and phasing of the site development.	Proposed construction will need to comply with building permit and construction requirements.
5. The design of the proposed development mitigates	Yes, the subject property does not involve
substantial environmental problems.	greenfield/environmentally sensitive land or arroyo
	disturbance.
6. The proposed development provides adequate	Yes, the development will comply with landscaping
landscaping and/or screening where needed.	ordinance requirements.
7. The proposed development is compatible with	Yes, this proposed development is consistent with the
adjacent structures and uses.	existing commercial uses to the surrounding areas.
8. The proposed development is not materially	Yes, the proposed redevelopment is similar in intensity
detrimental to the property adjacent to the site.	and scale to surrounding development.

COMPLIANCE WITH PLAN EL PASO GOALS & POLICIES – When evaluating whether a proposed special permit is in accordance with <i>Plan El Paso</i> , consider the following factors:		
Criteria	Does the Request Comply?	
<ul> <li>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</li> <li><u>G-3 Post-war</u></li> <li>This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</li> </ul>	Yes. The subject property, and the proposed development for it, meet the intent of the G-3, Post- war Future Land Use Map designation.	
Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site: <u>C-1 (Commercial)</u> The purpose of this district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.	Yes. PWSF is permitted in the C-1 District with special permit approval for the proposed fifty-five (55) foot height.	
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY A THE FOLLOWING FACTORS:	AND SURROUNDING PROPERTY, AFTER EVALUATING	
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.	Yes, the property is located within a historic district.	
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	No adverse effects anticipated. The uses and development configurations are already existing and are similar to other properties in the surrounding areas.	
<b>Natural Environment:</b> Anticipated effects on the natural environment.	Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.	
Stability: Whether the area is stable or in transition.	The area is stable and the proposed development is compatible with the existing single-family zoning and uses and school of the surrounding properties.	
<b>Socioeconomic &amp; Physical Conditions</b> : Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is within an older, stable area of the city comprised of commercial properties previously rezoned from R-F throughout the years.	

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** Access to the subject property is proposed from Alameda Avenue, which is designated a major arterial on the City's Major Thoroughfare Plan. It is adequate to serve the proposed development.

**SUMMARY OF DEPARTMENTAL REVIEW COMMENTS:** No objections to proposed special permit. There were no adverse comments received from the reviewing departments. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

**PUBLIC COMMENT:** The subject property lies within the boundaries of the Mission Valley Neighborhood Association and Corridor 20 Civic Association were notified prior to submittal of the Special Permit Application. Public notices were mailed to property owners within 500 feet on April 23, 2021. As of April 30, 2021, the Planning Division did not receive any communication support or opposition to the special permit request.

#### **RELATED APPLICATIONS:** N/A.

#### **CITY PLAN COMMISSION OPTIONS:**

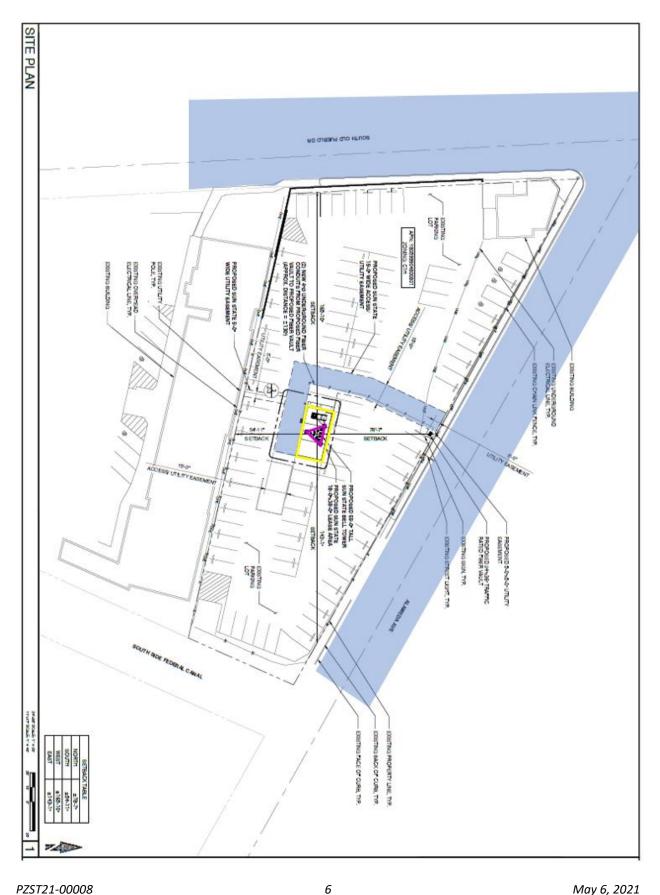
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

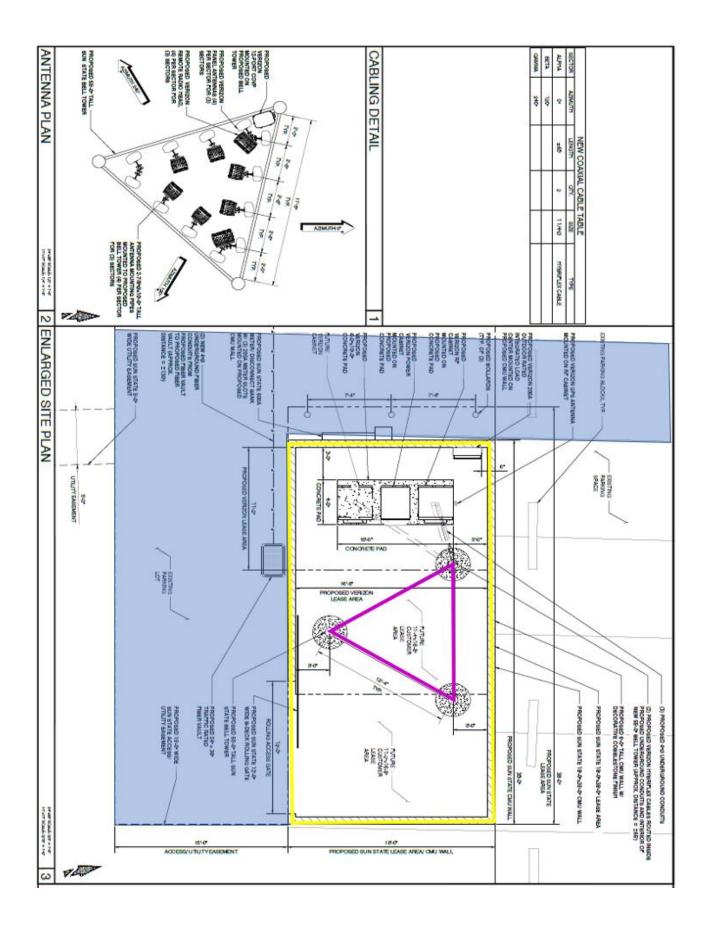
- 1. **Recommend Approval** of the special permit request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)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

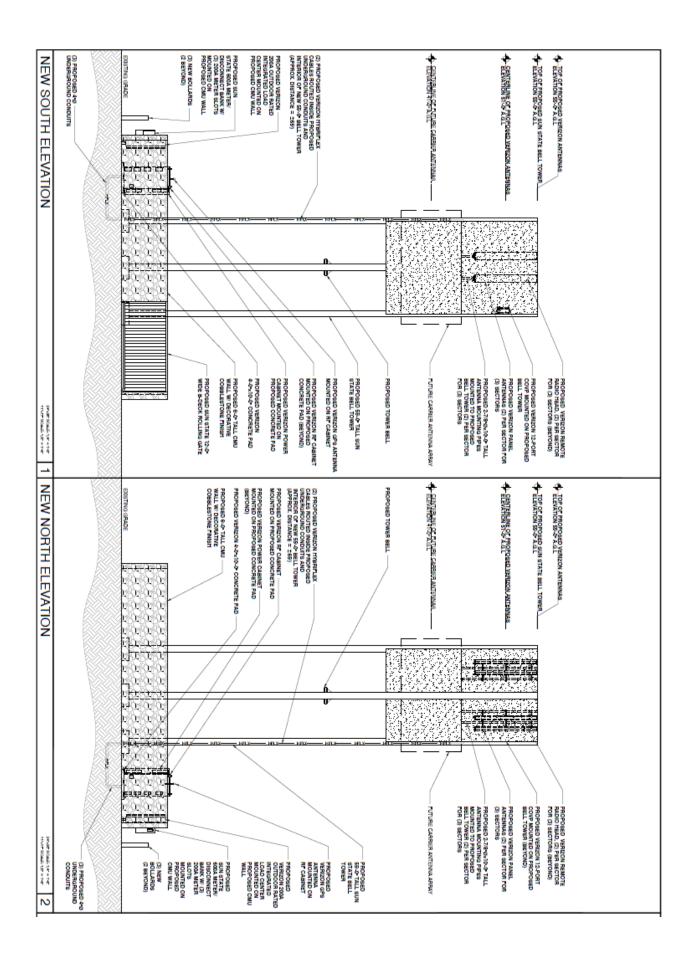
5

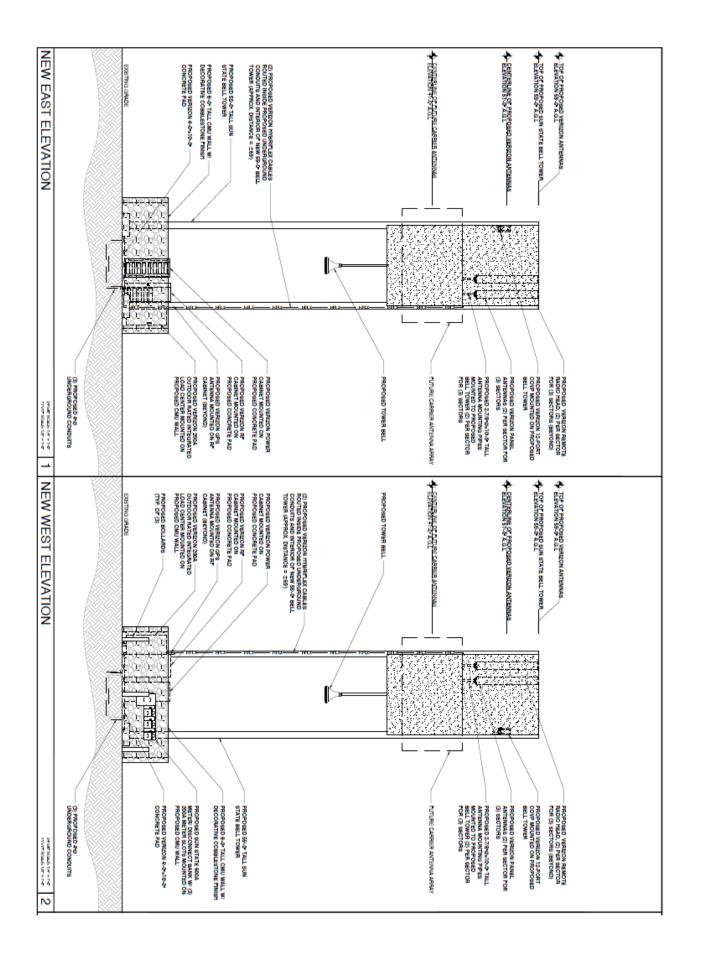
#### ATTACHMENTS:

- 1. Detailed Site Plan
- 2. Simulation Photos
- 3. Project Propose Statement
- 4. Landscape Buyout Request
- 5. Historic Landmark Commission (HLC) Certificate of Appropriateness
- 6. Future Land Use Map
- 7. Department Comments
- 8. Neighborhood Notification Boundary Map



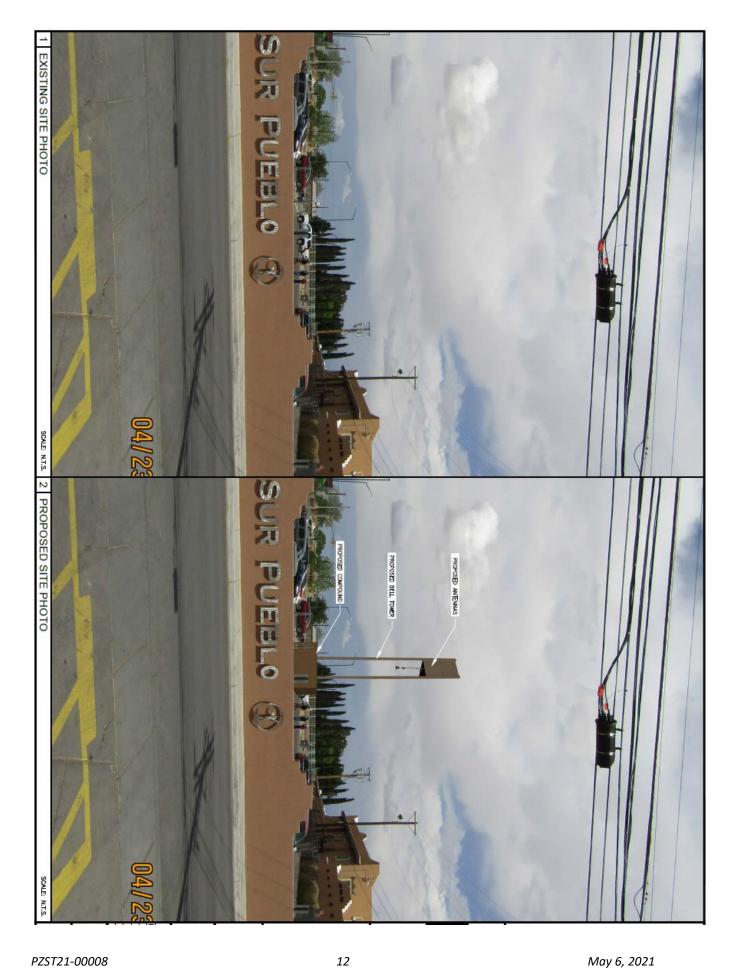
















April 13, 2021

Mr. Andrew Salloum, Senior Planner Zoning Planning and Inspections Department City of El Paso 801 Texas Ave. El Paso, Texas 79901

#### Subject: 9100 Alameda Drive (ELP SPEAKING ROCK) VZW Concealed Stealth Structure PROJECT DESCRIPTION STATEMENT & PROJECT PURPOSE STATEMENT.

Verizon Wireless will be constructing a new 55' Concealed Stealth structure in accordance with the City of El Paso's updated telecom ordinance on a C-1 Property. VZW will be installing 6 new antennas at the 51' level that will be concealed by the stealth panels approved by the Historic Landmark Commission. We also be placing hybrid fiber cable, electronics and equipment cabinets concealed by a 6' wall.

The Purpose of this project is to improve badly needed data and voice services to the nearby residential neighborhoods and vehicular traffic.

Sincerely,

Les F. Gutierrez

Les F. Gutierrez, Senior Site Acquisition Manager Southwest Telecom Partners, Inc, as agent for Verizon Wireless LesGutierrez35@Gmail.com 505-710-2079



April 13, 2021

Mr. Andrew Salloum, Senior Planner Zoning Planning and Inspections Department City of El Paso 801 Texas Ave. El Paso, Texas 79901

#### Subject: 9100 Alameda Drive (ELP SPEAKING ROCK) VZW Concealed Stealth Structure Landscaping Buyout

Pursuant to Chapter 18.46.140.B.1.a of the El Paso Municipal Code. Verizon Wireless shall pay the \$5,000 in lieu of installing the required (1) unit of landscaping and irrigation for the proposed unmanned Personal Wireless Facility for this location. Verizon understands that the said payment of the \$5,000 must be submitted prior to the issuance of the building permit for this project.

Sincerely,

Les F. Gutierrez

Les F. Gutierrez, Senior Site Acquisition Manager Southwest Telecom Partners, Inc, as agent for Verizon Wireless LesGutierrez35@Gmail.com 505-710-2079



#### CERTIFICATE OF APPROPRIATENESS Issued by the El Paso Historic Landmark Commission

This is to certify that the El Paso Historic Landmark Commission at its regular meeting scheduled on February 22, 2021 reviewed and approved plans submitted by:

Property Owner: Location: Legal Description: Elizabeth Jacquez 9100 Alameda Avenue 48 Ysleta Tr 8 Tr 9-A Tr 9-B Tr 9-C Tr 10-A Tr 10-B Tr 10-C & Tr 10-C-1 (1.0105 Ac), City of El Paso, El Paso County, Texas

For:

Reconsideration of an approved Certificate of Appropriateness for construction of a cell tower and approved for the design proposed to the HLC on February 22, 2021 with a tower that is dark tan in color and has a rubblestone perimeter wall around the base of the tower to match the adjacent rubblestone walls on the property and to have the panels at the top of the tower presented as a singular surface on all three sides

The Commission finds that the proposed scope of work will not adversely affect the architectural or historical significance of the Ysleta Historic District, within which this site is located.

THEREFORE, appropriate building permits may be issued. All construction must conform to existing City Code requirements.

D.J. Sevigny, Chair

El Paso Historic Landmark Commission

Maa.

Date



PZST21-00008

#### Planning and Inspections Department – Planning Division

No objections to the special permit request.

#### Planning and Inspections Department – Plan Review

No objections to the special permit and detailed site development plan.

Note: At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS, and Municipal Code

#### Planning and Inspections Department – Landscaping Division

No objections to the special permit and detailed site development plan.

#### Planning and Inspections Department – Land Development

No objections.

Note: Label power panel total amperage on cover sheet T-1 general project description, scope of work, will be addressed at the permitting stage.

#### **Street and Maintenance Department**

No objections.

Note: All driveway and sidewalk improvements shall be constructed in current compliance with all applicable City of El Paso Municipal Codes / Ordinances

#### Texas Department of Transportation (TxDOT)

No comments received.

#### **Fire Department**

No adverse comments.

#### **Environmental Service Department**

No adverse comments.

#### Sun Metro

No objections.

#### El Paso Water

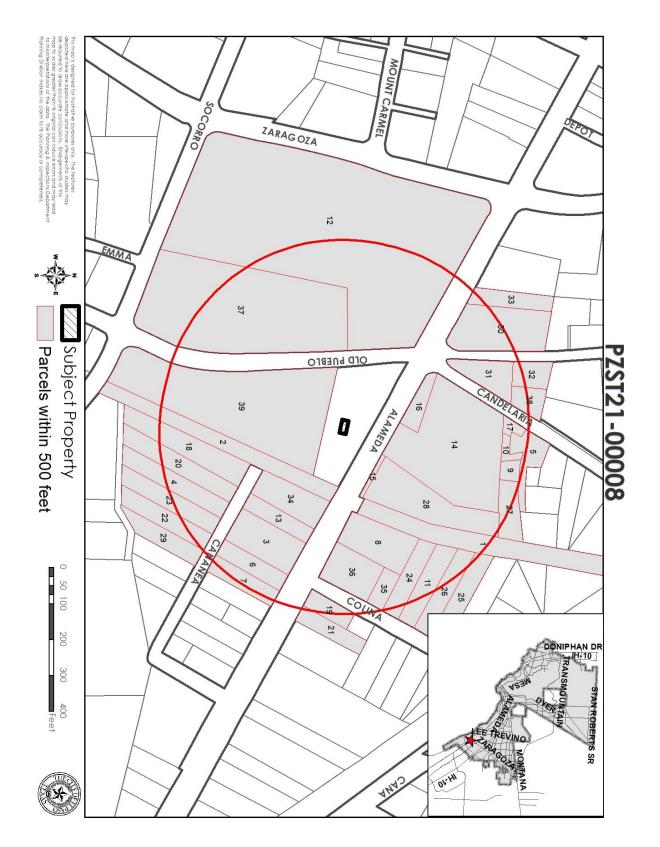
No comments received.

#### El Paso Water – Stormwater Engineering

EPWater - SW has reviewed the case distribution described above and has no objections to the proposal.

#### El Paso County Water Improvement District #1

No comments or objections to the special permit request.





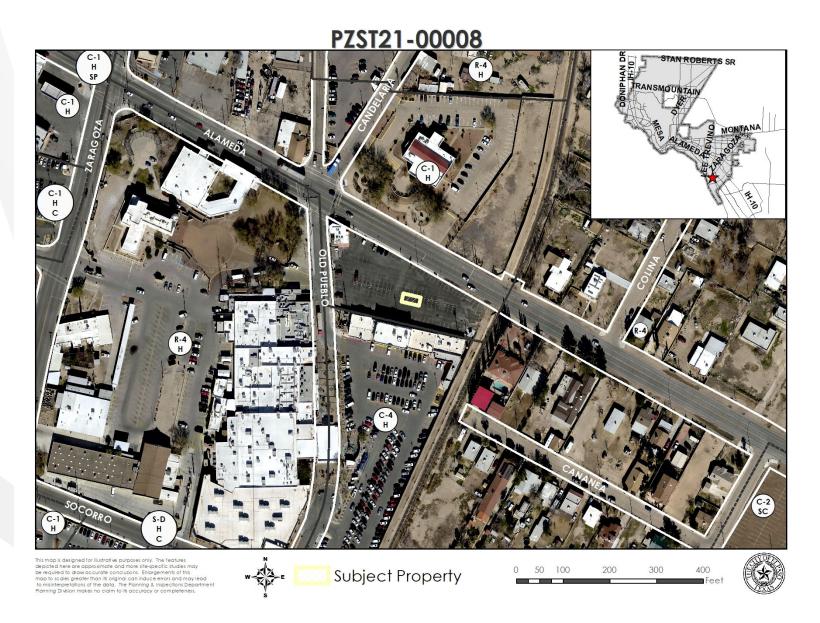
ITEM 37

# 9100 Alameda Avenue Special Permit

PZST21-00008

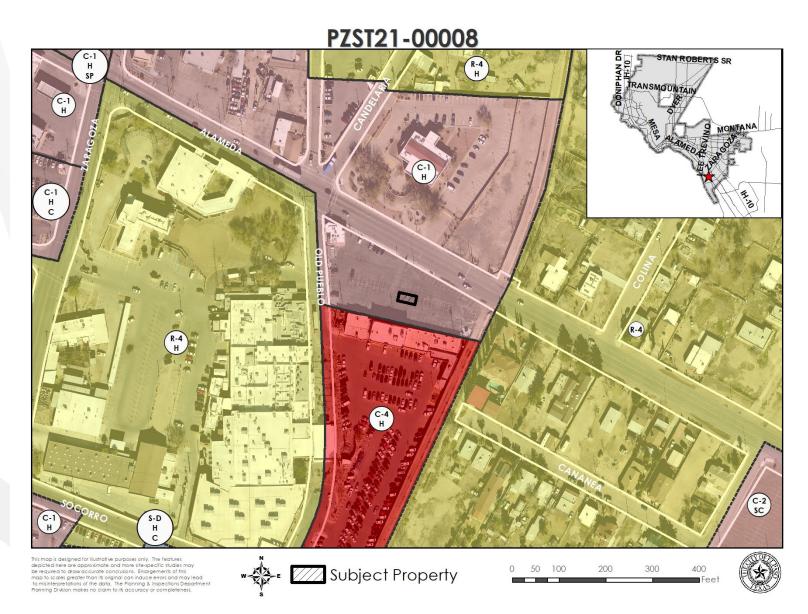








# Aerial

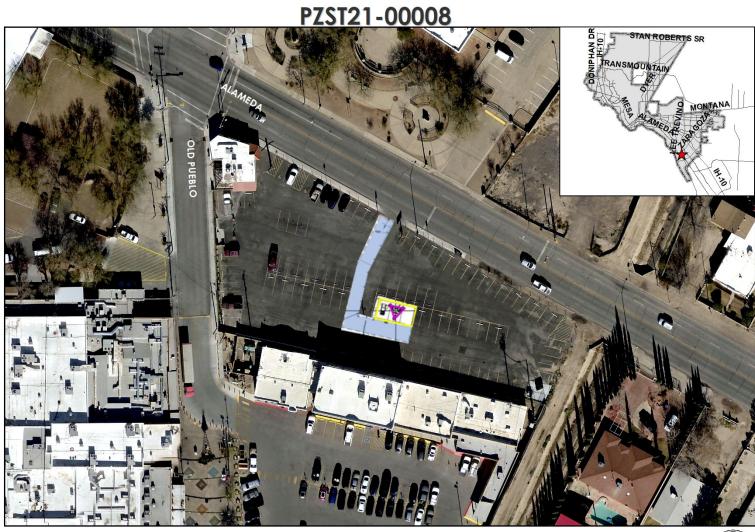




### Existing Zoning C-1/H (Commercial/Historic)

Special Permit required for height exceeding 45' in C-1

HLC approval required for new structures on properties with Historic overlay



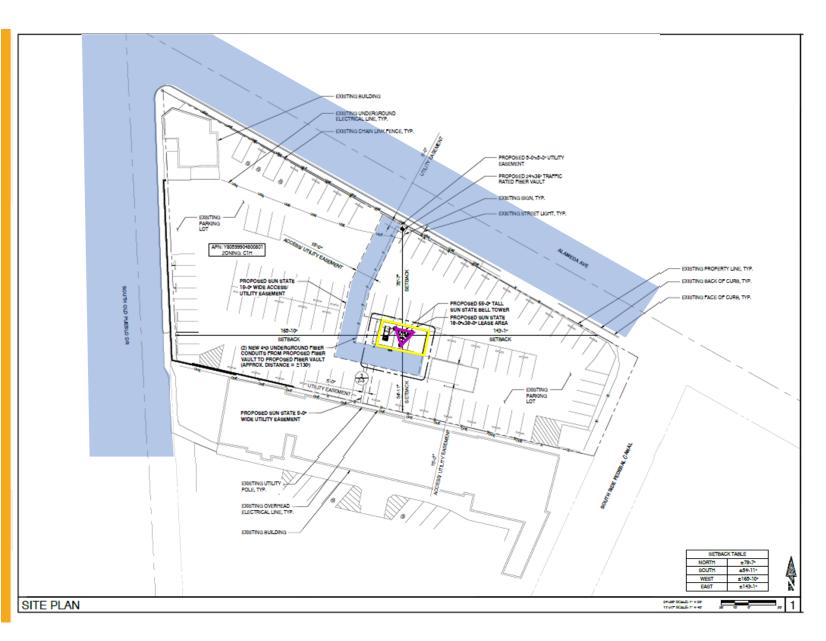
# Aerial with Site Plan

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



0 20 40 80 120 160 Feet







### **Detailed Site Plan**

55' cell tower



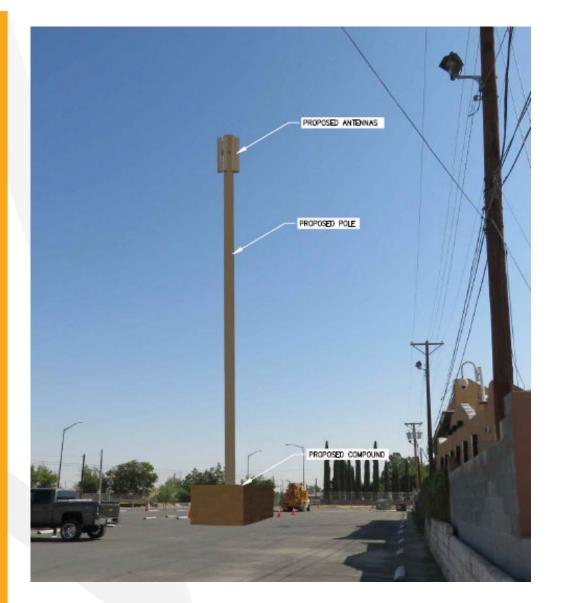






# HLC tabled 11/2/2020







# HLC approved 11/16/2020

# Does not comply with PWSF ordinance







# HLC approved 2/22/2021

CPC denied 5/6/2021 (denial is before Council on appeal)

No opposition received







# Designs denied by HLC 8/9/2021













# 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 #: 21-823, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### District 1

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

#### AGENDA LANGUAGE:

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

An Ordinance changing the zoning of a 0.376-acre portion of Tract 1B, Nellie D. Mundy Survey 242 and Tract 2E4, Nellie D. Mundy Survey 243, 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 Future Land Use designation for 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, PZRZ21-00015

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

AGENDA DATE: August 3, 2021 PUBLIC HEARING DATE: August 31, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553

Luis Zamora, (915) 212-1552

DISTRICT(S) AFFECTED: District 1

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

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

#### SUBJECT:

An ordinance changing the zoning of a 0.376-acre portion of Tract 1B, Nellie D. Mundy Survey 242 and Tract 2E4, Nellie D. Mundy Survey 243, 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 Future Land Use designation for 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, PZRZ21-00015

#### **BACKGROUND / DISCUSSION:**

The applicant is requesting to rezone the subject property from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the current zoning of the adjacent properties to the south and allow for single-family development. City Plan Commission recommended 5-0 to approve the proposed rezoning on June 17, 2021. As of July 27, 2021, staff has received no communication in support nor opposition to the request. See attached staff report for additional information.

#### PRIOR COUNCIL ACTION:

N/A

#### AMOUNT AND SOURCE OF FUNDING:

N/A

#### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? <u>X</u> YES <u>NO</u>

**PRIMARY DEPARTMENT:** Planning & Inspections, Planning Division **SECONDARY DEPARTMENT:** N/A

#### 

DEPARTMENT HEAD:

Philip Tive

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

ORDINANCE NO.

#### AN ORDINANCE CHANGING THE ZONING OF A 0.376-ACRE PORTION OF TRACT 1B, NELLIE D. MUNDY SURVEY 242 AND TRACT 2E4, NELLIE D. MUNDY SURVEY 243, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM C-4/C (COMMERCIAL/CONDITIONS) TO R-3A/C (RESIDENTIAL/CONDITIONS). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a 0.376-acre portion of Tract 1B, Nellie D. Mundy Survey 242 and Tract 2E4, Nellie D. Mundy Survey 243, located in the City of El Paso, El Paso County, Texas, be changed from **C-4/c** (**Commercial/conditions**) to **R-3A/c** (**Residential/conditions**), as defined in Section 20.06.020, and that the zoning map of the City of El Paso 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 Leeser, Mayor

**ATTEST:** 

Laura D. Prine, City Clerk

**APPROVED AS TO FORM:** 

Wendi N. Vineyard

Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Philip Tiwe

Philip F. Etiwe, Director Planning & Inspections Department

### East of Resler Dr. and South of Woodrow Bean Transmountain Rd.

City Plan Commission — June 17, 2021 REVISED KLZ

CASE NUMBER:	PZRZ21-00015		
CASE MANAGER:	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov		
PROPERTY OWNER:	Hunt Communities Holding, LLC		
REPRESENTATIVE:	CSA Design Group, Inc. c/o Adrian Holguin-Ontiveros		
LOCATION:	East of Resler Dr. and South of Woodrow Bean Transmountain Rd. (District 1)		
PROPERTY AREA:	0.376 acres		
REQUEST:	Rezone from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions)		
RELATED APPLICATIONS: PUBLIC INPUT:	SUSU21-00054 (Major Combination) None as of June 10, 2021		

**SUMMARY OF REQUEST:** The request is to rezone the subject property from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the existing zoning of the adjacent property to the south.

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the rezoning request. The proposed property is consistent with adjacent residential properties within its vicinity. Furthermore, the proposed residential zone is compatible with the adjacent G-4, Suburban (Walkable) Future Land Use Designation to the south and is in keeping with the policies of *Plan El* Paso in the Northwest Planning Area.

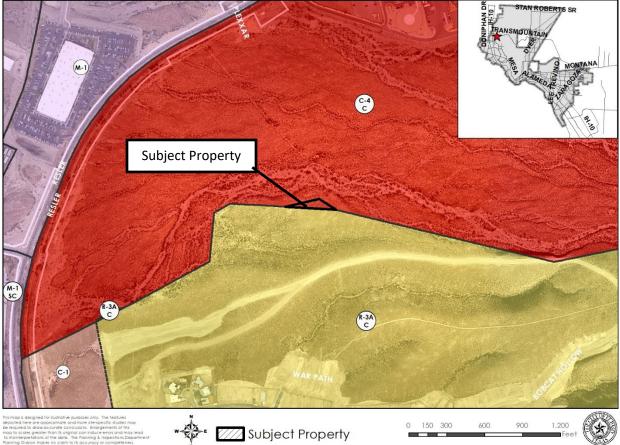


Figure A. Subject Property & Immediate Surroundings

**DESCRIPTION OF REQUEST:** The applicant proposes to rezone the subject property from C-4/c (Commercial/conditions) to R-3A/c (Residential/conditions) to match the current zoning of the adjacent properties to the South and to allow for single-family dwelling development. The generalized plot plan shows the subject property being combined to three (3) residential lots in a proposed residential subdivision. Single-family dwelling development shall comply with the R-3A (Residential) district requirements. The proposed development is subject to a condition, but would not apply once it has been rezoned to residential and combined with adjacent properties to the south. Ordinance No. 15708, approved on March 2, 2004, imposed the following condition:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

PREVIOUS CASE HISTORY: The Open Space Advisory Board (OSAB) recommended approval on June 9, 2021.

**COMPATIBILITY WITH NEIGHBORHOOD CHARACTER:** The property to the north, west, and east is zoned C-4 (Commercial) and is currently vacant. The property to the south is zoned R-3A (Residential) and is currently vacant. The nearest school is Silvestre & Carolina Reyes Elementary School (1.43 miles) and the nearest park is Cimarron Park (0.81 miles).

Criteria	<i>El Paso,</i> consider the following factors: Does the Request Comply?	
<ul> <li>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</li> <li><u>G-7, Industrial</u>: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</li> </ul>	The proposed residential zone, although not compatible with the G-7 Industrial Future Land Use Designation, is compatible with the adjacent G-4, Suburban (Walkable) Future Land Use Designation. Additionally, the property will be part of a proposed residential subdivision entirely located within the G-4, Suburban (Walkable) Future Land Use Designation.	
<ul> <li>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</li> <li><u>R-3A (Residential)</u>: The purpose of this district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</li> </ul>	Yes, the proposed zone is the same as the adjacent R- 3A (Residential) district to the south. The property is proposed to be combined and platted to become part of residential lots in a residential subdivision. Rezoning to R-3A (Residential) is needed to avoid the creation o any split zone properties. The proposed development is in character with the spirit of the R-3A (Residential) zone district.	

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:					
Preferred Development Locations: Is the property in a "Compact Urban" area?	The property is proposed to become part of a residential subdivision and fits the physical context of residential properties				
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROEVALUATING THE FOLLOWING FACTORS:	OPERTY AND SURROUNDING PROPERTY, AFTER				
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	The property lies within the Hillside Development Area. The Open Space Advisory Board (OSAB) recommended approval of the rezoning on June 9, 2021.				
<b>Potential Adverse Effects:</b> Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed rezoning, if approved, will avoid the creation of any split zone properties.				
<b>Natural Environment:</b> Anticipated effects on the natural environment.	The subject property lies within the Hillside Development Area. There are no anticipated effects on the natural environment. Furthermore, the Open Space Advisory Board (OSAB) recommended approval of the rezoning on June 9, 2021.				
Stability: Whether the area is stable or in transition.	The area is in transition as is currently under development. It is expected to be developed into a residential subdivision.				
<b>Socioeconomic &amp; Physical Conditions</b> : Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.				

**ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE:** The property is currently in the process of being platted and currently does not have adequate public facilities, services or infrastructure. However, the property is proposed to be combined with proposed residential properties to the south and be part of a residential subdivision with appropriate facilities serving the development.

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

**PUBLIC COMMENT:** The property does not lie within any neighborhood associations. Public notices were mailed to property owners within 300 feet on June 4, 2021. Staff has received no communication in favor or opposition to the rezoning request as of June 10, 2021.

**RELATED APPLICATIONS:** SUSU21-00054, Cimarron Canyon Unit Five will be heard by the City Plan Commission (CPC) on June 17, 2021.

#### **CITY PLAN COMMISSION OPTIONS:**

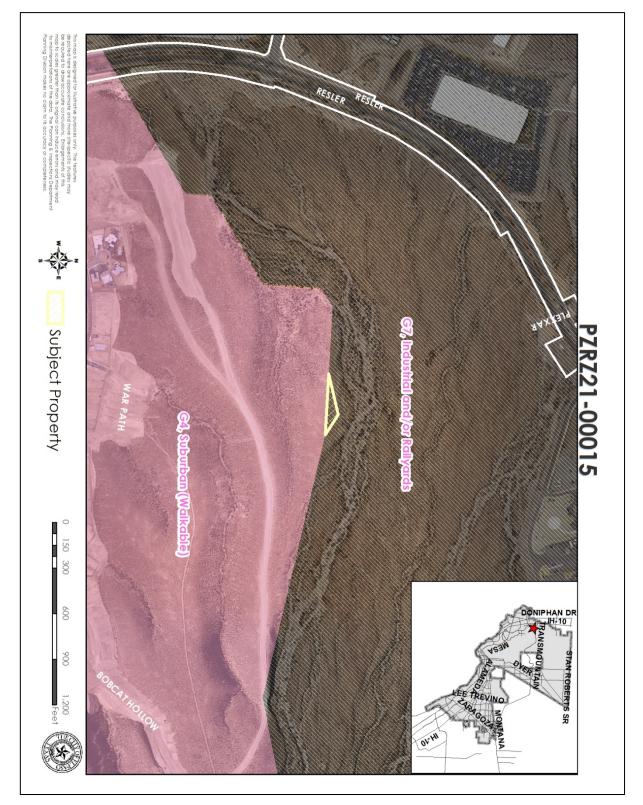
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

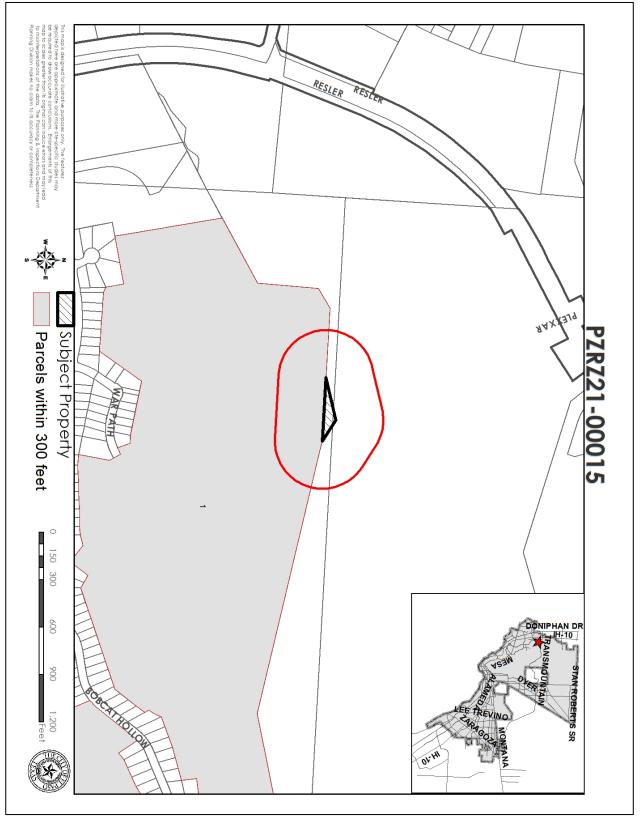
- 1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)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

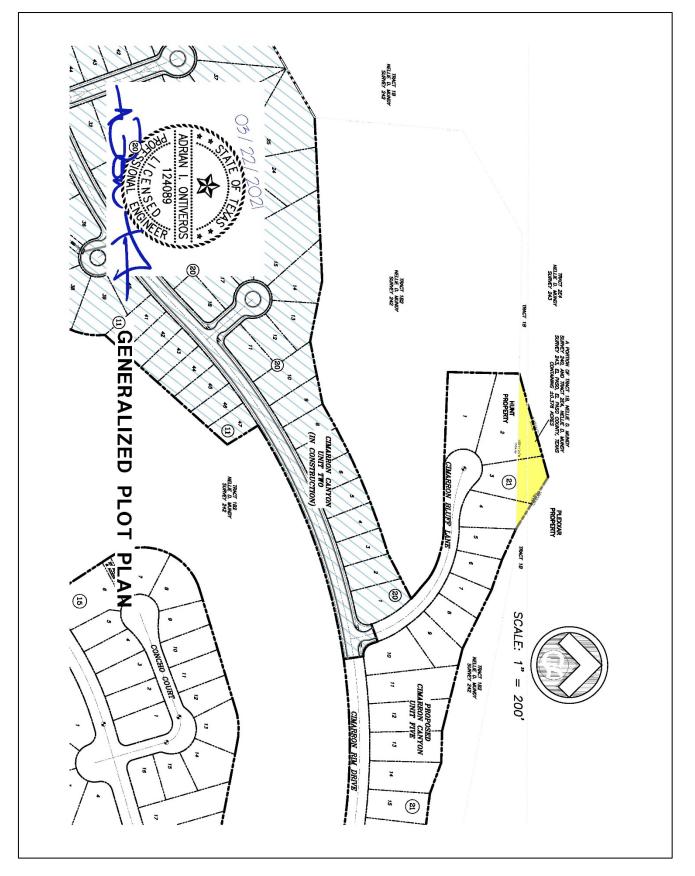
4

#### ATTACHMENTS:

- 1. Future Land Use Map
- 2. Neighborhood Notification Boundary Map
- 3. Generalized Plot Plan
- 4. Ordinance No. 15708
- 5. Department Comments







	300
ORDINANCE NO. 15708	
AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 2: A PORTION OF TRACT 1A1, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 3: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY	
NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO R-3A (RESIDENTIAL), PARCEL 4: A PORTION OF TRACT 1D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 5: A PORTION OF TRACT 10B4, NELLIE D. MUNDY SURVEY NO. 239 AND A PORTION OF TRACT 2D, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM M-1 (LIGHT MANUFACTURING) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 6: A PORTION OF RESLER DRIVE AND A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 7: RESLER DRIVE AND A PORTION OF TRACTS 2E & 4G, A PORTION OF NELLIE D. MUNDY SURVEY NO. 240 AND A PORTION OF TRACT	
1B, NELLIE D. MUNDY SURVEY NO. 242 AND ALL OF TRACT 2A & A PORTION OF TRACT 2E, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 8: A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM PMD (PLANNED MOUNTAIN DEVELOPMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS, PARCEL 9: A PORTION OF TRACT 3B, NELLIE D. MUNDY SURVEY NO. 242 AND A PORTION OF TRACT 2C, NELLIE D. MUNDY SURVEY NO. 243, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.	
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:	
That the zoning of Parcels $1 - 9$ , as more particularly described by metes and bounds in	
the attached Exhibit "A", be changed within the meaning of the zoning ordinance, and that the	
zoning map of the City of El Paso be revised accordingly; as follows:	

That the properties described as Parcel 5 be subject to the following conditions which are

necessitated by and attributable to the increased intensity of use generated by the change of

zoning from M-1 (Light Manufacturing) to C-4 (Commercial) in order to protect the health,

safety and welfare of adjacent property owners and the residents of this City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as Parcels 4 and 8 be subject to the following conditions

which are necessitated by and attributable to the increased intensity of use generated by the

change of zoning from PMD (Planned Mountain Development) to C-3 (Commercial) in order

to protect the health, safety and welfare of adjacent property owners and the residents of this

City:

A forty (40) foot wide buffer shall be required abutting Loop 375 right-of-way and any future frontage roads. Within this forty (40) foot buffer, a minimum twenty-five (25) foot landscaped area to include a twelve (12) foot bike trail, except for any ingress or egress access locations, shall be required. The additional fifteen (15) foot buffer can include the requirements of Chapter 20.65 of the El Paso Municipal Code. This forty (40) foot buffer shall be developed in accordance with the plan identified in the attached Exhibit "B" and shall be completed prior to the issuance of any certificates of occupancy.

That the properties described as Parcel 7 be subject to the following conditions which are

necessitated by and attributable to the increased intensity of use generated by the change of

zoning from R-3 (Residential) to C-4 (Commercial) in order to protect the health, safety and

welfare of adjacent property owners and the residents of this City:

A ten (10) foot wide landscaped buffer to include, but not limited to, evergreen trees placed at fifteen (15) feet on center shall be required along any property line abutting residential or apartment zoning districts, except where abutting El Paso Natural Gas Company right-of-way, or a twenty-five (25) foot setback shall be required where abutting residential or apartment zoning districts. This shall be in addition to the landscaping requirements of the Chapter 20.65 of the El Paso Municipal Code and shall be required prior to the issuance of any building permits.

15708

3/30/2004

ORDINANCE NO.

Zoning Case No: ZON03-00047

. . PASSED AND APPROVED this 2<sup>nd</sup> day of March, 2004. THE CITY OF EL PASO Joe Wardy Mayor ATTEST: Richarda Duffy Momsen City Clerk APPROVED AS TO CONTENT: Fred Lopez, Zoning Coordinator Planning, Research & Development Rodolfo Valdez, Chief Urban Planne Planning, Research & Development Acknowledgment THE STATE OF TEXAS COUNTY OF EL PASO This instrument is acknowledged before me on this 10 day of , 2004, by JOE WARDY as MAYOR of THE CITY OF EL PASO. My Comm DORA NAZARIEGA Notary Public, State of Texas Notary's Printed or Typed Name: Dora Matariega 3/30/2004 5 15708 ORDINANCE NO. Zoning Case No: ZON03-00047

Being a portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas Prepared for: Hunt/Plexxar January 27, 2004 (PARCEL 1A)

#### Exhibit "A"

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for Reference at a point being the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Nellie D. Mundy Surveys No. 239 and 243. Thence along said common boundary line North 00°02'07" East a distance of 401.51 feet to a point for The "TRUE POINT OF BEGINNING".

Thence North 00°02'07" East a distance of 1353.10 feet to a point;

Thence South 85°42'48" East a distance of 106.26 feet to a point;

Thence North 85°51'57" East a distance of 226.65 feet to a point;

Thence South 00°02'51" West a distance of 678.45 feet to a point;

Thence South 89°57'19" East a distance of 693.95 feet to a point;

Thence South 00°02'31" West a distance of 245.91 feet to a point;

Thence South 89°57'19" East a distance of 957.40 feet to a point;

Thence North 00°02'58" East a distance of 331.84 feet to a point;

Thence South 89°56'53" East a distance of 1522.68 feet to a point;

Thence North 00°03'03" East a distance of 574.76 feet to a point;

Thence South 87°17'03" East a distance of 164.98 feet to a point on the westerly right-of-way line of El Paso Natural Gas Company right of way;

CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING 1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283 Being a portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas Prepared for: Hunt/Plexxar January 27, 2004 (PARCEL 2A)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1A1, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the northerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) and the common boundary line of Neilie D. Mundy Surveys No. 239 and 243.

Thence North 00°02'07" East a distance of 401.51 feet to a point;

Thence South 84°59'40" East a distance of 2048.21 feet to a point;

Thence South 75°31'28" East a distance of 2178.13 feet to a point on the westerly right-of-way line of El Paso Natural Gas right of way;

Thence along said right-of-way line South 08°01'01" East a distance of 427.90 feet to a point on the northerly right-of way line of Woodrow Bean Transmountain Dr.(Loop 375);

Thence along said right-of-way line the following three courses:

North 80°00'09" West a distance of 59.68 feet to a point;

North 75°31'28" West a distance of 2249.25 feet to a point;

North 84°59'40" West a distance of 1980.24 feet to the "TRUE POINT OF BEGINNING" and containing in all 39.10 acres of land more or less.

job #1202-78-2A R.C. LGL-02\120278-2A.LGL on R. Conde R.P.L.S. No. 5152 CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING 1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 1D, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas Prepared for: Hunt/Plexxar January 27; 2004 (PARCEL 4A)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being portion of Tract 1D, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

The "TRUE POINT OF BEGINNING being a found TXDOT 4"x4" concrete R.O.W. Marker on the intersection of the northerly right-of-way line of Woodrow Bean Transmountain Dr.(Loop 375) with the common boundary line of Nellie D. Mundy Surveys No. 243 and 246

Thence along the right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375) the following two courses:

North 84°25'25" West a distance of 263.68 feet to a point;

North 80°00'09" West a distance of 710.28 feet to a common point on the easterly right-of-way line of El Paso Natural Gas Company right of way;

Thence along said right-of-way line North 08°01'01" West a distance of 419.01 feet to a point;

Thence leaving said right-of-way line South 75°31'28" East a distance of 400.91 feet to a point;

Thence South 84°25'25" East a distance of 635.59 feet to a point;

Thence South 00°03'24" West a distance of 401.87 feet to the "TRUE POINT OF BEGINNING" and containing in all 8.90 Acres of land more or less.

Ron R. Conde R.P.L.S. No. 5152



job #1202-78-4A.R.C. LGL-04\120278-4A.LGL

CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING 1790 LEE TREVINO SUFFE 400 / EL PASO, TEXAS - 79936 / (915) 592-0283

:'		
of Cit Pre Jan	ing a portion of Resler Drive and a portion Tract 2E, Nellie D. Mundy Survey No. 243, y of El Paso, El Paso County, Texas pared for: Hunt/Plexxar mary 27, 2004 ARCEL 6A)	
ж.	METES AND BOUNDS DESCRIPTION	e a
D	scription of a parcel of land being a portion of Resler Drive and portion of Tract 2E, Nellie Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more- ticularly described by metes and bounds as follows:	
stati	nmencing for reference at a found city monument at the point of curve Resler Drive ion 116+66.54, Thence from said monument South 80°27'07" East a distance of 7.50 feet point for The "TRUE POINT OF BEGINNING".	• • • •
	Thence North 09°32'33" East a distance of 39.24 feet to a point on the southerly right-of-way line of Woodrow Bean Transmountain Dr. (Loop 375);	
	Thence continuing along said right-of-way line the following two courses:	a standard s
*	South 80°16'04" East a distance of 726.02 feet to a point;	1
	South 75°31'42" East a distance of 1911.39 feet to a point on the westerly right-of- way line of an El Paso Natural Gas Company right of way;	rep = 1.44 - 6.44,440
· .	Thence leaving said right-of-way line and along the westerly right-of-way line of an El Paso Natural Gas Company right of way South 08°01'01" East a distance of 433.65 feet to a point;	is server - speciality environments
	Thence leaving said right-of-way line North 75°31'42" West a distance of 2061.21 feet to a point;	year without
	Thence North 80°13'14" West a distance of 740.37 feet to a point;	sheri ne a Y
interi	ace 362.65 feet along the arc of a curve to the left whose radius is 2000.00 feet whose ior angle is 10°23'21" whose chord bears North 14°44'13" East a distance of 362.16 feet e "TRUE POINT OF BEGINNING" and containing in all 24.95 acres of land more or	i wredd by try, norge   E a
	R. Conde L.S. No. 5152	a citilina ripodea si li Ladava, en evenesa an
	CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING	
	1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283	

Being a portion of Resler Drive, and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240, and a portion Tract 1B, Nellie D. Mundy Survey No. 242, and All of Tract 2A and portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas Prepared for: Hunt/Plexxar January 27, 2004 (PARCEL 7A)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Resler Drive and Tracts 2E and 4G, Nellie D. Mundy Survey No. 240 and a portion of Tract 1B, Nellie D. Mundy Survey No.242, and all of Tract 2A and a portion of Tract 2E, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at a existing city monument at the point of curve Resler Drive station 116+66.54, Thence from said monument South 13°33'12" West a distance of 361.55 feet to a point for The "TRUE POINT OF BEGINNING".

Thence South 80°13'14" East a distance of 740.37 feet to a point;

Thence South 75°31'42" East a distance of 2061.21 feet to a point on the westerly line of an El Paso Natural Gas Company right of way;

Thence along said right-of-way line South 08°01'01" East a distance of 2047.94 feet to a point;

Thence leaving said right-of-way line North 77°44'17" West a distance of 192.12 feet to a point;

Thence South 85°54'38" West a distance of 479.15 feet to a point;

Thence South 78°29'51" West a distance of 758.12 feet to a point;

Thence North 79°02'30" West a distance of 1502.00 feet to a point;

Thence North 88°47'23" West a distance of 830.80 feet to a point;

Thence South 60°02'38" West a distance of 309.60 feet to a point;

Thence South 05°10'26" West a distance of 386.91 feet to a point;

#### CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING 1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Being a portion of Tract 2C, Nellie D. Mundy Survey No. 243 City of El Paso, El Paso County, Texas Prepared for: Hunt/Plexxar January 27, 2004 (PARCEL 8A)

#### METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 2C, Nellie D. Mundy Survey No. 243, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

THE "TRUE POINT OF BEGINNING" being a point on the intersection of the southerly right-of-way line of Woodrow Bean Transmountain Drive (Loop 375) with the easterly line of an 100' El Paso Natural Gas Company right of way;

Thence along the southerly right of way line of Woodrow Bean Transmountain Dr. (Loop 375) South 75°31'42" East a distance of 201.87 feet to a point;

Thence continuing along said right-of-way line South 84°25'25" East a distance of 737.60 feet to a point;

Thence leaving said right-of-way line South 00°03'24" West a distance of 401.89 feet to a point;

Thence North 84°27'31" West a distance of 808.39 feet to a point;

Thence North 75°31'42" West a distance of 66.19 to a point on the easterly right-of way line of El Paso Natural Gas Company right of way;

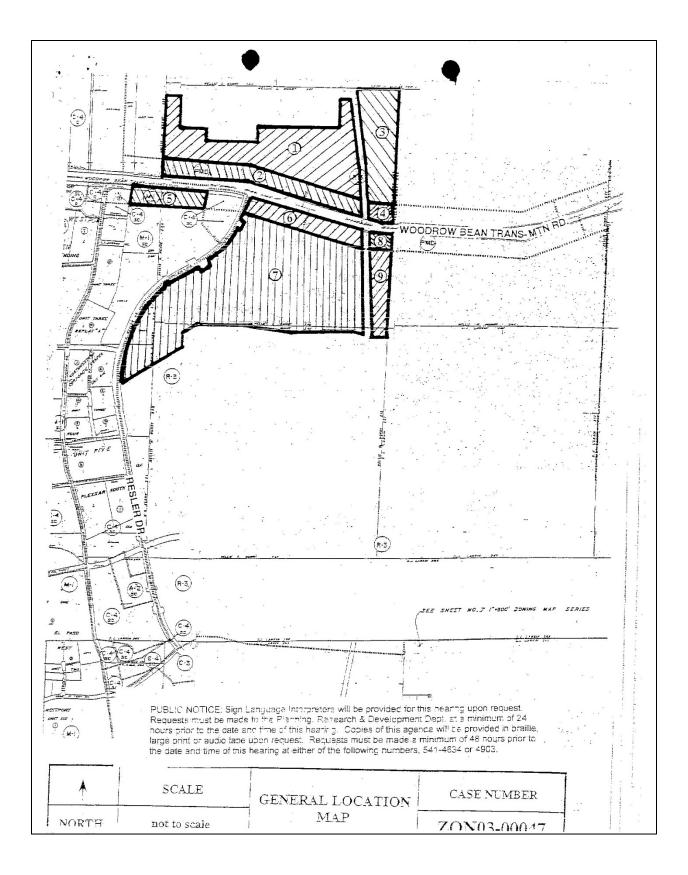
Thence along said right-of-way line North 08°01'01" West a distance of 433.65 feet to the "TRUE POINT OF BEGINNING" and containing in all 8.34 acres of land more or less.

Ron R. Conde R.P.L.S. No. 5152



job #1202-78-8A.R.C. LGL-04\120278-8A.LGL

CONDE, INC. ENGINEERING / LAND SURVEYING / PLANNING 1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283



DATE: 4-2004
TO: MAPPING SECTION
RETURN TO: Sandra
ORDINANCE #: 15708
ORDINANCE DATE: 3200 3-2-04
CASE #: ZOND3 00047
CONDITIONS:
METES & BOUNDS: UCS
Leturned on 5-28-04 M
NETURNES IN 7-20-04 UN

#### Planning and Inspections Department - Planning Division

Recommend approval of the rezoning request.

<u>Planning and Inspections Department – Plan Review & Landscaping Division</u> Recommend approval.

<u>Planning and Inspections Department – Land Development</u> Recommend approval. No objections to proposed rezoning of 0.376 Acres.

Environmental Services Department No comments received.

<u>Fire Department</u> Recommend approval. No adverse comments.

<u>Police Department</u> No comments received.

<u>Sun Metro</u> Recommend approval. No objections.

#### **Streets and Maintenance Department**

TIA not required. No additional comments.

#### **El Paso Water Utilities**

We have reviewed the request described above and provide the following comments: El Paso Water (EPWU) does not object to this request.

The subject property is located within the Westside Impact Fee Service Area. Impact fees for will be assessed and collected at the time the El Paso Water Utilities receive an application for water and sanitary sewer services.

#### Water:

There is an existing 8-inch diameter water main along Cimarron Gap Drive. This main dead-ends approximately 46-feet east of Bobcat Hollow Drive. This main is available for main extension.

There is an 8-inch diameter water main along War Path Drive. This main dead-ends approximately 422.5-feet east from the corner of War Path Drive. This main is available for main extension.

There will be an existing 8-inch diameter water main along Cimarron Rim Drive. This main will be available for extension.

There will be an (2) 8-inch diameter water mains high pressure and low pressure along Cimarron Bluff Lane. Those mains will be available for extensions.

Water pressure between 35-psi and 50-psi is expected between ground elevation 4,094-feet and 4,060-feet. The EPWU requests that the Developer construct single level houses between ground elevation 4,060-feet and 4,094-feet, until a high-pressure water main that extends from the C.C.C. 2 Pressure Zone is constructed. Water service to lots located above elevation 4,094-feet cannot be provided until the high-pressure water main is installed.

Previous water pressure from fire hydrant #11775 located at the northwest corner of Bobcat Hollow Drive and 7357 Cimarron Gap Drive, has yielded a static pressure of 72 psi, a residual pressure of 50 psi, and a discharge of 1,244 gallons per minute.

#### Sanitary Sewer:

There is an existing 8-inch diameter sanitary sewer main along Cimarron Gap Drive. This main dead-ends approximately 74-feet east of Bobcat Hollow Drive. This main is available for main extension.

There is an 8-inch diameter sanitary sewer main along War Path Drive. This main dead-ends approximately 203-feet east from the corner of War Path Drive. This main is available for main extension.

There will be an existing 8-inch diameter sanitary sewer main along Cimarron Rim Drive. This main will be available for extension.

There will be an 8-inch diameter sanitary sewer main along Cimarron Bluff Lane. This main will be available for extension.

#### General:

Owner is responsible for all main extension costs.

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.

20

#### El Paso County 911 District

The 911 District has no objections/comments for this rezoning.

#### El Paso County Water Improvement District #1

Not within the boundaries of EPCWID1.

#### **Texas Department of Transportation**

No comments received.



ITEM 38

# East of Resler Dr. and South of Transmountain Rd.

Rezoning

PZRZ21-00015





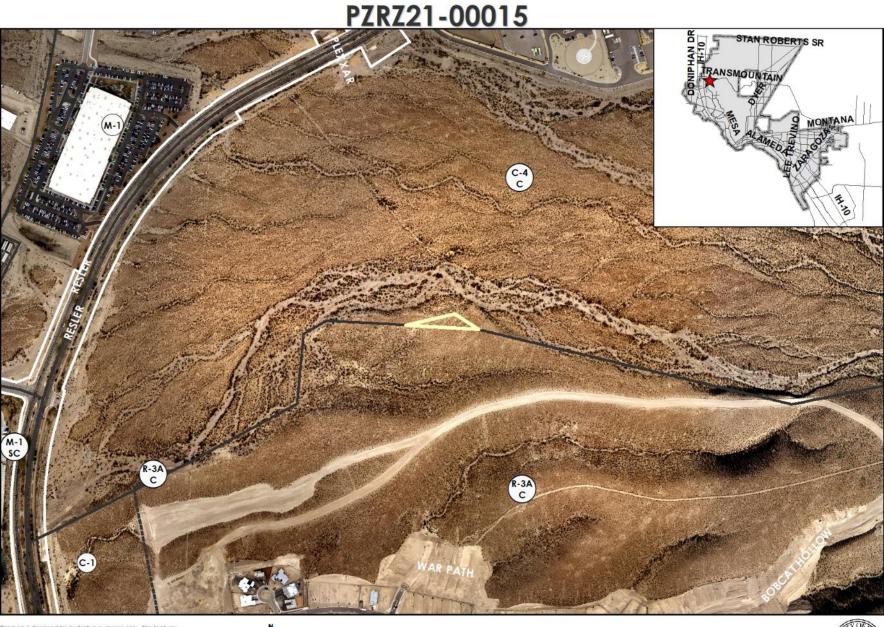
### Recommendation

 OSAB recommend approval of the rezoning request

• Staff recommend approval of the rezoning request

• City Plan Commission recommend approval (5-0) of the rezoning request





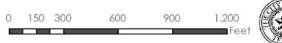


### Aerial

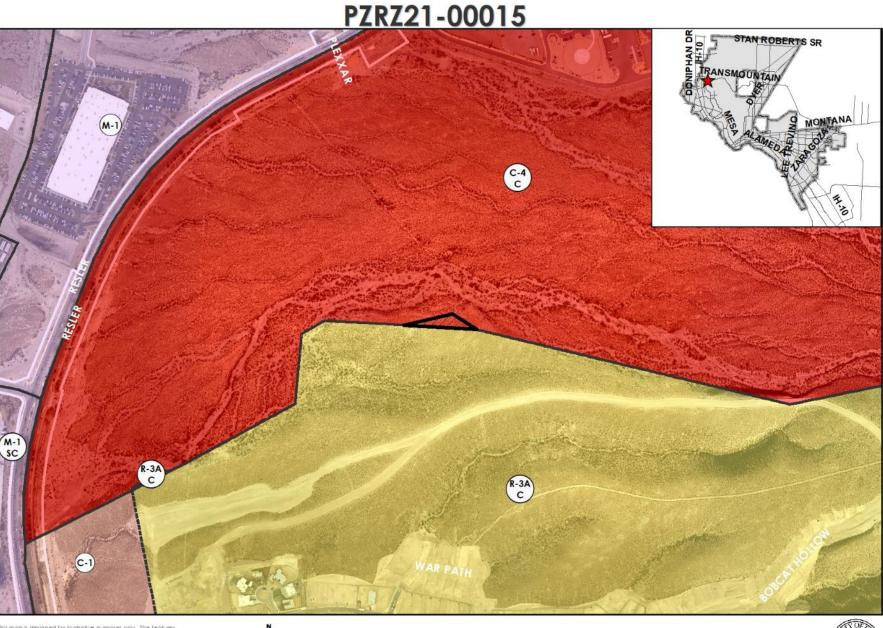












Existing Zoning

EP

CITY OF EL PASO



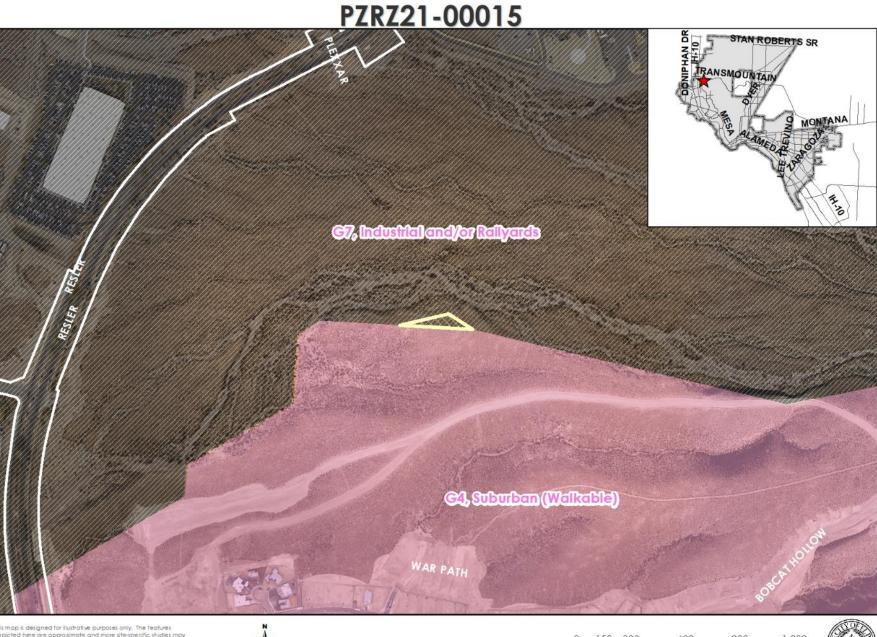
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The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







### Future Land Use



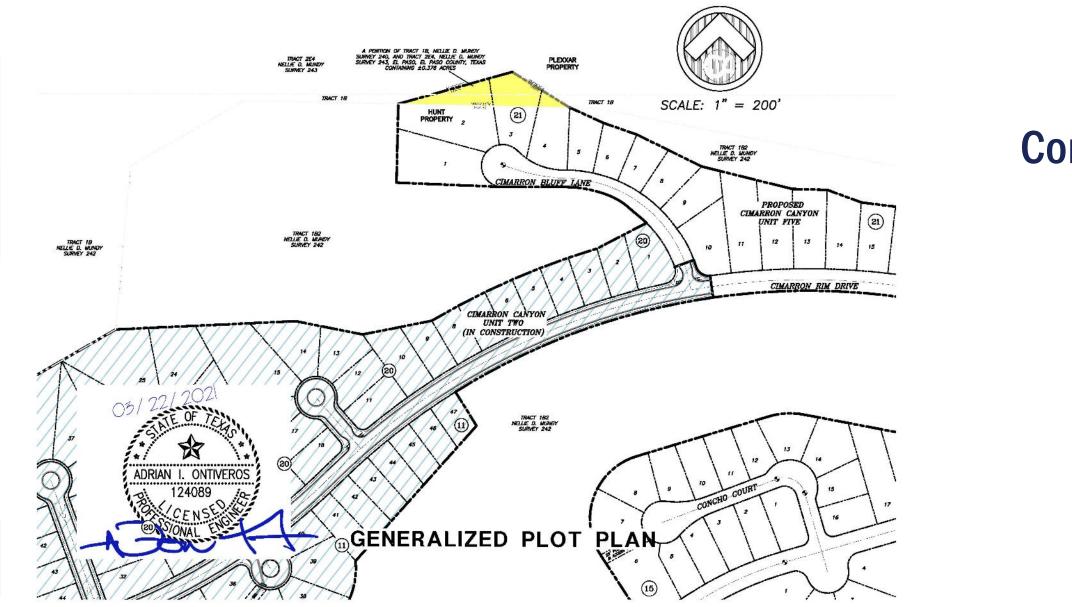
This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can induce errors and may lead to misinterpretations of the data. The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



Subject Property

0 150 300 600 900 1.200 Feet

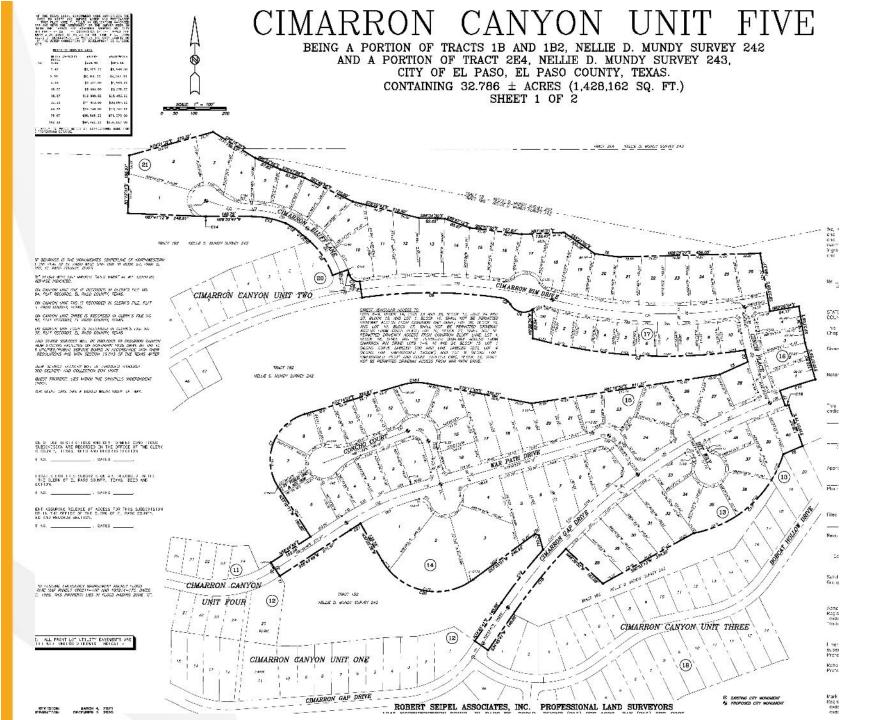






## Conceptual Plan

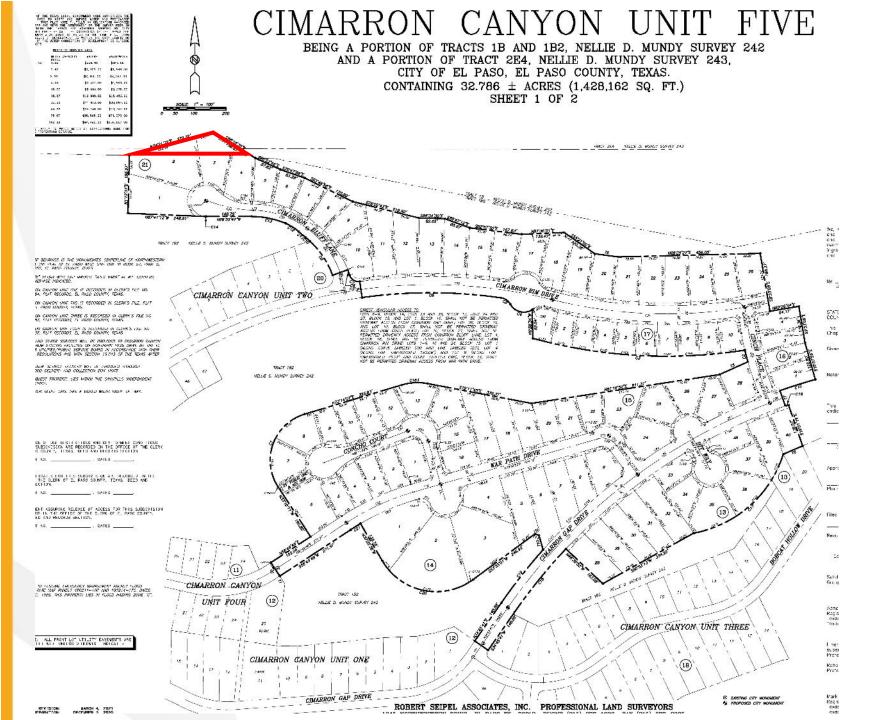




### Conceptual Plan







### Conceptual Plan









## Subject Property



## Surrounding Development













## **Public Input**

- Notices were mailed to property owners within 300 feet on June 4, 2021.
- The Planning Division has not received any communications in support nor opposition to the request.







## Mission

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

## Vision

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

## ☆ Values

Integrity, Respect, Excellence, Accountability, People



Legislation Text

#### File #: 21-997, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### **District 6**

Economic and International Development, Jessica Herrera, (915) 212-1624

#### AGENDA LANGUAGE:

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

Discussion and action that the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between CITY OF EL PASO ("City") ROCCO Developers LLC ("Applicant") in support of an infill development project located at 9740 Galilee Drive, El Paso, Texas, 79927. The project includes the construction of a 170,000 sq. ft. residential development on what is currently, vacant land located at 9740 Galilee Drive, El Paso, TX 79927. The Agreement requires the Applicant to make a minimum investment of \$15,285,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$416,110.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

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

DEPARTMENT:	Economic and International Development
AGENDA DATE:	CCA August 31, 2021
CONTACT PERSON/PHONE:	Jessica L. Herrera-Director, 212-1624
DISTRICT(S) AFFECTED:	6

#### SUBJECT:

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between CITY OF EL PASO ("City") ROCCO Developers LLC ("Applicant") in support of an infill development project located at 9740 Galilee Drive, El Paso, Texas, 79927. The project includes the construction of a 170,000 sq. ft. residential development on what is currently, vacant land located at 9740 Galilee Drive, El Paso, TX 79927. The Agreement requires the Applicant to make a minimum investment of \$15,285,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$416,110.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate. [Economic and International Development, Jessica L. Herrera, Director, (915) 212-1624]

#### BACKGROUND/DISCUSSION:

ROCCO Developers, LLC applied and qualified for a 5-year Infill redevelopment incentive grant. The Applicant is proposing to invest a minimum of \$15,285,000 to construct a new multi-family housing complex on approximately 7 acres of vacant land. The new development will activate 140 units and will exceed the City's landscape requirements. The facility which will increase local density and enhance the aesthetic value of the area. Upon satisfying all contract metrics, the Applicant will receive the following incentive:

- Property Tax Rebate (City's Portion): The City's portion of ad valorem incremental property taxes. 5-year grant period. Capped at \$329,685
- Construction Materials Sales Tax Rebate- A one-time rebate of the City's Portion (1%) of Sales Taxes levied on project-related construction materials. Capped at \$76,425
- Building and Planning Permit Fee Rebate: A one-time rebate of project-related Building & Planning permit fees. Capped at \$10,000

The total proposed incentive is not to exceed \$416,110.

#### PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? No.

#### 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? General Fund

BOARD/COMMISSION ACTION: N/A

	1	100
Vien race	te	TO
7	T	-
	1	

DEPARTMENT HEAD

#### RESOLUTION

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement ("Agreement") by and between **CITY OF EL PASO** ("City") and **ROCCO Developers LLC** ("Applicant") in support of an infill development project located at 9740 Galilee Drive, El Paso, Texas, 79927. The project includes the construction of a 170,000 sq. ft. residential development on what is currently, vacant land located at 9740 Galilee Drive, El Paso, TX 79927. The Agreement requires the Applicant to make a minimum investment of \$15,285,000.00. Over the term of the Agreement, the City shall provide economic incentives not to exceed \$416,110.00 in the form of a Property Tax Rebate; a Development Fee Rebate; and a Construction Materials Sales Tax Rebate.

**APPROVED** this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 20<u>21</u>.

**CITY OF EL PASO:** 

Oscar Leeser Mayor

**ATTEST:** 

Laura D. Prine City Clerk

APPROVED AS TO FORM:

Frances M. Maldonado Engelbaum Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Jessica Herrera, Directo Economic & Int'l Development

# STATE OF TEXAS)CHAPTER 380 ECONOMIC DEVELOPMENT))PROGRAM AGREEMENTCOUNTY OF EL PASO)(Infill Development)

This Chapter 380 Economic Development Program Agreement (the "Agreement") is made on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 ("Effective Date") between the City of El Paso, Texas, a Texas home rule municipal corporation, (the "City"), and ROCCO Developers LLC (the "Applicant"), for the purposes and considerations stated below:

#### RECITALS

WHEREAS, the City has the authority under Chapter 380 of the Texas Local Government Code ("Chapter 380") to make loans or grants of public funds for the purpose of promoting local economic development and stimulating business and commercial activity within the City; and

WHEREAS, on May 30, 2017 the El Paso City Council adopted an Infill Development Incentive Policy (the "Infill Policy") to promote infill development by providing economic incentives for eligible projects meeting Infill Policy criteria; and

WHEREAS, the Applicant's real property, located at 9740 Galilee Drive, El Paso, Texas 79927, is within the Policy's designated incentive area and the Applicant's proposed development meets the Policy's eligibility requirements; and

WHEREAS, the City desires to provide incentives to the Applicant, pursuant to Chapter 380 and the Infill Policy, for the construction of a development located on the Applicant's real property, and the Applicant wishes to receive the incentives in exchange for compliance with the obligations set forth herein; and

WHEREAS, the City concludes and hereby finds that this Agreement promotes economic development in the City and meets the requirements of Chapter 380.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

#### **SECTION 1. DEFINITIONS.**

The following words shall have the following meanings when used in this Agreement.

- A. "Agreement" means this Chapter 380 Economic Development Program Agreement, together with all exhibits and schedules attached and incorporated herein by reference.
- B. "Base Year Value" means valuation of the real and personal property by the El Paso Central Appraisal District on the rolls as of January 1<sup>st</sup> of the year of the Effective Date of this Agreement. The Base Year Value shall not be interpreted to be equivalent or determinative

for appraisal purposes or used in any way to determine market value. For the purposes of this Agreement, the Base Year Value is **\$212,697.00.** 

- C. "Construction Materials Sales Tax Rebate" means a one-time 100% rebate of the City's 1% Sales and Use Tax from receipts for materials and labor of taxable items used in the construction of the Development. The Construction Materials Sales Rebate shall not exceed \$76,425.00.
- D. "Development" means new construction on a vacant lot or renovation of an existing vacant or blighted building(s) to be used for any of the following land uses: office, retail, restaurant, multifamily residential facilities, commercial and industrial within the City of El Paso, as authorized by the existing local law. The Development is described in Exhibit B, which is attached and incorporated for all purposes.
- E. "Development Fee Rebate" means a one-time 100% rebate of certain development fees based on the fee schedule associated with City of El Paso's Ordinance 018581. The Development Fee Rebate shall not exceed \$10,000.00 and will be rebated upon the Applicant's provision of the Grant Submittal Package demonstrating that the total construction cost for the Development is greater than the Base Year Value.
- F. "Effective Date" means the date the El Paso City Council approves the Agreement.
- G. "Grant" means each rebate payment made by the City to the Applicant pursuant to the terms of this Agreement. The aggregate amount that the City will provide in Grants shall not exceed \$416,110.00. This aggregate amount reflects the sum total of all applicable rebates.
- H. "Grant Submittal Package" means the documentation required to be supplied to City as a condition of receipt of any Grant, with such documentation more fully described in the Grant Submittal Package, which is attached as Exhibit C to this Agreement.
- I. "Minimum Appraisal Value" means the valuation of the Real Property appraised by El Paso Central Appraisal District during and after the construction or renovation of the Development. For the purposes of this Agreement, the Minimum Appraisal Value is \$7,855,197.00. Under no circumstances shall the Minimum Appraisal Value be interpreted to be equivalent of or determinative for appraisal purposes or to be used in any way to determine market value.
- J. "Minimum Investment" means those costs incurred, self-performed or contracted to third parties by the Applicant over the course of the renovation or construction project or furnishing of the improvements for the Development. For purposes of this Agreement, the Minimum Investment to qualify for the Grant is \$15,285,000.00.
- K. "**Property Tax Rebate**" means a rebate, according to the Incremental Property Tax Rebate Table found in Exhibit D of this Agreement, of the City's portion of the incremental ad valorem property tax revenue generated by the subject property above the Base Year Value

for the Grant Period (as defined herein). For the purposes of this Agreement, the total Property Tax Rebate amount shall not exceed \$329,685.00.

- L. "Qualified Expenditures" means the monetary expenditures paid or caused to be paid by the Applicant after the Effective Date for material used in constructing or renovating the Development; and labor required for the construction or renovation of the Development.
- M. "Real Property" means the real property owned by the Applicant located at 9740 Galilee Drive, El Paso, Texas, 79927, and described on Exhibit A, which is attached and incorporated by reference. The Real Property is the location for the Applicant's proposed Development.
- N. "Vacant Building" means a building that is 60% or more unoccupied and is registered as a vacant building with the City, pursuant to Title 18, Chapter 18.40, El Paso City Code.

### SECTION 2. TERM AND GRANT PERIOD.

- A. This Agreement shall commence on the Effective Date and shall terminate on the first to occur of: (i) the date when the aggregate amount of Grants is paid; (ii) 8 years from the Effective Date; (iii) the proper termination of this Agreement in accordance with the applicable provisions contained herein; or (iv) termination by mutual consent of the parties in writing ("Term").
- B. The Applicant's eligibility for Grant payments shall be limited to 5 consecutive years within the Term of this Agreement (the "Grant Period"). The first year of the Grant Period shall be the first tax year after the issuance of the certificate of occupancy for the Development. A temporary certificate of occupancy does not qualify as a certificate of occupancy.

### SECTION 3. OBLIGATIONS OF APPLICANT.

### A. **DEVELOPMENT.**

(1) The Applicant represents that the Development complies with, and adheres to, the provisions and requirements of the City's Infill Policy and is located within the eligible incentive areas identified within the Infill Policy.

(2) The Applicant shall renovate or construct, at its sole cost and expense, the Development, and shall expend a minimum of **\$15,285,000.00** in Qualified Expenditures to construct the Development.

(3) The Applicant shall maintain landscape and streetscape improvements at its sole cost and expense.

(3) The Applicant shall obtain all building permits for the Project within 6 months from the Effective Date of this Agreement.

Within 24 months after the Effective Date, the Applicant shall submit documentation to the City to verify the following:

(a) The expenditure of a minimum of \$15,285,000.00 in Qualified Expenditures; and

(b)That the Applicant has received a Certificate of Occupancy for the Development.

(5) The Applicant agrees that the Development shall not include the demolition of properties with a historic overlay that are deemed historic or contributing unless specifically approved by El Paso City Council.

The Applicant agrees that Development shall be in accordance with the (6) requirements and review provisions of Chapter 20.20 (Historic Landmark Preservation) of the City municipal code, where applicable.

The Applicant shall diligently and faithfully in a good and workmanlike manner (7) pursue the completion of the Development and that the construction of same will be in accordance with all applicable federal, state and local laws and regulations.

The Applicant agrees that during the Term of this Agreement, the Real Property (8) shall be limited to those uses consistent with the Development.

(9) The Applicant shall demonstrate, before the receipts of any Grant payments, that the Applicant has incurred no delinquency taxes by providing certified city tax certificates for any parcel of property owned in the City of El Paso.

(10)The Applicant agrees that during the Term of this Agreement it shall not challenge nor permit anyone else to take actions on its behalf to challenge any assessments by the El Paso Central Appraisal District of \$7,855,197.00 or less. It is the intent of the parties that the assessed value of the Property on the tax rolls have a minimum appraisal value of \$7,855,197.00 during the Term of this Agreement. This property value should in no way be interpreted to affect the values set by the Central Appraisal District for tax purposes. Upon the termination of this Agreement, the Applicant agrees that neither this Agreement, nor the values contained herein, will be utilized to contest appraisal values or in the determination of the market value of the Development.

(11)The Applicant, during normal business hours, at its principal place of business in the city of El Paso, Texas, shall allow the City or its agents reasonable access to operating records, accounting books, and any other records related to the economic development considerations and incentives described herein, which are in Applicant's possession, custody, or control, for purposes of verifying the Qualified Expenditures and for audit purposes, if so requested by the City. The confidentiality of such records will be maintained in accordance with all applicable laws.

(4)

(12) Applicant shall provide all required invoices and other required documentation to City electronically at the following address: EDcompliance@elpasotexas.gov

### B. GRANT SUBMITTAL PACKAGE.

In order to receive the disbursement of the Grant, the Applicant must submit a Grant Submittal Package, as specified below.

- (1) The Applicant shall annually submit one Grant Submittal Package which shall be in the form provided in Exhibit C, together with the requisite documentation. The Applicant shall submit to the City the initial Grant Submittal Package on August 3, 2024, or within 30 business days after this date. Thereafter, the Applicant's annual Grant Submittal Package must be submitted on or within 30 business days after the 3rd day of August of each year. A failure by the Applicant to timely submit a Grant Submittal Package in accordance with this paragraph is a waiver by the Applicant to receive a Grant payment for that Grant year.
- (2) Concurrent with the submittal of a Grant Submittal Package, the Applicant will submit to the City documentation as may be reasonably necessary to verify the expenditure to date of the Minimum Investment, which has not otherwise been verified as part of a prior submittal. The City will provide to the Applicant a written explanation for any Minimum Investment that the City determines cannot be verified. The Applicant may submit additional documentation to the City in order to obtain verification.
- (3) The City's determination of the amount of the Grant payment due to the Applicant is final.

### SECTION 4. OBLIGATIONS OF THE CITY.

During the Term of this Agreement, and so long as an Event of Default has not occurred and the Applicant is in compliance with the Agreement, the City agrees as follows:

- A. The City agrees to provide a Construction Materials Sales Tax Rebate not to exceed \$76,425.00 in accordance with the terms and provisions of this Agreement.
- B. The City agrees to provide a Development Fee Rebate not to exceed \$10,000.00 in accordance with the terms and provisions of this Agreement.
- C. The City agrees to provide a Property Tax Rebate not to exceed **\$329,685.00** in accordance with the terms and provisions of this Agreement.
- D. The City will process any eligible Grant payment within 90 days after receipt of the Applicant's annual Grant Submittal Package.

### SECTION 5. EVENTS OF DEFAULT.

Each of the following Paragraphs A through D shall constitute an Event of Default:

- A. **Failure to Comply. The** Applicant's failure to comply with, or to perform any obligation or condition of this Agreement or in any related documents, or the Applicant's failure to comply with or to perform any obligation or condition of any other agreement between the City and the Applicant.
- B. **False Statements.** Any representation or statement made or furnished to the City by the Applicant pursuant to this Agreement or any document(s) related hereto, that is/are false or misleading in any material respect; or if the Applicant obtains actual knowledge that any such representation or statement has become false or misleading after the time that it was made, and the Applicant fails to provide written notice to the City of the false or misleading nature of such representation or statement within 10 days after the Applicant learns of its false or misleading nature.
- C. **Insolvency.** The Applicant files a voluntary petition in bankruptcy, or a proceeding in bankruptcy is instituted against the Applicant, and the Applicant is thereafter adjudicated bankrupt, a receiver for the Applicant's assets is appointed, or any assignment of all or substantially all of the assets of the Applicant for the benefit of creditors of the Applicant.
- D. **Property Taxes.** If the Applicant allows its personal or real property taxes owed to the City to become delinquent, and fails to timely and properly follow the legal procedures for protest and/or contest of such taxes and to cure such failure or post a satisfactory bond within 30 days after written notice thereof from the City and/or El Paso Central Appraisal District.
- E. Notice and Opportunity to Cure. If an Event of Default occurs, the City will provide the Applicant with written notice of the default, and the Applicant shall have 30 days from the receipt of said notice to cure the default (the "Cure Period"). If the default cannot be remedied within the Cure Period, but the Applicant has made a diligent effort to effect a cure, the Cure Period may be extended at the City's sole discretion for a reasonable time. The City, in its sole discretion, shall determine what constitutes "a reasonable time" and what constitutes "a diligent effort" for purposes of this provision. If the City agrees to extend the Cure Period past the 30 days, the City shall notify the Applicant, in writing, of the expiration date of the extended cure period.
- F. **Failure to Cure.** If an Event of Default occurs and, after receipt of written notice and opportunity to cure as provided herein, the Applicant fails to cure the default in accordance with the provisions herein, then this Agreement may be terminated by the City by written notice to the Applicant at which time the City's obligations hereunder will end, and the City may exercise any other right or remedy available at law or in equity.

### SECTION 6. RECAPTURE.

Should the Applicant default under Section 5 of this Agreement and provided that the cure period for such default has expired, all Grants previously provided by the City pursuant to this Agreement shall be recaptured and repaid by Applicant within 60 days from the date of such termination.

### SECTION 7. TERMINATION OF AGREEMENT BY CITY WITHOUT DEFAULT.

A. The City may terminate this Agreement without an event of default and effective immediately if any state or federal statute, regulation, case law, or other law renders this Agreement ineffectual, impractical or illegal.

### SECTION 8. GENERAL PROVISIONS.

- A. Amendments. This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by both parties.
- B. Applicable Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in El Paso County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts of El Paso County, Texas.
- C. Applicant's Sale or Transfer of the Development. Prior to any sale or other transfer of ownership rights in the Development, the Applicant shall notify the City in writing of such sale or transfer 30 business days before the effective date of such sale or transfer.
- D. Assignment. Applicant understands and agrees that the City expressly prohibits the Applicant from selling, transferring, assigning or conveying in any way any rights to receive the Grant or Grants that are the subject of this Agreement without the City's consent to assignment. Any such attempt to sell, transfer, assign or convey without the City's prior written consent is void and may result in the immediate termination of this Agreement and recapture of the taxes rebated prior to the attempted transfer.
- E. **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. The City warrants and represents that the individual executing this Agreement on behalf of City has full authority to execute this Agreement and bind City to the same. The Applicant warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind the Applicant to the same.
- F. Confidentiality Obligations. The confidentiality of records related to the City's economic development considerations and incentives provided herein will be maintained in accordance with and subject to all applicable laws, including the Public Information Act, Chapter 552, Texas Government Code. To the extent permitted by state or federal law, the City shall maintain the confidentiality of any proprietary information and shall not copy any such information except as necessary for dissemination to the City's agents or employees and agrees that, as required by the Public Information Act, it will notify Applicant if a request relating to such proprietary information is received. The Applicant represents that it understands that the Public Information Act excepts disclosure of trade secret and confidential commercial information and that it will need to assert the proprietary interest of the Applicant as a basis for nondisclosure.

- G. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute the same document.
- H. Employment of Undocumented Workers. During the term of this Agreement, the Applicant agrees not to knowingly employ any undocumented workers as defined in Texas Government Code Section 2264.001. If convicted of a violation under 8 U.S.C. Section 1324a(f), Applicant shall repay the amount of the Grant payments received by the Applicant from the City as of the date of such violation not later than one hundred twenty (120) days after the date the Applicant is notified by City of a violation of this section, plus interest from the date the Grant payment(s) was paid to the Applicant, at the rate of seven percent (7%) per annum. The interest will accrue from the date the Grant payment(s) were paid to the Applicant until the date the reimbursement payments are repaid to City. The City may also recover court costs and reasonable attorney's fees incurred in an action to recover the Grant payment(s) subject to repayment under this section. Applicant is not liable for a violation by its subsidiary, affiliate, or franchisee, or by a person which whom the Applicant contracts.
- I. Force Majeure. The parties agree that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, or court injunction, the party so obligated or permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.
- J. Headings. The section headings contained in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
- K. No Joint Venture. The parties acknowledge and agree that the terms hereof are not intended to and shall not be deemed to create any partnership or joint venture between the parties. The City, its past, present and future officers, elected officials, employees and agents of the City, do not assume any responsibilities or liabilities to any third party in connection with the Development or the design, construction, or operation of the Development, or any portion thereof.
- L. Notices. All notices required by this Agreement shall be given in writing and shall be deemed to have been properly served if a) delivered by hand and receipted for by the party to whom said notice is directed (or his/her agent); or b) mailed by certified or first class mail with postage prepared, on the third business day after the date on which it is so mailed; c) mailed by overnight courier and receipted for by the party to whom said notice is directed (or his/her agent); or d) sent by facsimile transmission or by email, if a facsimile or email number is provided below. A party may change its contact information for notices by sending written notice to the other party of the change to the party's contact information.

To the Applicant:	ROCCO DEVELOPERS, LLC Attn: Alex Rodriguez-Castro Address: 7101 N. Mesa #635 El Paso, TX 79912
To the City:	The City of El Paso Attn: City Manager P. O. Box 1890 El Paso, Texas 79950-1890
With a Copy to:	The City of El Paso Attn: Economic & International Development P. O. Box 1890 El Paso, Texas 79950-1890

Applicant shall provide all required invoices and other required documentation to City electronically at the following address: "EDcompliance@elpasotexas.gov"

- M. Ordinance Applicability. The signatories hereto shall be subject to all ordinances of the City, whether now existing or in the future arising.
- N. Severability. In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.
- O. Governmental Functions. The parties agree that the City is entering this Agreement in the exercise of its governmental functions under the Texas Tort Claims Act. The parties also agree that the City is entering into this Agreement as a governmental entity performing a governmental function.
- P. Compliance with the Law. The parties will comply with all applicable laws, administrative orders, and any rules or regulations relating to the obligations under this Agreement. If applicable, then the Applicant will procure all licenses and pay all fees or other charges as required to complete the Work under this agreement.
- Q. Third-Party Beneficiaries. There are no third-party beneficiaries for this Agreement.

[Signatures begin on the following page.]

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_\_ day \_\_\_\_, 2021.

### CITY OF EL PASO:

Tomás González City Manager

### **APPROVED AS TO FORM:**

of

### **APPROVED AS TO CONTENT:**

Gnall

Frances M. Maldonado Engelbaum Assistant City Attorney

Jessica Herrera - Director () Economic & International Development

### ACKNOWLEDGMENT

STATE OF TEXAS § SCOUNTY 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, on behalf of the City of El Paso, Texas.

My Commission Expires:

Notary Public, State of Texas

[Signatures continue on the following page]

APPLICANT: **ROCCO** Developers LLC Alex Rodriguez-Castro Manager

#### ACKNOWLEDGMENT

STATE OF COUNTY OF

§ § §

This instrument was acknowledged before me on the 17th day of 1050, 2021, by Alex Rodriguez-Castro as the Manager for ROCCO Developers LLC.

My Commission Expires:

02/28/2020

NO.Z y Public, State of NOPEN ID ETERAL Comm. Expires 02/28/2024 Notary Public, State of Texes aria Del Carmen Hernande:

### EXHIBIT A

### Legal Description of the Real Property

51 Ysleta Tract 12-A and 51 Ysleta Tract 13-A

### **EXHIBIT B**

### **Description of Development**

ROCCO Developers LLC. will construct a 170,000 sq. ft. residential development on what is currently vacant land located at 9740 Galilee Drive, 79927, in El Paso. The company will invest a minimum of \$15,285,000.00 to construct the facility. The complex will be substantially similar, in design, to the rendering shown below.

### **Rendering:**



### EXHIBIT C

### Grant Submittal Package Form

(the Applicant) believes that it has substantially met its obligations under the Chapter 380 Agreement executed on \_\_\_\_\_ (date). Pursuant to the Agreement, the Applicant submits this Grant Submittal Package Form in compliance with said Agreement and in anticipation of receiving the Grant in consideration for his obligations met under the Agreement.

As required by the Agreement, the following information is submitted.

- 1. Documentation (i.e. including; but not limited to, bank statements, invoices, copies of checks, receipts) evidencing proof of payment by Applicant of at least a minimum aggregate of \_\_\_\_\_in Qualified Expenditures associated with the Development, as those terms are defined in the Agreement.
- 2. Copies of all required permits and approvals obtained by Applicant or on Applicant's behalf for construction of improvements in the Development.
- 3. Property Tax Payment Receipt(s) of payment for tax year \_\_\_\_\_.

It is understood by the Applicant that the City of El Paso has up to 90 days to process this request and reserves the right to deny the Grant claim if the Applicant has failed to comply with the terms of the Agreement.

By the signature of the Applicant below, the Applicant hereby certifies that: (1) the copies of the receipts attached to this Grant Submittal Package Form represent Qualified Expenditures incurred in the improvements and new construction to the Development; (2) the Applicant has paid or caused to be paid the City's local sales and use taxes associated with the Qualified Expenditures; and (3) that the copies of the receipts and copies of the permits attached herein are true and correct.

Signature:

### EXHIBIT D

### **Property Tax Rebate Table**

Year	Rebate Percentage
Year 1	100%
Year 2	100%
Year 3	100%
Year 4	75%
Year 5	75%



# 9740 Galilee Drive Infill Chapter 380

Economic & International Development

August 31, 2021



Goal 1: Create an Environment Conducive to Strong, Sustainable Economic Development. 1.1 Stabilize and expand El Paso's tax base



## **Chapter 380 Infill Incentive Policy : Summary**

Effective Dates: Originally adopted by City Council action on May 16th 2017 and re-adopted on May 11, 2021.

**Purpose:** To encourage the construction *and renovation* of **pedestrian-friendly developments** within the identified target areas. *(Enhancing Quality of Place)* 

### Program Summary (Since 5/17)

Number of Projects Signed/Completed

### 8

Related Private Investment

\$6,773,918

**Related City Incentives** 

\$356,710

Tax Value Generated for Other Taxing Entities

\$1,237,893









## 9740 Galilee Drive: Project Summary

Applicant: ROCCO Developers LLC *(Infill 380)* Property Address: 9740 Galilee Drive 79927 Real Improvement Costs: \$15,285,000 District: 6

- Construction of a new multi-family housing complex on approximately 7 acres of vacant land
- The development includes 140 units (1, 2, and 3 bedroom)
- The land is currently vacant and construction includes buildings, ponding area, parking lot and driveways
- The parking is located to the side of the Clubhouse and is screened by the landscape buffer along Galilee.
- Development will exceed the City's landscape requirements









## **Site Location : 9740 Galilee Drive**







### **Current Conditions : 9740 Galilee Drive**



Facing Southwest

Facing Northwest

Facing South



ROCCO Developers, LLC - Infill 380 - CoEP-ED



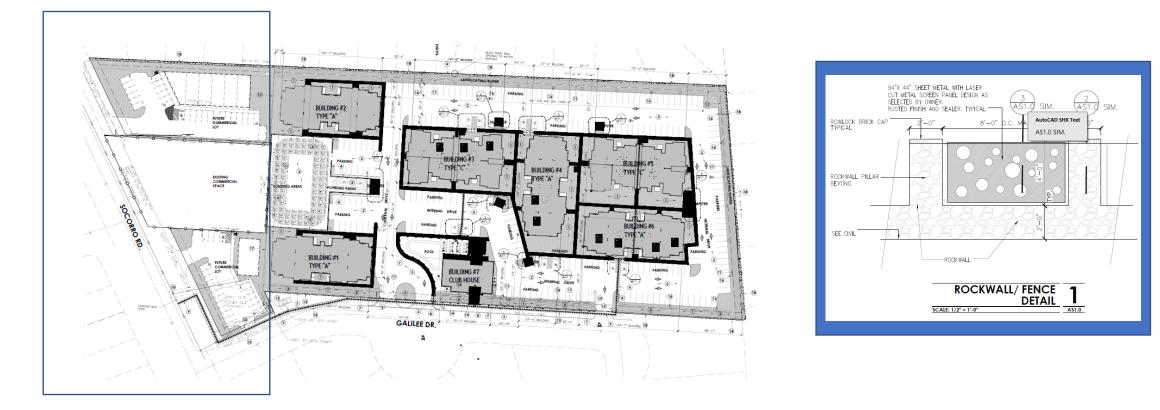
### **Planned Rehabilitation : 9740 Galilee Drive**







### **Planned Rehabilitation : 9740 Galilee Drive**







## **Infill Design Checklist : 9740 Galilee Drive**

**Design Criteria** (see pages 11-19 of the Infill Policy Guide here). Mark your selection(s) with an "X" in each applicable box.



Mandatory Design Requirements (see pages 11-14 of the Infill Policy Guide <u>here</u>). Applications for infill development shall comply with <u>all</u> of the following requirements.

- Where on-site surface parking is proposed, it shall be located at the rear of the property and when possible accessed via alleyway; or at the side of the property and screened in accordance with 21.50.070(F)(5). On-site surface parking shall not be located in the front yard. See example here.
- Buildings shall be placed on the parcel such that the principal orientation is toward the main street and the principal entrance is from the sidewalk. See example here.
- For proposals abutting existing residential development the front building setback shall not deviate from the average front setback of lots within the same block as the proposed development by more than 15%. See example <u>here.</u>



 $\checkmark$ 



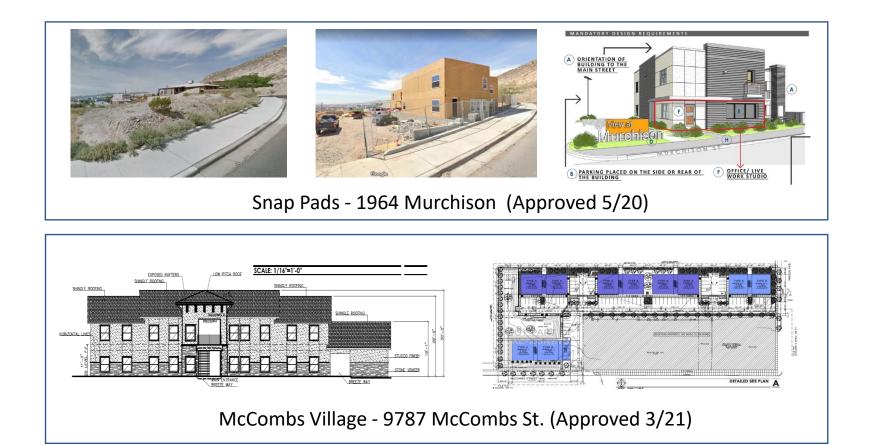
### Infill Design Checklist : 9740 Galilee Drive

#### Selective Design Guidelines (see pages 15-19 of the Infill Policy Guide here). Applications for infill development shall comply with no less than three (3) of the following requirements: Any new structure with a ground floor non-residential use shall demonstrate that building facades facing public rights-of-way have a majority (50% or more) transparent surface on the ground floor. Transparent surface elements include, but are not limited to. doors and non-opaque windows. More information here. The percentage of gross floor area divided by the total lot area for infill development projects shall be no less than 80%. More info here. The project shall propose a mix of land use categories as classified in Section 20.08.030 (e.g. residential and commercial). The project shall propose commercial activity within or directly abutting an adjacent street sidewalk. Examples of qualifying commercial activity include, but are not limited to, the placement of outdoor seating and tables or other sidewalk furniture, and stands for the sale of goods and services. More information here. The total width of the primary structure shall be greater than or equal to 80% of the total lot width along the main street. For the purposes of this calculation, any necessary vehicular access driveway shall be subtracted from the total lot width. More info here. The project shall demonstrate compliance with one of the architectural styles defined in the Community Design Manual of Plan El Paso (see Appendix A of the Infill Policy Guide). More information here. $\checkmark$ The height of any proposed infill development shall be equal to at least half the width of the widest abutting street. More info here. $\checkmark$ The project includes low impact storm water management including, but not limited to depressed landscaped areas, bioswales, vegetated roofs, pervious pavements, capture and reuse systems. The project is certified by the United States Green Building Council LEED-BD+C, LEED HOMES, LEED-ND certification system or any equivalent, nationally recognized alternative, or the architect of record iis LEED certified, or the project qualifies for and participates in the City of El Paso Green Building Grant Program. $\checkmark$ For projects in residential districts the applicant shall demonstrate that the parcel has been vacant or underdeveloped for no less than 15 years. For purposes of this guideline only, underdeveloped shall be defined as parcels which do not meet the maximum density permitted in the base zoning district. For projects in residential districts the applicant shall demonstrate that a private frontage as described in 21.80, Table 7a through 7e is proposed. More information here.





### **Other Approved Infill Developments : 9740 Galilee Drive**







### **Other Approved Infill Developments : 9740 Galilee Drive**



1031 Texas Ave. 79901



1125 Texas Ave. 79901



710 Noble St. 79902

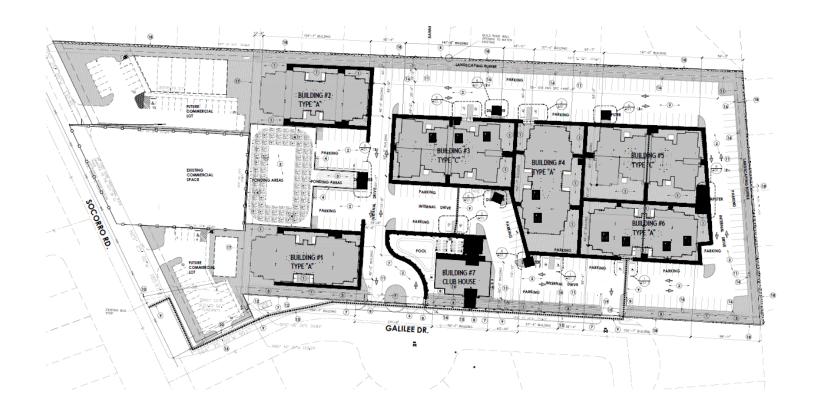


Left Investments - 404 E. Arizona (Approved 11/19)





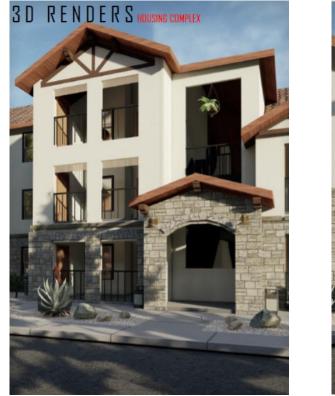
### **Planned Rehabilitation : 9740 Galilee Drive**



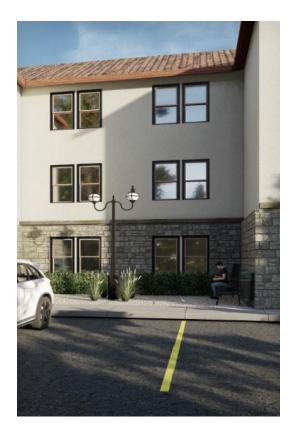




### **Planned Rehabilitation : 9740 Galilee Drive**











## **City Incentive Summary : 9740 Galilee Drive**

Incremental Property Tax Rebate (*5 Years)	Construction Material Sales Tax Rebate	Permit Fee Rebate
\$329,685	\$76,425	\$10,000

(\*5-Year Property Tax Rebate : (Years 1-3 (100%), 4-5 (75%)))

# \$416,110

### **Total Incentive Package**





## **Community Tax Benefits**

### 5-Year Property Tax Inflow (Net)

City of El Paso	El Paso County	YISD	EPCC	UMC
\$38,453	\$198,411	\$586,959	\$56,748	\$108,638





# Request

That the City Manager be authorized to execute a Chapter 380 Infill Incentive Agreement by and between the City of El Paso and ROCCO Developers, LLC for the development of the property located at 9740 Galilee Drive, 79927.

### **Staff Recommends Approval**











## 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 #: 21-1003, Version: 1

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

### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

#### All Districts

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

#### AGENDA LANGUAGE:

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

Discussion and action on a Resolution approving a list of projects totaling approximately \$4,496,619, updating the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark" for FY2021 through FY2025 and approving the use of ballpark Capital Repairs Reserve Fund and Surplus Ballpark Revenues as funding sources for the Plan and authorizing the City Manager to make all necessary transfers.

### **RESOLUTION**

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

That the City of El Paso approves the list of projects on **Exhibit "A"** attached hereto, totaling approximately \$4,496,619.00, which updates the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark", as the established list of capital maintenance projects for the Ballpark also known as Southwest University Park for FY2021 through FY2025 and that the City Manager be authorized to make all necessary transfers prior to the execution of the project.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

CITY OF EL PASO:

Oscar Leeser Mayor

ATTEST:

Laura D. Prine City Clerk

**APPROVED AS TO FORM:** 

Juan S. Gonzalez

Senior Assistant City Attorney

**APPROVED AS TO CONTENT:** 

Samuel Rodriguez

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

	UPDATED August 6, 2021						
		FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total Cost
		CIPYEAR #5 Season #8	CIPYEAR #6 Season #9	CIPYEAR #7 Season #10	CIPYEAR #8 Season #11	CIPYEAR #9 Season #12	
Architectural/Inte	riors	5685011 #6	Season #5	5685011 #10	5685011 #11	5685011 #12	
Architecturaly inte	Tower Light Conversion to LED		\$550,000				\$550,0
	Batting Tunnel Netting		\$550,000	\$14,057			\$550,0 \$14,0
	Dugout Flooring - Home and Visiting			Ş14,037		\$41,789	\$14,0 \$41,7
	Field Wall Padding		\$114,009			Ş41,705	\$114,0
	Turf Replacement		Ş11 <del>4</del> ,005			\$260,907	\$260,9
	Trash Cans - Replacements					\$123,000	\$200,5
	WestStar Club Interior Upgrade				\$300,000	\$245,000	\$545,0
	Big Dog House Interior Upgrade				\$35,006	Ş <b>2-</b> 5,000	\$35,0
	Admin Office Space- Interior Upgrade				\$31,478		\$35,0
	Suites (1-24)- Interior Upgrade		\$41,232		\$31,478		\$31,4 \$41,2
	Suites Hallways 4th level- Interior Upgrade		\$42,859				\$42,8
	Umpire Locker Room- Interior Upgrade		Ş42,055		\$3,339		\$3,3
	Visitor Locker Room- Interior Upgrade		\$13,489		<i>40,000</i>		\$13,4
	Home Locker Room- Interior Upgrade		\$38,511				\$38,5
	Turf Management Equipment		\$65,195				\$65,1
	Field Tarp - Replacement		\$03,195	\$7,800			\$05,1
	Televisions - Replacement		\$94,481	\$100,000			\$194,4
	Security Cameras		<i>554,401</i>	\$100,000	\$99,829		,+er¢ \$99,8
	Production - Video Hardware & Monitor Replacement	\$177,000			255,625		\$177,0
	Production - Video Hardware & Monitor Replacement	\$177,000	\$153,000	\$75,000	\$100,000		\$328,0
	Production - Camera Replacement, Opgrade		\$155,000	\$720,000	\$100,000		\$328,0
	Production - Main Video Board Production - LED Ribbon Boards 1st and 3rd base side		\$300,000	\$720,000			\$720,0 \$300,0
	Clock Tower - Main Entry Door Replacement	\$22,519	\$500,000				\$300,0 \$22,5
		\$22,519 \$199,519	\$1,412,776	\$916,857	\$569,652	\$670,696	\$22,3 \$ <b>3,769,5</b>
		<i> </i>	<i>+=)</i> .== <i>)</i> , , , •	<i><b>4010</b>,0007</i>	<i>+++++++++++++++++++++++++++++++++++++</i>	<i>\\</i>	<i>~~,</i>
tructure							
	Concrete - Joints and Sealant Replacement		\$5,796	\$11,013			\$16,8
	Concrete - Sidewalk Replacement					\$22,693	\$22, <del>6</del>
	Repave Ballpark VIP Parking Lot			\$80,000			\$80,0
	Upper Concourse Drainage (123 & 105)	\$10,500					\$10,5
	Paint Steel Superstructure			\$25,000	\$100,000		\$125,0
	Club Level Concourse Resurfacing					\$200,000	\$200,0
	Field Level Sealant			\$31,117			\$31,1
	Building Lighting Control Replacement		\$11,000	. ,			\$11,0
		\$10,500	\$16,796	\$147,130	\$100,000	\$222,693	\$497,1
ood Service & Retail			¢00.000	¢00,000			ć100.0
	Concession Enhancements	60F 000	\$90,000	\$90,000			\$180,0
	Misc. Concession Equipment	\$25,000	¢00.000	\$25,000	ć0	ć	\$50,0
		\$25,000	\$90,000	\$115,000	\$0	\$0	\$230,0

#### Southwestern University Park Capital Expenditures Matrix -- Capital Improvement Plan

Grand Total	\$235,019	\$1,519,572	\$1,178,987	\$669,652	\$893,389	\$4,496,619

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

AGENDA DATE: Aug 31, 2021

PUBLIC HEARING DATE: Aug 31, 2021

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez, P.E., City Engineer, 212-0065

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

- **STRATEGIC GOAL:** No. 1: Create an Environment Conducive to Strong Sustainable Economic Development No. 4: Enhance El Paso's Quality of Life through Recreational, Cultural, and Educational Environments
- **SUBGOAL:** 1.3 Maximize venue efficiencies through revenue growth and control 4.3 Establish technical criteria for improved Quality of Life facilities

#### SUBJECT:

Discussion and action on a resolution approving a list of projects totaling approximately \$4,496,619, updating the document known as the "Five Year Capital Maintenance Improvement Plan for the Ballpark" for FY2021 through FY2025 and approving the use of ballpark Capital Repairs Reserve Fund and Surplus Ballpark Revenues as funding sources for the Plan and authorizing the City Manager to make all necessary transfers.

#### **BACKGROUND / DISCUSSION:**

Ballpark lease agreement references five (5) year capital maintenance plan to be submitted and approved and updated on periodic basis. The lease agreement requires that the facility be maintained at a high standard to comply with Triple A baseball requirements. The Tenant (Mountain Star Sports Group) submitted an updated plan which was approved by City Council on Jan 5, 2021. Direction was to look for alternative funding sources for the capital improvement plan for Southwest University Park and additional projects were added based on the merit of need and is requesting consideration and approval by City Council. Expenses need to be recorded fiscal year 2021 but will be reimbursed through a lease agreement clause through the fixed lease in FY 2022 as allowed in the contract.

The 5 Year CIP approved total \$4.5M. Funding has been identified at \$4.35M from Capital Repairs Reserve Fund and Surplus Ballpark Revenues. Under the agreement the 5 Year CIP can be updated on a yearly basis.Today's approval will allow us to continue with the program.

#### PRIOR COUNCIL ACTION:

- 1. Sept. 18, 2012 City Council approved an ordinance approving lease between the City and Mountain Star Sports Group
- 2. June 18, 2013 City Council approved an ordinance amending the lease between the City and Mountain Star Sports Group
- 3. February 28, 2017 City Council approved a five (5) year Capital Maintenance Plan for the Ballpark.
- 4. February 20, 2018 City Council approved an updated five (5) year Capital Maintenance Plan for the Ballpark.
- 5. January 5, 2021 City Council approved a five (5) year Capital Maintenance Plan.

#### AMOUNT AND SOURCE OF FUNDING:

Capital Repairs Reserve Fund and Surplus Ballpark Revenues as funding sources

#### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_X\_ YES \_\_\_NO

Revised 04/09/2021

#### 

**DEPARTMENT HEAD:** 

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

### 5 Year Capital Improvement Plan- amendment

Southwest University Park

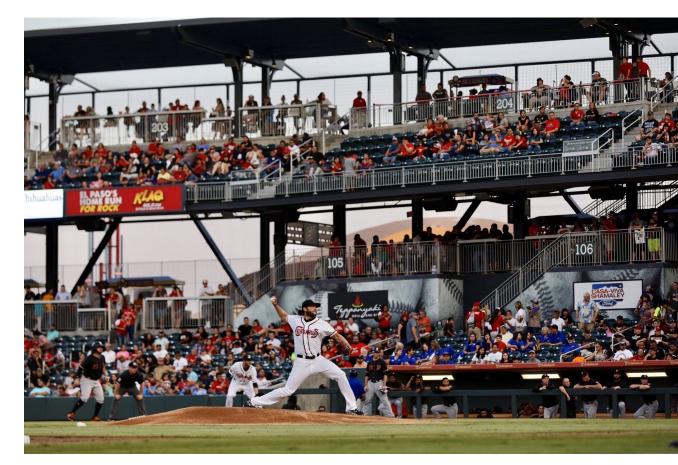
Goal 1 - Create an Environment Conducive to Strong Sustainable Economic Development

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



# **CIP Approval Process**

- The 2021-2025 (5) year Capital Improvements Plan was presented to City Council and approved with changes on Jan 5, 2021.
- Direction from Council:
  - Identify alternative funding sources for the Capital Improvement projects
- Funding Identified is \$4.35M from:
- Excess Revenue \$2.73M
- \$150,000/yr Capital Contribution (\$0.75M)







# May 2021 Refinancing Update

- April 13, 2021 Council approves Ordinance and parameters to refinance a portion of old ballpark debt
- May 11, 2021 City prices bonds and executes sale agreements
- Result:
  - Gross Debt Service Savings = **\$9,393,937**
  - True Interest Cost = 2.51%
  - Net Present Value Benefit = 35%





# May 2021 Refinancing Update

### **Debt Service Comparison**

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
08/31/2021	115,775.16	161,562.50	277,337.66	977,187.50	699,849.84
08/31/2022	622,075.50	323,125.00	945,200.50	1,954,375.00	1,009,174.50
08/31/2023	622,075.50	5,493,125.00	6,115,200.50	7,124,375.00	1,009,174.50
08/31/2024	1,187,075.50	-	1,187,075.50	1,631,250.00	444,174.50
08/31/2025	1,188,233.50	-	1,188,233.50	1,631,250.00	443,016.50
08/31/2026	1,187,704.50	-	1,187,704.50	1,631,250.00	443,545.50
08/31/2027	1,185,632.00	-	1,185,632.00	1,631,250.00	445,618.00
08/31/2028	2,591,584.00	-	2,591,584.00	3,036,250.00	444,666.00
08/31/2029	2,596,073.00	-	2,596,073.00	3,039,387.50	443,314.50
08/31/2030	2,595,780.00	-	2,595,780.00	3,039,912.50	444,132.50
08/31/2031	2,591,997.50	-	2,591,997.50	3,037,462.50	445,465.00
08/31/2032	2,590,256.00	-	2,590,256.00	3,036,675.00	446,419.00
08/31/2033	2,590,360.00	-	2,590,360.00	3,036,825.00	446,465.00
08/31/2034	2,592,099.00	-	2,592,099.00	3,037,187.50	445,088.50
08/31/2035	2,589,794.50	-	2,589,794.50	3,037,037.50	447,243.00
08/31/2036	2,593,778.50	-	2,593,778.50	3,040,650.00	446,871.50
08/31/2037	2,593,668.00	-	2,593,668.00	3,036,937.50	443,269.50
08/31/2038	2,594,088.00	-	2,594,088.00	3,040,537.50	446,449.50
Total	\$34,628,050.16	\$5,977,812.50	\$40,605,862.66	\$49,999,800.00	\$9,393,937.34





**Total Available** 

**For Capital** 

\$685,736

\$966,868

\$768,684

\$935,056

\$996,187

\$4,352,531

# **Debt Savings and Excess Ballpark Revenue**

- As a result of the savings from recent refinancing, we are projecting a surplus of dedicated project venue HOT revenues beginning in FY 2022
- Therefore, future excess revenue can be utilized for the 5 year CIP at the ballpark without General Fund subsidies

	Year	Total	Total Debt	Projected	Budgeted	<b>Capital Contribution</b>
T	ear	Revenues	Service	Surplus/(Deficit)	Subsidy	From Rent
2	2021	\$3,314,000	\$3,641,072	(\$327,072)	\$862,808	\$150,000
2	2022	\$4,134,713	\$3,317,845	\$816 <i>,</i> 868		\$150,000
2	2023	\$4,468,684	\$3,850,000	\$618,684		\$150,000
2	2024	\$4,635,056	\$3,850,000	\$785 <i>,</i> 056		\$150,000
2	2025	\$4,720,639	\$3,874,452	\$846,187		\$150,000
		\$21,273,092	\$18,533,369	\$2,739,723	\$862,808	\$750,000



## Amendment to the 5 year Capital Improvement Plan







### 5 year CIP- as approved by Council Jan 5, 2021

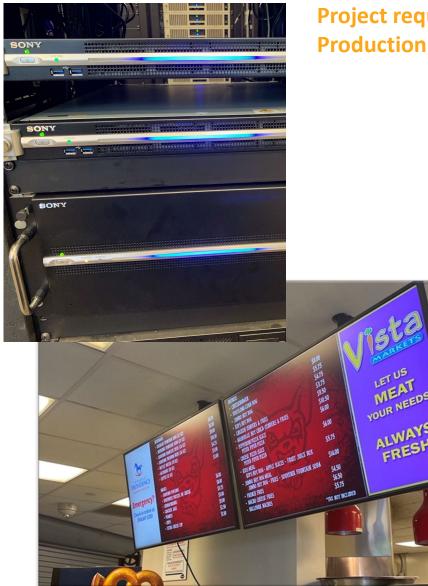
Architectural/	Interiors	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>Total Cost</u>	
	Energy savings		\$550,000				\$550,000	
	Facility upgrades		\$566,746	\$734,057	\$662,682	\$670,696	\$2,634,181	
	Safety and Security	\$22,519		\$7,800			\$30,319	
	Regulation		\$430,000	\$430,000 \$75,000			\$505,000	
		\$22,519	\$1,546,746	\$816,857	\$662,682	\$670,696	\$3,719,500	
Structure								
	Safety and Security	\$10,500	\$5,796	\$11,013		\$22,693	\$50,002	
	Facility Upgrades		\$230,000	\$56,117		\$200,000	\$486,117	
	Energy Savings		\$11,000				\$11,000	
		\$10,500	\$246,796	\$67,130	\$0	\$222,693	\$547,119	
Food Service &	& Retail							
	Facility Upgrades		\$115,000	\$115,000			\$230,000	
		\$0	\$115,000	\$115,000	\$0	\$0	\$230,000	





\$33,019 \$1,908,515 \$998,987 \$662,682 \$893,389 \$4,496,619

**Grand Total** 



### Project requested for approval for FY2021-Production hardware and Video/monitor equipment and concession board systems

These projects were moved up to FY2021 on the merit of need:

Original equipment no longer meets MLB/MiLB requirements and is functionally obsolete. New equipment meets requirements and is expected to last 7-10 years. New system is compatible with cameras over IP (will be the norm in the next 5 years),

These project expenses need to be recognized and recorded in FY2021 and will be paid out in FY2022 through a lease agreement clause (6.4) that tenant pays the costs of capital improvements and thereafter offset up to 75% of each future Fixed Rental payment up to \$150,000 per bond covenants (3.9).





### Amendment to plan- projects to be added to FY2021

Architectural	/Interiors	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	Total Cost
	Energy savings		\$550,000				\$550,000
	Facility upgrades		\$315,295	\$14,057	\$369,823	\$670 <i>,</i> 696	\$1,369,871
	Safety and Security	\$22,519		\$7,800			\$30,319
	Regulation	\$177,000	\$547,481	\$895,000	\$199,829		\$1,819,310
		\$199,519	\$1,412,776	\$916,857	\$569,652	\$670,696	\$3,769,500
Structure							
	Safety and Security	\$10,500	\$5,796	\$31,117		\$22,693	\$70,106
	Facility Upgrades			\$116,013	\$100,000	\$200,000	\$416,013
	Energy Savings		\$11,000				\$11,000
		\$10,500	\$16,796	\$147,130	\$100,000	\$222,693	\$497,119
Food Service	& Retail						
	Facility Upgrades	\$25,000	\$90,000	\$115,000			\$230,000
		\$25,000	\$90,000	\$115,000	\$0	\$0	\$230,000
Grand Total		\$235,019	\$1,519,572	\$1,178,987	\$669,652	\$893,389	\$4,496,619



# Summary



- Ballpark is a City Owned Facility.
- Under the agreement, the Ballpark will up kept as a first class facility
- Team maintains the facility
- City pays for Capital Costs
- 5 Year CIP approved total \$4.5M
- Funding Identified is \$4.35M
- 5 Year CIP can be updated on a yearly basis
- Today's approval will allow us to continue with the program.





### Questions?







### 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 #: 21-1005, Version: 1

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

#### DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

#### AGENDA LANGUAGE:

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

Discussion and action to approve the Resolution that the appropriation for personnel and essential operating supplies made during the 2020 - 2021 fiscal year shall be extended until the FY 2021-2022 Budget is adopted and expenditures may be made only in accordance with that appropriation.

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

#### AGENDA DATE: August 31, 2021 PUBLIC HEARING DATE:

CONTACT PERSON(S) NAME AND PHONE NUMBER: K. Nicole Cote, Director of OMB, (915) 212-1092

DISTRICT(S) AFFECTED: All

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

#### SUBJECT:

Discussion and action to approve the resolution that the appropriation for personnel and essential operating supplies made during the 2020 – 2021 fiscal year shall be extended until the FY 2021-2022 Budget is adopted and expenditures may be made only in accordance with that appropriation.

#### **BACKGROUND / DISCUSSION:**

The FY 2021- 2022 Budget for the City of El Paso has not been adopted for this resolution to be considered.

#### PRIOR COUNCIL ACTION:

N/A

#### AMOUNT AND SOURCE OF FUNDING:

N/A

#### HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? \_✓\_ YES \_\_\_NO

**PRIMARY DEPARTMENT:** City Manager's Office - Office of Management and Budget **SECONDARY DEPARTMENT:** All City

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

#### **RESOLUTION**

WHEREAS, the FY 2021-2022 Budget ("Budget") for the City of El Paso ("City") has not been adopted; and

WHEREAS, it is necessary to continue the operation of City government until such time as said Budget is adopted; and

**WHEREAS**, Section 7.3 D. of the El Paso City Charter requires an appropriation for personnel and essential operation supplies be made based upon the previous fiscal year budget until such time as the FY 2021-2022 Budget is adopted;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of El Paso that the appropriation for personnel and essential operating supplies made during the 2020-2021 Fiscal Year shall be extended until the FY 2021-2022 Budget is adopted and expenditures may be made only in accordance with that appropriation.

**PASSED AND APPROVED** this 31<sup>st</sup> day of August, 2021.

#### CITY OF EL PASO:

**ATTEST:** 

Oscar Leeser Mayor

Laura Prine City Clerk

**APPROVED AS TO FORM:** 

Juan S. Gonzalez

Senior Assistant City Attorney

**APPROVED AS TO CONTENT:** 

K. Nicole Cote, Director Office of Management and Budget



## 7.3 Budget Procedures

Office of Management and Budget August 31, 2021

### **City Charter** Article VIII Section 7.3 - BUDGET PROCEDURES



• Subsection D -

Adoption. The budget shall be adopted by resolution, subject to the Mayor's veto, not later than the day before the first day of the City's fiscal and budget year; but, in the event the budget is not adopted, the appropriation for personnel and essential operating supplies made in the previous year shall be extended until the new budget is adopted.





# **Examples of Impact**

- Delay in Collectively Bargained Obligations
  - Cost of Living of Adjustments for Police and Fire delayed
- Delay of the hiring process and postponement of FY 2022 funded vacancies
- Delay in Compensation increase and Equity increase
- Delay the closing our fiscal year
- Delay of the external audit
- Delay of the publication of our Comprehensive Annual Financial Report



# **Examples of Impact**

Examples Essential Operating Supplies:

- Utilities
- Fuel
- Safety related expenditures/contracts

# **Mission**

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



Integrity, Respect, Excellence, Accountability, People

# Vision

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