

Oscar Leeser
Mayor

Tommy Gonzalez
City Manager



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

AGENDA FOR THE REGULAR COUNCIL MEETING

June 22, 2022

**COUNCIL CHAMBERS, CITY HALL, 300 N. CAMPBELL AND VIRTUALLY
9:00 AM**

**THE LOCAL HEALTH AUTHORITY STRONGLY RECOMMENDS THE USE OF
MASKS IN ALL CITY FACILITIES AND INDOOR SPACES**

Teleconference phone number: 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 255-787-832#

AND

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

June 21, 2022

9:00 AM

Teleconference phone number: 1-915-213-4096

Toll free number: 1-833-664-9267

Conference ID: 707-337-420#

Notice is hereby given that an Agenda Review Meeting will be conducted on June 21, 2022 at 9:00 A.M. and a Regular Meeting of the City Council of the City of El Paso will be conducted on June 22, 2022 at 9:00 A.M. Members of the public may view the meeting via the following means:

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

Via television on City15,

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

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

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

At the prompt please enter the corresponding Conference ID:

Agenda Review, June 21, 2022 Conference ID: 707-337-420#
Regular Council Meeting, June 22, 2022 Conference ID: 255-787-832#

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>

For Call to the Public: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormPublic>

To speak on Agenda Items: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormItem>

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

Representative Peter Svarzbein

A quorum of City Council must participate in the meeting.

ROLL CALL

INVOCATION BY EL PASO POLICE CHAPLAIN ROBERT HEMPHILL, JR. PH.D.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS

El Paso Athletic Hall of Fame and El Paso Sports Commission Week

National Cancer Survivor Month

Karla Yvette Sierra Day

RECOGNITIONS BY MAYOR

Star on the Mountain Award – Sergeants Major Academy's 50th Anniversary

NOTICE TO THE PUBLIC

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

CONSENT AGENDA - APPROVAL OF MINUTES:

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

1. Approval of Minutes of the Regular City Council Meeting of June 7, 2022, the Agenda Review Meeting of June 6, 2022, the Work Session of June 6, 2022, the Special Meeting of June 6, 2022, the Work Session of May 23, 2022, the Work Session of June 6, 2020, and the March 30, 2020 Corrected Minutes. [22-743](#)

All Districts

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

CONSENT AGENDA - REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS [22-815](#)

CONSENT AGENDA - RESOLUTIONS:

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

3. That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located at the intersection of Hawkins Boulevard and Shuttle Columbia Drive, legally described as a 0.0357- acre Portion of Lot 2, Block 21, El Paso International Airport Tracts Unit 11, City of El Paso, El Paso County, Texas a subdivision recorded in Volume 71, Page 29, File No. 96028634 of the plat records of El Paso County, Texas. [22-745](#)

District 3

Airport, Sam Rodriguez, (915) 212-7300

4. That the City Manager be authorized to sign a Consent to Assignment from MARTIN BUILDING, LLC, to 204 MILLS PARTNERS, LLC, with respect to the City of El Paso's Chapter 380 Agreement for the renovation, restoration and rehabilitation of a commercial property located at 204 E. Mills, El Paso, Texas. [22-776](#)

District 8

Economic and International Development, M. Alejandra Fuentes, (915) 212-1618
Economic and International Development, Elizabeth Triggs, (915) 212-1619

5. That the City Council approves the recommendation of the Board of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2026: [22-756](#)

- James Feagin

- Brent D. Harris
- Scott Weaver

District 4

Economic and International Development, Melissa Chaidez, (915) 212-1633
Economic and International Development, Elizabeth Triggs, (915) 212-1619

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

6. That the City Manager be authorized to sign Addendum No. 1 to Collective Bargaining Agreement between the City of El Paso and El Paso Municipal Police Officers' Association relating to the implementation of the Lateral Police Officer Program.

[22-779](#)

All Districts

Police, Assistant Chief Peter Pacillas, (915) 212-4302

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

7. That the City Manager be authorized to sign a First Amendment to the On-Call Agreement for Professional Services (Appraisal Services) between the City of El Paso and CBRE, Inc., (the "Agreement") amending the term of the Agreement from two years to three years; increasing the maximum contract amount for the term from \$100,000.00 to \$300,000.00; and providing for two one-year options to extend the Agreement with each option increasing the contract amount by an additional \$100,000.00, for a total contract amount, including options, not to exceed \$500,000.00.

[22-739](#)

All Districts

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

8. A Resolution finding that the relocation of El Paso Electric poles, lines, conduits, other construction or improvements is necessary when associated with various City of El Paso projects and that, in accordance with Ordinance 16090, the City of El Paso requires El Paso Electric to change the route or position of its poles, lines, conduits or other construction at the Company's expense; authorizing the City Manager or his/her designee to sign a Letter of Resolution directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects; and authorizing and directing the City Engineer or his/her designee to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the City improvements, any adjacent property, public areas, and rights of way.

[22-767](#)

All Districts

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

CONSENT AGENDA - BOARD APPOINTMENTS:

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

9. Holt Grambling to the Tax Increment Reinvestment Zone Number Five by Mayor Oscar Leaser. [22-820](#)

Members of the City Council, Mayor Oscar Leaser, (915) 212-0021

Goal 8: Nurture and Promote a Healthy, Sustainable Community

10. Alfredo Borrego to the Community Development Steering Committee by Representative Aleksandra Annello, District 2. [22-819](#)

Members of the City Council, Representative Aleksandra Annello, (915) 212-0002

CONSENT AGENDA - APPLICATIONS FOR TAX REFUNDS:

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

11. 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) [22-750](#)

All Districts

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

CONSENT AGENDA - NOTICE OF CAMPAIGN CONTRIBUTIONS:

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

12. For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution of five hundred dollars or greater by Representative Claudia L. Rodriguez in the amount of \$2,500.00 from JP Bryan. [22-816](#)

Members of the City Council, Representative Claudia L. Rodriguez, (915) 212-0006

CONSENT AGENDA - REQUESTS TO ISSUE PURCHASE ORDERS:

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

13. The linkage to the Strategic Plan is subsection 1.4 - Grow the core business of air transportation. [22-774](#)

Award Summary:

That the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders for 2022 - 0699 Airport Advertisement at

the Chihuahuas' Stadium to MountainStar Sports Group, LLC dba El Paso Stadium Operations Company, for a term of three (3) years. The total contract estimated amount is \$386,362.50. This contract will allow the El Paso International Airport to promote initiatives, projects, or announcements at Southwest University Park.

Contract Variance:

N/A

Department: El Paso International Airport
Award to: MountainStar Sports Group, LLC dba El Paso Stadium
Operations Company
El Paso, TX
Term: Three (3) Years
Year 1: \$125,000.00
Year 2: \$128,750.00
Year 3: \$132,612.50
Total Estimated Amount: \$386,362.50
Account No.: 562-3000-62030-521170
Funding Source: Airport Operations Funds
District(s): All

This purchase is pursuant Texas Local Government Code Exemption 252.022 (16) advertising, other than legal notices.

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

All Districts

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218
Airport, Sam Rodriguez, (915) 212-1845

REGULAR AGENDA - MEMBERS OF THE CITY COUNCIL

Goal 3: Promote the Visual Image of El Paso

14. Discussion and action on a Resolution recognizing the month of June 2022 as Pride Month and accepting a donation of a Progress Pride flag from EP Sun City Pride and to have City Hall fly the Progress Pride flag every year in June in solidarity with the LGBTQIA+ Community.

[22-817](#)

All Districts

Members of the City Council, Representative Henry Rivera, (915) 212-0007
Members of the City Council, Representative Aleksandra Anello, (915) 212-0002

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

15. Discussion and action to approve a Resolution recognizing June 19, 2022 as Juneteenth Independence Day and recognizing organizations and citizens of El

[22-823](#)

Paso who celebrate this important day to our nation.

All Districts

Members of the City Council, Representative Aleksandra Anello, (915) 212-0002

16. Discussion and action approving a Resolution authorizing the use of District 1 discretionary funds in the amount of \$6,259.00, to supplement funding the Borderland Neighborhood Association's Project of purchasing and installing a security camera system for Borderland Park.

[22-825](#)

District 1

Members of the City Council, Representative Peter Svarzbein, (915) 212-1002

17. Discussion and action to direct the City Manager to designate March 31st of each year as an official City of El Paso holiday as part of continued efforts to address systemic barriers to racism and better include, celebrate, and uplift communities of color in honor of Cesar Chavez Day.

[22-826](#)

All Districts

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

REGULAR AGENDA - OPERATIONAL FOCUS UPDATES

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

18. Texas Department of Transportation (TxDOT) operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements.

[22-766](#)

All Districts

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

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: 255-787-832#

A sign-up form is available on line for those who wish to sign up in advance of the meeting at: <https://elpasotx.seamlessdocs.com/f/SpeakerSignUpFormPublic>

REGULAR AGENDA - FIRST READING OF ORDINANCES:

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

CHARTER:

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

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

Goal 3: Promote the Visual Image of El Paso

19. An Ordinance changing the zoning of a portion of Tract 9A1, 9B1, Laura E. Mundy Survey 238 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas from R-5/c (Residential/conditions) to C-2/c (Commercial/conditions) and from R-5/sp (Residential/special permit) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. [22-754](#)

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: Generally North of Transmountain Road and East of Interstate 10

Applicant: EP Transmountain Residential, LLC. PZRZ22-00009

District 1

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

Planning and Inspections, Andrew Salloum, (915) 212-1603

PUBLIC HEARING WILL BE HELD ON JULY 19, 2022

20. An Ordinance granting Special Permit No. PZST22-00004, to allow for a governmental use, building (Environmental Service Department - Citizen Collection Station) on the property described as Lot 3, Block 1, Castner Range Subdivision #1, 9135 Stahala 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. [22-755](#)

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: 9135 Stahala Drive

Applicant: City of El Paso, PZST22-00004

District 4

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

Planning and Inspections, Andrew Salloum, (915) 212-1603

PUBLIC HEARING WILL BE HELD ON JULY 19, 2022

21. An Ordinance changing the zoning of Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14, Ysleta Grant, 8100 North Loop Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[22-775](#)

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: 8100 North Loop Drive
Applicant: Ray Mancera, PZRZ22-00001

District 7

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

PUBLIC HEARING WILL BE HELD ON JULY 19, 2022

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

22. An Ordinance authorizing the City Manager to sign a Purchase and Sale Agreement, Special Warranty Deed and any other documents necessary to convey to Franklin Mountain Communities, LLC, approximately 1.73 acres of land being described as a portion of Section 20, Block 81, Township 1 and portion of Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas.

[22-758](#)

District 4

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

PUBLIC HEARING WILL BE HELD ON JULY 6, 2022

REGULAR AGENDA – OTHER BIDS, CONTRACTS, PROCUREMENTS:

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

23. This linkage to Strategic Plan is subsection 4.2 - Create innovative recreational, educational and cultural programs.

[22-771](#)

Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Sirsi Corporation dba SirsiDynix referencing Contract 2019-814 Integrated Library Services System Software. This change order is to increase the contract by \$92,018.10 for a total amount not to exceed \$998,628.23. The change order is to add the maintenance of the SirsiDynix mobile app and inclusion of eResource Central gateway services and connectors for the remainder of the contract.

Contract Variance:
No contract variance

Department: Library
Award to: Sirsi Corporation dba SirsiDynix
Lehi, UT
Total Estimated Amount: \$92,018.10
Account No.: 239-522290-1000-15240-P1506
Funding Source General Funds
District(s): All

This is a Sole Source, service contract.

All Districts

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218
Libraries, Norma Martinez, (915) 212-5822

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

- 24.** The linkage to Strategic Plan is subsection 6.2 - Implement employee benefits and services that promote financial security.

[22-772](#)

Award Summary:

Discussion and action of the award of Solicitation No. 2022-0194R Benefit Consulting Services to Gallagher Benefits Services, Inc., for an initial term of five (5) years for an estimated amount of \$738,750.00. The award also includes a three (3) year option for an estimated amount of \$443,250.00. The total contract value is, including the initial term plus options is eight (8) years, for an estimated amount of \$1,182,000.00.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$204,150.00 for the initial term, which represents a 38.19% increase due to higher hourly rates and new services added to this contract.

Department: Human Resources
Award to: Gallagher Benefits Services, Inc.
Rolling Meadows, IL
Item(s): All
Initial Term: 5 years
Option to Extend: 3 years
Annual Estimated Award: \$ 147,750.00
Initial Term Estimated Award: \$ 738,750.00 (5 years)
Option Term Estimated Award \$ 443,250.00 (3 years)
Total Estimated Award: \$1,182,000.00 (8 years)
Account No.: 209-3500-14045-521160-P1414
Funding Source Self Insurance Fund
District(s): All

This is a Request for Proposal, requirements contract.

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

All Districts

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218
Human Resources, Araceli Guerra, (915) 212-1401

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

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

[22-768](#)

Discussion and action on the award of Solicitation 2022-0508 Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements to MARTINEZ BROS. CONTRACTORS, LLC for Base Bid I: \$437,229.91, Base Bid II: \$1,182,994.67, Base Bid III: \$3,513,400.73 and Additive Alternate I: \$358,576.05 for a total estimated award of \$5,492,201.36. This project consists of arterial lighting and landscape improvements along Pebble Hills, Airport Rd. and Vista del Sol.

Department: Capital Improvement
Award to: MARTINEZ BROS. CONTRACTORS, LLC
El Paso, TX
Item(s): Base Bid I, II, III & Additive Alternate I
Initial Term: 570 Consecutive Calendar Days
Base Bid I: \$437,229.91
Base Bid II: \$1,182,994.67
Base Bid III: \$3,513,400.73
Additive Alternate I: \$358,576.05
Total Estimated Award: \$5,492,201.36
Account No.: 190 - 4745 - 28900 - 580220 - PCP20ST013
Funding Source: 2019 Capital Plan
District(s): 3,6,7

This is a Competitive Sealed Proposal, unit price contract.

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

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.

Districts 3, 6 and 7

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218
Capital Improvement Department, Yvette Hernandez, (915) 212-1860

REGULAR AGENDA – PUBLIC HEARINGS AND SECOND READING OF ORDINANCES:

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

26. An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability) to clarify the Reasonable Sensibilities Standard; Section 9.40.030 (Sound Level Violations) to clarify the maximum sound level, that sound levels apply to properties producing the noise, and the locations of sound readings; Section 9.40.040 (Vibration) to clarify that Vibration Violations can occur on any affected property; Section 9.40.070 (Penalties) to clarify that the city may seek civil action and penalties of up to \$1,000 per day; Section 9.40.080 (Enforcement) to clarify which departments have authority to enforce; the penalty as provided in Section 9.40.070 of the City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, 05-10-2022, AND 06-07-2022] [22-176](#)

All Districts

Police, Assistant Chief Peter Pacillas, (915) 212-4308

Goal 3: Promote the Visual Image of El Paso

27. An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Article I (General Provisions), Section 5.03.020 (A) and Section 5.03.020 (E) (Definitions), Article II (Permit Application Process) Section 5.03.040 (B) (3) (Permit Application Processing), Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080 (B) (5) and Section 5.03.090 (A) (2), Article IV (Permit Standards), Section 5.03.110 (A) (Permit Standards), Article VI (Violation; Penalty) Section 5.03.130 (C) Violation and adding Section 5.03.130 (E); The penalty as provided in 5.03.130 of the El Paso City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, 05-10-2022, AND 06-07-2022] [22-216](#)

All Districts

Planning and Inspections, Philip F. Etiwe, (915) 212-1553
Planning and Inspections, Tony De La Cruz, (915) 212-1589

28. An Ordinance amending the Future Land Use Map (FLUM) contained in “Plan El Paso” for the properties legally described as Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-7, Industrial and/or Railyards. [22-521](#)

Subject Property: 9879 North Loop Drive
Applicant: Hunt Eastlake Industrial, LLC. PLCP21-00004
[POSTPONED FROM 05-10-2022]

District 6

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

29. An Ordinance changing the zoning of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and 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.

[22-522](#)

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: 9879 North Loop Drive
Applicant: Hunt Eastlake Industrial, LLC, PZRZ21-00017
[POSTPONED FROM 05-10-2022]

District 6

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

30. An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

[22-523](#)

Subject Property: North of Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PLCP21-00005
[POSTPONED FROM 05-10-2022]

District 7

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

31. An Ordinance changing the zoning of Tracts 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to A-O/c (Apartment/Office/condition), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[22-524](#)

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 Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PZRZ21-00035
[POSTPONED FROM 05-10-2022]

District 7

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

- 32.** An Ordinance changing the zoning of a portion of Lot 1, Block 4, Riverside International Industrial Center, 9751 Pan American Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing). The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[22-585](#)

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: 9751 Pan American Drive
Applicant: El Paso Water, PZRZ22-00004
[POSTPONED FROM 05-24-2022]

District 7

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

- 33.** An Ordinance changing the zoning of Lot 27, Block 6, Stiles Gardens, 7249 Dale Road, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[22-657](#)

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: 7249 Dale Road
Applicant: Scott Winton, PZRZ21-00031

District 3

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

- 34.** An Ordinance changing the zoning of a portion of Tract 3A, Nellie D. Mundy Survey No. 240, an addition to the City of El Paso, El Paso County, Texas from R-3 (Residential) to A-4 (Apartment), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

[22-658](#)

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: State Highway Spur 16 and Isela Rubalcava Ave.
Applicant: Westonlane, LLC, PZRZ22-00002

District 1

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

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

35. An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to Figueroa Holdings, LLC (Figueroa), in accordance with Section 34.05 (h) of the Tax Code. This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in Ordinance Number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018 for the following described real property: Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

[22-670](#)

District 2

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

REGULAR AGENDA - OTHER BUSINESS:

Goal 3: Promote the Visual Image of El Paso

36. Discussion and action on the proposed programs and projects for inclusion as part of the Community Progress Bond.

[22-773](#)

All Districts

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

37. Discussion and action on the final draft of "Onward Alameda" Corridor Plan for Alameda Avenue (SH-20) from downtown to the east side city limit.

[22-691](#)

Districts

Capital Improvement Department, Joaquin Rodriguez, (915) 212-328-8731

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

38. Discussion and action on a Resolution to establish City of El Paso Women's Commission comprised of members from across the community, inclusive of all, not a select or limited group, focused on Women's equality and protecting their rights. [POSTPONED FROM 06-07-2022]

[22-699](#)

All Districts

City Manager's Office, Tracey Jerome, (915) 212-1783

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

39. Discussion and action on the Resolution that the City reviews and approves the

[22-736](#)

issuance of the Unlimited Tax Bonds, Series 2022 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.

All Districts

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

40. Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

[22-744](#)

All Districts

Office of Strategic Communications, Laura Cruz-Acosta, (915) 212-1071

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

41. Discussion and action on Sunglow and Lockheed Median Improvements Solicitation 2021-1339 Landscape Maintenance Agreement between the City of El Paso ("City") and the Texas Department of Transportation to maintain specified landscape improvements on the Lockheed Drive/Sunglow Way Median Improvement project, located next to US 62/180 (Montana Avenue).

[22-692](#)

District 3

Capital Improvement Department, Sam Rodriguez, (915) 212-1845
Purchasing and Strategic Sourcing, Claudia Garcia, (915) 212-1218

42. Discussion and action that the City Council approves a deductive change order in the amount of \$273,689.01 to Jordan Foster Construction, LLC for the 2018-1613R Hawkins Boulevard Reconstruction Contract. The City Manager, or designee, is authorized to execute any documents and contract amendments needed to carry out this action.

[22-764](#)

District 3

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

Goal 8: Nurture and Promote a Healthy, Sustainable Community

43. Discussion and action on a Resolution approving recommendations, as set forth in Exhibit A and Exhibit B, for the Neighborhood Improvement Program (NIP) Round 5 projects funded under the 2012 Quality of Life (QOL) bond, and Round 4 Project Adjustment/Reallocations.

[22-751](#)

All Districts

Community and Human Development, Nicole Ferrini, (915) 212-1659
Community and Human Development, Nickole Rodriguez, (915) 212-1673

EXECUTIVE SESSION

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

Representative Peter Svarzbein

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

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

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

Discussion and action on the following:

- | | | |
|-------------|--|-------------------------------|
| EX1. | Purchase, sale, exchange or value of real property located in Northeast El Paso, Texas. Matter No. 21-1004-1393 (551.072)

Economic and International Development, Elizabeth Triggs, (915) 212-0094 | <u>22-807</u> |
| EX2. | Max Grossman Lawsuit v. City of El Paso; Texas Supreme Court, Case No. 21-1105. Matter No. 17-1001-171.001 (551.071)

City Attorney's Office, Karla M. Nieman, (915) 212-0033 | <u>22-829</u> |
| EX3. | Daniel Tovar v. City of El Paso Cause No.:2019DCV1249. Matter No. 19-1005-1751 (551.071)

City Attorney's Office, Michael K. Lasley, (915) 212-0033 | <u>22-799</u> |
| EX4. | TGS Annual Gas Reliability Infrastructure Program ("GRIP") Application for Annual Interim Rate Adjustment - RRC #00008972. Matter No. 22-1008-189 (551.071)

City Attorney's Office, Donald Davie, (915) 212-0033 | <u>22-801</u> |
| EX5. | Discussion regarding the value and purchase/sale of real property managed by the El Paso Water Utilities located in Central/East El Paso, Texas. Matter No. 21-1009-1122 (551.072)

Capital Improvement Department, Samuel Rodriguez, (915) 212-0065 | <u>22-822</u> |
| EX6. | Purchase, sale or value of real property located in West El Paso. Matter No. 20-1004-1140 (551.072) | <u>22-808</u> |

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

- EX7.** Purchase, lease, exchange of real property located near East El Paso, Texas. [22-810](#)
Matter No. 22-1004-1384 (551.072)

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

- EX8.** Purchase, lease, exchange of real property located in East El Paso, Texas. [22-811](#)
Matter No. 22-1004-1370 (551.072)

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

- EX9** Economic Incentives for a Technology Firm to be located in the City of El Paso. [22-806](#)
Matter No. 22-1007-2887 (551.087)

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

ADJOURN

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. If you need Spanish Interpreter Services, you must email CityClerk@elpasotexas.gov at least 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/>



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-743, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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 June 7, 2022, the Agenda Review Meeting of June 6, 2022, the Work Session of June 6, 2022, the Special Meeting of June 6, 2022, the Work Session of May 23, 2022, the Work Session of June 6, 2020, and the March 30, 2020 Corrected Minutes.

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

**AGENDA REVIEW MINUTES
COUNCIL CHAMBERS AND VIRTUALLY
CITY HALL, 300 N. CAMPBELL
June 6, 2022
9:00 A.M.**

.....
The City Council met at the above place and date. Meeting was called to order at 9:48 a.m. Mayor Leeser present and presiding. The following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Late arrival: Claudia Rodriguez joined virtually at 9:54 a.m.

The agenda items for the June 7, 2022 Regular City Council and Mass Transit Board Meetings were reviewed.

.....
3. CONSENT AGENDA – RESOLUTIONS

A Resolution that the City Manager be authorized to sign the 1st Amendment to the Chapter 380 Economic Development Program Agreement ("Agreement") between the CITY OF EL PASO and FLYZONE, LLC, to decrease the maximum, aggregated Grant payments due to the Applicant over the Term of the Agreement by 5 percent (from \$162,863 to \$154,720) as consideration for an approximate 5 percent reduction in the Minimum Investment required to be incurred by the Applicant (from \$12,414,000 to \$11,763,573).

Ms. Jessica Cordova, Economic Development Contract Compliance Coordinator, commented.

Representative Lizarraga commented.

.....
5. CONSENT AGENDA – RESOLUTIONS

Approve a Resolution that the City Manager is hereby authorized to sign a temporary Alcohol Sales in Memorial Park Reserve for the 2022 Art in the Park Event. Further, that the City Manager and/or the Managing Director of Cultural Affairs and Recreation be authorized to sign any certification reports and amendments related to this agreement, including amendments that change the certification amount if needed.

Representative Svarzbein questioned the following City staff members:

- Mr. Ben Fyffe, Managing Director of Cultural Affairs and Recreation
- Ms. Kristen Hamilton-Karam, Senior Assistant City Attorney

.....
10. CONSENT AGENDA – RESOLUTIONS

That the City Manager be authorized to sign an Agreement between the CITY OF EL PASO and the EL PASO COMMUNITY FOUNDATION ("EPCF") to coordinate with the Shelter to promote programming initiatives, projects, and provide a not-for-profit vehicle for gifts from private and other donors for the benefit of the Shelter for a term of five (5) years and shall automatically renew for successive additional one (1) year periods.

Representative Annello questioned the following City staff members:

- Mr. Terry Kebschull, Animal Services Director
- Mr. Tommy Gonzalez, City Manager

Ms. Lisa Turner, citizen, commented.

.....
23. REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

Discussion and action following a presentation by Moms on Board (MOB) regarding their requests for the Parks and Recreation Department to provide additional all-abilities playgrounds, shade structures, restrooms, and other family-friendly amenities.

Mr. Tommy Gonzalez, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

.....
24. REGULAR AGENDA – MEMBERS OF THE CITY COUNCIL

Discussion and action formalizing the names of the City of El Paso Open Space Preserves to read “Lost Dog” and “Knapp Land Nature Preserve”.

Representative Annello commented.

.....
26. REGULAR AGENDA – OPERATIONAL FOCUS UPDATES

Council briefing from the Bond Overview Advisory Committee (BOAC).

Ms. Yvette Hernandez, Capital Improvement Grant Funded Programs Director, commented.

Ms. Lisa Turner, citizen, commented.

.....
30. REGULAR AGENDA – FIRST READING OF ORDINANCES

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to Figueroa Holdings, LLC (Figueroa), in accordance with Section 34.05 (h) of the Tax Code. This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in Ordinance Number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property’s legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018 for the following described real property: Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

Representative Lizarraga questioned the following City staff member:

- Ms. Maria Pasillas, Tax Assessor Collector

ITEMS 34 AND 35 WERE REVIEWED TOGETHER

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

An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability) to clarify the Reasonable Sensibilities Standard; Section 9.40.030 (Sound Level Violations) to clarify the maximum sound level, that sound levels apply to properties producing the noise, and the locations of sound readings; Section 9.40.040 (Vibration) to clarify that Vibration Violations can occur on any affected property; Section 9.40.070 (Penalties) to clarify that the city may seek civil action and penalties of up to \$1,000 per day; Section 9.40.080 (Enforcement) to clarify which departments have authority to enforce; the penalty as provided in Section 9.40.070 of the City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, AND 05-10-2022]

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

An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Article I (General Provisions), Section 5.03.020 (A) and Section 5.03.020 (E) (Definitions), Article II (Permit Application Process) Section 5.03.040 (B) (3) (Permit Application Processing), Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080 (B) (5) and Section 5.03.090 (A) (2), Article IV (Permit Standards), Section 5.03.110 (A) (Permit Standards), Article VI (Violation; Penalty) Section 5.03.130 (C) Violation and adding Section 5.03.130 (E); The penalty as provided in 5.03.130 of the El Paso City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, AND 05-10-2022]

Representative Svarzbein commented.

Assistant Police Chief Peter Pacillas commented.

38. REGULAR AGENDA – OTHER BUSINESS

Discussion and action on a Resolution to establish City of El Paso Women's Commission comprised of members from across the community, inclusive of all, not a select or limited group, focused on Women's equality and protecting their rights.

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

Ms. Lisa Turner, citizen, commented.

EX1. EXECUTIVE SESSION

City Attorney and City Manager annual performance evaluations. Matter No. 21-1043-688 (551.071) (551.074)

Ms. Lisa Turner, citizen, commented.

Motion made by Representative Rivera, seconded by Representative Hernandez, and unanimously carried to **ADJOURN** this meeting at 10:15 a.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

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

**SPECIAL CITY COUNCIL MEETING MINUTES
CITY HALL, 300 N. CAMPBELL
COUNCIL CHAMBERS AND VIRTUAL
June 6, 2022
8:00 AM**

.....

The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 8:00 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Cassandra Hernandez, Joe Molinar, Isabel Salcido, Henry Rivera, and Cissy Lizarraga. Late arrival: Peter Svarzbein at 8:03 a.m. and Alexandra Annello at 8:04. Claudia Rodriguez joined virtually.

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AGENDA

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- 1. Discussion and action to override the Mayor's veto of the returned May 23rd motion of City Council authorizing the First Amendment to the Amended and Restated Employment Agreement between the City of El Paso and Tomas Gonzalez which lists the amended terms.**

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

Mr. Tommy Gonzalez, City Manager, commented.

The following members of the public commented:

1. Joe Wardy
2. Raymond Palacios
3. Arthur Westbrook – read statement from YWCA CEO Sylvia Acosta into the record
4. Dan Olivas – read Cecy Acosta's statement from Comunidad En Accion into the record
5. Brian Kennedy
6. Joseph Pickett
7. Rick Bonart
8. Kenneth Bell
9. Andrea Ramirez
10. Lilly Limon – City Clerk Laura Prine read Ms. Limon's statement from Paso Del Norte Tejano Democrats into the record.
11. Christian Marquardt
12. Lisa Turner
13. Dora Oaxaca
14. Isela Castanon-Williams

15. Patrick Hernandez- Cigarruista
16. Fainot Pierre – City Clerk Laura Prine read statement into the record
17. Josh Simmons
18. Emma Acosta
19. Elizabeth Reed - City Clerk Laura Prine read statement into the record

The meeting was **RECESSED** at 9:35 a.m. and **RECONVENED** at 9:44 a.m. to address technical difficulties with Representative Rodriguez’s virtual participation.

The meeting was **RECESSED** at 9:48 a.m. in order to convene the Agenda Review Meeting while technical difficulties with Representative Rodriguez’s virtual participation was addressed.

The meeting was **RECONVENED** at 10:15 a.m.

Motion made by Representative Hernandez, seconded by Representative Rivera, and carried to **APPROVE** the override of the Mayor’s veto.

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

NAYS: Representatives Annello and Molinar

.....
ADJOURN

Motion made by Representative Hernandez, seconded by Representative Rivera and unanimously carried to **ADJOURN** the meeting at 10:17 a.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

DEE MARGO
MAYOR

TOMMY GONZALEZ
CITY MANAGER



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

****CORRECTED****
CITY COUNCIL WORK SESSION MINUTES
March 30, 2020
9:05 AM

.....

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

.....

The City Council met at the above time and date. Meeting was called to order at 10:33 a.m. Mayor Dee Margo present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Annello, Sam Morgan, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga. Cassandra Hernandez joined the meeting at 10:36 a.m.

The Work Session was recessed at 4:13 p.m. on March 30, 2020 and reconvened on Tuesday, March 31, 2020 at 11:03 a.m. with all Council members present.

AGENDA

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1.

R E S O L U T I O N

WHEREAS, pursuant to Section 7.3 of the City of El Paso municipal code, the City Council approved the FY 2020 City budget by resolution ("Budget Resolution"); and

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

WHEREAS, on March 17, 2020, the City Council of El Paso adopted and Emergency Ordinance extending the City's state of disaster and instituting emergency measures due to a public health emergency; and

WHEREAS, on March 24, 2020, the Mayor of the City of El Paso issued a Local Emergency Directive for all individuals residing in the City of El Paso to stay at home or at their place of residence; and

WHEREAS, the City desires to amend the FY2020 Budget Resolution to allow

the City to reallocate funds as necessary to respond to the financial impacts of the COVID-19 emergency;

WHEREAS, paragraph 5 of the Budget Resolution authorizes the City Manager or his designee to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department, not to exceed \$50,000, to the extent permitted by law. City Council approval is required for budget transfers exceeding \$50,000.00; and

WHEREAS, the City desires to amend paragraph to amend the requirement of City Council approval of budget transfers between departments and/or non-enterprise department funds exceeding \$50,000.00 until June 9, 2020; and

WHEREAS, paragraph 61 of the Budget Resolution allocates \$6,600,000.00 of the environmental service franchise fee funds for residential street maintenance; and

WHEREAS, the City desires to amend paragraph 61 of the Budget Resolution to amend the appropriations of the \$6,600,000.00 of the environmental service franchise fee funds for residential street maintenance to the City's Budget Stabilization fund.

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

1. That paragraph 5 of the FY2020 of the Budget Resolution is amended as follows:
 5. That the City Manager or his/her designee is hereby authorized to make budget transfers between departments and/or non-enterprise funds or reprogram funds within an enterprise department until June 9, 2020.
2. That paragraph 61 of the FY2020 of the Budget Resolution is amended as follows:
 61. That the environmental service franchise fee will be used as follows:
 - \$6,600,000 for the Budget Stabilization fund.
 - \$2,700,000 for the purchase and acquisition of Fire Department replacement vehicles.
 - \$1,300.000 for Police Department major capital equipment.

The following City staff members presented a PowerPoint presentation briefing and answering Council members' questions.

1. Tommy Gonzalez, City Manager
2. Robert Cortinas, Chief Financial Officer
3. Sam Rodriguez, City Engineer
4. Fire Chief Mario D'Agostino
5. Ms. Monica Lombraña, Chief Transportation Officer
6. Mr. Cary Westin, Senior Deputy City Manager
7. Ms. Nicole Ferrini, Community and Human Development Director
8. Ms. Jessica Herrera, Economic and International Development Director

9. Ms. Araceli Guerra, Information Technology Services Director

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

The following members of the public commented:

1. Mr. Richard Dayoub
2. Ms. Kathleen Staudt
3. Mr. Fainot Pierre
4. Ms. Carmen Rodriguez
5. Mr. Max Grossman
6. Mr. JP Bryan
7. Mr. Rick Seeberger
8. Mr. Jud Burgess
9. Mr. Luis Ruiz
10. Mr. James R. Peinado
11. Mr. Octavio Macias
12. Ms. Jennifer Caballero
13. Ms. Romelia Mendoza
14. Mr. Tom Laign
15. Ms. Wally Haley
16. Mr. John Hogan
17. Mr. Nicholas Vasquez
18. Mr. Jamal Lesarge
19. Ms. Susan Goodell
20. Mr. Carlos Gonzalez Rivera

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and unanimously carried to **AMEND** the Resolution to add the words “until June 9, of 2020” to the end of paragraph 5.

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

NAYS: None

2ND MOTION

Motion made by Representative Hernandez, seconded by Representative Annello, and carried to **AMEND** the Resolution to replace “General Fund” with “Budget Stabilization Fund” on paragraph 61, related to the \$6.6 million.

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

NAYS: Representative Lizarraga

3RD MOTION

Motion made by Representative Annello, seconded by Representative Lizarraga, and unanimously carried to **APPROVE** Item 1 of the Resolution as amended.

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

4TH MOTION

Motion made by Representative Annello, seconded by Representative Salcido, and carried to **APPROVE** Item 2 of the Resolution as amended.

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

5TH MOTION

Motion made by Representative Annello, seconded by Representative Hernandez, and unanimously carried to **RECONSIDER** Item 2 of the Resolution.

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

6TH AND FINAL MOTION

Motion made by Representative Rivera, seconded by Representative Svarzbein, and carried to **APPROVE** item 2 of the Resolution as previously amended.

AYES: Mayor Margo and Representatives Svarzbein, Hernandez, Morgan, and Rivera
NAYS: Representatives Annello, Salcido, Rodriguez, and Lizarraga
Mayor Margo broke the tie by voting "Aye"

2.

R E S O L U T I O N

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

That the City Manager be authorized to sign a Chapter 380 Economic Development Program Agreement in a form substantially similar to the attached document by and between CITY OF EL PASO, a Texas home rule municipal corporation, and LIFTFUND, a non-profit organization, in support of the creation and administration of a small business emergency relief program to provide small business loans and grants to eligible businesses within the City of El Paso affected by the COVID-19 pandemic.

Ms. Jessica Herrera, Economic and International Development Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Representatives Svarzbein, Annello, Hernandez, Salcido, and Lizarraga commented.

The following City staff members commented:

1. Mr. Tommy Gonzalez, City Manager
2. Ms. Karla Nieman, City Attorney

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

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

NAYS: None

ITEMS 3 AND 4 WERE TAKEN TOGETHER

3. Discussion and action on a Resolution to establish an Ad Hoc Charter Advisory Committee.

4. Discussion and action on proposed amendments to the City Charter through a November 2020 Charter Election.

Mayor Margo and Representatives Svarzbein, Annello, Hernandez, Morgan, Rivera, and Lizarraga commented.

Ms. Karla Nieman, City Attorney, commented.

Motion made by Alternate Mayor Pro Tempore Lizarraga, seconded by Representative Annello, and carried to **DELETE** Items 3 and 4.

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

NAYS: Representative Svarzbein

-
5. Quarterly presentation on active and completed capital projects for all CIP programs.

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and briefed Council on expenditures and employment related to the capital projects, project developments, and Quality of Life projects.

Representative Annello commented.

Ms. Laura Cruz-Acosta, Strategic Communications Director, commented.

NO ACTION was taken on this item.

-
6. Presentation and discussion on The Power of our Strategic Plan: El Paso Transformational Results with a report by the following department:

-Environmental Services

Ms. Ellen Smyth, Environmental Services Director, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and updated Council on process improvements in the area of code enforcement, solid waste, property clean ups, the installation of new software on collection trucks and savings through mobile apps.

Representatives Svarzbein, Annello, Rivera, and Lizarraga commented.

Mr. Sam Rodriguez, City Engineer, commented.

NO ACTION was taken on this item.

7. Presentation and discussion on the Strategic Plan Goal Team Reports for the following:

Goal 7 (Infrastructure)

Mr. Sam Rodriguez, City Engineer, presented a PowerPoint presentation (copy on file in the City Clerk's Office) and updated Council on continuous project improvements, key accomplishments, key performance indicators, deliverables, and opportunities and challenges.

Mr. Tommy Gonzalez, City Manager, commented.

NO ACTION was taken on this item.

EXECUTIVE SESSION

Members of City Council were present via video conference.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 12:48 p.m. on Tuesday, March 31, 2020 pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Morgan, and carried to adjourn the Executive Session at 1:31 p.m. on Tuesday, March 31, 2020 and **RECONVENE** the Work Session of the City Council.

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

NAYS: None

- EX1.** Ex Parte: City of El Paso; Supreme Court of Texas, Case #19-0022; Matter No. 17-1001-171.002 (551.071)

NO ACTION was taken on this item.

- EX2.** Max Grossman v. City of El Paso; 8th Court of Appeals, Case #08-19-00272-CV; Matter No. 17-1001-171.001.001 (551.071)

NO ACTION was taken on this item.

EX3. Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **APPROVE** the following:

1. That the rate adjustment identified in the Interim Rate Adjustment filed by Texas Gas Service Company, a division of ONE Gas, Inc., on March 12, 2020, be and is hereby suspended for 45 days after the effective date specified in the filing.
2. That Texas Gas Service Company is hereby ordered to file with the City Clerk and Office of the City Attorney on or before April 15, 2020 complete working papers supporting all of its claimed cost of the investment in service for gas utility services as needed by the City's attorneys and consultants to conduct its analysis and make recommendations to the Council, including change in return on net investment, change in depreciation expense, change in ad valorem tax and change in federal income taxes to support the Company's request for an Interim Rate Increase.
3. That the City Manager shall so notify Texas Gas Service Company of the suspension and the order to submit working papers by having a copy of this Motion delivered or mailed to Texas Gas Service Company.
4. That the City Attorney is authorized to engage outside counsel to represent the City on this matter and the City Manager be authorized to engage consultants to evaluate the filing.

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

NAYS: None

.....
ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Annello, and unanimously carried to **ADJOURN** the Work Session of March 30, 2020 at 1:33 p.m. on Tuesday, March 31, 2020.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk

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

CITY COUNCIL WORK SESSION MINUTES
May 23, 2022
COUNCIL CHAMBERS, CITY HALL AND VIRTUALLY
9:05 AM

.....
The City Council of the City of El Paso met at the above place and date. Meeting was called to order at 9:19 a.m. Mayor Oscar Leeser was present and presiding and the following Council Members answered roll call: Peter Svarzbein, Alexsandra Anello, Cassandra Hernandez, Joe Molinar, Isabel Salcido, Claudia Rodriguez, Henry Rivera, and Cissy Lizarraga.
.....

AGENDA

.....
1. Discussion and action on an Emergency Ordinance of the City of El Paso, Texas extending a Disaster Declaration due to a humanitarian, security, and economic crisis resulting from a mass migration through El Paso.

Chief Mario D'Agostino, Deputy City Manager of Public Safety, introduced the item.

Assistant Fire Chief Jorge Rodriguez, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Mayor Leeser and Representatives Svarzbein, Anello, Molinar, and Rodriguez commented.

Ms. Karla Nieman, City Attorney, provided legal advice.

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Salcido, and carried to **DIRECT** staff to call an Urgent Public Necessity (UPN) meeting to enact a local Emergency Ordinance at 2:00 p.m. today, May 23, 2022.

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

NAYS: Representative Rodriguez

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

1. Overview (Tommy Gonzalez)

Ms. Tracey Jerome, Senior Deputy City Manager, began the presentation by explaining that although the number of new cases remained low, the current cases were four times greater than the number of cases reported at the beginning of the month. She said the positivity rate was at 26.9%, also four times higher than the percentage at the beginning of the month adding that hospitalizations had risen by 76%. Ms. Jerome encouraged the community to seek testing if experiencing

symptoms and said the Centers for Disease Control and Prevention (CDC) reported that vaccinations and boosters had shown positive results against serious illness and death following the Omicron variant surge. She ended the overview by providing vaccination rates and highlighting the importance of getting vaccinated against COVID-19.

2. City Attorney Overview (Karla Nieman)

- a) State Disaster Declaration
- b) Emergency Ordinances
- c) Greg Abbott, in his official capacity as Governor of Texas v. City of El Paso and Statewide Mask Mandate Litigation
- d) Additional Updates

Ms. Karla Nieman, City Attorney, continued the presentation by saying the Governor had extended the State's Disaster Declaration on May 22, 2022 and expressed the need to extend local emergency ordinances. She reported that she did not have an update related to the City of El Paso's Statewide Mask Mandate Litigation and explained that the Louisiana Court granted an extension of the Temporary Restraining Order to keep Title 42 in place. She ended her overview by providing statistical information related to COVID-19 cases filed in the Municipal Courts.

3. Team Lead Report:

- a) Health Focus (Hector Ocaranza, M.D.)

Dr. Hector Ocaranza, Public Health Authority, reported that the community level remained low while stating that vaccination was still the best protection against COVID-19. He said the number of pediatric cases were expected to decline with the upcoming school break. Dr. Ocaranza explained that boosters had been approved for children as young as 5 years of age and provided the hours of operation for the City's vaccination sites. He ended his report by illustrating charts indicating trends in hospitalizations and vaccinations for the last twelve months.

4. City Manager Wrap-up (Tommy Gonzalez)

Ms. Tracey Jerome, Senior Deputy City Manager, wrapped up the presentation by once again reminding the public to seek testing if not feeling well and to obtain vaccinations against the virus.

Representative Molinar commented.

NO ACTION was taken on this item.

3.

ORDINANCE NO. 019330

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

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

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

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

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

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

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035 monthly, with the most recent re-enactment taking place on April 25, 2022; and

WHEREAS, as of May 12, 2022, the number of COVID-19 active cases in El Paso is over 583; and

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

WHEREAS, Emergency Ordinance No. 019322 which re-enacts Emergency Ordinance No. 019035 is set to expire on May 26, 2022;

WHEREAS, the condition necessitating a declaration of a state of disaster continues to exist.

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

1. That the state of disaster proclaimed for the City of El Paso by the Mayor on March 13, 2020, and extended by Emergency Ordinance No. 019035, is hereby re-enacted and shall continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by City Council, whichever is sooner.
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10

Motion made by Representative Rivera, seconded by Representative Molinar and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

.....
4. **ORDINANCE NO. 019331**

**AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019036
INSTITUTING EMERGENCY MEASURES, AS RE-ENACTED, RESTATED AND
AMENDED BY EMERGENCY ORDINANCE NO. 019151; AND FURTHER RE-ENACTED
AND AMENDED BY EMERGENCY ORDINANCE NOS. 019156, 019169, 019191 and
019284; PENALTY AS PROVIDED IN SECTION 8**

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

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

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

WHEREAS, since March 2020, City Council has re-enacted Emergency Ordinance No. 019036 monthly, with the most recent re-enactment, re-statement and amendment taking place on March 16, 2021, and with the most recent re-enactment taking place on April 25, 2022; and

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

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

WHEREAS, the City Council desires to re-enact Emergency Ordinance No. 019036, as re-enacted, restated and amended on March 16, 2021 through Emergency Ordinance No. 019151, as further re-enacted and amended on March 29, 2021 through Emergency Ordinance No. 019156, as further re-enacted and amended on April 26, 2021 through Emergency Ordinance No. 019169, as further re-enacted and amended on May 24, 2021 through Emergency Ordinance No. 019191, as further re-enacted and amended on January 31, 2022 through Emergency Ordinance No. 019284, which shall remain in effect for thirty days or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and as further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, is hereby re-enacted.
2. Emergency Ordinance No. 019036, as re-enacted, restated and amended by Emergency Ordinance No. 019151, and further re-enacted and amended by Emergency Ordinance Nos. 019156, 019169, 019191, and 019284, penalty as provided in Section 8, shall remain in full force and effect and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner

3. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor, pursuant to City Charter Section 3.10.

Motion made by Representative Rivera, seconded by Representative Molinar and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leaser consented to the adoption of the Emergency Ordinance.

5. **ORDINANCE NO. 019332**

**AN EMERGENCY ORDINANCE RE-ENACTING EMERGENCY ORDINANCE NO. 019241;
ALLOWING TEMPORARY USES ON THE PUBLIC RIGHT OF WAY AND PRIVATE
PROPERTY BY SUSPENDING VARIOUS CITY ORDINANCES; PENALTY AS PROVIDED
IN SECTION 6**

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

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

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

WHEREAS, since March 2020, El Paso City Council has re-enacted Emergency Ordinance No. 019035, with the most recent re-enactment taking place on April 25, 2022; and

WHEREAS, Governor Abbott has similarly renewed the State's COVID- 19 Disaster Declaration, with the most recent extension taking place on April 22, 2022; and

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

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

WHEREAS, on October 11, 2021, City Council enacted an Emergency Ordinance Instituting Emergency Measures to Allow Temporary Uses on the Public Right of Way and Private Property by Suspending Various City Ordinances ("Emergency Ordinance No. 019241"); and

WHEREAS, pursuant to City Charter Section 3.10, every emergency ordinance shall

stand repealed automatically as of the 31st day following the date on which it was adopted, but may be re-enacted if the emergency still exists; and

WHEREAS, City Council re-enacted Emergency Ordinance No. 019241, with the most recent re-enaction taking place on April 25, 2022 (Ord. No. 019313) ("Re-enacting Ordinance"); and

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

WHEREAS, City Council desires to re-enact its October 11, 2021, Emergency Ordinance No. 019241, which shall take effect immediately, and remain in effect until June 22, 2022 or until otherwise terminated, re-enacted, or superseded by a conflicting El Paso Local Health Authority order, or state or federal law or order.

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

1. That Emergency Ordinance No. 019241, is re-enacted and shall remain in full force and continue for thirty (30) days unless re-enacted in accordance with City Charter Section 3.10 or until terminated by the City Council, whichever is sooner;
2. This ordinance is adopted as an emergency measure with the unanimous vote of the City Council Representatives present and the consent of the Mayor and pursuant to City Charter Section 3.10.

Motion made by Representative Rivera, seconded by Representative Molinar and unanimously carried to **ADOPT** the Emergency Ordinance.

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

NAYS: None

Mayor Leeser consented to the adoption of the Emergency Ordinance.

-
- 6. Discussion and action to override the Mayor's Veto of the May 16, 2022 motion of City Council authorizing the First Amendment to the Amended and Restated Employment Agreement between the City of El Paso and Tomas Gonzalez, which lists the amended terms.**

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

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:02 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.074 PERSONNEL MATTERS

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

NAYS: Representative Annello, Molinar, and Rodriguez

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 1:46 p.m. and **RECONVENE** the meeting of the City Council.

3RD AND FINAL MOTION

Motion made by Representative Hernandez, seconded by Representative Rodriguez and carried to **DELETE** the item.

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

NAYS: Representative Svarzbein

7. Ad Hoc Charter Advisory Committee Update.

Ms. Yolanda Giner, Committee Chair, presented a PowerPoint presentation (copy on file in the City Clerk's Office).

Ms. Laura Cruz-Acosta, Strategic Communications Director, commented.

Mayor Leeser and Representative Annello commented.

Ms. Dora Oaxaca, citizen, commented.

NO ACTION was taken on this item.

The meeting was **RECESSED** at **2:01 P.M.** and **RECONVENED** at **2:37 P.M.** in order to convene the UPN meeting.

8. Discussion and action to review and amend the employment agreement for the City Attorney in alignment with the City's Strategic Plan goal of setting the standard for sound governance and fiscal management.

1ST MOTION

Motion made by Representative Annello, seconded by Representative Rivera, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:16 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

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

NAYS: None

2ND MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** the Executive Session at 4:49 p.m. and **RECONVENE** the meeting of the City Council.

NO FURTHER ACTION was taken on this item.

9. Discussion and action to review and amend the employment agreement for City Manager in alignment with the City's Strategic Plan Goal of Setting the Standard for Sound Governance and Fiscal Management.

1ST MOTION

Motion made by Representative Hernandez, seconded by Representative Lizarraga, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:02 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

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

NAYS: Representative Annello, Molinar, and Rodriguez

2ND MOTION

Motion made by Representative Rivera, seconded by Representative Molinar, and unanimously carried to **ADJOURN** the Executive Session at 1:46 p.m. and **RECONVENE** the meeting of the City Council.

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

Ms. Karla Nieman, City Attorney, provided legal advice.

Ms. Dora Oaxaca, citizen, commented.

3RD AND FINAL MOTION

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Hernandez, and carried that the Mayor is authorized to execute the First Amendment to the Amended and Restated Employment Agreement between the City of El Paso and Tomas Gonzalez, dated effective December 11, 2018, to include the following terms:

1. That the Amended and Restated Employment Agreement be extended until June 22, 2029; and
2. That the City will pay or reimburse any reasonable and necessary legal costs and expenses incurred by the City Manager in discussions related to a First Amendment to the Amended and Restated Employment Agreement.

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

NAYS: Representatives Annello and Molinar

EXECUTIVE SESSION

Motion made by Representative Annello, seconded by Representative Rivera, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 3:16 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.089 to

discuss the executive session items:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.074 PERSONNEL MATTERS

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

NAYS: None

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga, and unanimously carried to **ADJOURN** the Executive Session at 4:49 p.m. and **RECONVENE** the meeting of the City Council.

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

NAYS: None

.....
EX1. City Attorney and City Manager annual performance evaluations.

Matter No. 21-1043-688 (551.071) (551.074)

NO ACTION was taken on this item.

.....
ADJOURN

Motion made by Mayor Pro Tempore Svarzbein, seconded by Representative Lizarraga and unanimously carried to **ADJOURN** the meeting at 4:50 p.m.

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

NAYS: None

.....
APPROVED AS TO CONTENT:

Laura D. Prine, City Clerk



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-815, Version: 1

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

AGENDA LANGUAGE:

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

REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS



Legislation Text

File #: 22-745, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 3

Airport, Sam Rodriguez, (915) 212-7300

AGENDA LANGUAGE:

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

That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located at the intersection of Hawkins Boulevard and Shuttle Columbia Drive, legally described as a 0.0357-acre Portion of Lot 2, Block 21, El Paso International Airport Tracts Unit 11, City of El Paso, El Paso County, Texas a subdivision recorded in Volume 71, Page 29, File No. 96028634 of the plat records of El Paso County, Texas.

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez, P.E., CM, Director of Aviation
915-212-7301

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL:

SUBJECT:

That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located at the intersection of Hawkins Boulevard and Shuttle Columbia Drive, legally described as a 0.0357-acre Portion of Lot 2, Block 21, El Paso International Airport Tracts Unit 11, City of El Paso, El Paso County, Texas a subdivision recorded in Volume 71, Page 29, File No. 96028634 of the plat records of El Paso County, Texas.

BACKGROUND / DISCUSSION:

The easement is needed to provide electric service to the facility.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Aviation

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:

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

RESOLUTION

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

That the City Manager, or designee, be authorized to sign an Underground Electrical and Transformer Pad Easement, granting an easement to the El Paso Electric Company to provide electrical power to property located at the intersection of Hawkins Boulevard and Shuttle Columbia Drive, legally described as a 0.0357-acre Portion of Lot 2, Block 21, El Paso International Airport Tracts Unit 11, City of El Paso, El Paso County, Texas a subdivision recorded in Volume 71, Page 29, File No. 96028634 of the plat records of El Paso County, Texas.

APPROVED THIS _____ DAY OF _____, 2022.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodriguez, P.E., Director
Department of Aviation

THE STATE OF TEXAS	§	
	§	UNDERGROUND ELECTRICAL AND
COUNTY OF EL PASO	§	TRANSFORMER PAD EASEMENT

For and in consideration of the sum of One Dollar and No/100 (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the City of El Paso (Grantor) grants unto El Paso Electric Company (Grantee), its successors and assigns, the right and privilege to enter and erect, relocate, construct, operate, remove, inspect, access, and maintain an underground electric system consisting of transformers (conventional or pad mount), ducts, conduits, fixtures, manholes, handholes, vaults, and any other usual appurtenances pertaining thereto, and underground crossings with all necessary cables, lines, conduit, wires pertaining thereto, with the right of access, ingress, and egress, thereto for the installation, construction, operation, inspection, repair, maintenance, replacement, renewal or removal thereof, for the distribution of electricity, for any and all purposes for which same is or may hereafter be used, over or under, upon, and along the areas identified in Exhibit "A" attached hereto and incorporated herein for all purposes, said areas being in the following described premises in El Paso, El Paso County, Texas, to wit:

A portion of LOT 2, BLOCK 21, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 11, EL PASO COUNTY, TEXAS

The easement is as depicted in Exhibit "A" and Exhibit "B"

With the right to trim any trees and flora around said electrical facilities so as to keep the electrical facilities cleared and to do anything proper and necessary to operate and maintain same.

This easement shall be for the term of Grantee's franchise and any extension and renewal thereof by the Grantor. In accepting this easement, Grantee agrees that Grantor shall have the power at any time to require Grantee to remove and abate, at Grantee's expense, any installation or structure that is dangerous to life or property and that Grantor shall have the power at any time to require Grantee to change the route and position of its poles, lines, conduits or other construction at Grantee's expense when the El Paso City Council (the "City Council") shall find, by resolution, that such change is necessary in the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of public improvements, the construction of private buildings, the construction or use of driveways or under other conditions which the City Council shall find necessary. Provided, however, that Grantee shall be entitled to be paid for its costs and expense of any relocation, raising or lowering of its wires or cables required by Grantor if such expenses or costs are reimbursable or payable to Grantee or Grantor by the State of Texas, the United States, or any agency or subdivision of either whether directly or indirectly. Grantor shall use its best reasonable efforts to consult and confer with Grantee before requiring any such relocation or raising or lowering of its lines or cables, with a view to accomplishing the result reasonably and economically.

In accepting this grant, Grantee agrees that it will replace or repair, as reasonable, landscaping and paving if disturbed by Grantee's construction, maintenance or repairs of or to its facilities in and upon such

easement. Grantee shall promptly restore to as good condition as before working thereon, and to the reasonable satisfaction of the Grantor all streets excavated by it. Grantee may, from time to time and as may be required by prudent utility practices in connection with the construction, maintenance, or repair of its facilities, restrict access to or interfere with the use of Grantor's structures(s) or tangible personal property located on or in the vicinity of the easement. In such event, Grantee shall endeavor to provide Grantor reasonable written notice of any such restriction or interference and shall use commercially reasonable efforts to coordinate its activities with Grantor so as to minimize the duration and extent of such restriction or interference. The preceding sentence notwithstanding, certain events or circumstances may occur or arise that require Grantee to take immediate action to address imminent public safety concerns, the integrity of Grantee's facilities or system, or the reliability of service provided by Grantee. Under such or similar exigencies, Grantee shall provide Grantor notice of any restrictions or interference as soon as reasonably practicable, and shall use commercially reasonable efforts to minimize the duration and extent of such restriction or interference. Grantee agrees to call for utility spotting by a third party prior to any excavation by Grantee in the easement.

Grantor reserves the right to full use and enjoyment of said property except for the purposes herein granted. Grantor agrees not to erect permanent structures or obstruct access in, over, or under Grantee's facilities.

Grantor will not be held responsible for any damage to Grantee's underground facilities from excessive erosion due to flood run-off.

Should Grantee abandon the easement, then the easement hereinabove described shall revert to Grantor or its successors and assigns. Such abandonment shall be conclusively presumed following non-use by the Grantee for one year and with use not being resumed within sixty (60) days following receipt of notice of abandonment from Grantor to Grantee, and on such abandonment, Grantee will then execute any and all necessary documents to evidence such abandonment.

Grantee shall maintain the surface over the length and width of the easement to the satisfaction, as reasonable, of Grantor and in accordance with all applicable laws, ordinances, regulations, and City Code provisions.

WITNESS THE FOLLOWING SIGNATURES AND SEAL on the dates entered below.

GRANTOR:
THE CITY OF EL PASO

Tomás González,
City Manager

APPROVED AS TO FORM:

Leslie B. Jean-Pierre
Assistant City Attorney

APPROVED AS TO CONTENT:

Samuel Rodríguez, P.E.
Director of Aviation

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2022 by
Tommy Gonzalez as City Manager of the City of El Paso.

Notary Public in and for
the State of Texas

The above instrument, together with all conditions thereto is hereby accepted on the date entered below.

GRANTEE:
EL PASO ELECTRIC COMPANY

By: _____
Printed Name: Aurea D. Garcia
Title: Supervisor – Land Management

ACKNOWLEDGMENT

THE STATE OF TEXAS §
§
COUNTY OF EL PASO §

This instrument was acknowledged before me on the _____ day of _____, 2022
by Aurea D. Garcia as Supervisor - Land Management of El Paso Electric Company, on behalf
of the El Paso Electric Company, a Texas corporation.

Notary Public in and for
the State of Texas

EPIA Addendum to EPEC Easement - FAA

Pursuant to Federal Aviation Administration Order 1400.11, effective August 27, 2013, and because the described premises comprising the easement are located at the El Paso International Airport which is subject to regulation by, among others, the U.S. Federal Aviation Administration, the parties specifically agree to the following:

1. A. The Grantee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that (1) in the event facilities are constructed, maintained, or otherwise operated on the property described in this easement for a purpose for which a Federal Aviation Administration activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, Grantee will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations set out in Federal Aviation Administration Order 1400.11, Appendix 4, as same may be amended from time to time (the "Acts and Regulations") such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to the easement, in the event of breach of any of the above nondiscrimination covenants, Grantor will have the right to terminate the easement and to enter or re-enter and repossess said land and the facilities thereon (excepting Grantee's electrical facilities, which shall be removed by Grantee as soon as reasonably practical upon notice by Grantor), and hold the same as if said easement had never been made or issued. [See FAA Order 1400.11, Appendix C of Appendix 4]

2. A. The Grantee for itself, its successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the Grantee will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations.

B. With respect to the easement, in the event of breach of any of the above nondiscrimination covenants, Grantor will have the right to terminate the easement and to enter or re-enter and repossess said land and the facilities thereon (excepting Grantee's electrical facilities, which shall be removed by Grantee as soon as reasonably practical upon notice by Grantor), and hold the same as if said easement had never been made or issued. [See FAA Order 1400.11, Appendix D of Appendix 4]

3. A. During the term of this easement, Grantee for itself, its successors in interest, and assigns, as a part of the consideration hereof, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination In Federally-Assisted Programs of The Department of Transportation—Effectuation of Title VI of The Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms —programs or activities to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). Grantee shall take reasonable steps to ensure that LEP persons have meaningful access to its programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination because of sex in education programs or activities (20 U.S.C. 1681 et seq).

B. In the event of breach of any of the covenants in this section 3, Grantor shall have the rights and remedies set forth in sections 1 and 2 above, in addition to all other rights and remedies available to it under applicable law. [FAA Order 1400.11, Appendix E of Appendix 4]



SCALE = 1"=20'

LINE TABLE		
LINE	BEARING	LENGTH
L1	S5°43'08"E	10.00'
L2	S5°43'08"E	2.00'
L3	S84°16'52"W	18.00'
L4	N5°43'08"W	12.00'

○ DENOTES SET 1/2" REBAR WITH
YELLOW CAP STAMPED TX RPLS 5572



05/29/2022

FILING INFORMATION

DATE: MAY 23, 2022
FIELD: Z.R./L.H.
OFFICE: S.H.
W.O.: 102821-8
FILE: EPECo Easement.DWG
SCALE: 1" = 20'

CERTIFICATION

[Signature]
CHARLES H. GUTIERREZ, P.D. & S.V.

EPECo EASEMENT

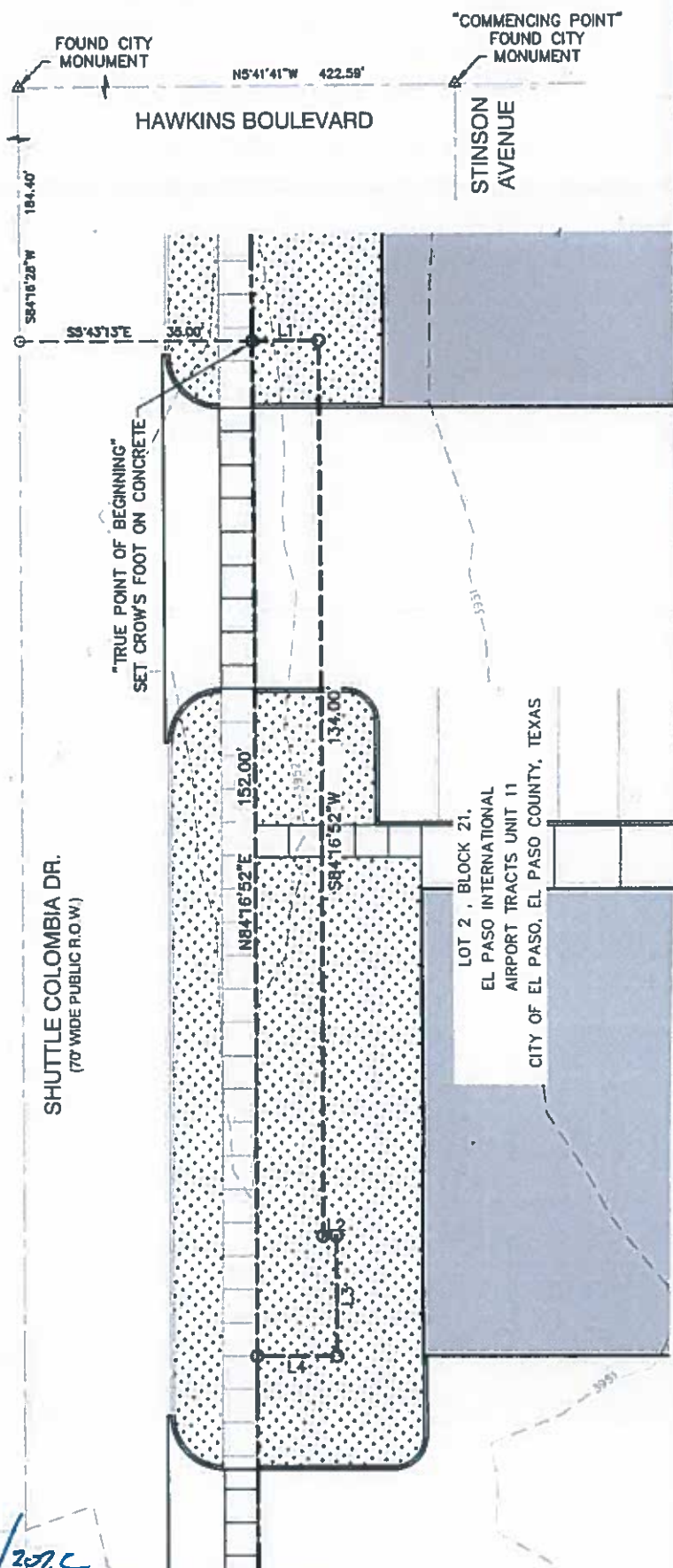
A PORTION OF LOT 2, BLOCK 21,
EL PASO INTERNATIONAL
AIRPORT TRACTS UNIT 11
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING IN ALL 1,558.00 SQ.FT. OR
0.0357 ACRES OF LAND MORE OR LESS

PREPARED FOR:

H₂Terra

ENGINEERING SURVEYING SOLUTIONS.

TBPE FIRM NO. F-2103 TBPLS FIRM NO. 10060700
2020 E. MILLS AVENUE El Paso, TX 79901
(915) 533-1418 FAX: (915) 533-4972



Prepared For: Schatzman Construction
 Date: 5-23-2022
 Being a Portion of Lot 2, Block 21,
 El Paso International Airport Tracts Unit 11
 City of El Paso, El Paso County, Texas
 W.O. # 102821-8

METES AND BOUNDS DESCRIPTION
EPECo Easement

Description of a 0.0357-acre parcel of land more or less, being a Portion of Lot 2, Block 21, El Paso International Airport Tracts Unit 11, City of El Paso, El Paso County, Texas a subdivision recorded in as filed in Volume 71, Page 29, File No. 96028634 of the plat records of El Paso County, Texas, and being more particularly described by metes and bounds as follows to as wit:

Commencing at a found city monument located at the centerline intersection of Shuttle Columbia Drive (70' right-of-way) and Hawkins Boulevard (68' right-of-way) from which a city monument located at the centerline intersection of Stinson Avenue (70' right-of-way) and Hawkins Boulevard (68' right-of-way) bears South 05°41'41" East a distance of 422.59 feet, Thence South 84°16'28" West a distance of 184.40 feet to a point, Thence South 05°43'13" East a distance of 35.00 feet to a set crow's foot on concrete sidewalk lying along the southerly right-of-way line of Shuttle Columbia Drive, said point also being the Point of Beginning;

Thence South 05°43'08" East a distance of 10.00 feet to a set 1/2" rebar with yellow cap stamped "TX RPLS 5572";

Thence South 84°16'52" West a distance of 134.00 feet to a set 1/2" rebar with yellow cap stamped "TX RPLS 5572";

Thence South 05°43'08" East a distance of 2.00 feet to a set 1/2" rebar with yellow cap stamped "TX RPLS 5572";

Thence South 84°16'52" West a distance of 18.00 feet to a set 1/2" rebar with yellow cap stamped "TX RPLS 5572";

Thence North 05°43'08" West a distance of 12.00 feet to a set 1/2" rebar with yellow cap stamped "TX RPLS 5572" lying along the southerly right-of-way line of Shuttle Columbia Drive;

Thence along said southerly right-of-way line North 84°16'52" East a distance of 152.00 feet to the Point of Beginning and containing in all 1,556 square feet or 0.0357 acres of land more or less.

05/24/2022
 CHARLES H. GUTIERREZ R.P.L.S. 5572
 H2O-Terra



NOTES:

1. A survey plat of even date herewith accompanies this metes and bounds description.



Legislation Text

File #: 22-776, 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

Economic and International Development, M. Alejandra Fuentes, (915) 212-1618

Economic and International Development, Elizabeth Triggs, (915) 212-1619

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 a Consent to Assignment from MARTIN BUILDING, LLC, to 204 MILLS PARTNERS, LLC, with respect to the City of El Paso's Chapter 380 Agreement for the renovation, restoration and rehabilitation of a commercial property located at 204 E. Mills, El Paso, Texas.

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: NA

CONTACT PERSON(S) NAME AND PHONE NUMBER: M. Alejandra Fuentes, (915) 212-1618
Elizabeth K. Triggs, (915) 212-1619

DISTRICT(S) AFFECTED: District 8

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

SUBGOAL: Goal 1.1 Stabilize and Expand El Paso's Tax Base

SUBJECT:

A resolution that the City Manager be authorized to sign a Consent to Assignment from MARTIN BUILDING, LLC, to 204 MILLS PARTNERS, LLC, with respect to the City of El Paso's Chapter 380 Agreement for the renovation, restoration and rehabilitation of a commercial property located at 204 E. Mills, El Paso, Texas.

BACKGROUND / DISCUSSION:

204 Mills Partners, LLC was created to include Park Tavern to the Martin Building, LLC. Martin Building, LLC has requested that the City consent to the assignment of the Chapter 380 Agreement to 204 Mills Partners, LLC, which agrees to be responsible for all duties and obligations under agreement.

PRIOR COUNCIL ACTION:

On October 28, 2013 the City and Martin Building, LLC entered into a Chapter 380 Economic Development agreement to renovate, restore and rehabilitate the commercial property located at 204 E. Mills, El Paso, Texas 79901. The agreement requires a contractual investment of \$250,000 and an incentive not to exceed \$140,000 from a Construction Materials Sales Tax Rebate and Retail Sales and Use Tax Rebate.

AMOUNT AND SOURCE OF FUNDING:

General Fund

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



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

RESOLUTION

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

That the City Manager be authorized to sign a Consent to Assignment from MARTIN BUILDING, LLC, to 204 MILLS PARTNERS, LLC, with respect to the City of El Paso's Chapter 380 Agreement for the renovation, restoration and rehabilitation of a commercial property located at 204 E. Mills, El Paso, Texas.

APPROVED this ____ day of _____, 2022.

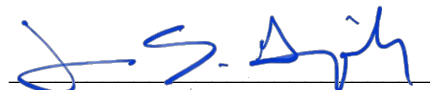
THE CITY OF EL PASO

Oscar Leeson
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & International Development

**CONSENT TO ASSIGNMENT BETWEEN
THE CITY OF EL PASO,
MARTIN BUILDING, LLC,
& 204 MILLS PARTNERS, LLC**

This Consent to Assignment is entered into this ____ day of _____, 2022, by and between the City of El Paso (“City”); **MARTIN BUILDING, LLC** (“Assignor”); and **204 MILLS PARTNERS, LLC** (“Assignee”).

WHEREAS, on **October 28, 2013**, the City approved a Chapter 380 Agreement (“Agreement”); and

WHEREAS, through the Agreement, Assignor agreed to renovate, restore and rehabilitate a commercial property located at 204 E. Mills, El Paso, Texas (“Real Property”); and

WHEREAS, Assignor has requested that the City consent to the assignment of the Agreement to Assignee; and

WHEREAS, Assignee agrees to be responsible for all duties and obligations under the Agreement; and

WHEREAS, the City agrees to the assignment of all rights, duties and obligations encompassed in the Agreement to Assignee.

NOW, THEREFORE, IT IS HEREBY AGREED as follows:

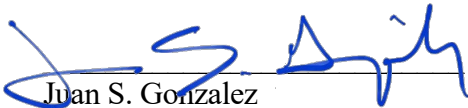
1. The City consents to the assignment of the rights, duties and obligations under the Chapter 380 Agreement, approved by Council on October 28, 2013, to Assignee.
2. Assignee agrees to assume and perform all duties, obligations and responsibilities under the Chapter 380 Agreement.
3. All terms and conditions of the Chapter 380 Agreement shall remain in full force and effect.

(Signature Pages to Follow)

CITY:
THE CITY OF EL PASO

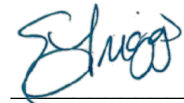
Tomás González
City Manager

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth K. Triggs, Director
Economic & Int'l Development

STATE OF TEXAS §
 §
COUNTY OF EL PASO §

This Instrument was acknowledged before me on the ____ day of _____, 20____, by Tomás González, City Manager of the City of El Paso, Texas, on behalf of the City of El Paso, Texas.

Notary Public, State of Texas

My Commission Expires:

(Signatures Continue on the Next Page)

ASSIGNOR:
MARTIN BUILDING, LLC

Signature

Printed Name

Title

STATE OF TEXAS

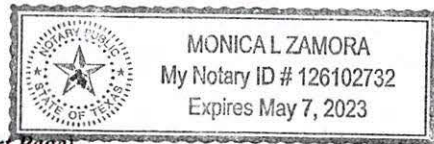
COUNTY OF EL PASO

This Instrument was acknowledged before me on the 14th day of June, 2022, by
Lane Gaddy, Manager on behalf of Assignor.

Notary Public, State of Texas

My Commission Expires:

5/7/2023



(Signatures Continue on the Next Page)

ASSIGNEE:

204 MILLS PARTNERS, LLC

Signature

Printed Name

Title

STATE OF TEXAS

COUNTY OF EL PASO

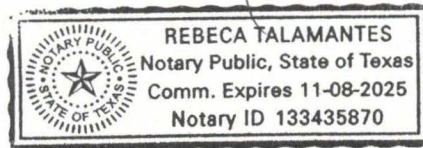
§
§
§

This Instrument was acknowledged before me on the 13 day of June, 2022 by Gabriela, Heredia, on behalf of Assignee.

Notary Public, State of Texas

My Commission Expires:

11/08/2025





Legislation Text

File #: 22-756, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 4

Economic and International Development, Melissa Chaidez, (915) 212-1633

Economic and International Development, Elizabeth Triggs, (915) 212-1619

AGENDA LANGUAGE:

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

That the City Council approves the recommendation of the Board of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2026:

- James Feagin
- Brent D. Harris
- Scott Weaver

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

AGENDA DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Melissa Chaidez, 915.212.1633
Elizabeth Triggs, 915.212.1619

DISTRICT(S) AFFECTED: 4

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

SUBGOAL: 1.1 Stabilize and expand El Paso's tax base.

SUBJECT:

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

A Resolution that the City Council approves the recommendation of the Board of Directors of the City of El Paso Municipal Management District No. 1 that the following persons be named directors of the District for four-year terms expiring in June 2026:

- James Feagin
- Brent D. Harris
- Scott Weaver

BACKGROUND / DISCUSSION:

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

The City created the El Paso Municipal Management District No.1 (MMD) within the TIRZ 13 boundary to promote, develop, encourage, and maintain employment, commerce and economic development in the district. The district is governed by a board of five directors who serve staggered terms of four years with two or three directors' terms expiring June 1 of each even-numbered year. The City Council shall appoint directors from persons recommended by the MMD Board.

The MMD Board of Directors met on January 11, 2022 in regular session, open to the public, to request a resolution approving the reappointment of James Feagin, Brett D. Harris, and Scott Weaver, all of which meet the qualification requirements as provided in Chapter 375 of the Local Government Code and Chapter 3972 of the Texas Special District Local Laws Code. Specifically, the Board of Directors of the MMD shall recommend persons to serve on the MMD Board to the City Council of the City of El Paso. All nominees are qualified to serve on the Board in accordance with the qualifications established by Chapter 3972 as follows: are (1) a resident of the city who is also a registered voter of the city; (2) an owner of property in the district; (3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district; (4) an owner of a beneficial interest in a trust, or a trustee in a trust, that directly or indirectly owns property in the district; or (5) an agent, employee, or tenant of a person described by (2), (3), or (4).

PRIOR COUNCIL ACTION:

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

- January 8, 2019- City Council approved the creation of the El Paso Municipal District No. 1, which was then created and made effective January 1, 2020 by Texas House Bill No. 4730 during the 86th Session of the Texas Legislature
- March 17, 2020 – City Council consented to the creation of El Paso Municipal District No. 1 and appointed five persons to serve as initial directors, including: William Kell, Ryan Burkhardt, James Feagin, Brent D. Harris, and Scott Weaver.

AMOUNT AND SOURCE OF FUNDING:

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

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Economic & International Development

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, Texas House Bill No. 4730, 86th Session of the Texas Legislature, Regular Session, created the City of El Paso Municipal Management District No. 1 (“MMD1”) effective January 1, 2020; and

WHEREAS, during the March 17th, 2020 regular council meeting, the City Council of the City of El Paso consented to the creation of the MMD1 located within the boundaries of the City of El Paso, Texas.; and

WHEREAS, the City Council of the City of El Paso, Texas appointed five persons to serve as initial directors for MMD1; and

WHEREAS, Section 375.064 of the Texas Local Government Code and Section 3972.0203 of Texas Special District Local Laws Code provide that each succeeding Board of Directors of the MMD1 (“Board”) shall recommend, to the City Council of the City of El Paso, persons to serve on the Board; and

WHEREAS, during the January 11th, 2022 meeting the Board approved recommending James Feagin, Brent D. Harris, and Scott Weaver be reappointed to the Board.

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

That the City Council of the City of El Paso hereby appoints the following persons to serve as Directors on the Board for the City of El Paso Municipal Management District No. 1, for four-year terms expiring in June 2026:

- James Feagin
- Brent D. Harris
- Scott Weaver

APPROVED this ____ day of _____, 20____.

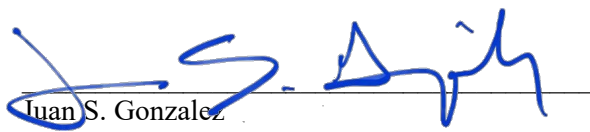
CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Sr. Assistant City Attorney

APPROVED AS TO CONTENT:



Elizabeth Triggs, Director
Economic & International Development



Legislation Text

File #: 22-779, 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, Assistant Chief Peter Pacillas, (915) 212-4302

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 Addendum No. 1 to Collective Bargaining Agreement between the City of El Paso and El Paso Municipal Police Officers' Association relating to the implementation of the Lateral Police Officer Program.

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

AGENDA DATE: 06/22/22

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Assistant Chief Peter Pacillas, 915-212-4302

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2-Set the Standard for a Safe and Secure City

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

SUBJECT:

That the City Manager be authorized to sign Addendum No. 1 to Collective Bargaining Agreement between the City of El Paso and El Paso Municipal Police Officers' Association relating to the implementation of the Lateral Police Officer Program.

BACKGROUND / DISCUSSION:

The El Paso Police Department has developed a Lateral Police Officer Program to help with the recruitment of currently active police officers from around the country, region, and State of Texas. This Lateral Officer Program will provide the opportunity for officers from other departments to become an El Paso Police Officer without having to go through a Basic Peace Officer training program. The City Attorney's Office, El Paso Police Department, and the El Paso Municipal Police Officers' Association have cooperatively worked to amend the current Collective Bargaining Agreement (CBA) to reflect the adjustments necessary to implement the Lateral Police Officer Program.

PRIOR COUNCIL ACTION:

City Council passed and approved a Resolution on February 26, 2019 to adopt the Articles of Agreement Between City of El Paso, Texas and El Paso Municipal Police Officers' Association – February 19, 2019 to August 31, 2023.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Police

SECONDARY DEPARTMENT: City Attorney's Office

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

DEPARTMENT HEAD: Chief Gregory K. Allen

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

Revised 04/09/2021

RESOLUTION

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

That the City Manager be authorized to sign Addendum No. 1 to Collective Bargaining Agreement between the City of El Paso and El Paso Municipal Police Officers' Association relating to the implementation of the Lateral Police Officer Program.

ADOPTED this _____ day of June, 2022

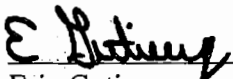
CITY OF EL PASO

Oscar Leaser, Mayor

ATTEST:

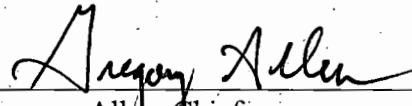
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Gregory Allen, Chief
City of El Paso Police Department

ADDENDUM NO. 1 TO COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF EL PASO AND EL PASO MUNICIPAL POLICE OFFICERS' ASSOCIATION

THIS ADDENDUM NO. 1 to the Collective Bargaining Agreement is made and entered into this ____ day of _____, 2022, by and between the City of El Paso (herein called the "City") and the El Paso Municipal Police Officers' Association (herein called the "Association").

WHEREAS, the City and the Association have previously entered into a collective bargaining agreement with a term of February 19, 2019 through August 31, 2023 (herein called the "Agreement"); and

WHEREAS, the City and the Association, pursuant to Article 33, Section 2, hereby mutually agree to amend the below sections of the CBA to incorporate the implementation of a Lateral Training Academy.

NOW, THEREFORE, IT IS AGREED by the City and the Association as follows:

1. Article 2 of the Agreement entitled "City's Retained Prerogatives," Section 4 be and is hereby amended as follows:

Section 4. An Officer shall be deemed to be a probationary employee for the first twelve months after the Officer has successfully completed the Basic Training Academy work, or six months after the Officer has successfully completed the Lateral Training Academy work. The Chief may extend the ending date of the probationary employee's probationary period: (1) to ensure that the probationary employee serves a full twelve months (or six months in the case of a Lateral Training Academy Officer) as a police officer in full duty status; or (2) if necessary to determine if retention of the probationary employee is in the best interest of the Department; or (3) if an investigation is pending into the probationary employee's conduct at the time the probation would otherwise end. In the case of (2) and (3) herein, the probationary period can be extended for no longer than 180 days. The Chief shall notify the Association in writing of the reason for extending the probationary period of an Officer. A probationary Officer may be discharged at any time at the discretion of the Chief, without appeal to the Commission. However, before so doing, the Chief will meet with the probationary Officer, provide reasons for proposed discharge, and give the Officer an opportunity to provide reasons why the discharge is not warranted. Upon request, the probationary Officer is entitled to Association representation at the pre-discharge meeting.

2. Article 9 of the Agreement entitled "Wages," Section 1 be and is hereby amended as follows:

Section 1. Wages shall be paid in accordance with the Wage Scales attached hereto as Appendix A, effective the first pay period following the signing the agreement. All employees shall receive a step increase on their anniversary date and shall continue thereafter to receive step increases on each succeeding anniversary date until reaching the top step in their classification. These step increases shall be automatic. Any employee at the top step in the classification, upon receiving a promotion to a higher

classification and entering said classification at a step other than the top step, shall receive a step increase on his anniversary date, and an additional step increase on each succeeding anniversary date, until such time as the employee reaches the top step in the new classification.

Officers hired under the Lateral Training Program after calendar year 2021 may use experience in patrol duty (calls for service/street duty) while employed full time by a state, county, municipal, college or school police department, or sheriff's department as qualifying experience towards years of service credit for step increases. Experience as a deputy, detention officer, jailer or officer employed at a correctional facility, District Attorney's office, Constable, or as a Federal or Military Police Officer is not considered qualifying experience towards years of service credit for step increases.

For example, an officer hired under the Lateral Training Program after calendar year 2021 with at least three years of qualifying experience, but less than four years of qualifying experience as indicated above, will be placed at a P1-4 level. An officer hired under the Lateral Training Program with at least four years of qualifying experience, but less than five years of qualifying experience as indicated above, will be placed at a P2-1 level, and so forth. Officers would then progress through the pay scale on their anniversary date where anniversary date in this instance is date of hire.

Officers hired under the Lateral Training Program after calendar year 2021 will be placed at a P3-5 with 12 years of qualifying experience, P3-6 with 13 years of qualifying experience, P3-7 with 15 years of qualifying experience, P3-8 with 17 years of qualifying experience, P3-9 with 18 years of qualifying experience, P3-10 with 20 years of qualifying experience and P3-11 with 21 years of qualifying experience. In no event shall an officer hired under the Lateral Training Program start at a step level higher than a P3-11.

Longevity Pay for officers hired under the Lateral Training Program after calendar year 2021 shall mirror that of officers hired from the Basic Training Academy with the exception that "years of service" shall mean years of service with the El Paso Police Department.

It is the intent of the Lateral Training Program for officers hired after calendar year 2021 to compensate officers for qualifying years of experience outside of the El Paso Police Department. Should a dispute arise regarding qualifying experience and step level of an officer hired under the Lateral Training Program for officers hired after calendar year 2021, the dispute will be reviewed by a committee consisting of a representative from the Association, City Human Resources other than an employee of Police Human Resources, and an Assistant Chief. Decisions made by this committee will be based on majority vote, shall be final, and are not subject to the appeal or grievance process.

Class titles and grades for Officers are set forth in Appendix "B" to this Agreement. The base salaries for Officers covered by this Agreement shall be set as follows:

(a) Effective either (a) September 1, 2020 or (b) after the current eligible list has expired or exhausted, whichever is first from (a) or (b), placement to a detective rank will be

considered as a promotion and handled as all other promotions within the department. Regarding compensation, placement to a detective position shall result in one advancement in level on the pay scale and will reset their anniversary date to the date of the promotion for pay steps. As indicated in the attached pay scales, detectives placed into step levels P3-5 through P3-11; will be placed into these step levels on their anniversary date where anniversary date is defined as the number of years since graduating from the Academy.

Any new officers and trainees after the 125th academy will need four (4) years of service as a police officer with the City of El Paso to take the examination for promotion to detective. Current academy trainees and officers and officers hired under the Lateral Training Academy after calendar year 2021 are held to the 2 years of service eligibility to sit for detective examination. However, officers hired under the Lateral Training Academy after calendar year 2021 will also need to complete a minimum of two (2) years as an El Paso Police Department officer in order to take the examination for promotion to detective.

3. Article 10 of the Agreement entitled "Vacations," Section 1 be and is hereby amended as follows:

Section 1. An employee shall accrue vacation in accordance with the following schedule (for officers hired under the Lateral Training Program after calendar year 2021, "years of service" as indicated below shall mean years of service with the El Paso Police Department):

<u>Years of Service</u>	<u>Vacation Hours/ Monthly Accrual</u>	<u>Vacation Hours/ Annual Accrual</u>
1 – 10	12	144
10 – 15	14	168
15 – 20	16	192
Over 20	18	216

4. Article 19 of the Agreement entitled "Promotional Examinations," Section 7 be and is hereby amended as follows and Section 11 be and is hereby created as follows:

Section 7. The Civil Service Provisions and the Civil Service Rules pursuant thereto, shall in all respects govern in promotions except that:

(a) To the score of the applicant for promotion to Detective, Sergeant, Lieutenant and Commander shall be added one point for each of the first four complete years and one-half point for each additional complete year of actual service to a maximum of seven points in the position from which promotion is sought; for officers hired under the Lateral Training Program after calendar year 2021, "actual service" as indicated above shall mean years of service with the El Paso Police Department.

Section 11. Officers hired under the Lateral Training Program after calendar year 2021 may use experience in patrol duty (calls for service/street duty) while employed full time by a state, county, municipal, college or school police department, or sheriff's department as qualifying experience towards promotional opportunities. Experience as a deputy, detention officer, jailer or officer employed at a correctional facility, District Attorney's office, Constable, or as a Federal or Military Police Officer is not considered qualifying experience towards promotional opportunities.

Officers hired under the Lateral Training Academy after calendar year 2021 will need to complete a minimum of two (2) years as an El Paso Police Department officer in order to take the examination for promotion to detective and sergeant.

Should a dispute arise regarding qualifying promotional experience of an officer hired under the Lateral Training Program after calendar year 2021, the experience will be reviewed by a committee consisting of a representative from the Association, City Human Resources other than an employee of Police Human Resources, and an Assistant Chief. Decisions made by this committee will be based on majority vote, shall be final, and are not subject to the appeal or grievance process. The employee will have ten (10) business days to file a protest upon notice of ineligibility to take a promotional examination. The committee will have ten (10) business days to issue its decision.

The employer must not administer the promotional examination or conduct an assessment center unless and until the committee issues its decision. If the employer administers the promotional examination or proceeds with the assessment center before the committee issues its decision, the employee may proceed under the grievance procedure in this Agreement.

5. Article 25 of the Agreement entitled "Miscellaneous Provisions," Section 3 be and is hereby amended as follows:

Section 3. Commissioned employees completing Police Academy Training (Basic or Lateral) after October 1, 1992, shall have completed a minimum of 45 accredited (pursuant to the definitions contained in section 211.1 of the regulations of the Texas Commission on Law Enforcement Officer Standards and Education) college hours within three years. If the 45 hour minimum is not met by then, the Chief of Police shall have the authority to either grant a leave without pay for up to one year or reduce the employee one pay level for a period of one year, but not both. If the 45 hour minimum is not satisfied by that time, the employee will face discipline up to and including possible termination. If exigent circumstances exist, the Chief of Police may at his discretion grant an employee an extension of time to complete the educational requirements but at no time shall it exceed 4 years. Officers not in compliance with this Section shall not advance beyond the three year pay step. During this time, the officer will be not be eligible for transfer requests, special teams (except if preapproved by the Chief), or promotions with the exception of lateral transfers within patrol operation. Upon completing the 45 college hours, the officer will advance to their appropriate pay step

based upon their commission date. Officers will not be compensated back pay for the missed steps.

6. Appendix "A" Wage Schedules of the Agreement be and is hereby amended as follows:

City of El Paso Police Department Wage Scale

First pay period after September 1, 2021

First pay period after September 1, 2022

*Applicants are placed into P3-5 on their 12th anniversary, P3-6 on their 13th anniversary, P3-7 on their 15th anniversary, P3-8 on their 17th anniversary, P3-9 on their 18th anniversary, P3-10 on their 20th anniversary and P3-11 on their 21st anniversary. Anniversary in this instance is the number of years since graduating the Academy.

*Officers hired under the Lateral Training Program after calendar year 2021, shall enter and progress through the pay scale as indicated in Article 4.

7. Except as amended in this Addendum No. 1, the Agreement between the City and the Agreement shall be in force and effect.

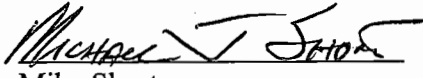
IN WITNESS WHEREOF, the parties hereto have entered into and executed this Addendum No. 1 as of the date and year first written above after ratification by Union membership and approval by the City Council.

DATED this ____ day of _____, 2022.

**EL PASO MUNICIPAL POLICE
OFFICERS' ASSOCIATION**

CITY OF EL PASO

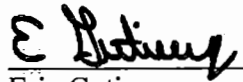
By:


Mike Short
President, EPMPOA

By:

Tommy Gonzalez
City Manager

APPROVED AS TO FORM:


Eric Gutierrez
Assistant City Attorney



Legislation Text

File #: 22-739, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

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 a First Amendment to the On-Call Agreement for Professional Services (Appraisal Services) between the City of El Paso and CBRE, Inc., (the "Agreement") amending the term of the Agreement from two years to three years; increasing the maximum contract amount for the term from \$100,000.00 to \$300,000.00; and providing for two one-year options to extend the Agreement with each option increasing the contract amount by an additional \$100,000.00, for a total contract amount, including options, not to exceed \$500,000.00.

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER: Sam Rodriguez, Chief Operations Officer
(915) 212-1845

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 6: Set the standard sound governance and Fiscal Management

SUBGOAL: 6.5 Deliver services timely and effectively with focus on continual improvement

SUBJECT:

That the City Manager be authorized to sign a First Amendment to the On-Call Agreement for Professional Services (Appraisal Services) between the City of El Paso and CBRE, Inc., (the "Agreement") amending the term of the Agreement from two years to three years; increasing the maximum contract amount for the term from \$100,000.00 to \$300,000.00; and providing for two one-year options to extend the Agreement with each option increasing the contract amount by an additional \$100,000.00, for a total contract amount, including options, not to exceed \$500,000.00.

BACKGROUND / DISCUSSION:

For the purchase and sale of property, the City relies On-call Professional Services, task order contracts for appraisal services. There are a number of pending transactions that require appraisal services; the cost of which exceeds the not-to exceed cost of the Agreement necessitating an amendment to an existing contract.

SELECTION SUMMARY: N/A

CONTRACT VARIANCE: N/A

PROTEST: N/A

PRIOR COUNCIL ACTION:

On November 9, 2021, the City and Appraiser entered into an On-Call Agreement for Professional Services for Appraisal Services (the "Agreement") for the City to engage the Appraiser to perform appraisal service on a task order basis.

AMOUNT AND SOURCE OF FUNDING:

Task orders funded by capital projects, Operations budgets of Departments requesting appraisals, or the General Fund.

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement
SECONDARY DEPARTMENT: NA

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

DEPARTMENT HEAD:

Assistant Director Capital Improvement

Jerry DeMuro/for

Sam Rodriguez, Chief Operations Officer

RESOLUTION

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

THAT the City Manager be authorized to sign a First Amendment to the On-Call Agreement for Professional Services (Appraisal Services) between the City of El Paso and CBRE, Inc., (the "Agreement") amending the term of the Agreement from two years to three years; increasing the maximum contract amount for the term from \$100,000.00 to \$300,000.00; and providing for two one-year options to extend the Agreement with each option increasing the contract amount by an additional \$100,000.00, for a total contract amount, including options, not to exceed \$500,000.00.

APPROVED this _____ day of _____ 2022.


CITY OF EL PASO:

Oscar Leaser
Mayor

ATTEST:


Laura Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:

Assistant Director Capital Improvement


Sam Rodriguez, City Engineer
Capital Improvement Department

THE STATE OF TEXAS) FIRST AMENDMENT
)
COUNTY OF EL PASO) ON-CALL AGREEMENT FOR
)
PROFESSIONAL SERVICE (APPRAISAL SERVICES)

This First Amendment to that certain Agreement for Professional Services (Appraisal Services) is made this ____ day of _____, 2022, by and between the City of El Paso, hereinafter referred to as the “**City**”, and CBRE, Inc., (the “**Appraiser**”).

WHEREAS, on November 9, 2021, the City and Appraiser entered into an On-Call Agreement for Professional Services for Appraisal Services (the “**Agreement**”) for the City to engage the Appraiser to perform appraisal service on a task order basis;

WHEREAS, the parties hereto desire to amend the term of the Agreement from two years to three years, to increase the contract amount from \$100,000.00 to \$300,000.00 over the three-year term, and to provide for two one-year options to extend the On-Call Agreement for an additional \$100,000.00 per option period.

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

1. Section 1 is amended to read in its entirety as follows:

Section 1. Term.

A. The term of this Agreement is for a period of three years from the Effective Date. The services called for by each task order begin upon issuance of a notice to proceed from the City Engineer and shall continue through the completion of the project as described in the task order.

B. The Appraiser agrees that the City Manager, or designee, may extend the term of this Agreement by exercising up to two option periods of one year each.

2. Section 3 is amended to read in its entirety as follows:

Section 3. Payment.

A. The City will pay the Appraiser an amount not to exceed \$300,000.00 over the three-year term of the Agreement. No services are being requested through this Agreement, nor shall any indebtedness accrue through the mere execution of this Agreement. The Appraiser will invoice the City following the completion of each task order in accordance with the fee schedule attached to this Agreement as **Attachment “A”**. If the City exercises an option period as described in Section 1 of this Agreement, then the maximum payment amount under this Agreement will be increased by \$100,000.00 for

each one-year option period, for a total amount, including all option periods, not to exceed \$500,000.00.

B. The parties agree that the exercise of an option period only increases the maximum contract amount and does not constitute a request for services by the City unless accompanied by a task order. The Appraiser will abide by the fees listed in Attachment "A" during any option periods exercised by the City.

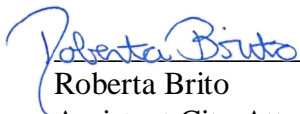
3. **Terms and Conditions.** All terms and conditions of the Agreement, except as herein revised, shall remain in full force and effect.

IN WITNESS WHEREOF, the City and the Appraiser have approved of this First Amendment to be effective as of the date first written above.

CITY OF EL PASO

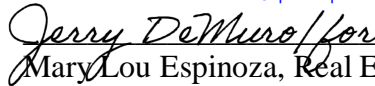
Tomas Gonzalez, City Manager

APPROVED AS TO CONTENT:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:

Assistant Director Capital Improvement


Mary Lou Espinoza, Real Estate
Capital Improvement Department

STATE OF TEXAS)

COUNTY OF EL PASO)

This instrument was acknowledged before me on the ____ day of _____, 2022, by Tomás González, City Manager, City of El Paso.

Notary Public in and for the State of Texas
My Commission expires: _____

[Signatures continue on following page.]

APPRAISER:
CBRE, Inc.

Name:
Title:

STATE OF TEXAS)

COUNTY OF EL PASO)

 This instrument was acknowledged before me on the ____ day of _____, 2022, by
_____, _____ on behalf of CBRE Inc..

Notary Public in and for the State of Texas
My Commission expires: _____



Legislation Text

File #: 22-767, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

A Resolution finding that the relocation of El Paso Electric poles, lines, conduits, other construction or improvements is necessary when associated with various City of El Paso projects and that, in accordance with Ordinance 16090, the City of El Paso requires El Paso Electric to change the route or position of its poles, lines, conduits or other construction at the Company's expense; authorizing the City Manager or his/her designee to sign a Letter of Resolution directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects; and authorizing and directing the City Engineer or his/her designee to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the City improvements, any adjacent property, public areas, and rights of way.

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

AGENDA DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Karina Brasgalla; (915) 212-1570

DISTRICT(S) AFFECTED: ALL

STRATEGIC GOAL: Goal 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:

A Resolution finding that the relocation of El Paso Electric poles, lines, conduits, other construction or improvements is necessary when associated with various City of El Paso projects and that, in accordance with Ordinance 16090, the City of El Paso requires El Paso Electric to change the route or position of its poles, lines, conduits or other construction at the Company's expense; authorizing the City Manager or his/her designee to sign a Letter of Resolution directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects; and authorizing and directing the City Engineer or his/her designee to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the City improvements, any adjacent property, public areas, and rights of way.

BACKGROUND / DISCUSSION:

This Resolution would allow the City Manager and/or his designees the authority to sign Letters of Resolution for the relocation of EPE infrastructure where necessary for the completion of Capital Improvement Projects.

PRIOR COUNCIL ACTION:

On July 12, 2005, Council approved Ordinance 16090, granting the El Paso Electric Company ("El Paso Electric") a franchise to operate and locate infrastructure within the City of El Paso. Ordinance 16090 also provides that the City can, at any time, require El Paso Electric to change the route or position of its infrastructure at EPE's expense when City Council finds, by resolution, that such change is necessary.

On March 15, 2005, Council approved Ordinance 16015, delegating the City Manager and/or his designees the authority to perform certain tasks or handle other items of an administrative nature that previously had come before the Council.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Economic and International Development

SECONDARY DEPARTMENT: Capital Improvements

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, Ordinance 16090 grants the El Paso Electric Company (“**El Paso Electric**”) a franchise to construct, reconstruct, repair, maintain, use and operate in, over, or under the present and future streets, alleys, public ways parks, and public places of the City of El Paso, facilities for the transmission and distribution of electrical energy and broadband over power line communications; and

WHEREAS, Ordinance 16090 also provides that the City shall have the power at any time to require El Paso Electric to change the route or position of its poles, lines, conduits, or other construction at El Paso Electric’s expense when the El Paso City Council shall find, by resolution, that such change is necessary in the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of parks and public improvements, the construction of private buildings, the construction or use of driveways, and under other conditions which the City Council shall find necessary under the lawful exercise of its police power; and

WHEREAS, El Paso Electric currently has infrastructure and facilities located on various property, public spaces, and rights of way belonging to the City of El Paso; and

WHEREAS, the City Council, in Ordinance 16015, delegated the City Manager and/or his designees the authority to sign any documents and plans relating to City contracts or projects that need an official City Approval or authorization.

WHEREAS, the City Council, in Ordinance 16015, delegated the City Manager and/or his designees the authority to perform certain tasks or handle other items of an administrative nature that previously had come before the Council.

WHEREAS, the El Paso Electric shall be required to change the route or position or other construction at El Paso Electric’s expense of its infrastructure that is necessary for the construction and maintenance of city public improvements.

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

1. That the City Council finds that the relocation of El Paso Electric poles, lines, conduits, other construction, or improvements is necessary when associated with various City of El Paso projects including but not limited to the closing, opening or relocation of streets or alleys, or water or sewer lines, the changing of grade of streets or alleys, the construction and maintenance of parks and public improvements, the construction of private buildings, the construction or use of driveways, and under other conditions.

2. That in accordance to Ordinance 16090, the City of El Paso requires the El Paso Electric Company to change the route or position of its poles, lines, conduits, or other construction at the El Paso Electric Company's expense.
3. That the City Manager or his/her designee is authorized to sign a Letter of Resolution, in a substantially similar format as shown in Exhibit A, directing El Paso Electric to change the route or position of its infrastructure in order to facilitate the construction and work associated with City construction projects.
4. That the City Engineer or his/her designee is authorized, and directed, to coordinate with El Paso Electric to identify the specific El Paso Electric infrastructure that will need to be relocated to accommodate the construction of the city improvements, any adjacent property, public areas, and rights of way.

APPROVED this _____ day of _____, 2022.

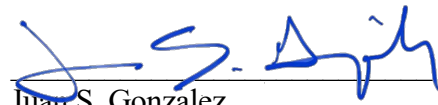
THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

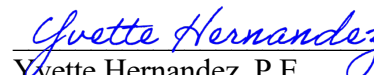
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Yvette Hernandez, P.E.
City Engineer

EXHIBIT A

SAMPLE LETTER OF RESOLUTION

[DATE]

[EPE CONTACT PERSON]

[EPE DEPARTMENT]

[ADDRESS]

[CITY/STATE/ZIP]

RE: LETTER OF RESOLUTION IN ACCORDANCE TO ORD 016090

In accordance with the City Council action of _____; this letter will serve to provide notice to El Paso Electric Company (“EPE”) of the need to change the route or position of its poles, lines, conduits, or other improvements at the EPE’s expense. Said request is being made in accordance to the provisions of Ordinance 016090.

The City of El Paso is requesting the relocations related to the [PROJECT NAME] the ("Project") which consists of [DESCRIPTION OF WORK AND LOCATION].

Coordination should be facilitated via the City Engineer and/or the Project Manager assigned to the Project to identify the specific EPE improvements that need to be relocated to accommodate the construction and work associated with the Project.

Please feel free to reach out to [PROJECT MANAGER NAME] at [PM CONTACT INFO] to begin coordination.

Very truly yours,

[CITY ENGINEER OR DESIGNEE]



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-820, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Mayor Oscar Leeser, (915) 212-0021

AGENDA LANGUAGE:

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

Holt Grambling to the Tax Increment Reinvestment Zone Number Five by Mayor Oscar Leeser.



Board Appointment Form

Submitted On: Jun 15, 2022, 09:38AM MDT

City Clerk

Appointing Office	Mayor
Type of Agenda	Consent
Date of Council Meeting	Wednesday, June 22, 2022
Agenda Posting Language	Appointment of Holt Grambling to the Tax Increment Reinvestment Zone Number 5 by Mayor Oscar Leaser.
Name of Board/Committee/Commission	Tax Increment Reinvestment Zone Number 5
Appointment Type	Regular
Special Qualification Category (if applicable)	Experience in Construction - Refer to Resume
Nominated By	Mayor Oscar Leaser
Nominee Name	Holt Grambling
Nominee Email Address	
Nominee Mailing Address	
Zip Code	
Nominee Primary Phone Number	
Does the proposed appointee have a relative working for the city?	NO
Has appointee been a member of other city boards / commissions / committees?	YES
If so, please provide names and dates.	City Plan Commission (2015-2016); TIRZ 6 (2012-2016)
List all real estate owned by appointee in El Paso County (by address, if none, enter 'N/A')	
Who was the last person to have held the position before it became vacant?	Blake Downey
Incumbent Expiration Date	April 30, 2022
Reason person is no longer in office	Term Expired
Date of Appointment	June 22, 2022
Term begins on	April 30, 2022
Expiration Date of New Appointee	April 30, 2024
Term	1st Term
Upload File(s)	Holt Grambling Resume_2022.pdf

Holt Grambling

EDUCATION

B.A., Texas Tech University (2007)

PROFESSIONAL LICENSES

Texas Real Estate Brokers License (current)

WORK EXPERIENCE

Owner/Property Manager, HCG Asset & Property Management (2016 - present)

I am responsible for the day-to-day operations and management of commercial properties owned by third-party clients in Texas and New Mexico. My duties include sourcing new business to lease space, managing the performance of service contracts, managing tenant retention programs, supervising maintenance, coordinating and supervising inspections, and other related activities. I meet regularly with owners, tenants and vendors to review my performance and to ensure expectations are met or to make necessary adjustments.

Some additional responsibilities include:

- Owner / Investor Communications
- Monthly, Quarterly, Annual Owner / Investor Financial Reports
- Lease/Contract Administration
- Billing & Collections
- Tenant/Client Relationship Maintenance
- Work Orders & Completion Tracking
- Property Budgets (including CapEx budgets)
- Critical Date Tracking
- Investor Relations
- Marketing
- Prospecting / Cold Calling

Property Manager, Franklin Mountain Management (2011-2016)

I managed and coordinated large teams of maintenance and construction personnel in the management of the Mills Building, Centre Building, and the accompanying Annex Garage in El Paso, Texas. This included directly reporting to the owner on a weekly basis and following up with any pending issues and details at the end of each week.

Assistant Property Manager, Borderplex Community Trust REIT (2009-2011)

I served as the Assistant Manager for the Borderplex REIT's downtown El Paso office assets. My responsibilities included managing and leasing the Chase Bank Tower and reporting to my direct supervisor. I also reported on a monthly basis to the Board of Directors, received and addressed shareholder issues, and created investor presentations.

NOTABLE PROJECTS IN EL PASO, TEXAS

ONE San Jacinto Plaza (formerly Chase Tower)
Wells Fargo Tower
The Centre Building
Anson Mills Building

Transmountain Medical Plaza I
Eastside Medical Plaza
Medical Arts Building & Annex

COMMUNITY INVOLVEMENT

Board Member of the Tax Reinvestment Zone #7 (TIRZ #7) in El Paso, Texas- Past
Board Member of the City of El Paso Planning and Zoning Commission - Past
Youth T-Ball coach with the Southwest Baseball League



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-819, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Alexsandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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

Alfredo Borrego to the Community Development Steering Committee by Representative Alexsandra Annello, District 2.



Board Appointment Form

Submitted On: Jun 15, 2022, 10:04AM MDT

City Clerk

Appointing Office	Representative District 2
Type of Agenda	Consent
Date of Council Meeting	Wednesday, June 22, 2022
Agenda Posting Language	Appointment of Alfredo Borrego to the Community Development Steering Committee by City Representative Alessandra Annello, District 2.
Name of Board/Committee/Commission	Community Development Streeting Committee
Appointment Type	Regular
Special Qualification Category (if applicable)	Resides in District 2
Nominated By	Representative Alessandra Annello
Nominee Name	Alfredo Borrego
Nominee Email Address	██████████ t
Nominee Mailing Address	████████████████████
Zip Code	██████
Nominee Primary Phone Number	██████████
Does the proposed appointee have a relative working for the city?	YES
If so, please provide his or her name, city position and relationship to the proposed appointee.	Sarah Borrego. Event Coordinator El Paso Zoo, Daughter
Has appointee been a member of other city boards / commissions / committees?	YES
If so, please provide names and dates.	PUBLIC UTILITY REGULATION BOARD (2008-2011)
List all real estate owned by appointee in El Paso County (by address, if none, enter 'N/A')	████████████████████
Who was the last person to have held the position before it became vacant?	Rene Hurtado
Incumbent Expiration Date	June 14, 2022
Reason person is no longer in office	Term Expired
Date of Appointment	June 22, 2022
Term begins on	June 15, 2022
Expiration Date of New Appointee	June 11, 2024
Term	1st Term
Upload File(s)	████████████████████

Alfredo Borrego

Boards & Commissions

Help my community by serving on a city board or commission

Experience

2001 - Current

President – Alco Machine Tool & Steel Inc

Serve the El Paso, Juarez and Southern New Mexico industrial region with all types of precision CNC, Manual Machining and Welding

1990 - 2000

President – Ajax Metal Cut Inc

Serve the El Paso, Juarez and Southern New Mexico industrial region with all types of precision CNC, Manual Machining and Welding

Education

1976 - 1979

High School & Vocational

Burges High & El Paso Technical

Skills

- Leadership
- Design
- Safety
- Problem Solving

Contact

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Legislation Text

File #: 22-750, 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)

TAX REFUNDS
June 22, 2022

1. Maria de Jesus Garcia, in the amount of \$2,500.00 made an overpayment on May 16, 2022 of 2021 taxes.
(Geo. # M946-999-0130-1600)
2. Texas Title, in the amount of \$2,505.94 made an overpayment on March 13, 2020 of 2019 taxes.
(Geo. # T281-999-0050-1800)
3. Alcantar Enterprises, LLC, in the amount of \$5,991.97 made an overpayment on March 24, 2022 of 2021 taxes.
(Geo. # V893-999-1130-4200)

Laura D. Prine
City Clerk



Maria O. Pasillas, RTA
Tax Assessor Collector

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

AGENDA DATE: June 22, 2022
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.

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.

BACKGROUND / DISCUSSION:

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

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

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

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

DEPARTMENT HEAD:

Maria O. Pasillas

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

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, Email: taxforms@elpasotexas.gov

RECEIVED
JUN 01 2022BY: *UR*

APPLICATION FOR TAX REFUND

The Consolidated Tax Office collects property taxes for all eligible property taxing entities within El Paso County.

APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

Refund To: Maria De Jesus Garcia ✓	Phone: HOME: WORK: <i>(915) 331 2402</i>	Property ID# (One application per account) 327726 <i>MA 46-999-0130-1600</i>
Address (mail refund to :) 1206 W. Missouri Ave ✓	Property Address: And/or Legal Description:	
Tax year requested:	Date payment made:	Check No. & Date, if known:
1. 2022	05/16/2022	cash
2.		
3.		
TOTAL AMOUNT (sum of the above amounts)		
Amount of taxes paid:		Amount of refund requested:
\$2,500.00		\$2,500.00 ✓

(City Council approval required if over \$2,500)

REQUIRED: Copy of original receipt, front & back of negotiated check, OR
bank statement showing item cleared (both the bank & taxpayer name must appear)

REASON FOR OVERPAYMENT:

*Por que la compania donde compramos
la casa tiene la obligacion de pagar los impuestos
porque no somos todavia no somos propietarios.*

"I certify that information given to obtain this refund is true and correct."

X

[Signature]

Date:

X

06-01-22 ✓

Requestor signature:

X

Maria de Jesus Garcia

Printed name:

Title:

Any person knowingly submitting false entries is subject to: (1) Imprisonment of 2 to 10 years, or \$5,000 fine, or both.
(2) Imprisonment up to one year, or fine not over \$2,000, or both. (Sec 37.10 Penal Code) An application for a refund must be made within 3 years after
the date of the payment or the taxpayer waives the right to the refund (Sec 31.11 (c)).

TAX OFFICE Entry:

(X) REFUND APPROVED

Tax Office Approval:

[Signature] N.H. 6/18/22

Date:

6-3-22 ✓

Date:

(Placed on City Council Agenda over \$2,500)

- () DISAPPROVED () Returned to sender () See below/attached
- () Required documentation (Tax receipt, Canceled Check, Bank Statement, or Other) not submitted.
- () Record of overpayment not found on this property.
- () Property not found as identified, resubmit after correction.
- () Other: _____

Deposit Status

Notes

Go To:

LUZR
ACT80122 v1.91ACCOUNT NO (M94699901301600): ESCROW AGREEMENT #105855. BEGIN DATE: 03/15/2022,
END DATE: 09/15/2022, MONTHLY PAYMENT AMOUNT: \$452.72, YEARS: NO OF ACCTS: 106/10/2022 10:31:47
ACTEP

Deposit

REMITTANCE

Detail

Summary Query

Summary

Deposit No		Account No		Remit Seq No		Check No		Payment Amount		Payment Agreement No.	
A05162294		M94699901301600									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No.	Payer	
	A05162294	05/16/2022	50610610		CA	\$2,500.00	\$2,500.00	PA	M94699901301600	COBOS JUAN M & GARC	
	R030622267	05/16/2022	50610610		CA	\$0.00	\$2,500.00	TR	M94699901301600	COBOS JUAN M & GARC	
	R030622267	05/16/2022	50610610		CA	\$0.00	\$2,500.00	TR	M94699901301600	COBOS JUAN M & GARC	
	RC220603	05/16/2022	50610610		CA	\$2,500.00	\$2,500.00	TR	M94699901301600	COBOS JUAN M & GARC	
	RC220603	05/16/2022	50610610		CA	\$2,500.00	\$2,500.00	TR	M94699901301600	31335056-GARCIA MARIA	
	RD3949282	02/16/2022	49834339	0000241925	CH	\$3,169.05	\$3,169.05	RD	M94699901301600	29529839-ESCROW INC	
	A02012201	01/31/2022	49834339	114010	CH	\$64,661.16	\$3,169.05	LG	M94699901301600	29529839-ESCROW INC	
	R030222367	01/31/2022	49834339	114010	CH	\$0.00	\$3,169.05	TR	M94699901301600	29529839-ESCROW INC	
	R030222367	01/31/2022	49834339	114010	CH	\$0.00	\$3,169.05	TR	M94699901301600	29529839-ESCROW INC	
	A01132299	01/13/2022	49196630		CA	\$3,170.05	\$3,169.05	PA	M94699901301600	COBOS JUAN M & GARC	
*	T11302000008	11/30/2020	45031297	03308	CH	\$7,639.26	\$2,727.67	PA	M94699901301600	FIERRO ARMANDO A	
*	T12161900004	12/16/2019	42281804	03250	CH	\$7,564.42	\$2,685.14	PA	M94699901301600	FIERRO ARMANDO A	

Applied Total \$39,498.21

MAY 31 2022



MARIA O. PASILLAS, RTA
CITY OF EL PASO TAX ASSESSOR COLLECTOR
221 N. KANSAS, STE 300
EL PASO, TX 79901
PH: (915) 212-0106 FAX: (915) 212-0107 www.elpasotexas.gov/tax-office

TEXAS TITLE COMPANY
1360 N LEE TREVINO DR SUITE 107
EL PASO, TX 79936

OP
+2,500

Geo No. T281-999-0050-1800	Prop ID 86264
Legal Description of the Property 5 THUNDERBIRD VALLEY LOT 6 (9350 SQ FT) 5721 BURNING TREE DR	
OWNER: MARTINEZ JOEL & ZYLENE	
2019 OVERAGE AMOUNT \$2,505.94	

1: CITY OF EL PASO, 3: EL PASO ISD, 6: COUNTY OF EL PASO, 7: EL PASO COMMUNITY COLLEGE, 8: UNIVERSITY MEDICAL CENTER OF EL PASO

Dear Taxpayer:

Our records indicate that an overpayment exists on the property tax account listed above as of the date of this letter. If you paid the taxes on this account and believe you are entitled to a refund, please complete the application below, sign it, and return it to our office. If the taxes were paid by your mortgage/title company or any other party, you must obtain a written letter of release in order for the refund to be issued in your name. If you did not make the payment(s) on this account, please forward this letter to the person who paid these taxes. You may also request the transfer of this overpayment to other tax accounts and/or tax years in the space provided or by attaching an additional sheet if necessary. Your application for refund must be submitted within three years from the date of the overpayment, or you waive the right to the refund (Sec. 31.11c). Governing body approval is required for refunds in excess of \$2500.

APPLICATION FOR PROPERTY TAX REFUND:

This application must be completed, signed, and submitted with supporting documentation to be valid.

Step 1. Identify the refund recipient. Show information for whomever will be receiving the refund.	Who should the refund be issued to:			
	Name: <u>Texas Title</u>			
	Address: <u>1360 N. Lee Trevino, Suite 107</u>			
	City, State, Zip: <u>El Paso, TX 79936</u>			
Step 2. Provide payment information. Please attach copy of cancelled check, original receipt, online payment confirmation or bank/credit card statement.	Daytime Phone No. <u>(915) 593-3400</u>		E-Mail Address: <u>mtg@texas-title.com</u>	
	Payment made by:	Check No.	Date Paid	Amount Paid
		<u>106179</u>	<u>3/2/2000</u>	<u>\$2,505.94</u>
	TOTAL AMOUNT PAID (sum of the above amounts)			
Step 3. Provide reason for this refund. Please list any accounts and/or years that you intended to pay with this overage.	Please check one of the following:			
	<input type="checkbox"/> I paid this account in error and I am entitled to the refund.			
	<input checked="" type="checkbox"/> I overpaid this account. Please refund the excess to the address listed in Step 1.			
	<input type="checkbox"/> I want this payment applied to next year's taxes.			
Step 4. Sign the form. Unsigned applications cannot be processed.	This payment should have been applied to other tax account(s) and/or year(s), escrow (listed below):			
	By signing below, I hereby apply for the refund of the above-described taxes and certify that the information I have given on this form is true and correct. (If you make a false statement on this application, you could be found guilty of a Class A misdemeanor or a state jail felony under the Texas Penal Code, Sec. 37.10.)			
	SIGNATURE OF REQUESTOR (REQUIRED) <u>Maria O. Pasillas</u>		PRINTED NAME & DATE <u>Maria O. Pasillas 5/26/22</u>	
TAX OFFICE USE ONLY: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied By: <u>N.H.</u> Date: <u>5-31-22</u>				

Notes

Go To

LUZR
ACT80122 v1.91

06/10/2022 10:31:47
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.		Account No		Remit Seq No		Check No		Payment Amount		Payment Agreement No.	
A03132094		T28199900501800									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No	Payer	
	M2127000001	12/20/2021	48558692	RG2112171496	EF	\$56,846,990.58	\$7,673.82	PA	T28199900501800	2700-LERETA LLC	
	M20B27000001	12/15/2020	45290228	201214212798	EF	\$14,679,380.74	\$7,348.64	PA	T28199900501800	2700-LERETA LLC	
	A03132094	03/13/2020	43937885	106179	CH	\$2,505.94	\$2,505.94	LG	T28199900501800	21022392-TEXAS TITLE C	
	EC12161998	12/14/2019	42283550	CC002673349	EC	\$4,728.09	\$4,728.09	PA	T28199900501800	27748801-SCOTT D HAB	
	IP01101998	01/09/2019	39828447	CC002256818	CR	\$4,414.26	\$4,414.26	PA	T28199900501800	26895353-SCOTT D HAB	
	A12261765	12/26/2017	36424720	4173	CH	\$4,268.55	\$4,268.55	PA	T28199900501800	HABBIT PATRICIA M	
*	X1214163000	12/14/2016	33330650	03693	CH	\$4,135.05	\$4,135.05	PA	T28199900501800	HABBIT PATRICIA M	
*	X1228153002	12/28/2015	30496448	03821	CH	\$4,047.23	\$4,047.23	PA	T28199900501800	HABBIT PATRICIA M	
*	X1223143000	12/23/2014	27446459	03551	CH	\$4,176.63	\$4,176.63	PA	T28199900501800	HABBIT PATRICIA M	
*	X1223132003	12/23/2013	24527532	03380	CH	\$4,073.82	\$4,073.82	PA	T28199900501800	HABBIT PATRICIA M	
*	X0129133001	01/29/2013	22720244	03180	CH	\$3,914.59	\$3,914.59	PA	T28199900501800	HABBIT PATRICIA M	
*	X0127123000	01/27/2012	20165075	02975	CH	\$3,838.23	\$3,838.23	PA	T28199900501800	HABBIT PATRICIA M	
Applied Total						\$97,680.88					

TAX OFFICE
RECEIVED

JUN 08 2022

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, Email: taxforms@elpasotexas.gov

+2,500

APPLICATION FOR TAX REFUND

The Consolidated Tax Office collects property taxes for all eligible property taxing entities within El Paso County.

APPLICANT MUST PROVIDE THE FOLLOWING INFORMATION:

Refund To: Alcantar Enterprises, LLC ✓		Phone: 951-7696 HOME WORK:		Property ID# (One application per account) 323886 V893-999-1130-4200	
Address (mail refund to)		Property Address: And/or Legal Description:			
Tax year requested:	Date payment made:	Check No. & Date, if known:	Amount of taxes paid:	Amount of refund requested:	
1. 2022	03-24-22	3152 03-24-22	\$5,991.97	\$5,991.97 ✓	
2.					
3.					
TOTAL AMOUNT (sum of the above amounts)					

(City Council approval required if over \$2,500)

REQUIRED: Copy of original receipt, front & back of negotiated check, OR
bank statement showing item cleared (both the bank & taxpayer name must appear)

REASON FOR OVERPAYMENT:

Sold property in May 2022

"I certify that information given to obtain this refund is true and correct."

Requestor signature:

Marcos Alcantar

Date:

Printed name:

Title:

Any person knowingly submitting false entries is subject to: (1) Imprisonment of 2 to 10 years, or \$5,000 fine, or both.
(2) Imprisonment up to one year, or fine not over \$2,000, or both. (Sec 37.10 Penal Code) An application for a refund must be made within 3 years after
the date of the payment or the taxpayer waives the right to the refund (Sec 31.11 (c)).

TAX OFFICE Entry:

(✓) REFUND APPROVED

Tax Office Approval:

Date:

6-9-22 ✓

Date:

(Placed on City Council Agenda over \$2,500)

- () DISAPPROVED () Returned to sender () See below/attached
- () Required documentation (Tax receipt, Canceled Check, Bank Statement, or Other) not submitted.
- () Record of overpayment not found on this property.
- () Property not found as identified, resubmit after correction.
- () Other:

Deposit Status

Notes

Go To

LUZR
ACT80122 v1.91ACCOUNT NO (V89399911304200): ESCROW AGREEMENT #106026 BEGIN DATE: 03/23/2022, END
DATE: 09/23/2022, MONTHLY PAYMENT AMOUNT: \$5,991.97, YEARS: NO OF ACCTS: 108/10/2022 10:31:47
ACTEP

DEPOSIT Remittance Detail

Summary Query

Summary

Deposit No.		Account No.		Remit Seq No.		Check No.		Payment Amount		Payment Agreement No.	
A03242265		V89399911304200									
Check/Receipt Images	Deposit No.	Receipt Date	Remit Seq No.	Check No.	Payment Type	Payment Amount	Applied Amount	Transaction Type	Account No	Payer	
	A03242265	03/24/2022	50405255	3152	OH	\$5,991.97	\$5,991.97	PA	V89399911304200	ALCANTAR ENTERPRISE	
	R030622567	03/24/2022	50405255	3152	CH	\$0.00	\$5,991.97	TR	V89399911304200	ALCANTAR ENTERPRISE	
	R030622567	03/24/2022	50405255	3152	CH	\$0.00	\$5,991.97	TR	V89399911304200	ALCANTAR ENTERPRISE	
	A01312279	01/31/2022	49737746	3136	CH	\$21,943.82	\$21,943.82	PA	V89399911304200	ALCANTAR ENTERPRISE	
	A10132175	10/13/2021	47800149	3117	CH	\$10,000.00	\$10,000.00	PA	V89399911304200	ALCANTAR ENTERPRISE	
	RD3827250	09/17/2021	46922316	0000239201	CH	\$1,005.03	\$1,005.03	RD	V89399911304200	29994951-ALCANTAR M/	
	A08242190	08/24/2021	47712312	3109	CH	\$10,000.00	\$10,000.00	PA	V89399911304200	ALCANTAR ENTERPRISE	
	R9202167	08/24/2021	47712312	3109	CH	\$0.00	\$0.00	TR	V89399911304200	ALCANTAR ENTERPRISE	
	A02042165	02/01/2021	46772659	3063	CH	\$63,891.70	\$63,891.70	PA	V89399911304200	24096482-ALCANTAR EN	
	A02172179	02/01/2021	46922316	3066	CH	\$42,494.58	\$41,489.55	PA	V89399911304200	28612847-ALCANTAR EN	
	A02172179	02/01/2021	46922316	3066	CH	\$42,494.58	\$1,005.03	LG	V89399911304200	28612847-ALCANTAR EN	
	RC210909	02/01/2021	46922316	3066	CH	\$1,005.03	\$1,005.03	TR	V89399911304200	29994951-ALCANTAR M/	
Applied Total						\$646,197.07					



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-816, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Members of the City Council, Representative Claudia L. Rodriguez, (915) 212-0006

AGENDA LANGUAGE:

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

For notation pursuant to Section 2.92.080 of the City Code, receipt of campaign contribution of five hundred dollars or greater by Representative Claudia L. Rodriguez in the amount of \$2,500.00 from JP Bryan.



Legislation Text

File #: 22-774, 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, Claudia A. Garcia, (915) 212-1218

Airport, Sam Rodriguez, (915) 212-1845

AGENDA LANGUAGE:

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

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

Award Summary:

That the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders for 2022 - 0699 Airport Advertisement at the Chihuahuas' Stadium to MountainStar Sports Group, LLC dba El Paso Stadium Operations Company, for a term of three (3) years. The total contract estimated amount is \$386,362.50. This contract will allow the El Paso International Airport to promote initiatives, projects, or announcements at Southwest University Park.

Contract Variance:

N/A

Department:	El Paso International Airport
Award to:	MountainStar Sports Group, LLC dba El Paso Stadium Operations
Company	
	El Paso, TX
Term:	Three (3) Years
Year 1:	\$125,000.00
Year 2:	\$128,750.00
Year 3:	\$132,612.50
Total Estimated Amount:	\$386,362.50
Account No.:	562-3000-62030-521170
Funding Source:	Airport Operations Funds
District(s):	All

This purchase is pursuant Texas Local Government Code Exemption 252.022 (16) advertising, other than legal notices.

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

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director, (915) 212-1845
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 1 – Create an Environment Conducive to Strong Sustainable Economic Development

SUBGOAL: 1.4 Grow the core business of air transportation

SUBJECT:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders for 2022 – 0699 Airport Advertisement at the Chihuahua's Stadium to MountainStar Sports Group, LLC dba El Paso Stadium Operations Company, for a term of three (3) years. The total contract estimated amount is \$386,362.50.

BACKGROUND / DISCUSSION:

The El Paso international Airport will promote initiatives, projects, or announcements at Southwest University Park. This contract is for three years and features branding of the bridge that connects the two buildings located on the eastern side of the park with both stadium and street-facing signage. The package will also include, LED digital ribbon board, pre-game video spot, in-game public address announcement with slideshow, website link and ad, print ad in roster card, and game ball delivery recognized as presenting partner.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$386,362.50

Funding Source: Airport Operations

Account: 562-3000-62030-521170

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: El Paso International Airport

SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

 *FR*

Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director

**PROJECT FORM
(Exemption)**

Please place the following item on the **Consent Agenda** for the Council Meeting of **June 22, 2022**.

STRATEGIC GOAL No. 1 – Create an Environment Conducive to Strong sustainable Economic Development

The linkage to the Strategic Plan is subsection 1.4 – Grow the core business of air transportation

Award Summary:

Discussion and action on the request that the Director of the Purchasing & Strategic Sourcing Department be authorized to issue Purchase Orders for 2022 – 0699 Airport Advertisement at the Chihuahua's Stadium to MountainStar Sports Group, LLC dba El Paso Stadium Operations Company, for a term of three (3) years. The total contract estimated amount is \$386,362.50. This contract will allow the El Paso International Airport to promote initiatives, projects, or announcements at Southwest University Park.

Contract Variance:

N/A

Department:	El Paso International Airport
Award to:	MountainStar Sports Group, LLC dba El Paso Stadium Operations Company
	El Paso, TX
Term:	Three (3) Years
Year 1:	\$125,000.00
Year 2:	\$128,750.00
Year 3:	\$132,612.50
Total Estimated Amount:	\$386,362.50
Account No.:	562-3000-62030-521170
Funding Source:	Airport Operations Funds
District(s):	All

This purchase is pursuant Texas Local Government Code Exemption 252.022 (16) advertising, other than legal notices.

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

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 Letter Agreement by and between the City of El Paso ("Sponsor") and EL PASO STADIUM OPERATIONS COMPANY, a series of MountainStar Baseball, LLC, a Texas series limited liability company (the "Club"), for the purpose of advertisement and promotion of The City of El Paso's International Airport until September 30, 2024.

Dated this ____ day of _____ 2022.

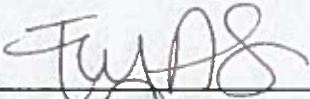
CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:



Samuel Rodriguez, P.E.
Director of Aviation

March 24, 2022
Cassandra Davisson
El Paso International Airport
6701 Convair Rd
El Paso, TX 79925

Re: El Paso Chihuahuas Corporate Partnership

Dear Cassandra:

The purpose of this Letter Agreement (“Agreement”) is to memorialize the terms of this Sponsorship between EL PASO STADIUM OPERATIONS COMPANY (“EPSOC”), a series of MountainStar Baseball, LLC, a Texas series limited liability company, the owner of a Triple-A Minor League Professional Baseball Club, the El Paso Chihuahuas (the “Club”), which plays its home games at Southwest University Park in El Paso, TX (“Ballpark”) and The City of El Paso (“Sponsor”). While the specific terms of your Sponsorship are described in the attached Exhibit A, which is incorporated by reference, the following provisions define the terms and conditions of our Agreement:

1. **Term:** The effective date of this Agreement is evidenced by the date contained in the signature block of the parties to this Agreement. The expiration date of this Agreement is **September 30, 2024**.
2. **Incorporation of Prior Agreements:** This Agreement contains the entire understanding of EPSOC and Sponsor with respect to the subject matter hereof and supersedes all prior or contemporaneous written or oral agreements and understandings between the parties with respect to the subject matter of this Agreement.
3. **Amendment:** No provision of this Agreement may be amended, modified or supplemented or added to except by an agreement in writing, expressly stating that such agreement is an amendment of this Agreement and is signed by both parties to this Agreement.
4. **Assignment:** Sponsor shall not have any right to assign or transfer any of its rights, or to delegate any of its obligations, under this Agreement to any person or entity without the prior written consent of EPSOC. EPSOC has absolute discretion as to whether to grant or withhold that consent.
5. **Capacity:** EPSOC and Sponsor, with respect to itself only, represents and warrants to the other, that (i) it has the right, power, legal capacity and authority to enter into and perform its obligations under this Agreement; (ii) the execution, delivery and performance by it of its obligations under this Agreement, and the consummation by it of the transactions contemplated hereunder, have been duly authorized by all necessary corporate action on its part; and (iii) the terms and provisions of the covenants by it under this Agreement constitute valid and legally binding obligations of it enforceable against it in accordance with their respective terms, except to the extent abrogated or limited by bankruptcy, insolvency or other laws affecting creditor’s rights generally. Each of the undersigned represents and warrants that it has authority to cause the entity on behalf of which such person is executing this Agreement to enter into this Agreement.
6. **Relationship of Parties:** EPSOC and Sponsor shall be deemed and construed as independent contractors with respect to one another for all purposes relating to this Agreement, and nothing contained in this Agreement is intended to constitute, nor shall it be deemed or construed as constituting, the creation of any partnership, joint venture, or principal/agent relationship between EPSOC and Sponsor arising out of the existence or exercise by EPSOC or Sponsor of their respective rights under this Agreement.

7. Agreement Provisions: If any clause, provision or part of this Agreement is declared unenforceable, or void by a court of competent jurisdiction or an arbitrator, such illegality or invalidity shall not affect the balance of the terms and provisions which shall remain binding and enforceable.

8. Construction: This Agreement shall not be construed in favor of or against either EPSOC or Sponsor by virtue of the fact that it may have been prepared by counsel for one of the parties or for any other reason, but shall be interpreted reasonably, in light of relevant circumstances and probable intent of the parties. Section headings of this Agreement are solely for convenience of reference and shall not govern the interpretation of any of the provisions of this Agreement.

9. No Third Party Beneficiaries: This Agreement shall inure solely to the benefit of EPSOC and Sponsor, and their respective permitted successors and assigns, and no natural person, entity, or governmental agency or authority shall have any third party beneficiary or other similar rights under or arising from this Agreement.

10. Indemnification: EPSOC shall indemnify, defend and hold harmless Sponsor, and Sponsor's shareholders, directors, officers, employees, agents, successors and assigns, from and against any and all claims, demands, causes of action, actions, suits, liabilities, losses, judgments, damages, penalties, costs or expenses (including reasonable attorneys' fees and costs), that result from, arise out of or relate to any breach by EPSOC of any covenant, representation or warranty made by EPSOC in this Agreement.

11. Intellectual Property: All marks, logos, copyrighted and copyrightable materials of Sponsor (the "Sponsor Intellectual Property") and all goodwill associated there with supplied to EPSOC by Sponsor shall belong to and remain the sole property of Sponsor, and EPSOC shall not have or acquire any right to copy, reproduce, publish or use the Sponsor Intellectual Property except in connection with the specific purposes of this Agreement. EPSOC will have the limited, non-exclusive right to use Sponsor Intellectual Property on a royalty-free basis, in promotions, advertising and website identification as specified herein. Upon the expiration of this Agreement, all rights and privileges granted to EPSOC by this limited license shall immediately terminate, EPSOC's use of the Sponsor Intellectual property shall cease, and EPSOC will either return the Sponsor Intellectual Property and all copies to Sponsor or dispose of the Sponsor Intellectual Property. All marks, logos, copyrighted and copyrightable materials of EPSOC (the "EPSOC Intellectual Property") and all goodwill associated therewith supplied to Sponsor by EPSOC shall belong to and remain the sole property of EPSOC. Sponsor will have the limited, non-exclusive right to use EPSOC Intellectual Property as specified in Exhibit A on a royalty-free basis for the limited purpose of leveraging its sponsorship position. Sponsor shall not have or acquire any right to copy, reproduce, publish or use the EPSOC Intellectual Property unless Sponsor obtains the prior written approval of EPSOC as to all proposed promotional, advertising, identification or other applications prepared by Sponsor prior to its publication, circulation, or display. Sponsor shall place the indicia "SM" or "TM" next to each use of any EPSOC Intellectual Property as applicable. Upon expiration of this Agreement, all rights and privileges granted to Sponsor by this limited license shall immediately terminate, Sponsor's use of the EPSOC Intellectual Property shall cease and Sponsor will return the EPSOC Intellectual Property and all copies thereof to EPSOC or dispose of the same.

Sponsor and EPSOC recognize the great value of the goodwill associated with each party's intellectual property. Each party recognizes that the other party has an interest in maintaining and protecting the image and reputation of its respective intellectual property, and that the other party's intellectual property must be used in a manner consistent with the standards established by that party. This limited license and all rights and duties hereunder are personal to each party and both agree that they shall not, without the prior

written consent of the other party, assign, mortgage, sublicense or otherwise encumber or transfer the limited license or the rights and duties hereunder.

12. **Confidentiality:** EPSOC acknowledges that Sponsor is a Governmental Entity and is subject to the Texas Public Information Act, and Sponsor will comply with EPSOC request for confidentiality to the extent permitted by law.

13. Sponsorship Fees; Property Taxes

(a) Sponsorship Fees. In 2022, Sponsor shall pay EPSOC \$125,000.00, net. In subsequent year(s), there is a 3% escalator.

(b) Payment. For each sponsorship year, Sponsor shall pay to EPSOC or to the order of EPSOC, in immediately available funds, the annual sponsorship fee applicable to that sponsorship year. **Checks should be made payable to El Paso Stadium Operations Company and delivered or sent via trackable mail to 1 Ballpark Plaza, El Paso, TX 79901. A 3% fee will be added to all payments made with a credit card.**

(c) Time of Payment. In each Sponsorship year, 100% of the applicable annual fee shall be due and payable on or before July 1, respectively, pursuant to the following payment schedule (net):

2022

July 1 \$125,000.00

2023

July 1 \$128,750.00

2024

July 1 \$132,612.50

(d) Fully Earned. Except as otherwise expressly provided to the contrary in this Agreement, the annual sponsorship fee is fully earned by EPSOC and payable by Sponsor irrespective of any cancellation, postponement or inability to schedule or host any regular season home games during the applicable sponsorship year. The annual sponsorship fee shall be paid without abatement, deduction or setoff, and shall be absolutely net of, among other things (i) all fees and commissions, if any, payable to third parties engaged by or claiming through Sponsor, all of which fees and commissions shall be the sole responsibility of and shall be paid when due by Sponsor, and (ii) all applicable federal, state, or local taxes or charges, if any, levied, assessed or otherwise payable with respect to the annual sponsorship fee or this Agreement, all of which taxes and charges shall be the sole responsibility of and shall be paid when due by Sponsor.

(e) Personal Property Taxation. Notwithstanding anything to the contrary contained in this Agreement, EPSOC and Sponsor hereby acknowledge and agree that this Agreement creates no possessory or other interest in Sponsor which would be subject to any property taxation.

(f) Cancellation Accommodation. In the event that more than fifteen percent (15%) of the regular season home games are not played when scheduled at the Ballpark in any sponsorship year, are not rescheduled and played during such sponsorship year at the Ballpark, Sponsor's sole and exclusive remedy shall be a reasonable accommodation provided by EPSOC to Sponsor relative to the length of interruption during the Club's season in such sponsorship year which is beyond the period

attributable to such fifteen percent (15%) of the regular season home games. EPSOC and Sponsor shall negotiate in good faith to determine the nature of such accommodation, which may consist of, by way of example only, appropriate “make good” advertising or promotion(s) or a proportional extension of the Term without payment of any additional fee. EPSOC and Sponsor hereby acknowledge and agree that EPSOC shall not be responsible or liable to Sponsor (including, without limitation, for any rebate or refund of all or any portion of any annual sponsorship fee) for the cancellation or postponement of, or the inability to schedule or host, any regular season home games by reason of strike, lockout, rules or regulations of any of the baseball authorities, failure of electric power or other utilities, natural disaster, inclement weather, restrictive governmental laws or regulations enacted or promulgated subsequent to the date of this Agreement, other action or decree of any governmental authority with appropriate jurisdiction, any delay in completion of the construction of the Ballpark, vandalism, riots, insurrections, wars or any other reason.

14. Default and Remedies

(a) Potential Default by EPSOC. A “Potential EPSOC Default” shall exist under this Agreement upon the failure to substantially perform, when required, any of EPSOC’s obligations under this Agreement.

(b) Potential Default by Sponsor. A “Potential Sponsor Default” shall exist under this Agreement upon the failure to substantially perform, when required, any of Sponsor’s obligations under this Agreement.

(c) Cure Periods. Any Potential EPSOC Default or Potential Sponsor Default is curable and shall be deemed cured, if:

(i) within ten (10) days after receipt by the party against whom a Potential Default is alleged (the “PD Party”) from the other party hereto (the “Non-PD Party”) of notice of such Potential Default, the following occurs: (a) with respect to a Potential Default existing by reason of the breach of an obligation to pay money, such money is paid in full, or (b) with respect to a Potential Default existing by reason other than the breach of an obligation to pay money, the PD Party gives the Non-PD Party notice of an intent to cure such Potential Default;

(ii) within thirty (30) days after receipt by the PD Party from the Non-PD Party of notice of a Potential Default existing by reason other than the breach of an obligation to pay money, the PD Party commences the curing of such Potential Default; and

(iii) within one hundred twenty (120) days after receipt by the PD Party from the Non-PD Party of notice of a Potential Default existing by reason other than the breach of an obligation to pay money, the PD Party, in fact, cures such Potential Default.

(d) Event of Default; Remedies. Following the occurrence of any Potential Default, and after the expiration of the cure period applicable thereto, a default (each, an “Event of Default”) on the part of the PD Party shall occur hereunder and the Non-PD Party thereafter shall have the following remedies:

(i) The right to suspend performance by the Non-PD Party of its obligations under this Agreement and to terminate this Agreement as of the date specified in a notice delivered by the Non-PD Party to the PD Party (which date of suspension and termination shall be not

less than fifteen (15) days after the giving of such notice) stating the Non-PD Party's election to exercise such right of suspension and termination; and

(ii) The right to pursue such other remedies as may be available to the Non-PD Party at law or in equity (including, without limitation, interest at the maximum legal rate on any unpaid and delinquent sums owing under the terms of this Agreement).

(e) Remedies Cumulative. No remedy herein conferred upon or reserved to the parties hereto is intended to be exclusive of any other remedy herein or by law provided or permitted, but each shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity.

15. Force Majeure Event: It is expressly understood and agreed by the parties to this Agreement that if the performance of any obligation hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, court injunction, any pandemic, epidemic, or materially similar public health emergency, 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..

16. Agreement Subject to Approval by Baseball Authorities: This Agreement is subject to approval by Major League Baseball (MLB), its subsidiaries, and any other relevant authorities with appropriate jurisdiction.

17. Notice: Any written notice, request, demand or communication shall be deemed to have been delivered and received as of the date (i) personally delivered; (ii) sent by email; (iii) three (3) business days after deposit in the United States certified mail, return receipt requested, properly posted; or (iv) the next business day after an overnight delivery service properly posted and addressed to the other party at the addresses provided below:

To EPSOC: El Paso Stadium Operations Company
1 Ballpark Plaza
El Paso, Texas 79901
Attention: Alan Ledford / Brad Taylor
Email Address: aledford@epchihuahuas.com/btaylor@epchihuahuas.com

With a Copy To:

Kemp Smith LLP
221 N. Kansas, Suite 1700
El Paso, Texas 79901
Attention: Gene Wolf
Facsimile No: 915-546-5360

To Sponsor: City of El Paso
El Paso International Airport
6701 Convair Rd
El Paso, TX 79925
Attn: Cassandra Davisson

18. **Texas Law and Choice of Forum:** This Agreement shall be construed in accordance with and governed by the laws of the State of Texas, without giving effect to any conflict of law rules of the State of Texas. This Agreement is performable in El Paso County, Texas.

19. **Arbitration of Disputes:** Pursuant to Texas Government Code Section 2009.005(c), no provision of the Agreement and the Ancillary Agreements providing for the arbitration of disputes concerning the Agreement or any Ancillary Agreement by the parties shall be of force and effect.

20. **Attorneys' Fees:** If either party commences an action against the other to interpret or enforce any of the terms of this Agreement or because of the breach by the other party of any of the terms hereof, the prevailing party shall be entitled to recover its reasonable attorneys' fees, costs and expenses incurred in connection with the prosecution or defense of such action, whether or not the action is prosecuted to a final judgment.

21. **Funding Contingency:** The Agreement is made contingent upon continuation of the availability of funds designated or appropriated to pay for the Agreement once funding is approved.

Signed on this 14 day of JUNE, 2022.

EPSOC: EL PASO STADIUM OPERATIONS COMPANY

A series of a Texas limited liability company

By:  BRAD TAYLOR

Its: SR. VP + GM

SPONSOR:

The City of El Paso

El Paso International Airport

6701 Convair Rd

El Paso, TX 79925

Attn: Cassandra Davisson

By: Cassandra Davisson

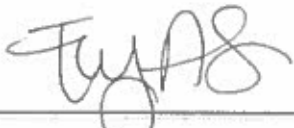
Its: Marketing & Air Service Dev. Mgr.

THE CITY OF EL PASO

Tommy Gonzalez

City Manager

APPROVED AS TO FORM:



Evy A. Sotelo

Assistant City Attorney

EXHIBIT A

2022 Baseball Regular Season Terms and Conditions

EPSOC To Provide:

Ballpark Signage

Franklin Gate Bridge

Digital Signage

LED Digital Ribbon Board Recognition

- Sponsor will receive LED signage exposure at all regular season home games.
 - This LED signage will rotate with other Club partners.
 - All elements to be mutually agreed upon and approved by the Club.
 - Sponsor to receive one (1) pre-game video spot at each regular season home game.
 - Sponsor to be recognized during one (1) in-game public address announcement with a corresponding slide show on the videoboard at each Club regular season home game.
 - Sponsor to receive one (1) advertisement on official Club website with direct link to Sponsor website.

Videoboard Activation

Public Address Announcements

Website Banner Advertisement

Print

Roster Card

- Sponsor to receive one (1) advertisement in the game day roster card.

Promotion

Game Ball Delivery

- Sponsor to be recognized as presenting partner of the game ball delivery at each regular season home game.

Sponsor to Provide:

- Corporate description and URL link for Club's Corporate Partners webpage.
- Miscellaneous logos for use by EPSOC.



Legislation Text

File #: 22-817, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

Members of the City Council, Representative Alessandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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

Discussion and action on a Resolution recognizing the month of June 2022 as Pride Month and accepting a donation of a Progress Pride flag from EP Sun City Pride and to have City Hall fly the Progress Pride flag every year in June in solidarity with the LGBTQIA+ Community.

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

DEPARTMENT: Mayor and Council

AGENDA DATE: Wednesday, June 22, 2022

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Henry Rivera, District 7- 915.212.0007

City Representative Aleksandra Anello, District 2- 915.212.0002

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL:

Goal 3 - Promote the Visual Image of El Paso

SUBJECT:

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

Discussion and action on a resolution recognizing the month of June 2022 as Pride Month and accepting a donation of a Progress Pride flag from EP Sun City Pride and to have City Hall fly the Progress Pride flag every year in June in solidarity with the LGBTQIA+ Community.

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?

Recognition of Pride Month 2022 and upgrading from the Pride flag to the Progress Pride flag to be inclusive and stand in solidarity with the entire LGBTQIA+ community.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? Yes, on June 9, 2020, Council approved a resolution to accept the donation of a Pride flag from EP Sun City Pride and to have City Hall fly the Pride flag every year in June in solidarity with LGBTQ+ Community.

AMOUNT AND SOURCE OF FUNDING:

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

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

RESOLUTION

WHEREAS, El Paso is home to thousands of LGBTQIA+ people; and

WHEREAS, on June 9, 2020, the City Council of the City of El Paso accepted the donation of a Pride flag from EP Sun City Pride and has since then, displayed the Pride flag at City Hall in support of El Paso's LGBTQIA+ community; and

WHEREAS, the rainbow flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQIA+ people in society; and

WHEREAS, all human beings are born free and equal in dignity and rights. LGBTQIA+ individuals have had immeasurable impact to the cultural, civic and economic successes of our country; and

WHEREAS, the City of El Paso is committed to supporting visibility, dignity and equality for LGBTQIA+ people in our diverse community; and

WHEREAS, while society at large increasingly supports LGBTQIA+ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination and prejudice; and

WHEREAS, this nation was founded on the principle that every individual has infinite dignity and worth, and the City of El Paso calls upon the people of this municipality to embrace this principle and work to eliminate prejudice everywhere it exists; and

WHEREAS, celebrating Pride Month influences awareness and provides support and advocacy for El Paso's LGBTQIA+ community, and is an opportunity to act and engage in dialogue to strengthen alliances, build acceptance and advance equal rights.

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

That the month of June 2022 shall be recognized as Pride Month in support of the LGBTQIA+ community.

That the City of El Paso recognizes all LGBTQIA+ residents whose influential and lasting contributions to our neighborhoods make the City of El Paso a vibrant community in which to live, work and visit.

That the City Council accepts the donation of a Progress Pride Flag from EP Sun City Pride; and
That on June 22, 2022, the City of El Paso will fly the Progress Pride Flag at City Hall in recognition of EP Sun City Pride; and

That every year, for the month of June, the City will fly the Progress Pride Flag at City Hall in support of El Paso's LGBTQIA+ community.

PASSED AND APPROVED this _____ day of _____, 2022.

THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk

Ramona Frazier

Ramona Frazier
Assistant City Attorney



Legislation Text

File #: 22-823, 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.*

All Districts

Members of the City Council, Representative Alexsandra Annello, (915) 212-0002

AGENDA LANGUAGE:

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

Discussion and action to approve a Resolution recognizing June 19, 2022 as Juneteenth Independence Day and recognizing organizations and citizens of El Paso who celebrate this important day to our nation.

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

DEPARTMENT: MAYOR AND COUNCIL

AGENDA DATE: June 22, 2022

CONTACT PERSON NAME AND PHONE NUMBER:

City Representative Aleksandra Annello, 915-212-0002

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: (Goal 4 - Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments)

SUBJECT:

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

Discussion and action to approve a resolution recognizing June 19, 2022 as Juneteenth Independence Day and recognizing organizations and citizens of El Paso who celebrate this important day to our nation.

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?

N/A

PRIOR COUNCIL ACTION:

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

Yes

AMOUNT AND SOURCE OF FUNDING:

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

N/A

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

RESOLUTION

WHEREAS, in 1863, President Abraham Lincoln issued the Emancipation Proclamation declaring all slaves free; however, this freedom was not made known to many enslaved Black Americans until two years after its passage; and

WHEREAS, Juneteenth recognizes that on June 19, 1865, the last enslaved people in Galveston, Texas were informed that slavery had been abolished, and Black Americans who had been slaves in the Southwest celebrated June 19, commonly known as “Juneteenth Independence Day”, as inspiration and encouragement for future generations; and

WHEREAS, Juneteenth provides an opportunity for the City to celebrate Black American heritage and honor the lives, sacrifices, and contributions that are woven into the American fabric; and

WHEREAS, Juneteenth also acknowledges America’s commitment to liberty and equality in accordance with the Constitution of the United States, along with the Emancipation Proclamation, and the 13th Amendment to the Constitution which abolished slavery, ratified by Congress on December 6, 1865; and

WHEREAS, the candid acknowledgement of this history is necessary if we, as a nation, state, or city, are successful in our effort to build a truly equitable community that exemplifies and promotes the fundamental American values of freedom, diversity, equality, liberty, and justice; and

WHEREAS, there are many individuals and organizations around the City of El Paso, such as Black El Paso Voice and the Inter Club Council of El Paso, who focus their efforts to promote Black American voices and culture as well as to preserve Black American history and struggles;

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

THAT the City of El Paso recognizes June 19, 2022, as Juneteenth Independence Day in celebration of the culturally important role of emancipation and the work towards that liberation in our past, present and future; and recognizes and commends the efforts of organizations like Black El Paso Voice and the Inter Club Council of El Paso for promoting and preserving Black American culture in the City of El Paso.

(Signatures on the following page)

PASSED AND APPROVED this _____ day of _____, 2022.


THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura D. Prine
City Clerk



Karla Muñoz
Assistant City Attorney



Legislation Text

File #: 22-825, 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

Members of the City Council, Representative Peter Svarzbein, (915) 212-1002

AGENDA LANGUAGE:

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

Discussion and action approving a Resolution authorizing the use of District 1 discretionary funds in the amount of \$6,259.00, to supplement funding the Borderland Neighborhood Association's Project of purchasing and installing a security camera system for Borderland Park.

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

DEPARTMENT:

AGENDA DATE:

CONTACT PERSON NAME AND PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBJECT:

BACKGROUND/DISCUSSION:

PRIOR COUNCIL ACTION:

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

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?

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

RESOLUTION

WHEREAS all eight districts of the City of El Paso received a budget of \$375,000 to utilize on Neighborhood Improvement Projects as part of the fifth round of the 2012 Quality of Life Bonds Neighborhood Improvement Project funding; and

WHEREAS District 1 received funds in the total amount of \$459,415, which includes a rollover amount of \$84,415; and

WHEREAS the Borderland Neighborhood Association project requested \$64,350 to improve Borderland Park by purchasing and installing a security camera system; and

WHEREAS Borderland Park will receive partial funding in the amount of \$58,091; and

WHEREAS the City Council Representative for District 1 recommends the allocation of \$6,259.00 from District 1's discretionary funds to fully fund the Borderland Neighborhood Association's project; and

WHEREAS the City Council finds that the expenditure of District 1 discretionary funds serves a municipal purpose of setting the standard for a safe and secure city while enhancing El Paso's quality of life.

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

THAT, the City Council declares that the expenditure of the discretionary funds from City Council District 1 in the amount not to exceed \$6,259.00, to fund the Borderland Neighborhood Association's Project of purchasing and installing a security camera system for Borderland Park, serves a municipal purpose of setting the standard for a safe and secure city while enhancing El Paso's quality of life.

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

(Signatures begin on following page)

APPROVED this _____ day of _____, 20____.

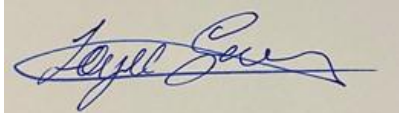
THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Joyce Garcia
Assistant City Attorney



Legislation Text

File #: 22-826, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

All Districts

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

AGENDA LANGUAGE:

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

Discussion and action to direct the City Manager to designate March 31st of each year as an official City of El Paso holiday as part of continued efforts to address systemic barriers to racism and better include, celebrate, and uplift communities of color in honor of Cesar Chavez Day.

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

DEPARTMENT: Mayor and Council

AGENDA DATE: Wednesday, June 22, 2022

CONTACT PERSON NAME AND PHONE NUMBER: City Representative Henry Rivera, District 7-915.212.0007

DISTRICT(S) AFFECTED: All Districts

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

SUBJECT:

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

Discussion and action to direct the City Manager to designate March 31st of each year as an official City of El Paso holiday as part of continued efforts to address systemic barriers to racism and better include, celebrate, and uplift communities of color in honor of Cesar Chavez Day.

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?

Cesar Chavez Day is a U.S. federal commemorative holiday, proclaimed by President Barack Obama in 2014. The holiday celebrates the birth and legacy of the civil rights and labor movement activist Cesar Chavez on March 31 every year.

Cesar Chavez Day is commemorated to promote service to the community in honor of Cesar Chavez's life and work. Some state, county and government offices, community colleges, libraries, and public schools are closed.

PRIOR COUNCIL ACTION:

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

Yes, on August 18, 2020, Council approved to direct the City Manager to designate June 19th of each year as a city holiday in order to observe and reflect on the suffering endured by early African-Americans, promote public awareness, and celebrate African-American freedom and achievement.

AMOUNT AND SOURCE OF FUNDING:

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

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



Legislation Text

File #: 22-766, 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, Yvette Hernandez, (915) 212-1860

AGENDA LANGUAGE:

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

Texas Department of Transportation (TxDOT) operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements.

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez, (915) 212-1860

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: No.7: Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: N/A

SUBJECT:

TxDOT operational update on projects currently in design and estimated completion dates for construction projects to include reporting on aesthetic/landscaping elements.

BACKGROUND / DISCUSSION:

TxDOT reports out to City Council on a quarterly basis to maintain communication and collaborative efforts.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

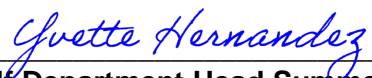
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ___ YES ___ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



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



Legislation Text

File #: 22-754, 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, 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 changing the zoning of a portion of Tract 9A1, 9B1, Laura E. Mundy Survey 238 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas from R-5/c (Residential/conditions) to C-2/c (Commercial/conditions) and from R-5/sp (Residential/special permit) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: Generally North of Transmountain Road and East of Interstate 10

Applicant: EP Transmountain Residential, LLC. PZRZ22-00009

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: July 19, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 1

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 9A1, 9B1, Laura E. Mundy Survey 238 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas from R-5/c (Residential/conditions) to C-2/c (Commercial/conditions) and from R-5/sp (Residential/special permit) to C-2 (Commercial) and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: Generally North of Transmountain Road and East of Interstate 10
Applicant: EP Transmountain Residential, LLC. PZRZ22-00009

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-5/c (Residential/conditions) to C-2/c (Commercial/conditions) and R-5/sp (Residential/special permit) to C-2 (Commercial) to allow for commercial development. City Plan Commission recommended 7-0 to approve the proposed rezoning with three conditions on May 5, 2022. As of June 13, 2022, the Planning Division did not receive any communications in support or opposition to the request from the public. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 9A1, 9B1, LAURA E. MUNDY SURVEY 238 AND A PORTION OF NELLIE D. MUNDY SURVEY NO. 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-5/C (RESIDENTIAL/CONDITIONS) TO C-2/C (COMMERCIAL/CONDITIONS) AND FROM R-5/SP (RESIDENTIAL/SPECIAL PERMIT) TO C-2 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of A portion of Tract 9A1, 9B1, Laura E. Mundy Survey 238 and a portion of Nellie D. Mundy Survey No. 244, *located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-5/c (Residential/conditions)** to **C-2/c (Commercial/conditions)** and **R-5/sp (Residential/special permit)** to **C-2 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly, and that the special permit designation be rescinded

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the change in intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
 - a. This condition shall not apply where the existing arroyo will serve as a natural buffer between the subject properties and residential zone districts or uses.
 - b. The landscaping required under this condition will count towards the landscaping required under Title 18.
2. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits.
3. That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:
 - a. Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.

The penalties for violating the standards imposed through this rezoning ordinance are found in Section 20.24 of the El Paso City Code.

(Signatures on following page)

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00009

ADOPTED this _____ day of _____, 20____.

THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard

Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00009

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Nellie D. Mundy Survey No. 244, and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Resler Dr., as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which a ½" rebar with cap marked TX 5152 at the centerline intersection Hunter Foster Dr. and Northwestern Dr. bears, North 85°38'42" West a distance of 1369.92 feet; Thence North 34°43'51" East a distance of 96.55 feet to a set ½" rebar on the easterly right of way line of Resler Dr. for THE "TRUE POINT OF BEGINNING";

Thence, North 00°43'19" East a distance of 65.88 feet to a set ½" rebar with cap marked TX 5152 on the easterly right of way line of Resler Dr.;

Thence, along said right of way line, 103.03 feet along the arc of a curve to the right, which has a radius of 2946.00 feet, a central angle of 02°00'14", a chord which bears North 01°43'26" East a distance of 103.03 feet to a set ½" rebar with cap marked TX 5152;

Thence, continuing along said right of way, North 02°43'33" East a distance of 337.90 feet to a set ½" rebar with cap marked TX 5152;

Thence, leaving said right of way line, South 86°47'10" East a distance of 202.49 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 85°28'03" East a distance 176.12 feet to a set ½" rebar with a cap marked TX 5152 on the westerly line of Block 38, Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543;

Thence, along said line, South 17°19'19" West a distance of 331.54 feet to a set ½" rebar with a cap marked TX 5152;

Thence, along said line, South 03°12'50" West a distance of 252.20 feet to a set 1/2 "rebar on the northerly right of way line of Hunter Foster Dr.;

Thence along said right of way line North 86°47'10" West a distance of 246.59 feet to a set ½" rebar for a point of curve;

Thence 19.98 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of 57°13'44", a chord which bears North 58°10'18" West a distance of 19.16 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 26.35 feet along the arc of a curve to the left, which has a radius of 89.00 feet, a central angle of $16^{\circ}57'47''$, a chord which bears North $38^{\circ}02'20''$ West a distance of 26.25 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 16.49 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of $47^{\circ}14'32''$, a chord which bears North $22^{\circ}53'57''$ West a distance of 16.03 feet to the "TRUE POINT OF BEGINNING" and containing 173,706 square feet or 3.9877 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 122-21



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79936 / (915) 592-0283 FAX (915) 592-0286
FIRM NO. 10078100

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Nellie D. Mundy Survey 244 and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar with cap marked TX 5152 for the centerline intersection of Hunter Foster Dr. and Resler Dr., as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which a ½" rebar with cap marked TX 5152 at the centerline intersection Hunter Foster Dr. and Northwestern Dr. bears, North 85°38'42" West a distance of 1369.92 feet; Thence South 63°44'07" East a distance of 99.60 feet to a point on the southerly right of way line of Hunter Foster Dr. for THE "TRUE POINT OF BEGINNING";

Thence along said right of way line, South 86°47'10" East a distance of 419.61 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, 93.45 feet along the arc of a curve to the right, which has a radius of 2961.00 feet, a central angle of 01°48'30", a chord which bears South 85°52'55" East a distance of 93.44 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said right of way line, South 05°01'20" West a distance of 331.91 feet to a set ½" rebar with cap marked TX 5152 on the northerly line of Block 36, Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas;

Thence along said right of way line, 323.57 feet along the arc of a curve to the left, which has a radius of 841.00 feet, a central angle of 22°02'38", a chord which bears North 78°15'22" West a distance of 321.57 feet to a set ½" rebar with cap marked TX 5152;

Thence along said line, North 89°16'41" West a distance of 207.83 feet to a set ½" rebar on the easterly right of way line of Resler Dr. (Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas);


Thence along said right of way line, North 00°43'19" East a distance of 256.19 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, 16.49 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of 47°14'32", a chord which bears North 24°20'35" East a distance of 16.03 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 18.61 feet along the arc of a curve to the left, which has a radius of 89.00 feet, a central angle of $11^{\circ}58'45''$, a chord which bears North $41^{\circ}58'29''$ East a distance of 18.57 feet to a set $\frac{1}{2}$ " rebar with a cap marked TX. 5152 for a point of reverse curve;

Thence, 19.98 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of $57^{\circ}13'44''$, a chord which bears North $64^{\circ}35'58''$ East a distance of 19.16 feet to the "TRUE POINT OF BEGINNING" and containing 158,431 square feet or 3.6371 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 122-21



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79936 / (915) 592-0283 FAX (915) 592-0286
FIRM NO. 10078100

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 9A1, 9B1, Laura E. Mundy Survey 238, and a portion of Nellie D. Mundy Survey No. 244 and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Resler Dr., as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which an ½" rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Northwestern Dr. bears, North 85°38'42" West a distance of 1369.92 feet; Thence South 33°22'01" West a distance of 100.11 feet to a set ½" rebar on the westerly right of way line of Resler Dr. as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, for THE "TRUE POINT OF BEGINNING";

Thence along said right of way line, South 00°43'19" West a distance of 251.93 feet to a set ½" rebar with cap marked TX 5152 on the northerly line of Block 30, Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas;

Thence along said line, North 89°16'41" West a distance of 175.97 feet to a set ½" rebar with cap marked TX 5152;

Thence along said line, North 80°36'35" West a distance of 231.44 feet to a set ½" rebar with cap marked TX 5152;

Thence along said line, North 86°47'10" West a distance 692.63 feet to a set ½" rebar with a cap marked TX 5152;

Thence along said line, North 80°10'33" West a distance of 115.37 feet to a set ½" rebar with a cap marked TX 5152;

Thence along said line, North 86°47'10" West a distance of 170.23 feet to a set ½" rebar with a cap marked TX 5152 on the easterly right of way line of Northwestern Drive as shown on plat of Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543 Real Property Records of El Paso County, Texas;

Thence along said right of way line, North 17°43'53" East a distance of 95.54 feet to a set 1/2 "rebar with a cap marked TX. 5152 for a point of curve;

Thence along said right of way line 116.65 feet along the arc of a curve to the right, which has a radius of 500.00 feet, a central angle of 13°22'00", a chord which bears North 24°24'53" East a distance of 116.38 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, North 31°05'53" East a distance of 59.09 feet to a set 1/2 "rebar with a cap marked TX. 5152 for a point of curve;

Thence along said right of way line, 14.18 feet along the arc of a curve to the right, which has a radius of 30.00 feet, a central angle of 27°05'07", a chord which bears North 44°38'26" East a distance of 14.05 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 10.97 feet along the arc of a curve to the left, which has a radius of 87.00 feet, a central angle of 7°13'28", a chord which bears North 54°34'15" East a distance of 10.96 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 29.50 feet along the arc of a curve to the right, which has a radius of 40.00 feet, a central angle of 42°15'19", a chord which bears North 72°05'11" East a distance of 28.84 feet to a set ½" rebar with cap marked TX 5152 on the southerly right of way line of Hunter Foster Dr. as shown on plat of Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543 Real Property Records of El Paso County, Texas;

Thence along said right of way line South 86°47'10" East a distance of 474.94 feet to a set ½" rebar with cap marked TX 5152 for a point of curve;

Thence along said right of way line, 281.04 feet along the arc of a curve to the right, which has a radius of 2946.00 feet, a central angle of 05°27'57", a chord which bears South 84°03'12" East a distance of 280.93 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence along said right of way line, 291.34 feet along the arc of a curve to the left, which has a radius of 3054.00 feet, a central angle of 5°27'57", a chord which bears South 84°03'12" East a distance of 291.23 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, South 86°47'10" East a distance of 157.78 feet to a set ½" rebar with cap marked TX 5152 for a point of curve;

Thence, 16.49 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of 47°14'32", a chord which bears South 63°09'54" East a distance of 16.03 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 7.51 feet along the arc of a curve to the left, which has a radius of 89.00 feet, a central angle of 4°50'00", a chord which bears South 41°57'38" East a distance of 7.51 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 23.61 feet along the arc of a curve to the right, which has a radius of 30.00 feet, a central angle of 45°05'57", a chord which bears South 21°49'40" East a distance of 23.01 feet to the "TRUE POINT OF BEGINNING" and containing 382,484 square feet or 8.78 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 122-21



ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79936 / (915) 592-0283 FAX (915) 592-0286
FIRM NO. 10078100

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 9B1, Laura E. Mundy Survey 238, and a portion of Nellie D. Mundy Survey No. 244 and being more particularly described by metes and bounds as follows:

Commencing for reference at a ½" rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Resler Dr., as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which a ½" rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Northwestern Dr. bears, North 85°38'42" West a distance of 1369.92 feet; Thence North 52°46'38" West a distance of 96.55 feet to a set ½" rebar on the northerly right of way line of Hunter Foster Dr. for THE "TRUE POINT OF BEGINNING";

Thence along said right of way line, North 86°47'10" East a distance of 157.78 feet to a set ½" rebar with cap marked TX 5152 on the northerly right of way line of Hunter Foster Dr., Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543;

Thence, along said right of way line, 281.04 feet along the arc of a curve to the right, which has a radius of 2946.00 feet, a central angle of 05°27'57", a chord which bears North 84°03'12" West a distance of 280.93 feet to a set ½" rebar with cap marked TX 5152 to a point of reverse curve;

Thence along said right of way line, 291.34 feet along the arc of a curve to the left, which has a radius of 3054.00 feet, a central angle of 05°27'57", a chord which bears North 84°03'12" West a distance of 291.23 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 86°47'10" West a distance of 472.77 feet to a set ½" rebar with a cap marked TX. 5152 for a point of curve;

Thence along said right of way line, 49.92 feet along the arc of a curve to the right, which has a radius of 30.00 feet, a central angle of 95°20'23", a chord which bears North 39°06'59" West a distance of 44.36 feet to a set ½" rebar with cap marked TX 5152 on the easterly right of way line of Northwestern Dr. as shown in plat of Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543;

Thence along said right of way line, 171.25 feet along the arc of a curve to the left, which has a radius of 1010.00 feet, a central angle of 9°42'52", a chord which bears North 3°41'46" East a distance of 171.04 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence along said right of way line, 31.69 feet along the arc of a curve to the right, which has a radius of 990.00 feet, a central angle of 01°50'03", a chord which bears North 00°14'38" West a distance of 31.69 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence along said right of way line, 151.29 feet along the arc of a curve to the left, which has a radius of 1132.00 feet, a central angle of 7°39'26", a chord which bears North 3°09'20" West a distance of 151.17 feet to a set ½" rebar with cap marked TX 5152;

Thence, leaving said right of way line, North 65°34'38" East a distance of 361.49 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 87°32'06" East a distance of 171.38 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 51°23'54" East a distance of 92.85 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 86°47'10" East a distance of 117.58 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 73°40'11" East a distance of 191.19 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 87°50'51" East a distance of 206.98 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 70°47'02" East a distance of 206.77 feet to a set ½" rebar with cap marked TX 5152 on the easterly right of way line of Resler Dr;

Thence along said right of way line South 02°43'33" East a distance of 502.70 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, 106.81 feet along the arc of a curve to the left, which has a radius of 3054.00 feet, a central angle of 2°00'14", a chord which bears South 1°43'26" West a distance of 106.80 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line South 00°43'19" West a distance of 65.88 feet to a set ½" rebar with cap marked TX 5152 to a point of curve;

Thence along said right of way line, 16.49 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of 47°14'32", a chord which bears South 24°20'35" West a distance of 16.03 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence along said right of way line, 3.10 feet along the arc of a curve to the left, which has a radius of 89.00 feet, a central angle of 1°59'34", a chord which bears South 46°58'04" West a distance of 3.10 feet to a set ½" rebar with cap marked TX 5152 for a point of reverse curve;

Thence along said right of way line, 16.49 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of 47°14'32", a chord which bears South 69°35'34" West a distance of 16.03 feet to the "TRUE POINT OF BEGINNING" and containing 727,992.13 square feet or 16.71 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 122-21



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79936 / (915) 592-0283 FAX (915) 592-0286
FIRM NO. 10078100

Prepared for: Southwest Land Development Services Inc.
March 14, 2022
(Parcel V)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 9B1, Laura E. Mundy Survey No. 238 and being more particularly described by metes and bounds as follows:

Commencing for reference at a found $\frac{1}{2}$ " rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Northwestern Dr as shown on plat of Enchanted Hills Unit Five recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which an existing $\frac{1}{2}$ " rebar with cap marked TX 5152 at the centerline intersection of Hunter Foster Dr. and Resler Dr. bears South $85^{\circ}38'42''$ East a distance of 1369.92 feet; Thence North $47^{\circ}56'18''$ West a distance of 91.34 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the northerly right of way line of Hunter Foster Dr. for THE "TRUE POINT OF BEGINNING";

Thence along said right of way line 10.39 feet along the arc of a curve to the right, which has a radius of 30.00 feet, a central angle of $19^{\circ}51'05''$, a chord which bears South $86^{\circ}58'57''$ West a distance of 10.34 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said right of way line, 214.72 feet along the arc of a curve to the right, which has a radius of 1046.00 feet, a central angle of $11^{\circ}45'42''$, a chord which bears North $77^{\circ}12'40''$ West a distance of 214.35 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along the right of way line, North $71^{\circ}19'49''$ West a distance of 333.30 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of curve;

Thence along said right of way line, 242.28 feet along the arc of a curve to the right, which has a radius of 1500.00 feet, a central angle of $9^{\circ}15'16''$, a chord which bears North $66^{\circ}42'10''$ West a distance of 242.02 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said right of way line, North $62^{\circ}04'32''$ West a distance of 236.62 feet to a set $\frac{1}{2}$ " rebar marked TX. 5152 for a point of curve;

Thence along said right of way line, 754.42 feet along the arc of a curve to the left, which has a radius of 1400.00 feet, a central angle of $30^{\circ}52'30''$, a chord which bears North $77^{\circ}30'47''$ West a distance of 745.33 feet to a set $\frac{1}{2}$ " rebar with a cap marked TX. 5152 for a point of reverse curve;

Thence along said right of way line, 540.65 feet along the arc of a curve to the right, which has a radius of 1250.00 feet, a central angle of $24^{\circ}46'53''$, a chord which bears North $80^{\circ}33'36''$ West a distance of 536.44 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

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Thence, 25.86 feet along the arc of a curve to the right, which has a radius of 20.00 feet, a central angle of $74^{\circ}04'33''$, a chord which bears North $31^{\circ}07'53''$ West a distance of 24.09 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of reverse curve on the proposed easterly right of way line of Enchanted Pass Dr.;

Thence along said right of way line, 24.75 feet along the arc of a curve to the left, which has a radius of 532.00 feet, a central angle of $02^{\circ}39'57''$, a chord which bears North $04^{\circ}34'25''$ East a distance of 24.75 feet to a set $\frac{1}{2}$ " rebar with a cap marked TX. 5152;

Thence along said line, North $03^{\circ}14'26''$ East a distance of 162.10 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the proposed southerly line of Block 45, Enchanted Hills Unit Six;

Thence along said line, South $71^{\circ}31'47''$ East a distance 234.67 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North $82^{\circ}03'08''$ East a distance of 39.00 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North $23^{\circ}54'34''$ East a distance of 33.50 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line; South $66^{\circ}41'48''$ East a distance of 242.72 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North $79^{\circ}02'54''$ East a distance of 133.59 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, South $84^{\circ}41'38''$ East a distance of 116.47 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, South $79^{\circ}01'29''$ East a distance of 809.44 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, South $87^{\circ}57'04''$ East a distance of 182.04 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, North $83^{\circ}14'23''$ East a distance of 521.82 feet set $\frac{1}{2}$ " rebar with cap marked TX 5152 on the proposed westerly right of way line of Northwestern Dr. out of Enchanted Hills Unit Six.


Thence along said right of way line, 351.08 feet along the arc of a curve to the right, which has a radius of 1068.00 feet, a central angle of $18^{\circ}50'05''$, a chord which bears South $10^{\circ}15'27''$ East a distance of 349.50 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

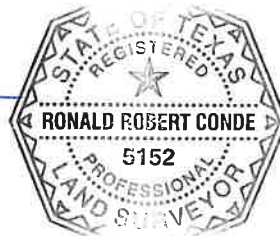
Thence along said right of way line, 192.02 feet along the arc of a curve to the right, which has a radius of 590.00 feet, a central angle of $18^{\circ}38'51''$, a chord which bears South $08^{\circ}29'01''$ West a distance of 191.18 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said right of way line, South $17^{\circ}48'27''$ West a distance of 29.09 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of curve.

Thence, 56.88 feet along the arc of a curve to the right, which has a radius of 55.00 feet, a central angle of $59^{\circ}14'58''$, a chord which bears South $47^{\circ}25'56''$ West a distance of 54.38 feet to the "TRUE POINT OF BEGINNING" and containing 679,808 square feet or 15.61 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 122-21

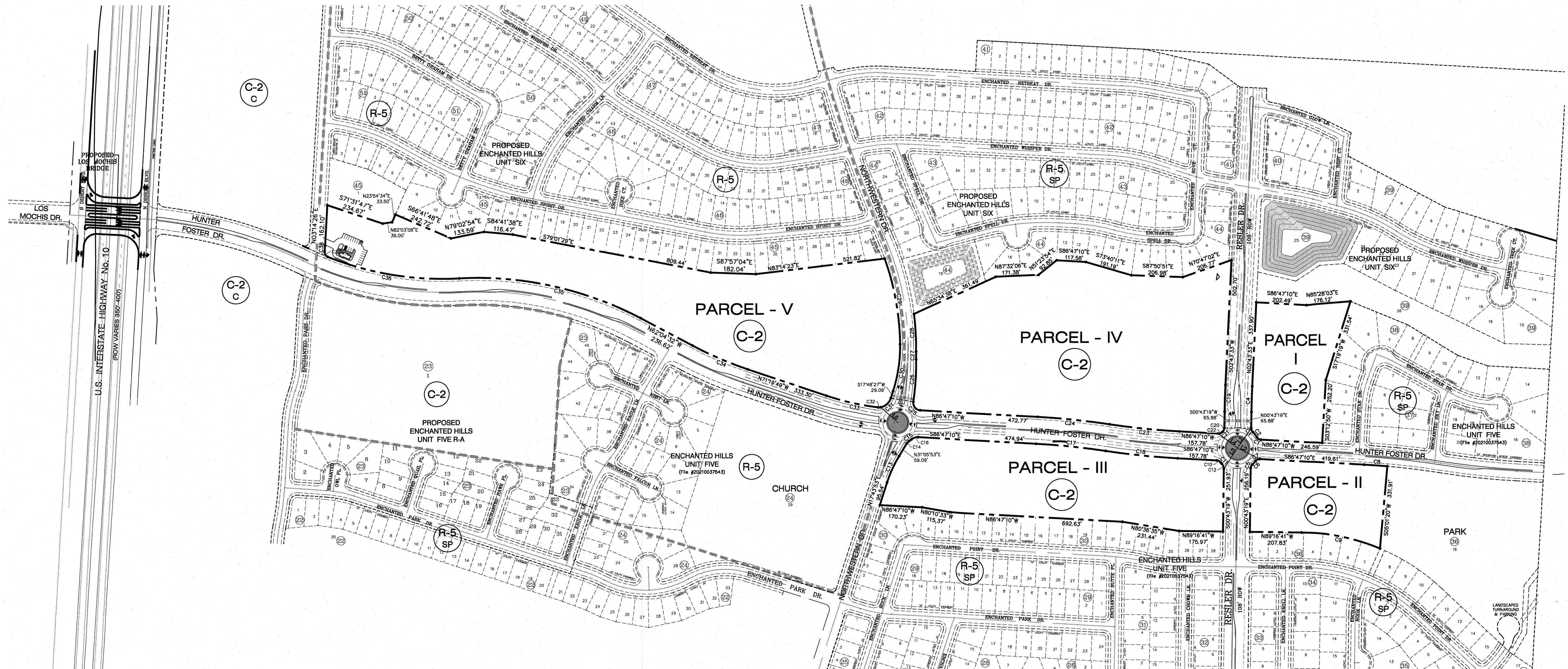


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NOTES:
1. SET 1" REBAR WITH CAPS MARKED TX 6162 ON ALL CORNERS UNLESS OTHERWISE NOTED.
2. A METES AND BOUNDS DESCRIPTION OF EVERY DATE ACCOMPANIES THIS DRAWING.

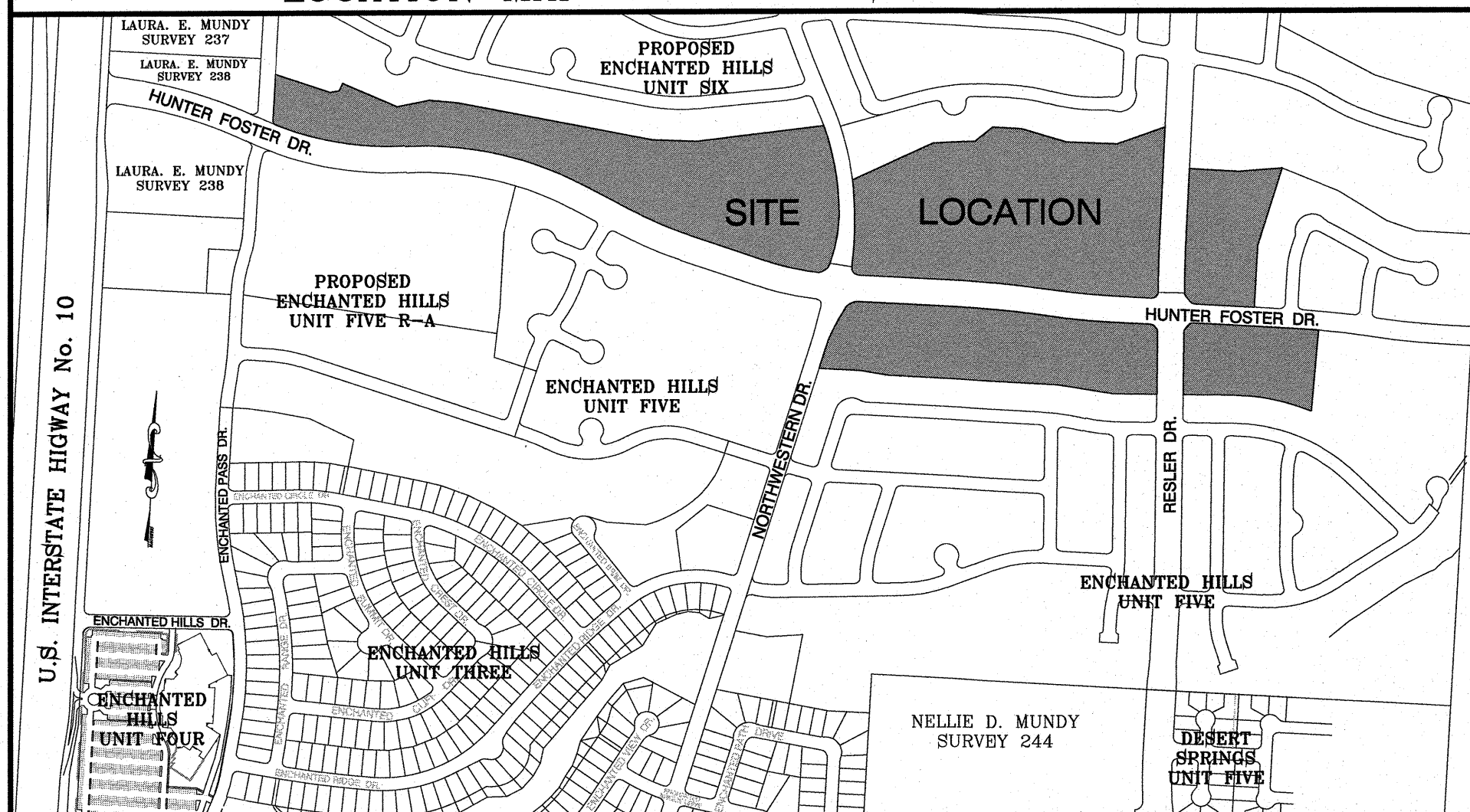
REZONING PLAN

BEING A PORTION OF TRACTS 9A1, AND 9B1, LAURA E. MUNDY SURVEY 238, AND PORTION OF NELLIE D. MUNDY SURVEY 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS



LOCATION MAP

SCALE: 1" = 600'



RESIDENTIAL

COMMERCIAL

APPARTEMNT

OPEN SPACE/PARKS/PONDS

PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
I	3.9877	C-2	R-5 SP
II	3.6371	C-2	R-5 SP
III	8.78	C-2	R-5 SP
IV	16.70	C-2	R-5 SP
V	15.61	C-2	R-5

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	20.00'	19.98'	10.91'	19.16'	N58°01'08"W	57°13'44"
C2	89.00'	26.35'	13.27'	26.25'	N38°02'20"W	16°57'47"
C3	20.00'	16.49'	8.75'	16.03'	N22°53'57"W	47°14'32"
C4	2946.00'	103.03'	51.52'	103.03'	N1°43'26"E	2°00'14"
C5	20.00'	16.49'	8.75'	16.03'	N24°20'35"E	47°14'32"
C6	89.00'	18.61'	9.34'	18.57'	N41°58'29"E	11°58'45"
C7	20.00'	19.98'	10.91'	19.16'	N64°35'58"E	57°13'44"
C8	2961.00'	93.45'	46.73'	93.44'	S85°52'55"E	1°48'30"
C9	841.00'	323.57'	163.81'	321.57'	N78°15'22"W	22°02'38"
C10	20.00'	16.49'	8.75'	16.03'	S63°09'54"E	47°14'32"
C11	89.00'	7.51'	3.76'	7.51'	S41°57'38"E	4°50'00"
C12	30.00'	23.61'	12.46'	23.01'	S21°49'40"E	45°05'57"
C13	500.00'	116.65'	58.59'	116.38'	N24°24'53"E	13°22'00"
C14	30.00'	14.18'	7.23'	14.05'	N44°38'26"E	27°05'07"
C15	87.00'	10.97'	5.49'	10.96'	N54°34'16"E	7°13'28"
C16	40.00'	29.50'	15.46'	28.84'	N72°05'11"E	42°15'19"
C17	2946.00'	281.04'	140.62'	280.93'	S84°03'12"E	52°7'57"
C18	3054.00'	291.34'	145.78'	291.23'	S84°03'12"E	52°7'57"
C19	3054.00'	106.81'	53.41'	106.80'	S1°43'26"W	2°00'14"

LINE TABLE		
LINE	LENGTH	BEARING
L1	96.55'	N34°43'51"E
L2	99.60'	S63°44'07"E
L3	100.11'	S33°22'01"W
L4	96.55'	N52°46'38"W
L5	91.34'	N47°56'18"W

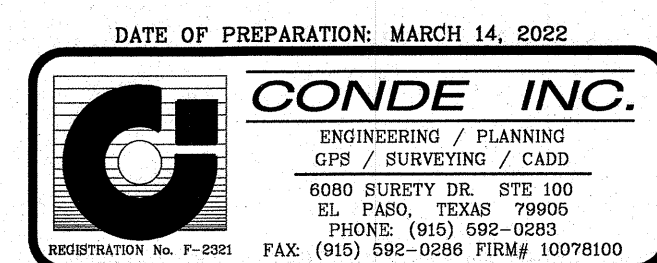
CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C20	20.00'	16.49'	8.75'	16.03'	S24°20'35"W	47°14'32"
C21	89.00'	3.10'	1.55'	3.10'	S46°58'04"W	1°59'34"
C22	20.00'	16.49'	8.75'	16.03'	S69°35'54"W	47°14'32"
C23	2946.00'	281.04'	140.62'	280.93'	N84°03'12"W	52°7'57"
C24	3054.00'	291.34'	145.78'	291.23'	N84°03'12"W	52°7'57"
C25	30.00'	49.82'	32.93'	44.36'	N39°06'59"W	95°20'23"
C26	1010.00'	171.25'	85.83'	171.04'	N3°41'46"E	9°42'52"
C27	990.00'	31.69'	15.85'	31.69'	N01°43'38"W	1°50'03"
C28	1132.00'	151.29'	75.76'	151.17'	N3°09'20"W	7°39'26"
C29	1068.00'	351.08'	177.14'	349.50'	N01°52'27"W	18°50'05"
C30	590.00'	192.02'	96.87'	191.17'	N8°29'01"E	18°38'51"
C31	55.00'	56.88'	31.28'	54.37'	N47°25'56"E	59°14'58"
C32	30.00'	10.39'	5.25'	10.34'	N86°58'57"E	19°51'05"
C33	1046.00'	214.72'	107.74'	214.35'	S77°12'40"E	11°45'42"
C34	1500.00'	242.28'	121.41'	242.02'	S66°42'10"E	91°51'16"
C35	1400.00'	754.42'	386.61'	745.33'	N77°30'47"W	30°52'30"
C36	1250.00'	540.65'	274.62'	536.44'	S80°33'36"E	24°46'53"
C37	20.00'	25.86'	15.09'	24.09'	S31°07'53"E	74°04'33"
C38	532.00'	24.75'	12.38'	24.75'	N4°34'25"E	2°39'57"

CERTIFICATION

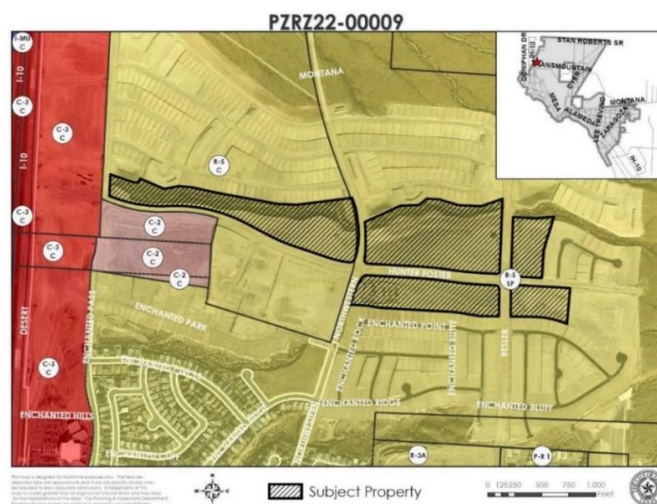
THIS PLAT REPRESENTS A SURVEY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF BASED ON THE FACTS EXISTING AT THE TIME OF THIS SURVEY.



RON R. CONDE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS LICENSE NO. 5152



GNZ



150

DESCRIPTION OF REQUEST: The applicant is requesting to rezone the subject property from R-5/c (Residential/conditions) to C-2/c (Commercial/conditions) and R-5/sp (Residential/special permit) to C-2 (Commercial) for commercial development. The property consists of 48.71 acres. Although the arroyo is part of the rezoning request, the arroyo areas will remain undeveloped. The subject property is located in the Hillside Development Area. This rezoning request is to satisfy Condition No. 4 of Ordinance No. 19286.

PREVIOUS CASE HISTORY: On April 20, 1982, City Council made a motion to approve the Special Permit No. 81-18 to allow for the borrow pit (see Attachment no. 5). The existing special permit designation will be repealed once the new rezoning designation request is approved.

Ordinance No. 16948 approved by City Council on July 29, 2008, rezoned portions of the subject property into C-3 (Commercial), R-5/sp (Residential/special permit), and R-MU (Residential Mixed Use). Additionally, a Master Zoning Plan was approved for the R-MU (Residential Mixed Use) properties and conditions were imposed for the C-3 (Commercial) zoned properties (see Attachment no. 6). The conditions are the following:

- *A detailed site development plan shall be reviewed approved per the El Paso City Code prior to the issuance of building permits.*
- *A ten (10) foot landscaped buffer be placed abutting all residential uses.*

Additionally, the Enchanted Hills Land Study (SUB08-00038) was approved by City Plan Commission on June 5, 2008. The approved Land Study proposed to develop the area into multiple commercial and residential developments with a portion of subject property not having been part of the study.

Ordinance No. 19286 approved by City Council on February 1, 2022, rezoned portions of the subject property into three (3) different zoning districts: Parcel 1 – from R-MU (Residential Mixed Use) to R-5 (Residential) for proposed residential development; Parcel 2 - from R-3 (Residential), R-5 (Residential), and R-MU (Residential Mixed Use) to C-2 (Commercial) for proposed commercial development; and Parcel 3 - from R-3 (Residential) to C-3 (Commercial) for proposed commercial development (see Attachment no. 7). The conditions are the following:

1. *On Parcel 2, a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits for Parcel 2.*
3. *That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits for Parcel 3.*
4. *That prior to the issuance of certificates of occupancy for Parcel 1, 2, and 3, the rezonings for the properties identified as "future commercial" on Exhibit B be submitted and processed by the City.*

Note: Condition No. 4 is being satisfied by this rezoning request.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The subject property is proposed to be developed into residential and commercial developments. Surrounding properties are undeveloped with abutting properties to the north and east zoned R-5 (Residential). Properties to the south are zoned R-5 (Residential) and C-2 (Commercial) along I-10. Properties to the west are zoned C-3 (Commercial). Proposed commercial developments will have access to the existing and proposed extension of Northwestern Drive and Resler Drive, which are designated and proposed to continue as a collector and major arterial, respectively as per El Paso's Major Thoroughfare Plan (MTP). Also, proposed commercial developments will have access to the proposed Hunter Foster Drive, which is designated as a collector as per El Paso's MTP. The classification of these roads are appropriate for the proposed developments.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property is proposed to be developed into residential and commercial developments, which are in character with the future land use designation of <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-2 (Commercial): The purpose of these districts is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. The proposed C-2 (Commercial) zoning district is the same as the adjacent zoning district to the southwest. The proposed C-2 (Commercial) zoning district will be adjacent to C-3 (Commercial) to the west and be of lower intensity as it will abut residential. The proposed commercial developments have the potential to provide goods and render services to the nearby area and in character with the spirit of the R-5 (Residential) and C-2 (Commercial) zone districts.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. Proposed commercial developments will have access to the existing and proposed extension of Northwestern Drive and Resler Drive, which are designated and proposed to continue as a collector and major arterial, respectively as per El Paso's MTP. Also, proposed commercial developments will have access to the proposed Hunter Foster Drive, which is designated as a collector as per El Paso's MTP. The classification of these roads are appropriate for the proposed developments.</p>
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.</p>	<p>The property lies within the Hillside Development Area. The Open Space Advisory Board (OSAB) recommendation is pending with the hearing scheduled for May 11, 2022.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.</p>	<p>No adverse effects are anticipated by the rezoning of the subject property.</p>
<p>Natural Environment: Anticipated effects on the natural environment.</p>	<p>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) meeting is scheduled for May 11, 2022 for the board's recommendation.</p>
<p>Stability: Whether the area is stable or in transition.</p>	<p>The area is in transition as is currently under development. It is expected to be developed into a residential and commercial subdivisions along Northwestern Drive and as commercial developments along Interstate 10.</p>

COMPLIANCE WITH *PLAN EL PASO*/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with *Plan El Paso*, consider the following factors:

Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.
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ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Proposed commercial developments will have access to the existing and proposed extension of Northwestern Drive and Resler Drive, which are designated and proposed to continue as a collector and major arterial, respectively as per El Paso's MTP. Also, proposed commercial developments will have access to the proposed Hunter Foster Drive, which is designated as a collector as per El Paso's MTP. The classification of these roads are appropriate for the proposed developments. Additionally, the subject property will need to provide adequate infrastructure at the time of platting and prior to development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments.

PUBLIC COMMENT: The property does not lie within any neighborhood associations. As required, public notices were mailed to property owners within 300 feet on April 21, 2022. As of April 28, 2022, the Planning Division did not receive any communication in support or opposition to the request from the public.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

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

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

ATTACHMENTS:

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Department Comments
5. Special Permit SP-81-18
6. Ordinance No. 16948
7. Ordinance No. 19286

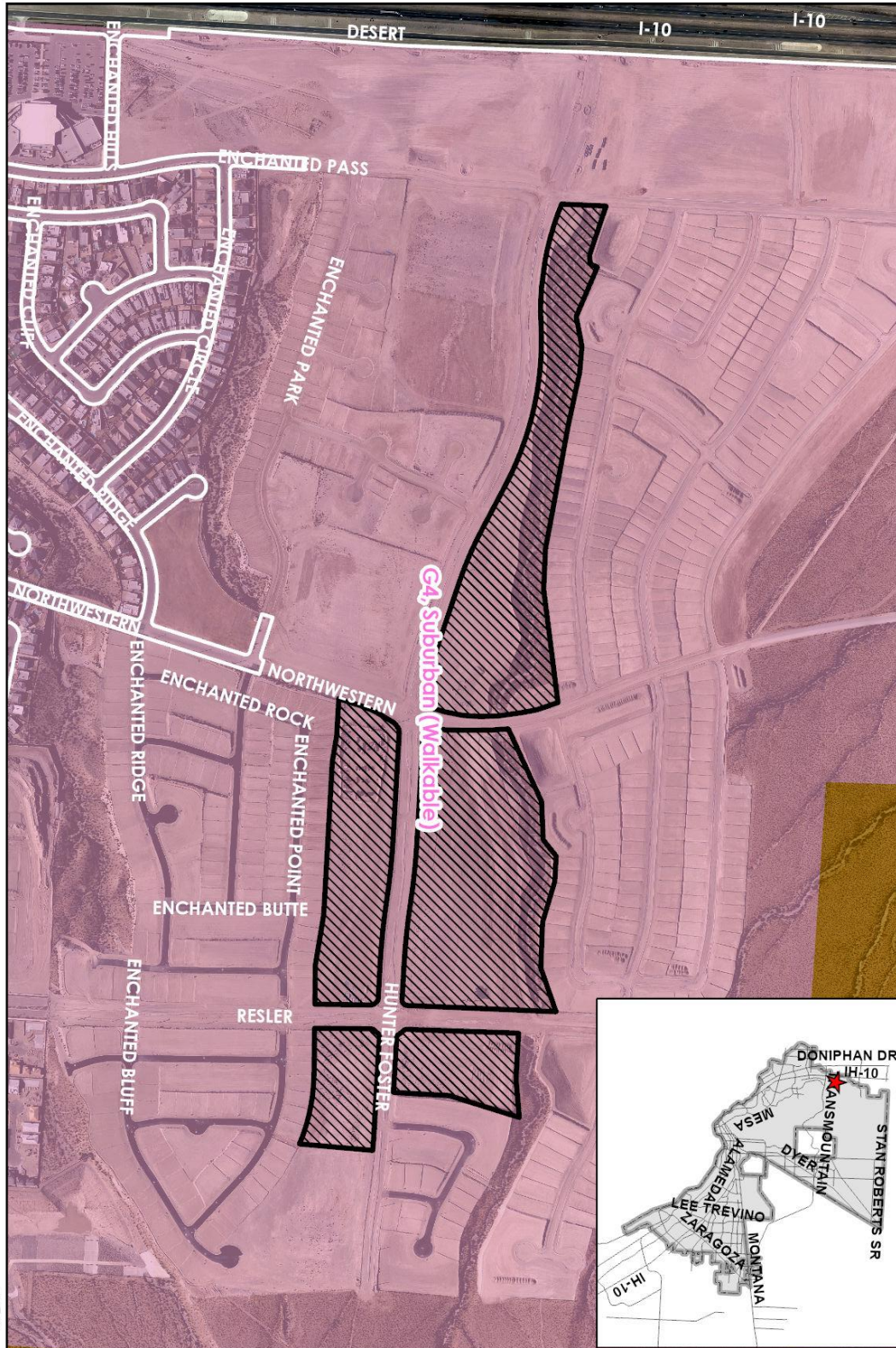
ATTACHMENT 1

This map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than 1:50,000 can introduce errors and may lead to misinterpretation of the information presented. The Planning Division makes no claim to its accuracy or completeness.



Subject Property

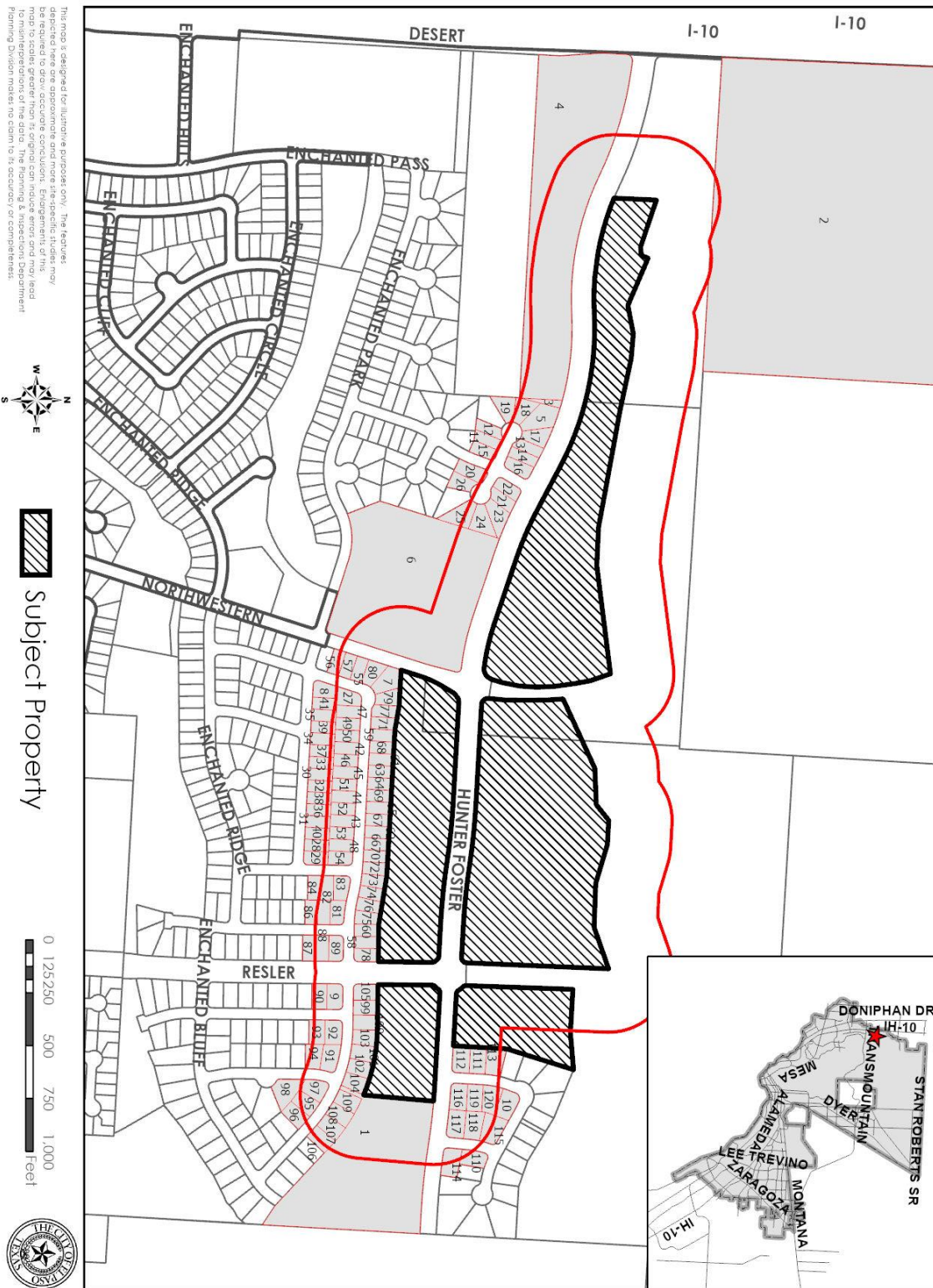
0 125 250 500 750 1,000 feet



PZR22-00009

ATTACHMENT 2

PZR22-00009



[illegible]

ATTACHMENT 4

Planning and Inspections Department - Planning Division

Staff recommend approval with the following conditions:

1. That a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty feet (20') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
 - a. This condition shall not apply where the existing arroyo will serve as a natural buffer between the subject properties and residential zone districts or uses.
 - b. The landscaping required under this condition will count towards the landscaping required under Title 18.
2. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits.
3. That a minimum 500-foot distance be required between any establishments meeting both of the following criteria:
 - a. Establishment deriving 51% or more of their income from the sale of alcoholic beverages for on-premise consumption; and
 - b. Providing outdoor amplified sound.

Planning and Inspections Department – Plan Review & Landscaping Division

No objections to proposed rezoning.

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 – Land Development

No objections to proposed rezoning.

Note: Stormwater drainage has been verified. Rainwater harvesting is recommended at time of development.

Fire Department

Recommend approval. No adverse comments.

Police Department

No comments received.

Environment Services

No adverse comments.

Streets and Maintenance Department

No TIA updated required.

Texas Department of Transportation

No comments received.

Sun Metro

No comments received.

El Paso Water

No comments received.

El Paso Water – Stormwater Engineering

- The parcels north of Hunter Foster Dr. are accommodated in the Drainage Plans for Enchanted Hills Unit 6 and the parcels on the south are accommodated in the Drainage Plans for Enchanted Hills Unit 5.
- EPWater-SW recommends using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

El Paso County 911 District

The 911 District has no comments or concerns regarding this zoning.

El Paso County Water Improvement District #1

Not within the boundaries of EPCWID1.

ATTACHMENT 5

MOTION

April 20, 1982

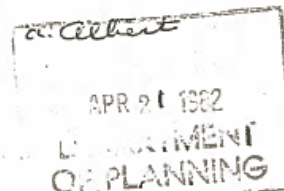
Motion made, seconded and carried that the Land Reclamation Plan for Special Permit #SP-81-18 (in connection with the Borrow Pit, 24.12+/- Acres, Tract 8 Laura E. Mundy Survey #238) be approved as submitted by the applicant, to include the restoration of native plants and topsoil necessary for the growth of said plants, and the vote was as follows:

Ayes: Council Members Scherr, Wagner, Haggerty and Escobar.

Nays: Council Members Fonseca and Divis.

W. L. Rieger, City Clerk

cc: City Engineer
City Planning Department ✓
City Attorney



ATTACHMENT 6

Doc# 20080063082

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15/14

CITY CLERK DEPT.

08 JUL 30 AM 8:50

ORDINANCE NO. **016948**

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY DESCRIBED AS:

PARCEL 1: A PORTION OF TRACTS 8, 9A, 9B1 AND 9C, LAURA E. MUNDY SURVEY NO. 238, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS; AND,

PARCEL 2: A PORTION OF TRACTS 8, 9A, 9B1 AND 9C, LAURA E. MUNDY SURVEY NO. 238, AND A PORTION OF TRACTS 5A, 5B AND 6, LAURA E. MUNDY SURVEY NO. 237 AND A PORTION OF NELLIE D. MUNDY SURVEY NO. 244, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO R-5 (RESIDENTIAL) AND FROM R-3/SP (RESIDENTIAL/SPECIAL PERMIT) TO R-5/SP (RESIDENTIAL/SPECIAL PERMIT); AND,

PARCEL 3: A PORTION OF TRACTS 9A, 9B1 AND 9B, LAURA E. MUNDY SURVEY NO. 238 AND A PORTION OF TRACT 4B, 4B1, 5A, 5B AND 6, LAURA E. MUNDY SURVEY NO. 237, CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO R-MU (RESIDENTIAL MIXED USE) AND APPROVING A MASTER ZONING PLAN; AND,

PARCEL 4: A PORTION OF TRACTS 9B, LAURA E. MUNDY SURVEY NO. 238, AND A PORTION OF TRACTS 4A, 4B, 4B1, AND 6, LAURA E. MUNDY SURVEY NO. 237 CITY OF EL PASO, EL PASO COUNTY, TEXAS, BE CHANGED FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL) AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

That the zoning of the following property be changed as described below within the meaning of the zoning ordinance and that the zoning map of the City of El Paso be revised accordingly:

Parcel 1: *A portion of Tracts 8, 9A, 9B1 and 9C, Laura E. Mundy Survey No. 238, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from R-3 (Residential) to C-3 (Commercial) and imposing conditions; and,*

Doc #40071v2./Planning/Ord/ZON08-00016 (Rezoning w/conditions)/LCUE

ORDINANCE NO. **016948**

Zoning Case No: ZON08-00016

Parcel 2: A portion of Tracts 8, 9A, 9B1 and 9C, Laura E. Mundy Survey No. 238, and a portion of Tracts 5A, 5B and 6, Laura E. Mundy Survey No. 237 and a portion of Nellie D. Mundy Survey No. 244, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "B", incorporated by reference, be changed from **R-3 (Residential)** to **R-5 (Residential)** and from **R-3/sp (Residential/special permit)** to **R-5/sp (Residential/special permit)**; and,

Parcel 3: A portion of Tracts 9A, 9B1, and 9B, Laura E. Mundy Survey No. 238, and a portion of Tracts 4B, 4B1, 5A, 5B, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "C", incorporated by reference, be changed from **R-3 (Residential)** to **R-MU (Residential Mixed Use)** and approving a Master Zoning Plan, included as Exhibit "E" to this Ordinance; and,

Parcel 4: A portion of Tracts 9B, Laura E. Mundy Survey No. 238, and a portion of Tracts 4A, 4B, 4B1, and 6, Laura E. Mundy Survey No. 237, City of El Paso, El Paso County, Texas, and more particularly described by metes and bounds on the attached Exhibit "D", incorporated by reference, be changed from **R-3 (Residential)** to **C-3 (Commercial)** and imposing conditions.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

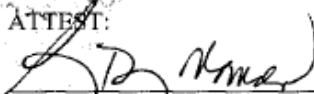
Parcels 1 and 4

A detailed site development plan shall be reviewed approved per the El Paso City Code prior to the issuance of building permits.


A ten (10) foot landscaped buffer be placed abutting all residential uses.

PASSED AND APPROVED this 29th day of July, 2008.

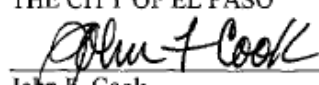
ATTEST:


Richarda Duffy Momsen
City Clerk


APPROVED AS TO FORM:


Lupe Cuellar
Assistant City Attorney

THE CITY OF EL PASO


John F. Cook
Mayor

APPROVED AS TO CONTENT:


Mathew S. McElroy
Deputy Director - Planning
Development Services Department

CITY CLERK DEPT
08 JUL 30 AM 8:50

Doc #40071v2./Planning/Ord/ZON08-00016 (Rezoning w/conditions)/LCUE

ORDINANCE NO. 016948

Zoning Case No: ZON08-00016

Exhibit "A"

Parcel 1 (C-4)

Being a **42.11 acre** portion of Tracts 8, 9A, 9B1, and 9C,
Laura E. Mundy Survey #238,
City of El Paso, El Paso County, Texas,
February 15, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a **42.11 acre** portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey #238, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found 2" pipe held for the southeast corner of Laura E. Mundy Survey #238 and the northeast corner of Nellie D. Mundy Survey #239, from which a found 1" pipe held for the southeast corner of Nellie D. Mundy Survey #239 bears South 00°00'02" West a distance of 4,100.21 feet, a found 1" pipe held for the northeast corner of Laura E. Mundy Survey #238 bears North 00°00'02" East a distance of 4,047.02 feet, and a found 1" pipe held for the northwest corner of Nellie D. Mundy Survey #244 bears North 00°00'02" East a distance of 4,790.13 feet; Thence with the common line of Surveys #239 and #238, North 89°59'58" West a distance of 2,654.05 feet to the **"TRUE POINT OF BEGINNING"**.

Thence continuing along said line, **North 89°59'58" West** a distance of **599.59** feet to a point at the westerly right of way line of U.S. Highway No. 10;

Thence with said right of way, **North 00°01'47" East** a distance of **1,091.00** feet to a point of inverse;

Thence with said right of way, **North 07°09'17" East** a distance of **201.56** feet to a point of inverse;

Thence with said right of way, **North 00°01'47" East** a distance of **1,789.53** feet to a point the southwest corner of Tract 9B2;

Thence along a line common to said Tract 9B2 and Tract 9B1, **North 89°59'55" East** a distance of **559.44** feet to a point;

Thence leaving said common line, **South 00°01'37" West** a distance of **960.78** feet to a point of curvature;

Thence, **243.55** feet along the arc of a curve to the left which has a radius of **750.00** feet, a central angle of **18°36'21"**, a tangent of 122.86 feet, and a chord which bears South 09°16'33" East a distance of 242.48 feet to a point of tangency;

Thence, **South 18°34'44" East** a distance of **34.63** feet to a point of curvature;

Exhibit "A"

Thence, **567.48** feet along the arc of a curve to the right which has a radius of **1,000.00** feet, a central angle of **32°30'51"**, a tangent of 291.61 feet, and a chord which bears South 02°19'18" East a distance of 559.90 feet to a point of tangency;

Thence, **South 13°56'07" West** a distance of **120.12** feet to a point of curvature;


Thence, **242.75** feet along the arc of a curve to the left which has a radius of **1,000.00** feet, a central angle of **13°54'31"**, a tangent of 121.98 feet, and a chord which bears South 06°58'52" West a distance of 242.16 feet to a point of tangency;

Thence, **South 00°01'36" West** a distance of **931.24** feet to **"TRUE POINT OF BEGINNING"** and containing in all **1,834,203 square feet** or **42.11 acres** of land more or less.

A Zoning Map dated February 15, 2008 accompanies this metes and bounds description.

016948
02/15/2008
R.R.C.




Ron R. Conde
R.P.L.S. No. 5152

job 1207-76

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

016948

Exhibit "B"

Parcel 2 (R-5)

Being a portion of Tracts 8, 9A, 9B1, and 9C,
Laura E. Mundy Survey #238, and
A portion of Tracts 5A, 5B, and 6,
Laura E. Mundy Survey #237, and
A portion of Nellie D. Mundy Survey #244,
City of El Paso, El Paso County, Texas,
February 15, 2008

CITY OF EL PASO
COUNTY CLERK
JAN 13 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 8, 9A, 9B1, and 9C, Laura E. Mundy Survey #238, and a portion of Tracts 5A, 5B, and 6, Laura E. Mundy Survey #237, and a portion of Nellie D. Mundy Survey #244, 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 2" pipe held for the southeast corner of Laura E. Mundy Survey #238 and the northeast corner of Nellie D. Mundy Survey #239, from which a found 1" pipe held for the southeast corner of Nellie D. Mundy Survey #239 bears South 00°00'02" West a distance of 4,100.21 feet, a found 1" pipe held for the northeast corner of Laura E. Mundy Survey #238 bears North 00°00'02" East a distance of 4,047.02 feet, and a found 1" pipe held for the northwest corner of Nellie D. Mundy Survey #244 bears North 00°00'02" East a distance of 4,790.13 feet;

Thence with the common line of Surveys #239 and 238, **North 89°59'58" West** a distance of **2,654.05** feet to a point;

Thence leaving said line, **North 00°01'36" East** a distance of **931.24** feet to a point of curvature;

Thence, **242.75** feet along the arc of a curve to the right which has a radius of **1,000.00** feet, a central angle of **13°54'31"**, a tangent of 121.98 feet, and a chord which bears North 06°58'52" East a distance of 242.16 feet to a point of tangency;

Thence, **North 13°56'07" East** a distance of **120.12** feet to a point of curvature;

Thence, **567.48** feet along the arc of a curve to the left which has a radius of **1,000.00** feet, a central angle of **32°30'51"**, a tangent of 291.61 feet, and a chord which bears North 02°19'18" West a distance of 559.90 feet to a point of tangency;

Thence, **North 18°34'44" West** a distance of **34.63** feet to a point of curvature;

Thence, **243.55** feet along the arc of a curve to the right which has a radius of **750.00** feet, a central angle of **18°36'21"**, a tangent of 122.86 feet, and a chord which bears North 09°16'33" West a distance of 242.48 feet to a point of tangency;

Thence, **North 00°01'37" East** a distance of **960.78** feet to a point at the south line of Tract 9B2;

Thence along a line common to said Tract 9B2 and Tract 9B1, **North 89°59'55" East** a distance of **1,065.94** feet to a point at the southeast corner of Tract 9B2;

Thence leaving said line, **South 00°00'05" East** a distance of **242.13** feet to a point;

Thence, **South 75°28'56" East** a distance of **1,226.61** feet to a point;

Thence, **North 14°31'04" East** a distance of **621.01** feet to a point of curvature;

Exhibit "B"

Thence, **878.36** feet along the arc of a curve to the left which has a radius of **1,250.00** feet, a central angle of **40°15'39"**, a tangent of 458.18 feet, and a chord which bears North 05°36'46" West a distance of 860.39 feet to a point of reverse curvature;

Thence, **3239.16** feet along the arc of a curve to the right which has a radius of **5,250.00** feet, a central angle of **35°21'02"**, a tangent of 1672.99 feet, and a chord which bears North 08°04'04" West a distance of 3188.03 feet to a point;

Thence, **South 89°59'59" East** a distance of **790.09** feet to a point at a line common to Laura E. Mundy Survey #237 and Nellie D. Mundy Survey #245;

Thence with said common line, **South 00°00'05" East** a distance of **2,354.76** feet to a found 1" pipe held for the northwest corner of Nellie D. Mundy Survey #244 and the southwest corner of Nellie D. Mundy Survey #245;

Thence with the common line of said Surveys #244 and #245, **North 89°59'36" East** a distance of **2,371.12** feet to a found 1 1/2" pipe held for the northeast corner of Nellie D. Mundy Survey #244;

Thence with the east line of said Survey #244, **South 00°00'19" West** a distance of **3,122.87** feet to a found 1" pipe held for the southeast corner of the northerly 170 acres of Nellie D. Mundy Survey #244 as referenced by that parcel described in Book 2354, Page 1678, recorded with the El Paso County Real Property Records;

Thence with the south line said parcel, **South 89°59'35" West** a distance of **2,370.86** feet to a point at a line common to Nellie D. Mundy Survey #244 and Laura E. Mundy Survey #238, from which a found 1 1/2" pipe bears North 89°59'35" East a distance of 0.23 feet;

Thence with said common line, **South 00°00'02" West** a distance of **1,667.24** feet to **"TRUE POINT OF BEGINNING"** and containing in all **17,578,546 square feet or 403.55 acres** of land more or less.

A Zoning Map dated February 15, 2008 accompanies this metes and bounds description.



R R Conde
R.P.L.S. No. 5152

job 1207-76

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

Exhibit "C"

Parcel 3 (RMU)

Being a portion of Tracts 9A, 9B1, and 9B,
Laura E. Mundy Survey #238, and
a portion of Tracts 4B, 4B1, 5A, 5B, and 6,
Laura E. Mundy Survey #237,
City of El Paso, El Paso County, Texas,
February 15, 2008

CITY CLERK
OFFICE
4000
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METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 9A, 9B1, and 9B, Laura E. Mundy Survey #238, and a portion of Tracts 4B, 4B1, 5A, 5B, and 6, Laura E. Mundy Survey #237, 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 $\frac{1}{2}$ " rebar with cap "TX 4869" at the northeast corner of Laura E. Mundy Survey #237 and the southeast corner of Laura E. Mundy Survey #234, from which a found 1" pipe held for the northwest corner of Nellie D. Mundy Survey #244 bears North $00^{\circ}00'02''$ East a distance of 4,790.13 feet;

Thence with the east line of said Survey #237, **South $00^{\circ}00'05''$ East** a distance of **875.00** feet to a point;

Thence leaving said survey line, **North $89^{\circ}59'59''$ West** a distance of **790.09** feet to a point on a curve;

Thence, **3,239.16** feet along the arc of a curve to the left which has a radius of **5,250.00** feet, a central angle of **$35^{\circ}21'02''$** , a tangent of 1672.99 feet, and a chord which bears South $08^{\circ}04'04''$ East a distance of 3188.03 feet to a point of reverse curvature;

Thence, **878.36** feet along the arc of a curve to the right which has a radius of **1,250.00** feet, a central angle of **$40^{\circ}15'39''$** , a tangent of 458.18 feet, and a chord which bears South $05^{\circ}36'46''$ East a distance of 860.39 feet to a point of tangency;

Thence, **South $14^{\circ}31'04''$ West** a distance of **621.01** feet to a point;

Thence, **North $75^{\circ}28'56''$ West** a distance of **1,226.61** feet to a found $\frac{1}{2}$ " rebar with cap "TX 2027" at the northeast corner of Tract 9B2 and the southeast corner of Tract 9B;

Thence along a line common to said Tracts 9B2 and Tract 9B, **North $00^{\circ}00'05''$ West** a distance of **552.81** feet to a point;

Exhibit "C"

Thence leaving said line, **South 89°59'55" West** a distance of **1,000.78** feet to a point;

Thence, **North 00°01'37" East** a distance of **3,092.86** feet to a point;

Thence, **North 16°42'09" East** a distance of **348.49** feet to a point;

Thence, **North 00°01'37" East** a distance of **1,201.94** feet to a point at a line common to Laura E. Mundy Survey #237 and Laura E. Mundy Survey #234;

Thence with said common line, **North 89°59'55" East** a distance of **2,500.24** feet to **"TRUE POINT OF BEGINNING"** and containing in all **10,366,445** square feet or **237.98** acres of land more or less.

A Zoning Map dated February 15, 2008 accompanies this metes and bounds description.

OFFICE OF THE
COUNTY CLERK
JAN 10 2008



job 1207-76

Ron 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

016948

Exhibit "D"

Parcel 4 (C-4)

Being a portion of Tracts 9B,
Laura E. Mundy Survey #238, and
a portion of Tracts 4A, 4B, 4B1, and 6,
Laura E. Mundy Survey #237,
City of El Paso, El Paso County, Texas,
February 15, 2008

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 9B, Laura E. Mundy Survey #238, and a portion of Tracts 4A, 4B, 4B1, and 6, Laura E. Mundy Survey #237, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a found $\frac{3}{4}$ " rebar with cap "TX 4869" at the northeast corner of Laura E. Mundy Survey #237 and the southeast corner of Laura E. Mundy Survey #234, from which a found 1" pipe held for the northwest corner of Nellie D. Mundy Survey #244 bears North $00^{\circ}00'02''$ East a distance of 4,790.13 feet; Thence along a line common to Laura E. Mundy Survey #237 and Laura E. Mundy Survey #234, South $89^{\circ}59'55''$ West a distance of 2,500.24 feet to the "TRUE POINT OF BEGINNING".

Thence leaving said line, South $00^{\circ}01'37''$ West a distance of 1,201.94 feet to a point;

Thence, South $16^{\circ}42'09''$ West a distance of 348.49 feet to a point;

Thence, South $00^{\circ}01'37''$ West a distance of 3,092.86 feet to a point at a line common to Tracts 9B2 and Tract 9B;

Thence with said common line, South $89^{\circ}59'55''$ West a distance of 624.42 feet to a point at the westerly right of way line of U.S. Highway No. 10;

Thence with said right of way, North $00^{\circ}01'47''$ East a distance of 100.41 feet to a point;

Thence with said right of way, North $07^{\circ}05'43''$ West a distance of 201.56 feet to a point;

Thence with said right of way, North $00^{\circ}01'47''$ East a distance of 3,025.86 feet to a point;

Thence with said right of way, North $45^{\circ}01'47''$ East a distance of 141.42 feet to a found 4"x 4" concrete TX.D.O.T right of way marker;

Exhibit "D"

Thence with said right of way, **South 89°58'13" East** a distance of **375.00** feet to a found 4"x 4" concrete TX.D.O.T right of way marker;

Thence with said right of way, **North 00°01'47" East** a distance of **550.15** feet to a found 4"x 4" concrete TX.D.O.T right of way marker;

Thence with said right of way, **North 89°58'13" West** a distance of **375.00** feet to a found 4"x 4" concrete TX.D.O.T right of way marker;


Thence with said right of way, **North 44°58'13" West** a distance of **141.42** feet to a found 4"x 4" concrete TX.D.O.T right of way marker;

Thence with said right of way, **North 00°01'47" East** a distance of **552.15** feet to a point at the intersection of said right of way line with the common line of Laura E. Mundy Survey #237 and Laura E. Mundy Survey #234;

Thence with said common line, **North 89°59'55" East** a distance of **749.20** feet to **"TRUE POINT OF BEGINNING"** and containing in all **2,865,943** square feet or **65.79** acres of land more or less.

A Zoning Map dated revised February 15, 2008 accompanies this metes and bounds description.

016948
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283


Ron R. Conde
R.P.L.S. No. 5152



job 1207-76

CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
1790 LEE TREVINO SUITE 400 / EL PASO, TEXAS 79936 / (915) 592-0283

016948

Exhibit "E"

ENCHANTED HILLS
MASTER ZONING PLAN

Date: February 18, 2008

To encourage the following: mixture of housing types and densities, preserve open space areas, provide multi-modal form of transportation (pedestrian friendly), mixed use (residential, office, commercial), and to provide form and continuity of building and street spaces.

The 2025 El Paso Comprehensive Plan designates this area as Mixed-Use and a portion as Industrial. The proposed Enchanted Hills Master Plan does designate the 1-10 Frontage as Heavy Commercial / Industrial, then the Mixed Use area, then the Industrial area, then the Single Family as we move toward the Franklin Plan: Mountains.

Proposed Land Use	Percent of Development	Setbacks	Lot Coverage	Front / Side / Rear	Building Height	Buffers	Phase	Timing
1.00 Agricultural	n/a	n/a	50%	10' Front / 10' Side	25 Maximum	Landscape Only	10	10 years
Veterinary Treatment (Small)	n/a	1/2 Acre Minimum	50%	10' Front / 10' Side	25 Maximum	Landscape Only	10	10 years
2.00 Commercial Storage:	n/a	1/2 Acre Minimum	75%	n/a	25 Maximum	Landscape Only	10	10 years
Sell Storage	n/a	1/2 Acre Minimum	75%	n/a	25 Maximum	Landscape Only	10	10 years
3.00 Educational:	1%	n/a	75%	n/a	45 Maximum	n/a	10	10 years
Art Gallery	n/a	1/2 Acre Minimum	50%	20' Front / 10' Side / 20' Rear	45 Maximum	Landscape Only	10	10 years
Child Care Facility	n/a	1/2 Acre Minimum	50%	20' Front / 10' Side / 20' Rear	45 Maximum	Landscape Only	10	10 years
Church	n/a	1 Acre Minimum	50%	n/a	45 Maximum	Landscape Only	10	10 years
Community Recreational Center	n/a	1 Acre Minimum	50%	n/a	45 Maximum	Landscape Only	10	10 years
Library / Museum	n/a	1/2 Acre Minimum	75%	20' Front / 10' Side / 20' Rear	45 Maximum	Landscape Only	10	10 years
School	n/a	5 Acre Minimum	50%	20' Front / 10' Side / 20' Rear	45 Maximum	Landscape Only	10	10 years
4.00 Office	3%	n/a	75%	20' Rear	25 Maximum	Landscape Only	5	5 years
Bank / ATM	n/a	1/2 Acre Minimum	75%	n/a	45 Maximum	n/a	5	5 years
Offices (Business, Medical, Professional)	n/a	n/a	75%	n/a	45 Maximum	n/a	5	5 years
Studio (Dance/Music/Photography)	n/a	n/a	75%	n/a	45 Maximum	n/a	5	5 years
5.00 Medical	2%	n/a	75%	n/a	25 Maximum	Landscape Only	10	10 years
Clinic	n/a	n/a	75%	n/a	25 Maximum	Landscape Only	10	10 years
Drug Store/Pharmacy	n/a	n/a	75%	n/a	25 Maximum	Landscape Only	5	5 years

POOR QUALITY ORIGINAL
BEST AVAILABLE IMAGE

LO 24112 02/28/08
J. L. L. 02/28/08

Exhibit "E"

ENCHANTED HILLS
MASTER ZONING PLAN

Date: February 18, 2008

Proposed Land Use	Percent of Development	Density	Lot Size	Lot Coverage	Front/Back/Side Yard Setbacks	Building Height	Buffer	Phase	Timing
Hospital		n/a	1 Acre Minimum	50%	20' Front / 10' Side / 20' Rear	45' Maximum	Landscape Only	10	10 years
Assisted Living (Elderly Care)			1 Acre Minimum	50%	n/a	25' Maximum	Landscape Only	5	5 years
Personal Services	2%								
Barber Shop/Beauty Salon		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Dry Cleaning		n/a	2,500 Sq. Ft.	75%	n/a	25' Maximum	n/a	5	5 years
Laundromat		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Shoe Shop/Repair		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Recreational	25%								
Athletic Facility		n/a	n/a	50%	n/a	45' Maximum	Landscape Only	5	5 years
Open Space		n/a	n/a	50%	n/a	n/a	n/a	1	1 years
Park		n/a			n/a	n/a	n/a	3	3 years
Racquetball Club		n/a	1 Acre Maximum	75%	10' Front / 10' Side / 20' Rear	45' Maximum	Landscape Only	10	10 years
Swimming Pool		n/a	2 Acre Maximum	75%	10' Front / 10' Side / 20' Rear	45' Maximum	Landscape Only	10	10 years
Tennis Club		n/a	4 Acre Maximum	75%	10' Front / 10' Side / 20' Rear	25' Maximum	Landscape Only	10	10 years
Residential	60%								
Apartment	(10%)	14 / Acres	n/a	75%	n/a	45' Maximum	n/a	1	1 year
Duplex	(6%)	6 / Acres	6,000 Sq. Ft. Minimum	50%	10' Front / 15' Rear	25' Maximum	n/a	1	1 year
Quadruplex	(2%)	10 / Acres	8,000 Sq. Ft. Minimum	50%	10' Front / 15' Rear	25' Maximum	n/a	1	1 year
Single Family (Attached/Detached)	(40%)	14 / Acres	5,000 Sq. Ft. / 4,000 Sq. Ft. Minimum	50%	10' Front / 15' Rear	25' Maximum	n/a	1	1 year
Triplex	(2%)	8 / Acres	7,000 Sq. Ft. Minimum	50%	10' Front / 15' Rear	25' Maximum	n/a	1	1 year
Sales	7%								
Bakery		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Book Store		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Bedroom		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Convenience Store w/ Gas Pump		n/a	1/4 Acre Minimum	50%	10' Front / 10' Side / 20' Rear	25' Maximum	n/a	5	5 years
Delicatessen		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years

POOR QUALITY ORIGINAL
BEST AVAILABLE IMAGE

1.230 PM 3/1/10

Exhibit "E"

ENCHANTED HILLS
MASTER ZONING PLAN

Date: February 18, 2008

Proposed Land Use	Permitted Development	Density	Lot Size	Front Coverage	Yard Setbacks	Building Height	Buffer	Phase	Timing
Flower Shop		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Grocery		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Ice Cream Parlor		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Meditation		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Nursery (Green House)		n/a	1/2 Acre Minimum	25%	10' Front / 10' Side / 20' Rear	25' Maximum	n/a	5	5 years
Office Retail (Low Volume)		n/a	n/a	75%	n/a	25' Maximum	n/a	5	5 years
Package Liquor Store		n/a	n/a	50%	10' Front / 10' Side / 20' Rear	25' Maximum	n/a	5	5 years
Shopping Center Community		n/a	8 Acre Minimum			25' Maximum	Landscape Only	5	5 years
17.00 Towers Personal Services Wireless Facility (17.02-17.05)		n/a	n/a	n/a	n/a	n/a	Landscape Only	5	5 years
19.00 Utility & Miscellaneous Government Use Building Major Utility Facility		n/a	n/a	75%	n/a	25' Maximum	Landscape Only	5	5 years
		n/a	n/a	75%	n/a	25' Maximum	Landscape Only	5	5 years

Proposed mix of uses:

A. Residential/ Office/Retail: to include 13.0 (Single Family, Duplex and Triplex); 4.0 (Business office); 14.0 (other retail low volume, convenience store)

B. Multi-Family/ Office/ Commercial: to include 1.0, 2.0, 4.0, 6.0, 10.0, 13.0 (Apartment, and Quadplex); 14.0, 17.0, and 19.0

C. Educational/ Recreational/ Office/ Retail: to include 3.0, 11.0, 4.0 (Studio); 14.0 (book store, deli/casual, ice cream Parlor)

POOR QUALITY ORIGINAL
BEST AVAILABLE IMAGE

016948

LO-2114 06-18-03
L200-00000-0000

ATTACHMENT 7

47

019286

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF THE FOLLOWING REAL PROPERTY KNOWN AS:

PARCEL 1: A PORTION OF TRACTS 4B, 4B1, 5A, 5A1, AND 6, LAURA E. MUNDY SURVEY 237; TRACTS 9B AND 9B1, LAURA E. MUNDY SURVEY NO. 238; AND PORTION OF ENCHANTED HILLS UNIT FIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-MU (RESIDENTIAL MIXED USE) TO R-5 (RESIDENTIAL) AND,

PARCEL 2: A PORTION OF TRACTS 9B, 9B1, AND 9B2, LAURA E. MUNDY SURVEY NO. 238; AND PORTION OF LOTS 2 THRU 5, 9 THRU 12, AND 21 THRU 24, BLOCK 23, ENCHANTED HILLS 5, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL), R-5/SP (RESIDENTIAL/SPECIAL PERMIT), AND R-MU (RESIDENTIAL MIXED USE) TO C-2 (COMMERCIAL); AND,

PARCEL 3: A PORTION OF TRACT 9B2, LAURA E. MUNDY SURVEY NO. 238, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL), AND IMPOSING CONDITIONS.

THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Parcel 1*: a portion of Tracts 4B, 4B1, 5A, 5A1, and 6, Laura E. Mundy Survey 237; Tracts 9B and 9B1, Laura E. Mundy Survey No. 238; and portion of Enchanted Hills Unit Five, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; and, *Parcel 2*: a portion of Tracts 9B, 9B1, and 9B2, Laura E. Mundy Survey No. 238; and portion of Lots 2 thru 5, 9 thru 12, and 21 thru 24, Block 23, Enchanted Hills 5, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; and, *Parcel 3*: a portion of Tract 9B2, Laura E. Mundy Survey No. 238, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference; be changed as listed for **PARCEL 1: FROM R-MU (RESIDENTIAL MIXED USE) TO R-5 (RESIDENTIAL); PARCEL 2: FROM R-3 (RESIDENTIAL), R-5/SP (RESIDENTIAL/SPECIAL PERMIT), AND R-MU (RESIDENTIAL MIXED USE) TO C-2 (COMMERCIAL); and PARCEL 3: FROM R-3 (RESIDENTIAL) TO C-3 (COMMERCIAL),** as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increase of use intensity generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

ORDINANCE NO. **019286**

Zoning Case No: PZRZ21-00024

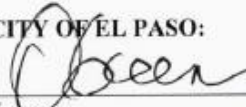
Rezoning Ordinance | PZRZ21-00024 | Northwestern | Hunter Foster | Enchanted Pass
21-1007-2823 | 1133725 | EAS

1. On Parcel 2, a ten-foot (10') landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at thirty feet (30') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
2. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits for Parcel 2.
3. That a detailed site development plan shall be reviewed and approved per the El Paso City Code prior to the issuance of building permits for Parcel 3.
4. That prior to the issuance of certificates of occupancy for Parcel 1, 2, and 3, the rezonings for the properties identified as "future commercial" on Exhibit B be submitted and processed by the City.



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 1st day of February, 2022.


THE CITY OF EL PASO:


Oscar Leiser
Mayor

ATTEST:



Laura D. Frine
City Clerk

APPROVED AS TO FORM:


Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:


Philip F. Etiwe, Director
Planning & Inspections Department

019286

ORDINANCE NO. _____

Rezoning Ordinance | PZRZ21-00024 | Northwestern | Hunter Foster | Enchanted Pass
21-1007-2823 | 1133725 | EAS

Zoning Case No: PZRZ21-00024

EXHIBIT "A"

Prepared for: Southwest Land Development Services
August 9, 2021. (Parcel I)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 4B, 4B1, 5A, 5A1, and 6, Laura E. Mundy Survey 237; Tracts 9B and 9B1, Laura E. Mundy Survey No. 238; and portion of Enchanted Hills Unit Five as recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a City of El Paso brass disk monument at the centerline intersection of Enchanted Path Drive and Enchanted Circle Dr., as shown on plat of Enchanted Hills Unit Three recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which an existing brass disk City monument at the centerline intersection of Enchanted Pass Drive and Enchanted Park Drive bears, North 04°47'05" East a distance of 595.27 feet; Thence North 64°48'49" East a distance of 1241.03 feet to a point for THE "TRUE POINT OF BEGINNING";

Thence, North 03°12'44" East a distance of 242.18 feet to a set ½" rebar with cap marked TX 5152 on the westerly boundary line of Block 23 out of Enchanted Hills 5 recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas;

Thence along said boundary line, North 03°12'50" East a distance of 310.68 feet to a set ½" rebar with cap marked TX 5152;

Thence along said boundary line, North 14°04'05" East a distance of 195.56 feet to a set ½" rebar with cap marked TX 5152 on the southerly right of way line of Hunter Foster Drive;

Thence along said right of way line, 450.82 feet along the arc of a curve to the left, which has a radius of 1292.00 feet, a central angle of 19°59'33", a chord which bears North 82°57'16" West a distance of 448.54 feet to a set ½" rebar with cap marked TX 5152;

Thence along said right of way line, 598.55 feet along the arc of a curve to the right, which has a radius of 1358.00 feet, a central angle of 25°15'13", a chord which bears North 80°19'26" West a distance of 593.72 feet to a set ½" rebar with cap marked TX 5152;

Thence leaving said right of way, North 03°14'26" East a distance of 2803.92 feet to a set ½" rebar with cap marked TX 5152 point;

Thence, North 19°54'58" East a distance of 348.49 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 03°14'26" East a distance of 1202.02 feet to a set ½" rebar with cap marked TX 5152 on the common line of Laura E. Mundy Surveys No. 234 and 237;

Thence along said line, South 86°47'10" East a distance of 2500.24 feet to a set ½" rebar with cap marked TX 5152 on the common line of Laura E. Mundy Surveys No. 234 and 245;

Thence along said line, South 03°12'50" West a distance of 875.00 feet to a set ½" rebar with cap marked TX 5152;

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FIRM NO. 10078100

Thence leaving said line, North $86^{\circ}47'10''$ West a distance of 790.06 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of curve;

Thence, 3239.16 feet along the arc of a curve to the left, which has a radius of 5250.00 feet, a central angle of $35^{\circ}21'02''$, a chord which bears South $04^{\circ}51'15''$ East a distance of 3188.03 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152 for a point of reverse curve;

Thence, 878.35 feet along the arc of a curve to the right, which has a radius of 1250.00 feet, a central angle of $40^{\circ}15'38''$, a chord which bears South $02^{\circ}23'56''$ East a distance of 860.39 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence, South $17^{\circ}43'53''$ West a distance of 621.01 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence, North $72^{\circ}16'07''$ West a distance of 1226.61 feet to the "TRUE POINT OF BEGINNING" and containing 10,133,777 square feet or 232.64 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 621-10



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ENGINEERING / LAND SURVEYING / PLANNING
6080 SURETY DRIVE SUITE 100 / EL PASO, TEXAS 79936 / (915) 592-0283 FAX (915) 592-0286
FIRM NO. 10078100

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tracts 9B, 9B1, and 9B2, Laura E. Mundy Survey No. 238; and portion of lots 2 thru 5, 9 thru 12, and 21 thru 24, block 23, Enchanted Hills 5 as described in deed recorded in Clerks File No. 20210037543, Real property records of El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a City of El Paso brass disk monument at the centerline intersection of Enchanted Path Drive and Enchanted Circle Dr., as shown on plat of Enchanted Hills Unit Three recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which an existing brass disk City monument at the centerline intersection of Enchanted Pass Drive and Enchanted Park Drive bears, North 04°47'05" East a distance of 595.27 feet; Thence North 04°22'16" East a distance of 832.62 feet to a set ½" rebar with cap marked TX 5152 for THE "TRUE POINT OF BEGINNING";

Thence, North 03°12'50" East a distance of 15.00 feet to a set ½" rebar with cap marked TX 5152 for a point of curve;

Thence 139.90 feet along the arc of a curve to the right, which has a radius of 500.00 feet, a central angle of 16°01'53", a chord which bears North 11°13'46" East a distance of 139.44 feet to a set ½" rebar with cap marked TX 5152;

Thence 111.92 feet along the arc of a curve to the left, which has a radius of 400.00 feet, a central angle of 16°01'53", a chord which bears North 11°13'46" East a distance of 111.55 feet to a set ½" rebar with cap marked TX 5152;

Thence, North 03°12'50" East a distance of 216.72 feet to a set ½" rebar with cap marked TX 5152;

Thence 118.57 feet along the arc of a curve to the right, which has a radius of 400.00 feet, a central angle of 16°59'02", a chord which bears North 11°42'21" East a distance of 118.14 feet to a set ½" rebar with cap marked TX 5152;

Thence 9.57 feet along the arc of a curve to the left, which has a radius of 500.00 feet, a central angle of 01°05'48", a chord which bears North 19°38'58" East a distance of 9.57 feet to a point on the southerly right of way line on Hunter Foster Dr. as referenced on plat of Enchanted Hills Five recorded in Clerks File No. 20210037543, Real property records of El Paso County, Texas;

Thence along said right of way line the following 3 courses:

20.19 feet along the arc of a curve to the left, which has a radius of 1358.00 feet, a central angle of 00°51'07", a chord which bears South 67°16'16" East a distance of 20.16 feet to a set ½" rebar with cap marked TX 5152;

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FIRM NO. 10078100

598.55 feet along the arc of a curve to the left, which has a radius of 1358.00 feet, a central angle of $25^{\circ}15'13''$, a chord which bears South $80^{\circ}19'26''$ East a distance of 593.72 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

450.82 feet along the arc of a curve to the right, which has a radius of 1292.00 feet, a central angle of $19^{\circ}59'33''$, a chord which bears South $82^{\circ}57'16''$ East a distance of 448.54 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence leaving said right of way line and along the westerly line of Block 23, Enchanted Hills Unit Five, South $14^{\circ}04'05''$ West a distance of 195.56 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, South $03^{\circ}12'50''$ West a distance of 310.68 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence along said line, South $06^{\circ}33'45''$ West a distance of 103.69 feet to a set $\frac{1}{2}$ " rebar with cap marked TX 5152;

Thence leaving said line, North $81^{\circ}07'01''$ West a distance of 1047.91 feet to a point;

Thence, North $86^{\circ}47'10''$ West a distance of 26.00 feet to the "TRUE POINT OF BEGINNING" and containing 625,722.06 square feet or 14.365 acres of land more or less.

NOTE: A drawings of even date accompanies this description.


Ron R. Conde
R.P.L.S. No. 5152
Job# 621-10



CONDE, INC.
ENGINEERING / LAND SURVEYING / PLANNING
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FIRM NO. 10078100

Prepared for: Southwest Land Development Services
August 9, 2021. (Parcel III)

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 9B2, Laura E. Mundy Survey No. 238, City of El Paso, el Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference at a City of El Paso brass disk monument at the centerline intersection of Enchanted Path Drive and Enchanted Circle Dr., as shown on plat of Enchanted Hills Unit Three recorded in Clerks File No. 20210037543, Real Property Records of El Paso County, Texas, from which an existing brass disk City monument at the centerline intersection of Enchanted Pass Drive and Enchanted Park Drive bears, North 04°47'05" East a distance of 595.27 feet; Thence North 04°22'16" East a distance of 832.62 feet to a set ½" rebar with cap marked TX 5152 for THE "TRUE POINT OF BEGINNING";

Thence, North 86°47'10" West a distance of 551.09 feet to a point on the westerly right of way line of U.S. Interstate Highway No. 10;

Thence along said right of way line, North 03°14'26" East a distance of 310.68 feet to a point;

Thence leaving said right of way line, South 86°47'10" East a distance of 585.95 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 03°12'50" West a distance of 47.13 feet to a set ½" rebar with cap marked TX 5152 for a point of curve;

Thence 111.92 feet along the arc of a curve to the right, which has a radius of 400.00 feet, a central angle of 16°01'53", a chord which bears South 11°13'46" West a distance of 111.55 feet to a set ½" rebar with cap marked TX 5152;

Thence 139.90 feet along the arc of a curve to the left, which has a radius of 500.00 feet, a central angle of 16°01'53", a chord which bears South 11°13'46" West a distance of 139.44 feet to a set ½" rebar with cap marked TX 5152;

Thence, South 03°12'50" West a distance of 15.00 feet to the "TRUE POINT OF BEGINNING" and containing 177,026.93 square feet or 4.064 acres of land more or less.

NOTE: A drawings of even date accompanies this description.

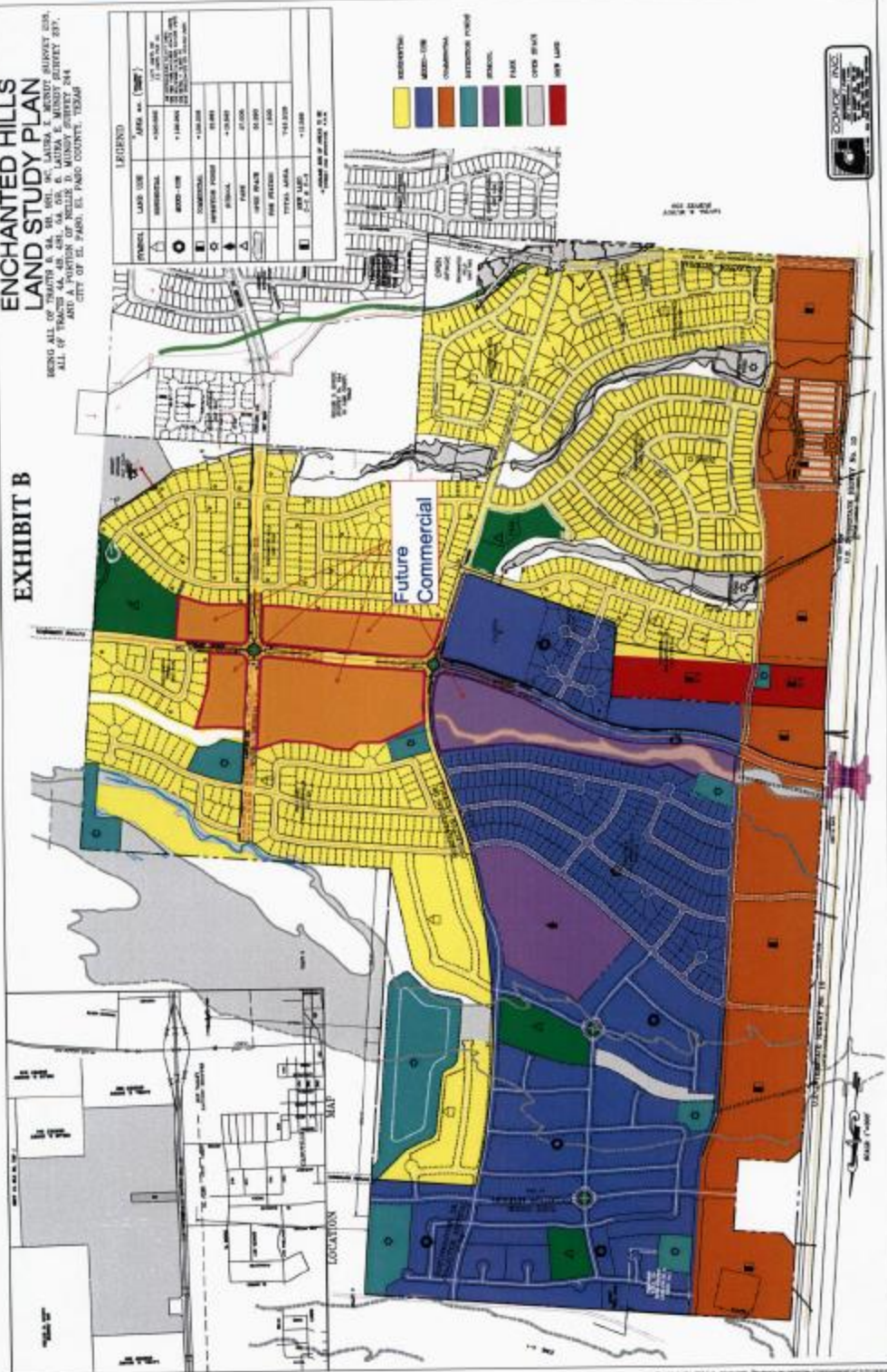

Ron R. Conde
R.P.L.S. No. 5152
Job# 621-10



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FIRM NO. 10078100

EXHIBIT B

SECTIONS ALL OF TRACTS 9, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863,





Legislation Text

File #: 22-755, 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, 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. PZST22-00004, to allow for a governmental use, building (Environmental Service Department - Citizen Collection Station) on the property described as Lot 3, Block 1, Castner Range Subdivision #1, 9135 Stahala 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: 9135 Stahala Drive

Applicant: City of El Paso, PZST22-00004

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: July 19, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 4

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance granting Special Permit NO. PZST22-00004, to allow for a governmental use, building (Environmental Service Department – Citizen Collection Station) on the property described as Lot 3, Block 1, Castner Range Subdivision #1, 9135 Stahala 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: 9135 Stahala Drive
Applicant: City of El Paso, PZST22-00004

BACKGROUND / DISCUSSION:

The applicant is requesting a special permit to allow for a governmental use, building (Environmental Service Department – Citizen Collection Station) in the R-4 (Residential) and C-1 (Commercial) zone district in accordance with the El Paso City Code Section 20.04.320 Special Permit. The City Plan Commission recommended 5-0 to approve the proposed special permit on June 2, 2022. As of June 13, 2022, the Planning Division received a letter via email in 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? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST22-00004, TO ALLOW FOR A GOVERNMENTAL USE, BUILDING (ENVIRONMENTAL SERVICE DEPARTMENT – CITIZEN COLLECTION STATION) ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 3, BLOCK 1, CASTNER RANGE SUBDIVISION #1, 9135 STAHALA 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.

WHEREAS, the City of El Paso, has applied for a Special Permit under Section 20.10.260 of the El Paso City Code to allow for a governmental use, building (Environmental Service Department– Citizen Collection Station); and,

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

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Section 20.04.320 of the El Paso City Code.

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

1. That the property described as follows, is in a R-3 (Residential) District:
a portion of Lot 3, Block 1, Castner Range Subdivision #1, 9135 Stahala Drive City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit “A”.

2. That the City Council hereby grants a Special Permit under Section 20.04.320 of the El Paso City Code to allow for a governmental use, building (Environmental Service Department – Citizen Collection Station) on the property described in Paragraph 1 of this Ordinance; and,

3. That this Special Permit is issued subject to the development standards in the R-4 (Residential) and C-1 (Commercial) District regulations and is subject to the approved Detailed Site Development Plan signed by the Applicant, the City Manager and the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "B" and is incorporated herein by reference for all purposes; and,

ORDINANCE NO. _____

22-1007-2910|1178356

General Special Use Permit|PZST22-00004 9135 Stahala | Ordinance| WNV

4. That if at any time the Applicant fails to comply with any of the requirements of this Ordinance, Special Permit No. PZST22-00004, shall be subject to termination; construction or occupancy shall be discontinued; and the Applicant shall be subject to the penalty provisions of Chapter 20.24 and any other legal or equitable remedy; and,

5. That the Applicant shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary to the City Plan Commission before building permits are issued.

ADOPTED this ____ day of _____, 2022.

THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard

Wendi N. Vineyard
Assistant Attorney

APPROVED AS TO CONTENT:

Philip F. Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

AGREEMENT

City of El Paso, the Applicant referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the **R-4 (Residential) and C-1 (Commercial) District** regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 6th day of June, 2022.

City of El Paso:

Nicholas Ybarra
(Signature)

Nicholas Ybarra, P.E. - Assistant Director
(Name/Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument is acknowledged before me on this 6 day of June, 2022, by Nick Ybarra for City Of El Paso

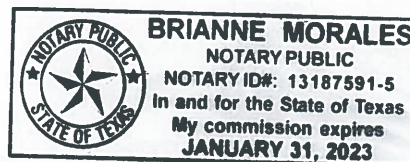
(Seal)

Brianne Morales
Notary Public, State of Texas
Signature

BRIANNE MORALES
Printed or Typed Name

My Commission Expires:

1/31/23



ORDINANCE NO. _____

22-1007-2910|1178356

General Special Use Permit|PZST22-00004 9135 Stahala | Ordinance| WNV

Barragan And Associates Inc.

10950 Pellicano Dr., Building "F", El Paso, Texas 79935 Ph. (915) 591-5709 Fax (915) 591-5706

DESCRIPTION

Description of a parcel of land being a portion of Lot 3, Block 1, Castner Range Subdivision #1, an addition to the City of El Paso, El Paso County, Texas, filed for record in Volume 45, Page 30, Plat Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a found TxDot brass cap monument on the common corner of Sections 2, 3, 8, and 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, El Paso County, Texas; **THENCE**, S 88° 03' 17" E (N 88° 49' 25" E - Plat), along a calculated section line, a distance of 1679.96 (1680.00 - Plat) feet to a point on the centerline of Stahala Drive; **THENCE**, N 01° 46' 55" E (N 01° 21' 10" W - Plat), along the centerline of said Stahala Drive, a distance of 573.00 feet to a found city monument on the centerline intersection of Stahala Drive and Maureen Circle; **THENCE**, N 01° 46' 55" E (N 01° 21' 10" W - Plat), along the centerline of Stahala Drive, a distance of 766.69 feet to a found city monument on the point of curvature of Stahala Drive; **THENCE**, N 88° 02' 30" W (S 88° 49' 25" W - Plat), leaving the centerline of Stahala Drive, a distance of 35.00 feet to a set nail on the westerly right-of-way line of Stahala Drive, said nail also being the southeasterly corner of Castner Heights Unit Seven, filed for record in Volume 60 Page 49, Plat Records of El Paso County, Texas, and being the northeasterly corner of Lot 3, Block 1, Castner Range Subdivision #1, said nail also being the **POINT OF BEGINNING** of this description;

THENCE, S 01° 46' 55" W (S 01° 21' 10" E - Record), along the westerly right-of-way line of Stahala Drive, a distance of 894.62 feet to a set 1/2" rebar with cap stamped "B&A Inc." on the northeasterly corner of a 2.43 acre tract described in Volume 1189, Page 1111, of the Real Property Records of El Paso County, Texas;

THENCE, N 88° 02' 30" W (S 88° 49' 25" W - Record), leaving the westerly right-of-way line of Stahala Drive and along the northerly line of said 2.43 acre tract, a distance of 302.71 (302.66 - Record) feet to a set 1/2" rebar with cap stamped "B&A Inc." for the northwesterly corner of said 2.43 acre tract;

THENCE, S 01° 47' 29" W (S 01° 20' 03" E - Record), along the westerly line of said 2.43 acre tract, a distance of 88.64 feet to a found 5/8" rebar with cap stamped "KECO TX 5632", being the northeasterly corner of a 1.4999 acre tract described in Volume 1260 Page 1708, of the Real Property Records of El Paso County, Texas;

THENCE, N 88° 02' 30" W (S 88° 49' 25" W - Record), along the northerly line of said 1.4999 acre tract, a distance of 250.00 feet to a set 60D nail on the common line of Lots 2 and 3, also being on the northwesterly corner of said 1.4999 acre tract;

THENCE, N 01° 47' 29" E (N 01° 20' 03" W - Plat), along the common line of Lots 2 and 3, a distance of 319.56 feet to a set 1/2" rebar with cap stamped "B&A Inc." on the northeasterly corner of Lot 2;

THENCE, N 88° 02' 30" W (S 88° 49' 25" W - Plat), a distance of 300.03 (300.00) feet to a found 5/8" rebar with cap stamped "TX 5833", said rebar also being on the northwesterly corner of Lot 2;

THENCE, N 01° 47' 29" E (N 01° 20' 03" W), along the common line of Lots 1 and 3, a distance of 663.70 feet to a found 5/8" rebar with cap stamped "KECO TX 5833", on the southerly line of Castner Heights Unit Seven, filed for record in Volume 60, Page 49, Plat Records of El Paso County, Texas, El Paso County, Texas, said rebar also being the northerly common corner of Lot 1 and Lot 3, Block 1, Castner Range Subdivision #1;

THENCE, S 88° 02' 30" E (S 88° 49' 25" W - Plat), along the common line of said Castner Heights Unit Seven and Castner Range Subdivision #1, a distance of 852.59 (852.43 - Plat) feet to the **POINT OF BEGINNING** of this description and containing in all 16.43 acres of land more or less.

NOTES:

- 1. This property may be subject to easements whether of record or not. No Additional Research was performed by B&A Inc. for any reservations, restrictions, building lines, and or easements which may or may not affect this parcel.
- 2. Bearings recited are grid bearings derived from RTK observations to the Texas CO-OP Network. Referred to the Texas Coordinate System (NAD 83) (2011) Central Zone. Distances are ground distances and may be converted to grid dividing by 1.000231.
- 3. This description does not intend to be a subdivision process which may be required by the City of El Paso ordinance, and it is the client's/owner responsibility to comply with this ordinance if it is required.
- 4. This Description was done without the benefit of a title commitment.
- 5. A Plat of Survey dated 01/25/2022, accompanies this description.



Benito Barragan, P.E., No. 5615,
Barragan and Associates Inc.
Januray 25, 2022
9135 Stahala Drive – Boundary Survey
Job No. 220110-09

EXHIBIT "B"

Plat of Survey
PORTION OF LOT 3, BLOCK 1,
CASTNER RANGE,
AN ADDITION TO
THE CITY OF EL PASO,
EL PASO COUNTY, TEXAS,
AREA 16.43 ACRES

LEGEND

	PROPERTY LINE
	SOUND BARRIER WALL
	24" CURB AND GUTTER
	SIGN
	CONCRETE PAVING
	CONCRETE SIDEWALK
	LIGHT DUTY ASPHALT
	HEAVY DUTY ASPHALT
	6 INCH ROCK RIP RAP WITH FABRIC

D. PLANT SCHEDULE

TREES	QTY	COMMON NAME	CONTAINER	HEIGHT	SPREAD
	7	DESERT WILLOW MULTI-TRUNK	45 GAL	8-10 FT	4-6 FT
	5	CEDAR ELM	45 GAL	10-12 FT	6-8 FT
	14,785 SF	COMMON NAME			
		ROCK MULCH: 3/4" CRUSHED GRANITE COLOR: "TRAIL MIX", 3" DEPTH. INSTALL OVER WEED BARRIER. AVAILABLE FROM DESERT ROCK CO, EL PASO, TX, OR EQUAL.			

A. LEGAL DESCRIPTION OF PROPERTY

HONDO PASS CITIZENS COLLECTION CENTER

A portion of Lot 3, Block 1, Castner Range Subdivision #1, an addition to the City of El Paso, El Paso County, Texas.

B. PROPERTY USE & PARKING SPACES FOR PROPOSED CITIZENS COLLECTION STATION

SITE DATA - PARKING	MIN. REQUIRED	MAX. REQUIRED	PROVIDED*
STANDARD SPACES	3	5	4
ACCESSIBLE SPACES	1	-	2
BICYCLE SPACES	3	-	3
TOTAL			9

* ADDITIONAL EXISTING CITY EMPLOYEE PARKING ON SOUTH PARKING LOT = 22 SPACES

NOTE: MINIMUM AND MAXIMUM SPACES WERE CALCULATED BASED ON CHAPTER 20 APPENDIX C - TABLE OF PARKING REQUIREMENTS AND STANDARDS OF CITY OF EL PASO MUNICIPAL CODE. THE FACILITY IS A SMALL RECYCLING COLLECTION FACILITY WHICH REQUIRES PARKING SPACES AT A MINIMUM OF 1/1,440 SF AND A MAXIMUM OF 1/1,100 SF. THE BUILDING IS 4,826 SF.

C. EXISTING PARKING SPACES

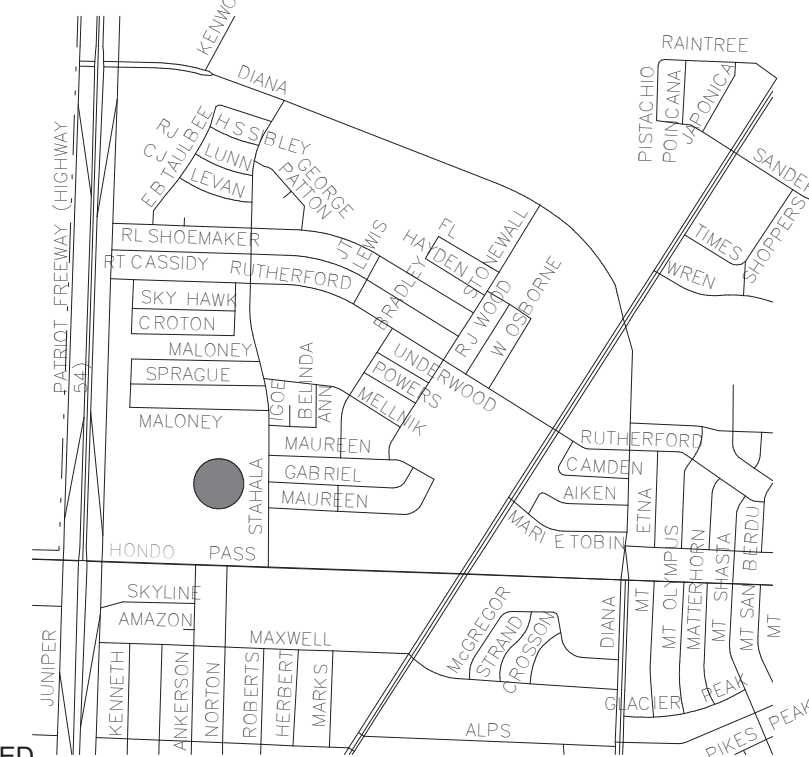
	ACCESSIBLE SPACES	STANDARD SPACES	TOTAL	REQ'D
EXISTING COMMUNITY GARDEN *	4	12	16	NONE
EXISTING CHURCH **	5	95	100	83

* COMMUNITY GARDEN 2 BUILDINGS; 560 SF PER CHAPTER 20 APPENDIX C - AGRICULTURAL RELATED OPERATIONS HARVESTING (1.13) / RAISING (1.20), FIELD, TREE, BUSH, CROPS. NO PARKING IS REQUIRED.

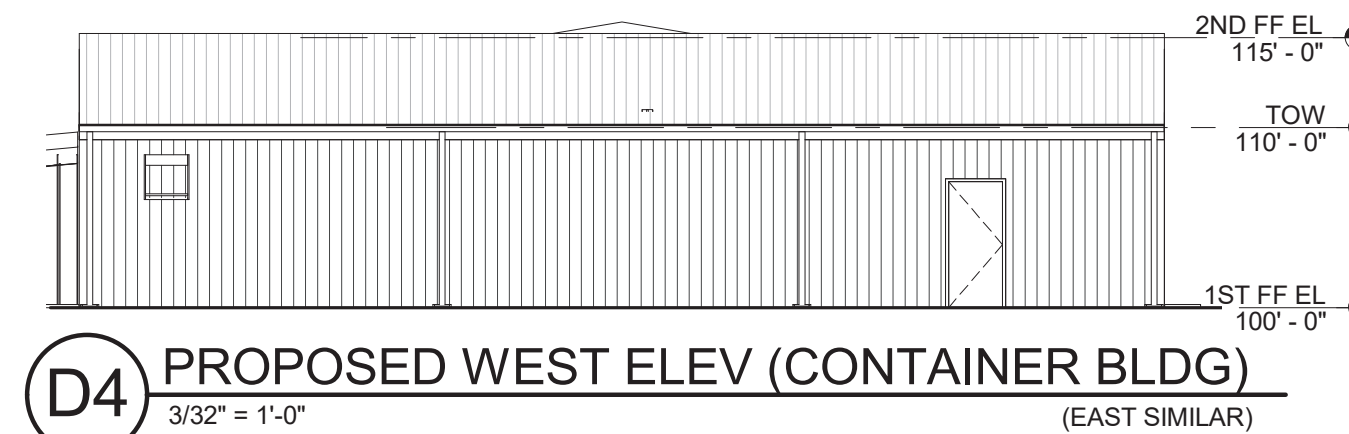
** CHURCH BUILDING; 23,902 SF PER CHAPTER 20 APPENDIX C - CHURCH (3.09) AUDITORIUM 7,968/ 144 S.F. = 55 SPACES OTHER AREAS 15, 934/ 576 S.F. = 28 SPACES

E. LEGEND FOR EXISTING LANDSCAPE

	TREE
	PALM TREE
	SHRUB



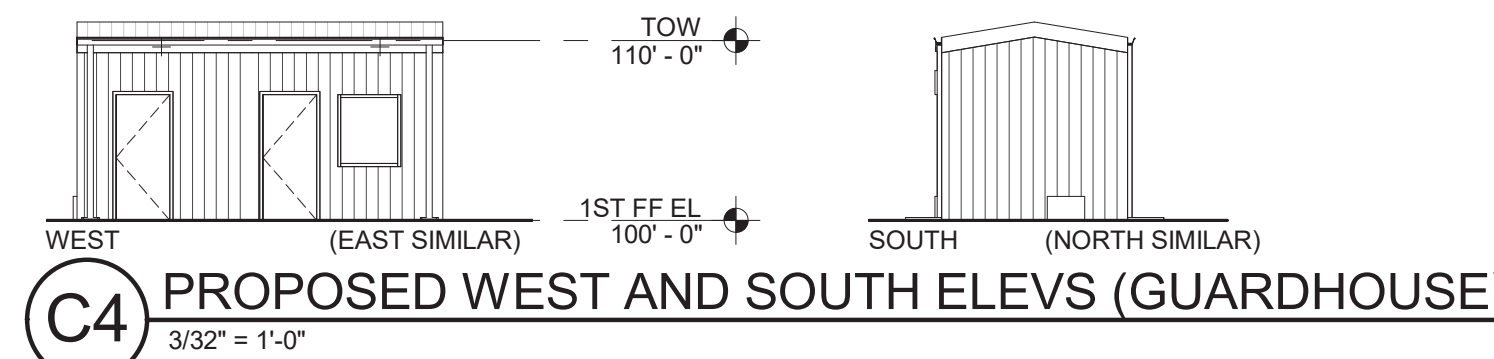
E5 LOCATION MAP
1" = 160'-0"



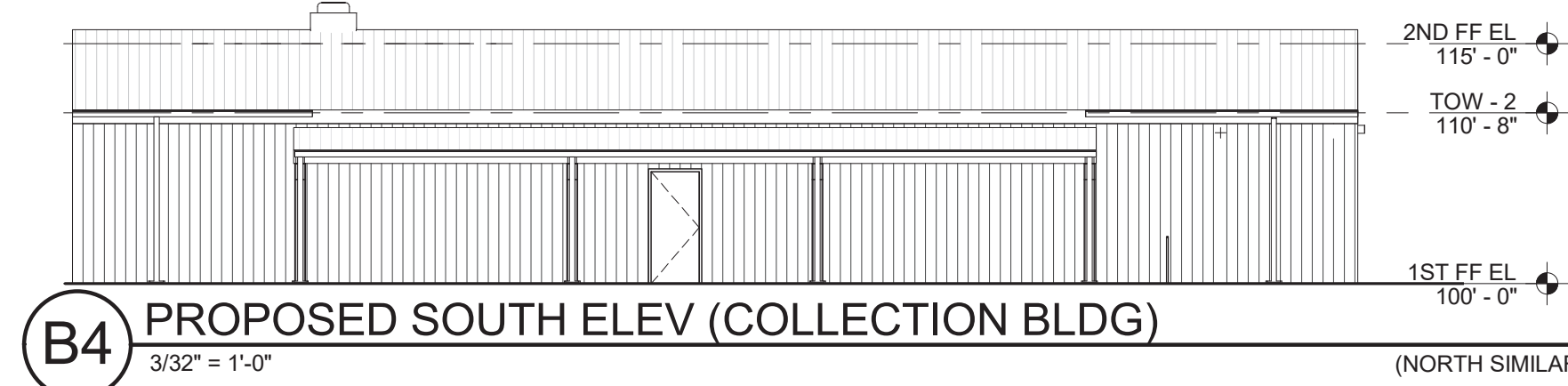
D4 PROPOSED WEST ELEV (CONTAINER BLDG)
3/32" = 1'-0" (EAST SIMILAR)



D5 PROPOSED NORTH ELEV (CONTAINER BLDG)
3/32" = 1'-0" (SOUTH SIMILAR)



C4 PROPOSED WEST AND SOUTH ELEV (GUARDHOUSE)
3/32" = 1'-0"



B4 PROPOSED SOUTH ELEV (COLLECTION BLDG)
3/32" = 1'-0" (NORTH SIMILAR)



A4 PROPOSED WEST ELEV (COLLECTION BLDG)
3/32" = 1'-0" (EAST SIMILAR)

PLANNING & INSPECTIONS DEPARTMENT
PLANNING DIVISION
DETAILED SITE DEVELOPMENT PLAN
APPROVED BY CITY COUNCIL
June 6, 2022
DATE
APPLICANT
EXECUTIVE SECRETARY, CITY PLAN COMMISSION
CITY MANAGER

A1 DETAILED SITE DEVELOPMENT PLAN
1" = 50'-0"



REFERENCES -- BENCH MARKS

Parkhill



SCALE
AS SHOWN
Ver.
DATE APRIL 1ST, 2022
DESIGN BY
DRAWN BY
CHKD BY
APPD BY

PROJECT NAME
HONDO PASS - CITIZENS
COLLECTION STATION
4501 HONDO PASS DR.
EL PASO, TEXAS 79904

CITY OF EL PASO

SHEET TITLE

DETAILED SITE DEVELOPMENT PLAN

SP-01

REVIT_v16

9135 Stahala Drive

City Plan Commission — June 2, 2022



CASE NUMBER: PZST22-000004 (REVISED)
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: City of El Paso
REPRESENTATIVE: Nicholas Ybarra
LOCATION: 9135 Stahala Drive (District 4)
PROPERTY AREA: 16.43 acres
EXISTING ZONING: R-4 (Residential) and C-1 (Commercial)
REQUEST: Special Permit to allow for a governmental use, building in R-4 (Residential) & C-1 (Commercial) zone districts
RELATED APPLICATIONS: None
PUBLIC INPUT: As of June 2, 2022, received an email in opposition

SUMMARY OF REQUEST: The applicant is requesting a special permit to allow for a governmental use building (Environmental Service Department – Citizen Collection Station) in the R-4 (Residential) and C-1 (Commercial) zone district in accordance with the El Paso City Code Section 20.04.320 Special Permit.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the special permit for a governmental use building in R-4 (Residential) and C-1 (Commercial) zone districts. The proposal meets all the requirements of 20.04.320 Special Permit and 20.04.150 Detailed Site Development Plan. It is also based on consistency with *Plan El Paso*, the City's adopted Comprehensive Plan.

PZST22-00004

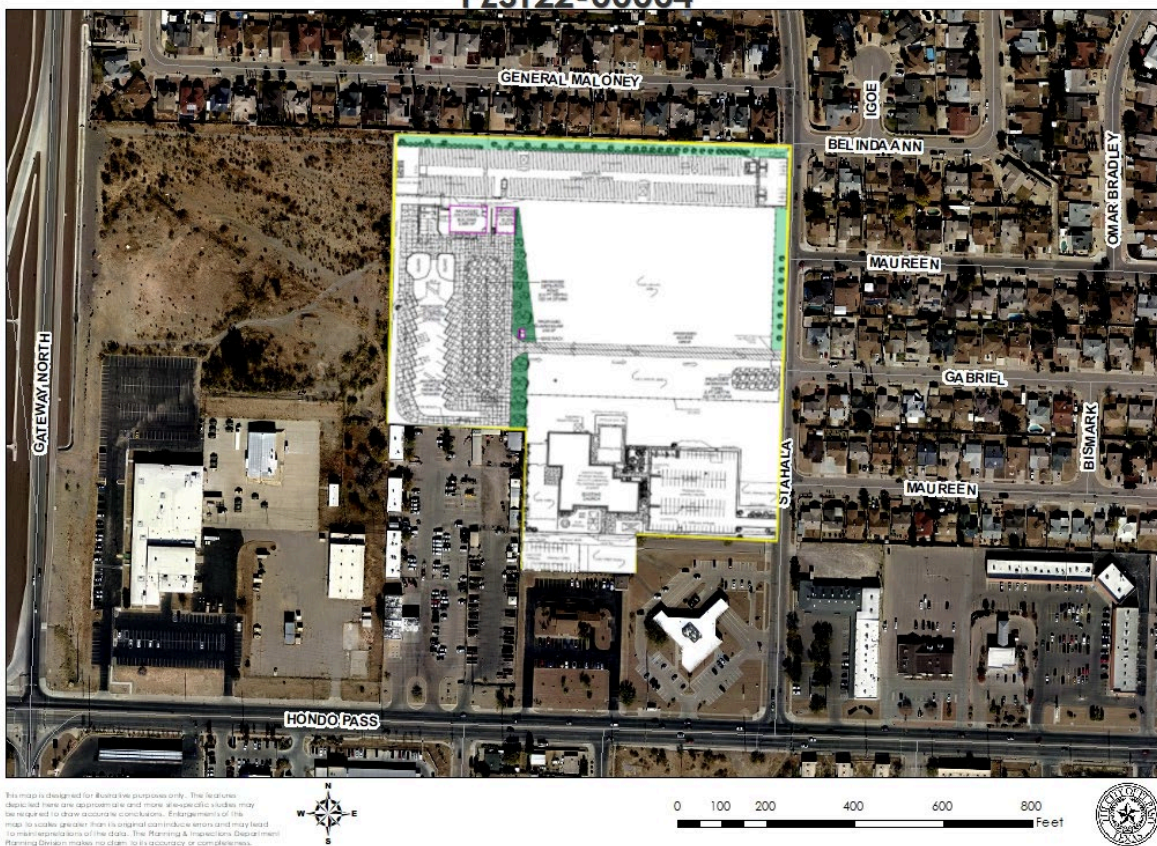


Figure A. Detailed Site Development Plan Superimposed on Aerial Imagery

DESCRIPTION OF REQUEST: The applicant is requesting a special permit to allow for a governmental use building in the R-4 (Residential) and C-1 (Commercial) zone district. The detailed site development plan shows a new 4,826 sq. ft. collection building, 2,414 sq. ft. container building, and 210 sq. ft. guardhouse for the Environmental Services Department – new Citizen Collection Station. The existing church and existing community garden will remain on the property. The proposed development complies with all density and dimensional standards. The development is compliant with all required vehicular and bicycle parking spaces. The development complies with Title 18.46 of the Landscaping Ordinance. Access to the subject property is provided from Stahala Drive.

COMPLIANCE WITH SPECIAL PERMIT REQUIREMENTS (El Paso City Code 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 property meets all applicable density and dimensional standards for their zoning district and use.
2. Furthers <i>Plan El Paso</i> and applicable neighborhood plans or policies.	Yes. The request complies with the recommendations of <i>Plan El Paso</i> and the G-3 future land use designation.
3. Adequately served by and will not impose an undue burden upon public improvements.	Yes, access to the driveway will be from Stahala Drive - the improved collector street.
4. Any impacts of the proposed development on adjacent property are adequately mitigated with the design, proposed construction and phasing of the site development.	Yes. The proposed design of the development is compatible with surrounding properties.
5. The design of the proposed development mitigates substantial environmental problems.	Yes. Subject property does not involve greenfield/ environmentally sensitive land or arroyo disturbance.
6. The proposed development provides adequate landscaping and/or screening where needed.	Yes. The development will comply with landscaping ordinance requirements.
7. The proposed development is compatible with adjacent structures and uses.	Yes. The existing uses and building configurations are similar to other properties in the immediate area.
8. The proposed development is not materially detrimental to the property adjacent to the site.	Yes. The proposed redevelopment is similar in intensity 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?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	Yes, the subject property and the proposed developments meet the intent of the G-3 Post-War Future Land Use designation. The proposed development is adjacent to residential and commercial development and in close proximity to a church and other governmental use.

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:	
<p>Compatibility with Surroundings: The proposed use is compatible with those surrounding the site:</p> <p>R-4 (Residential) District: The purpose of this district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p> <p>C-1 (Commercial) District: The purpose of this district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes, the governmental use building is consistent with residential and public civic uses in the neighborhood. The Environmental Service Citizen Collection Station is requiring a special permit to allow for governmental use building in R-4 (Residential) and C-1 (Commercial) zone districts. The surrounding properties are zoned R-4 (Residential) and C-1 (Commercial). The surrounding area uses vary from single-family dwellings, church, bank, retail, and other governmental uses.</p>
THE PROPOSED PROJECT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A. The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community.
Natural Environment: 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 residential zoning and uses of the surrounding properties.
Socioeconomic & Physical Conditions: 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. The established neighborhood is comprised of single-family, church, retail, and other governmental uses.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders Stahala Street which is designated as a collector street as per the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate to serve the proposed development. Access is proposed from Stahala Drive.

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 Castner Heights Neighborhood Association which was notified of the special permit application. Public notices were mailed to property owners within 300 feet of the subject property on May 19, 2022. As of June 2, 2022, the Planning Division received a letter via email in opposition to the request from the public.

RELATED APPLICATIONS: N/A.

CITY PLAN COMMISSION OPTIONS:

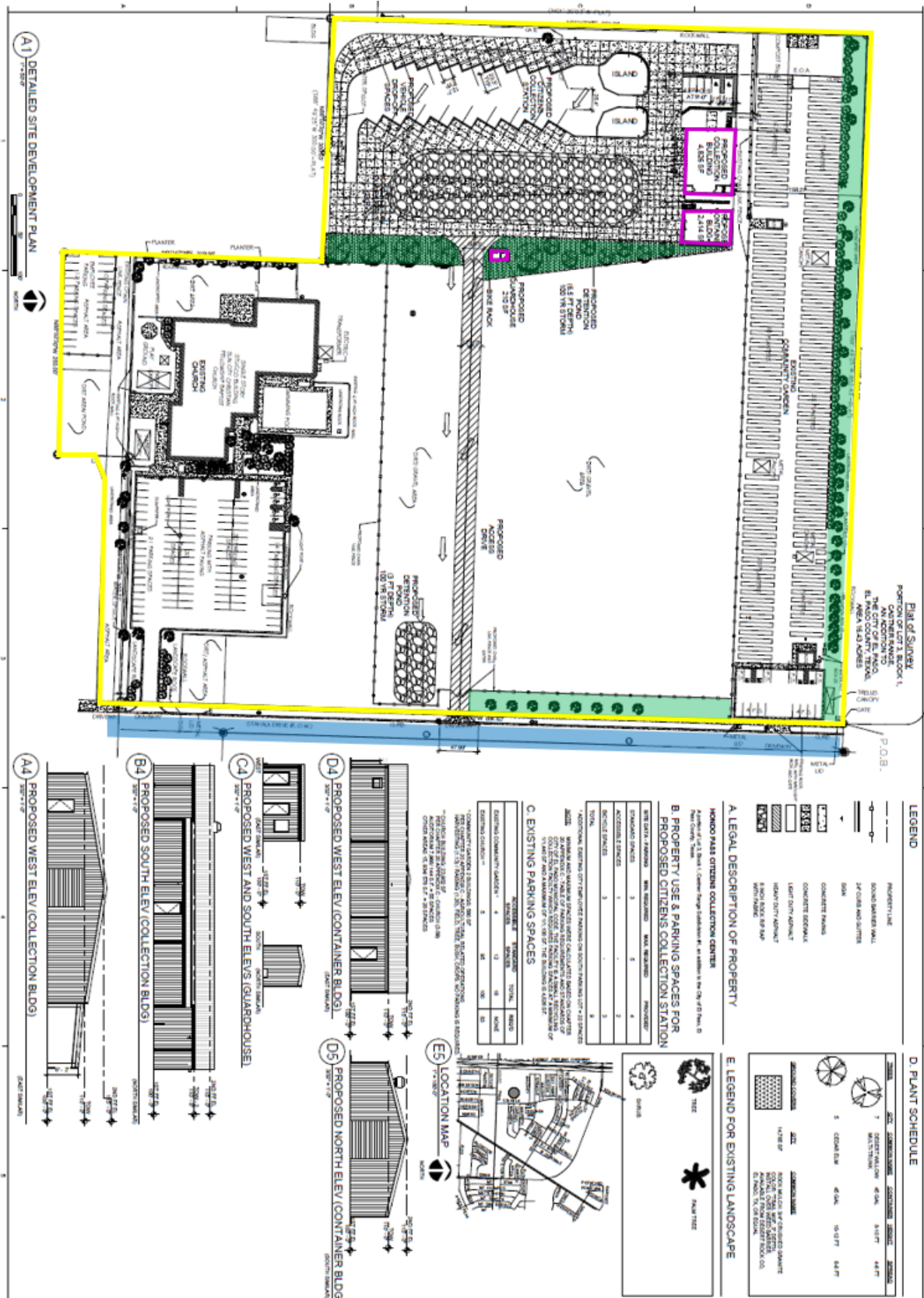
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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.

ATTACHMENTS:

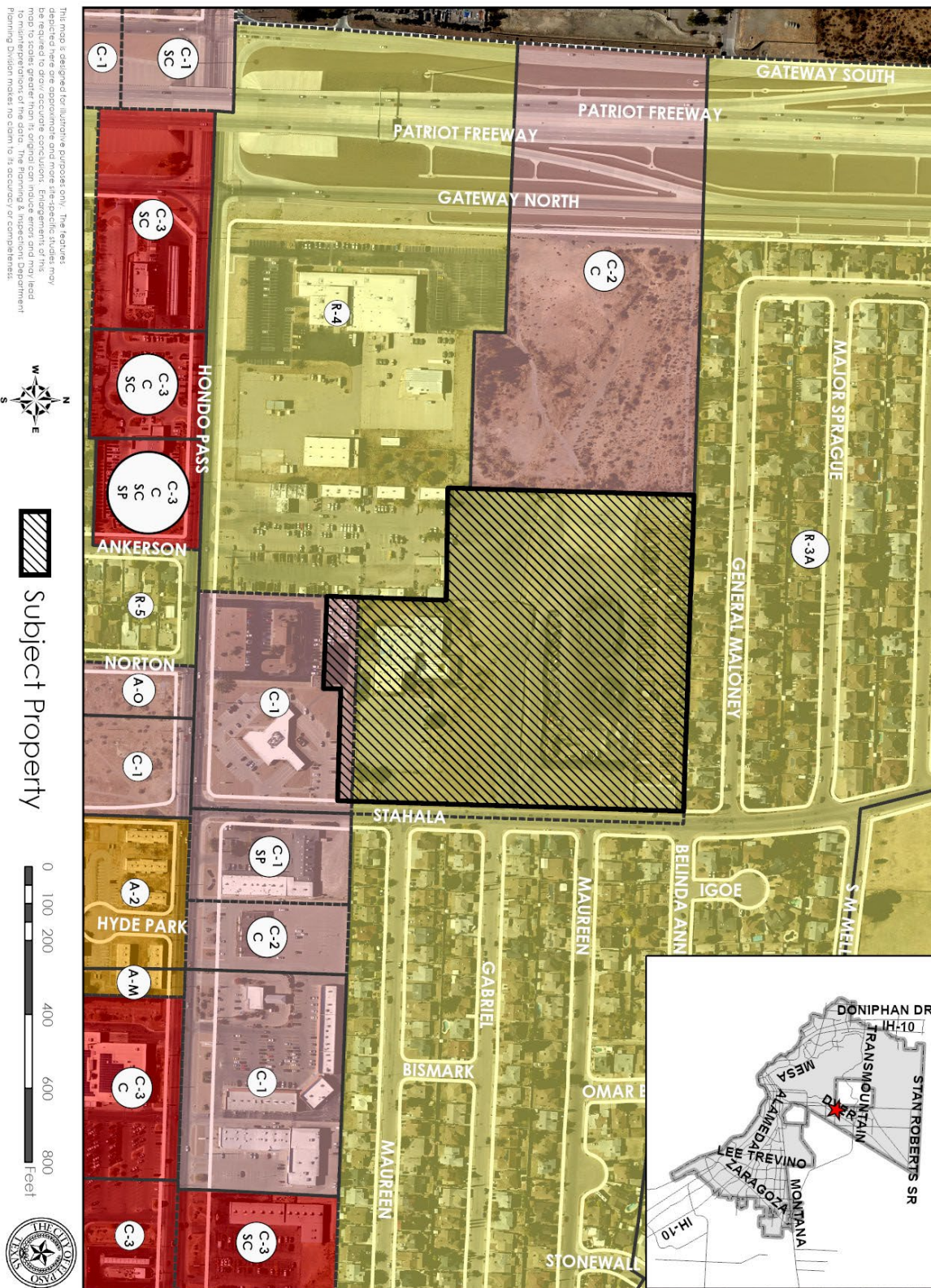
1. Detailed Site Plan
2. Zoning Map
3. Department Comments
4. Neighborhood Notification Boundary Map
5. Email in opposition

ATTACHMENT 1



ATTACHMENT 2

PZST22-00004



ATTACHMENT 3

Planning and Inspections Department – Planning Division

Staff recommends approval of the special permit for a governmental use, building in R-4 (Residential) and C-1 (Commercial) zone districts. The proposal meets all the requirements of 20.04.320 Special Permit and 20.04.150 Detailed Site Development Plan.

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 – Land Development

No objections to special permit.

Note: As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, rainwater harvesting within landscaped areas, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Fire

No adverse comments.

Sun Metro

No comments received.

Streets and Maintenance Department

No objections to the application.

Environmental Services Department

No comments received.

El Paso County Water Improvement District #1

The item is not within the boundaries of EPCWID1.

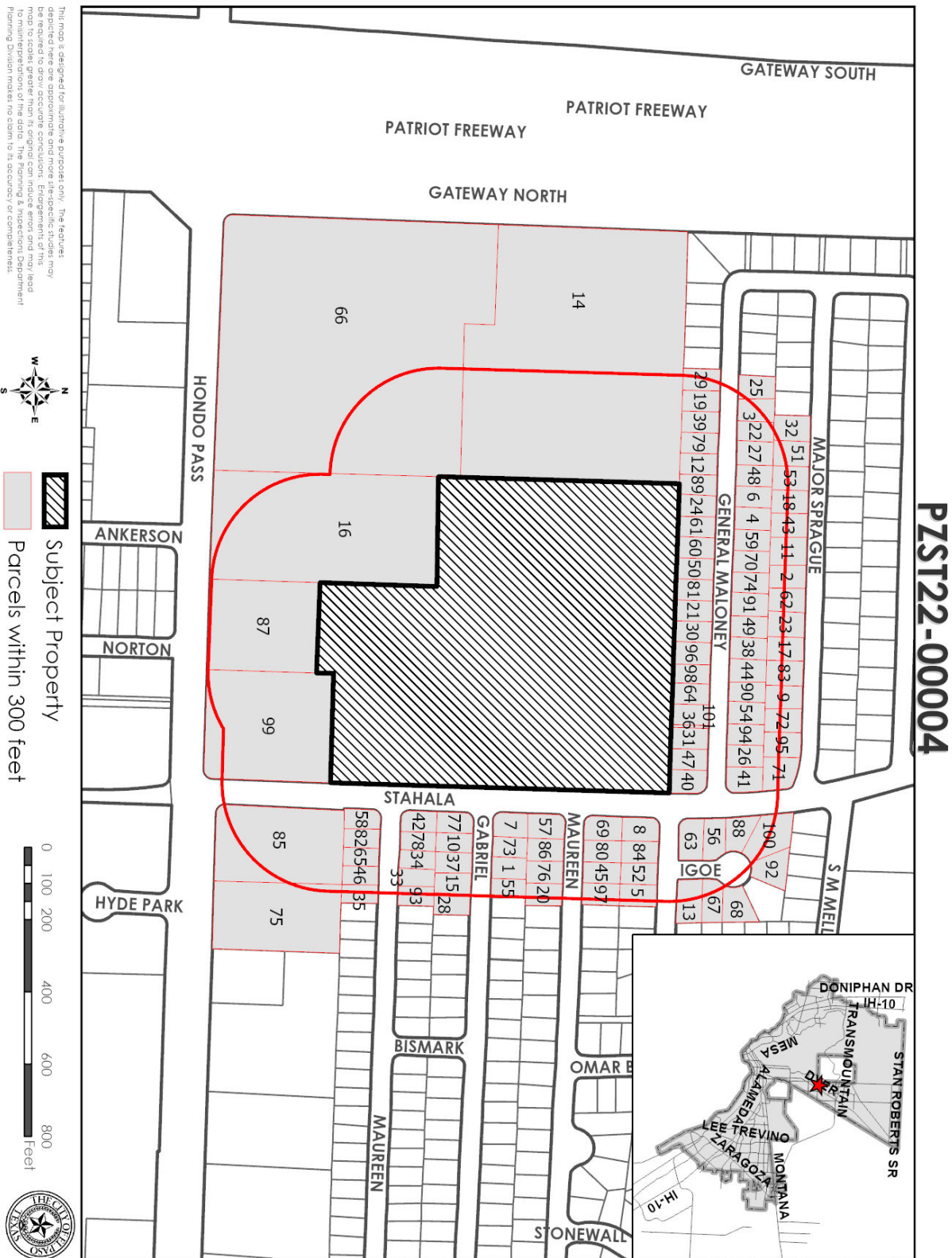
El Paso Water

No comments received.

El Paso Water - Stormwater Engineering

The proposed ponding areas shown, shall be able to contain a 100-year storm event.

ATTACHMENT 4



ATTACHMENT 5

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Thursday, June 2, 2022 8:09 AM
To: Tessie Maestas
Subject: RE: Case: PZST22-00004

Good morning Ms. Maestas,

Thank you for your email. It will be added to the backup that will be presented to the City Plan Commission.

Regards,

Andrew Salloum | Senior Planner

P: 915.212.1603

A: 801 Texas Ave. El Paso, TX 79901

E: SalloumAM@elpasotexas.gov

ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso

From: Tessie Maestas <tessie.maestas.mv0y@statefarm.com>
Sent: Wednesday, June 1, 2022 11:21 PM
To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>
Subject: Case: PZST22-00004

You don't often get email from tessie.maestas.mv0y@statefarm.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use Phish Alert or forward to SpamReport@elpasotexas.gov.

Good evening sir and ma'am,

I am writing with respect to the above case. I currently reside at 4600 Maureen Cir in Castner Heights. My house is situated on the corner of Maureen and Stahala and would be feet from the proposed property that the city is hoping to permit for governmental use. I strongly oppose this for many reasons but the biggest one is the negative impact that it will have on my residential property. I have lived in my home for over 22 years and the proposition would greatly diminish my property value. The proposed property is situated in a residential area and I have strong concerns that by allowing this permit to go through, we would experience higher traffic volume (Stahala is a 2 lane street that cannot handle the amount of traffic that this permit would bring), diminished property value, obstruction of the view of the beautiful mountains, and the high number of families with young children in our neighborhood that would all be negatively affected. The number of residents and the small number of commercial business are already impacted by the traffic to get into the disposal now and more recent heavy traffic from the food drives that are held at the church located at the previous YWCA building causes traffic buildup past my street and down towards the park. This is going to create a dangerous highway to the many families with young children in my neighborhood. I need the city to know my strong opposition to allowing this permit to be approved. There are other options and I urge the city to explore those instead of allowing this permit.

1

Respectfully,

Tessie Maestas
915-269-4444



Legislation Text

File #: 22-775, 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, Philip F. Etiwe, (915) 212-1553

Planning and Inspections, Saul Pina, (915) 212-1612

AGENDA LANGUAGE:

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

An Ordinance changing the zoning of Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14, Ysleta Grant, 8100 North Loop Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 8100 North Loop Drive

Applicant: Ray Mancera, PZRZ22-00001

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: July 19, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Saul Pina, (915) 212-1612

DISTRICT(S) AFFECTED: District 7

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14, Ysleta Grant, 8100 North Loop Drive, City of El Paso, El Paso County, Texas from R-3 (Residential) to C-2 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 8100 North Loop Drive
Applicant: Ray Mancera, PZRZ22-00001

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to C-2 (Commercial) to allow for a retail shopping center. City Plan Commission recommended 6-2 to approve the proposed rezoning from R-3 (Residential) to C-2 (Commercial) on April 21, 2022. As of June 13, 2022, the Planning Division has received one (1) email and five (5) letters in support and one (1) email and (1) letter in 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? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:



for Department Head

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 4-A-1, TRACT 4-A-2, TRACT 4-B, TRACT 4-C, TRACT 4-D, BLOCK 14, YSLETA GRANT, 8100 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14, Ysleta Grant, 8100 North Loop Drive, located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-3 (Residential)** to **C-2 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. *That a ten-foot (10') landscape buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty-five feet (25') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *That a minimum 30-foot setback be required along the southwesterly property line and the easterly property line abutting a residential district or use.*
3. *That a minimum 500-foot distance be required between any establishments providing the following:*
 - a) *On premise consumption of alcohol; and*
 - b) *Indoor and/or outdoor amplified sound.*
4. *That prior to the issuance of any building permits, a Detailed Site Development Plan be submitted and approved as per Code.*
5. *That prior to issuance of building permits, a 6-foot rockwall be constructed along the property lines abutting any residential zoning or use.*

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 _____, 2022.

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00001

THE CITY OF EL PASO:

ATTEST:

Oscar Leeson
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



for Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00001

**A Field Note Description for 5.8567 Acres of land,
Being a Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14 Ysleta Grant.
El Paso County, Texas**

A Field Note Description of 5.8567 acres or 255,117 square feet parcel or tract of land being Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14 Ysleta Grant lying within the corporate limits of The City of El Paso, Texas. The said portion of land is recorded in **Instrument No. 20210110224** of tract land. The above-cited document references are filed in in the El Paso County Deed and Record Clerks' Office located in the City of El Paso, El Paso County Texas.

This survey conforms to the Plat of Block 14, Ysleta Grant found in the El Paso County Office Deeds and Records located in the City of El Paso, El Paso County, Texas.

The Basis of Bearings are based on those bearing depicted on the plat Tierra Verde Subdivision is recorded in Volume 0011, Page 0034 in the el Paso County Plat Records located in the City of El Paso, Texas. The parcel or tract of land is being more particularly described by metes and bounds as follows:

Beginning at a half-Inch rebar without no cap on the most Easterly corner(bears N66°E a distance 0.79') of the 5.8567 acres being described, from which two found half-Inch reinforcement bar, bears the following courses;

Thence, South 56°12'57" East, a distance a distance of 180.68 feet to a found half inch rebar without cap (North 56° 00' 00" West 180.00 feet Plat)

Thence, South 56°00'00" East, a distance a distance of 97.75 feet to a found Half-inch rebar with cap B&A (North 56° 00' 00" West 100.00 feet Plat)

Thence, from the Beginning, South 43°40'00" West, a distance of 348.77 feet to found half inch reinforcement bar with a cap stamped G-3ng TX RPLS #5679 for the most southerly corner;

Thence, North 59°53'00" West, a distance of 737.84 feet to found half inch reinforcement bar with a cap stamped G-3ng TX RPLS #5679 for the most westerly corner;

Thence, North 49°10'00" East, a distance of 73.01 found half inch reinforcement bar with a cap stamped G-3ng TX RPLS #5679 for a corner;

Thence, North 34°00'00" West, a distance of 373.73 feet to a found chiseled X in the driveway for the most northerly corner;

Thence, South 56°00'00" East, a distance of 654.40 feet to the point of Beginning and containing 5.8567 acres or 255,117 square feet of land more or less.

**A Field Note Description for 5.8567 Acres of land,
Being a Tract 4-A-1, Tract 4-A-2, Tract 4-B, Tract 4-C, Tract 4-D, Block 14 Ysleta Grant.
El Paso County, Texas**

This field note description follows a plat of survey of equal date.

I, Fermin Dorado, a Registered Professional Land Surveyor, certify this field note description and accompanying survey plat is a representation of the facts found at the time of a ground survey performed by me or under my supervision on the date shown herein.



December 08, 2021

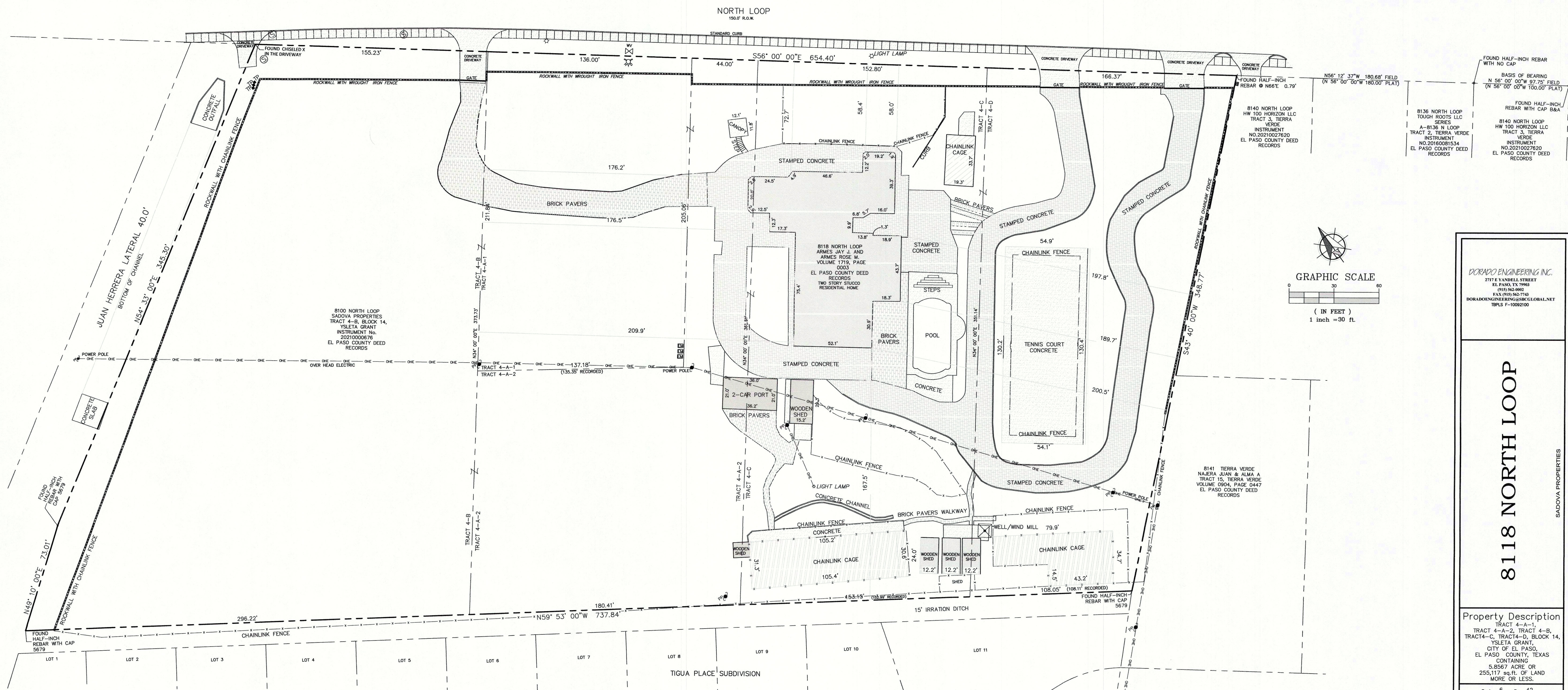
A handwritten signature in blue ink that reads "Fermin Dorado". The signature is written in a cursive style and is positioned above a horizontal line.

Fermin Dorado, R.P.L.S.
Registration Number: 3190

This description was prepared
For the benefit of SADOVA PROPERTIES, LLC.

TXBPLS F-10092100

DORADO ENGINEERING, INC,
2717 E. YANDELL STREET EL PASO TX 79903
(915) 562-0002 FAX (915) 562-7743 |
doradoengineering@sbcglobal.net



DORADO ENGINEERING INC.
2717 E YANDELL STREET
EL PASO, TX 79903
(915) 562-0002
FAX (915) 562-7743
DORADOENGINEERING@SBCGLOBAL.NET
TBPLS F-10082100

8118 NORTH LOOP

SADOVA PROPERTIES

Property Description

TRACT 4-A-1,
TRACT 4-A-2, TRACT 4-B,
TRACT4-C, TRACT4-D, BLOCK 14,
YSLETA GRANT,
CITY OF EL PASO,
EL PASO COUNTY, TEXAS
CONTAINING
5.8567 ACRE OR
255,117 sq.ft. OF LAND
MORE OR LESS.

Book 6 Pg. 42

[illegible]

SCALE

HOR: 1"= 20' VER: _____
FILE NAME: 8118 NORTH LOOP SURVEY
W.O. 21.10.105
DATE: 10/28/21
DRAWN BY: J.C.C
DESIGN BY: J.C.C
CHKD. BY: L.A.G.
APPD. BY: FD

SURVEY

1 OF 1

COPY RIGHT© 11/05/21 JOB NO. 21.10.10

206

8100 North Loop Drive

City Council — June 22, 2022 - **REVISED**

REZONING



CASE NUMBER:	PZR22-00001
CASE MANAGER:	Saul Pina, (915) 212-1612, PinaSJ@elpasotexas.gov
PROPERTY OWNER:	Sadova Properties V, LLC
REPRESENTATIVE:	Ray Mancera
LOCATION:	8100 North Loop Dr. (District 7)
PROPERTY AREA:	5.85 acres
REQUEST:	Rezone from R-3 (Residential) to C-2 (Commercial)
RELATED APPLICATIONS:	None
PUBLIC INPUT:	One (1) email and five (5) letters in support and one (1) email and one (1) letter in opposition to the rezoning request as of June 14, 2022.

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to C-2 (Commercial) to allow for a retail shopping center.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. This recommendation is based on the consistency of the request with *Plan El Paso*, the City's adopted Comprehensive Plan, for the G-3, Post-War future land use designation. The conditions are as follows:

1. That a ten-foot (10') landscape buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at twenty-five feet (25') on center along the property lines adjacent to residential zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
2. That a minimum 30-foot setback be required along the southwesterly property line and the easterly property line abutting a residential district or use.
3. That a minimum 500-foot distance be required between any establishments providing the following:
 - On premise consumption of alcohol; and
 - Indoor and/or outdoor amplified sound
4. That prior to the issuance of any building permits, a Detailed Site Development Plan be submitted and approved as per Code.
5. That prior to issuance of building permits, a 6-foot rockwall be constructed along the property lines abutting any residential zoning or use.



Figure A. Subject Property & Immediate Surrounding

DESCRIPTION OF REQUEST: Applicant is requesting to rezone from R-3 (Residential) to C-2 (Commercial) to allow for a retail shopping center. The size of the property is 5.85 acres. The conceptual site plan shows seven proposed structures that range from 2,000 to 9,000 square feet. Main access to the property is proposed from North Loop Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent uses and meets the established character of the neighborhood. Properties to the north include a shopping center zoned C-1/sc (Commercial/special contract); properties to the south include single-family dwellings zoned R-3 (Residential); properties to the east include commercial and single-family dwellings zoned C-1 (Commercial) and R-3 (Residential) respectively; and properties to the west include a shopping center zoned C-1/sc (Commercial/special contract). The proposed rezoning will allow for the creation of commercial establishments that provide goods or render services in close proximity to residential properties. The nearest school, North Loop Elementary School, is 0.7 miles and the nearest park, Lomaland Park, is 0.65 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-3, Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The proposed shopping center is compatible with the future land use designation. The intent is to allow for the creation of establishments providing civic and commercial uses to the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-2 (Commercial) District: The purpose of the district is to accommodate establishments providing goods and services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the district will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.</p>	<p>Yes. Properties surrounding the subject property have less intensity but are compatible with commercial uses. The abutting residential development would be well served by appropriate commercial uses.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to North Loop Drive, which is designated as a Major Arterial in the City's Major Thoroughfare Plan. The classification of this road is appropriate for the proposed development.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	None. The property is not located within any Historic Overlay District nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. There are no anticipated adverse impacts.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not involve green field or environmentally sensitive land or arroyo disturbance.
Stability: Whether the area is stable or in transition.	None. The area is stable and the surrounding properties have not been rezoned in the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from North Loop Drive, which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan (MTP) and is adequate for the proposed development. Additionally, there are numerous bus routes providing service to and from the subject property.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the Corridor 20 Civic Association, Mission Valley Civic Association and Save the Valley 21 Association. Notices to these associations were sent by the applicant on January 22, 2022 and follow-up email providing additional information was sent to these same associations on April 7, 2022. Additionally, notices were mailed to property owners within 300 feet of the subject property on April 11, 2022. Furthermore, the applicant met with the representatives of the neighborhood at the site on April 16, 2022. As of June 14, 2022, the planning division received one (1) email and five (5) letters in support and one (1) email and one (1) letter in opposition to the rezoning request.

CITY PLAN COMMISSION OPTIONS:

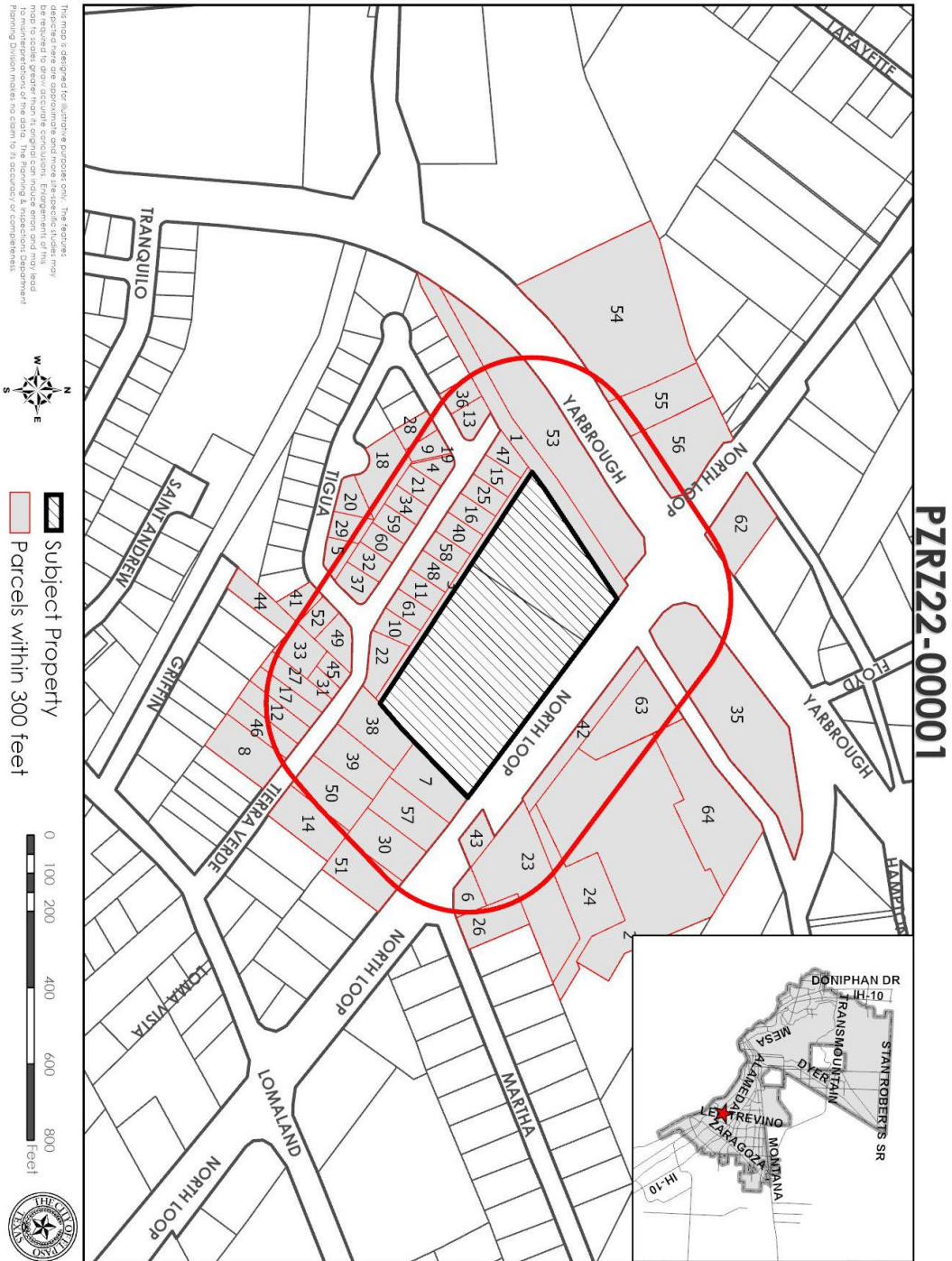
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Department Comments
5. Public Input

[illegible]

ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department - Planning Division

1. Staff will be recommending to provide a 10' landscape buffer along all property boundaries abutting single-family development.
2. Staff will be recommending to submit a Detailed Site Development Plan application to meet code requirements.
3. Coordinate with Streets & Maintenance Department for TIA requirements.
4. Provide a copy of articles of incorporation to define a designee or verify who can sign on behalf of the owner.
5. Show easements in the conceptual plan if any. Recommend to remove unnecessary bearings from conceptual plan.
6. Coordinate with TXDOT for improvements along North Loop.
7. Coordinate with EPCWID regarding laterals.
8. Staff will be recommending that a minimum 30-foot setback be required along the southwesterly property line and the easterly property line abutting a residential district or use.
9. Staff will be recommending that a minimum 500-foot distance be required between any establishments providing the following:
 - a) On premise consumption of alcohol; and
 - b) Indoor and/or outdoor amplified sound.
10. Staff will be recommending that prior to issuance of building permits, a 6-foot rockwall be constructed along the property lines abutting any residential zoning or use.

Planning and Inspections Department – Plan Review & Landscaping Division

1. The generalized site plan is not being reviewed for conformance due to conceptual nature.
2. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

1. Show proposed drainage flow patterns on the site plan and identify the discharge and/or storage location(s) for all storm-water runoff within the subdivision.
2. As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, rainwater harvesting within landscaped areas, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
3. Add general note on rezoning site plan: "The retention of the difference between historic and developed storm-water runoff discharge volume is required within this subdivision's limits in compliance with all provisions of (Muni-Code 19.19.010A, DSC, and DDM Section 11.1)."
4. Coordinate with the Water Improvement District #1 for drainage and access requirements at time of building development.

Fire Department

No adverse comments.

Police Department

No comments.

Environmental Services

No comments received.

Streets and Maintenance Department

TIA is required for this application.

TIA waiver or TIA scoping meeting can be submitted/coordinated with Sergio Reyes at reyessx@elpasotexas.gov

Note: (TIA is deferred to the platting stage)

Sun Metro

No comments received.

El Paso Water

There is an existing 12-inch diameter water main that extends along North Loop Dr. located approximately 13 feet north of the property's northern property line. This main is available for service.

There is an existing 12-inch diameter water main that extends along Yarbrough Dr. located approximately 10 feet west of the property's western property line. This main is available for service.

EPWU records indicate that there is one (1) active 2-inch and one (1) ¾" water meter services serving the subject property. The service addresses for these meters are 8118 North Loop Dr. and 8100 North Loop Dr.

Previous water pressure readings conducted on fire hydrant number 1815 located along North Loop Drive (fronting 8118 North Loop Drive) have yielded a static pressure of 96 pounds per square inch (psi), residual pressure of 86 psi, discharge of 1,486 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.

Note: North Loop Drive is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Drive right-of-way requires written permission from TxDOT.

Sanitary Sewer

There is an existing 12-inch diameter sanitary sewer main that extends along North Loop Dr., located approximately 22 feet north of the property. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along an easement east of and parallel to the property's western property line. This main is available for service.

Owner/Developer is to grade the subject property to allow sewer service by gravity to the above described sewer mains.

General

Juan Herrera is an El Paso County Water Improvement District No. 1 facility. In the event that permits for installation of water main is required within the right of way. Owner is responsible for permit, survey and consideration fees.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week. The PSB easement shall be improved to allow the operation of EPWU maintenance vehicles.

EPWU requires a new service application to initialize design of the water and sanitary sewer main extensions to serve the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat; (2) finalized set of street 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 EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Stormwater:

As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

This property might not have been considered when designing the street improvement & drainage system; need to check with TXDOT (since North loop is state maintained).

Texas Department of Transportation

1. Submit construction plans to ELP_access@txdot.gov.
2. Show distances between existing and proposed driveways.

El Paso County Water Improvement District

No comments.

ATTACHMENT 5

Pina, Saul J.

From: Sylvia Carreon <longhorn_1989@hotmail.com>
Sent: Tuesday, April 19, 2022 10:27 AM
To: Pina, Saul J.
Subject: PZRZ22-00001

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from longhorn_1989@hotmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to **SpamReport@elpasotexas.gov**.

GM Saul, this is Sylvia Carreon, president of the Mission Valley Civic Association, and want to advise you that this Association does support this application for rezone application by Mr. Ray Mancera. Thank you

Pina, Saul J.

From: mcherokee1989 <mcherokee1989@yahoo.com>
Sent: Wednesday, April 20, 2022 2:33 PM
To: Pina, Saul J.
Subject: Case no. PZRZ22-00001 8100 North Loop Dr.

You don't often get email from mcherokee1989@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to **SpamReport@elpasotexas.gov**.

Sent from my T-Mobile 5G Device
Mario Mucino and Jasmin Mucino
8148 Tierra Verde Dr.
El Paso TX. 79907

Case Number: PZRZ22-00001 8100 NORTH Loop Dr.

I oppose the change of zoning

Can you grandfather me as residential, so that we are not affected by this change please. My wife and I were left without a job last year due to pandemic issues, we opened our own business and are struggling to maintain a steady income. As we all know taxes are going up and also the price of basic needs keeps getting higher. I do not want to be affected by this change, please take in consideration our position and our status. Thank you for your consideration.

April 20, 2022

Members of the City Planning Division,

RE: Case: #PZRZ22-00001-North Loop Dr.

Hello, I am Mary DiBonito and I am also representing my father Fred Ward of Fred Ward General Contracting. Our property is 8117 Tierra Verde Dr. directly behind 8100 North Loop. Mr. Ward has owned his home for over 60 years. My father has been a General Contractor serving El Paso for those 60 plus years. We are requesting special conditions be applied to this zoning request because the changes in the C2 zoning will diminish our quality of life.

I speak from experience of the difficulties of managing commercial centers with late night businesses and restaurant's such as Burger King and stores like El Supper and the like. We currently manage on the East side and Northeast. Here are routine issues we have encountered that will create a nuisance and diminish our quality of life unless special restrictions are applied.

1. The smell from the restaurants like a Burger King with an exhaust stack will bring negative smells into our living spaces. Some of us who are vegetarians will be forced to smell meat all day and night.
2. Restaurants bring a large increase in noise, including early mornings and late night customers sitting in lines, honking horns, playing loud music. There will be large delivery trucks and garbage truck pick up. The delivery and garbage trucks will be behind the center at the rear of the buildings and closest to our properties.
3. Restaurants bring rotting food and trash that will be littered all over the centers and around the dumpsters. There will be grease buckets which attract bugs, rats and strays and remit foul odors.
4. There are also safety issues. Late night businesses will be bringing people that would not necessarily be in our area. They will have access by simply walking up the ditch or going over the fence. It brings vagrants, vandalism, break- ins and people sleeping in vehicles. The police will need to be called to enforce these types of issues.
5. The excess lighting will be bothersome keep it bright morning and night, drawing bugs and crickets to our properties.

This constant commotion will become a daily issue in our lives and in our small neighborhood, increasing our stress and increasing the need for further safety measures.

This is what we request:

1. We request zoning and restrictions that would restrict late night restaurants, bars and alcohol. More in the line of a Starbucks rather than a Burger King
2. The rock wall fence dividing the properties should be no shorter than 10 ft. tall to buffer the noise, reduce some odors and for safety.
3. Leave the pine trees and as many trees as possible to buffer the noise.
4. We request business or office spaces that close no later than 10 PM. with no outdoor music or drinking allowed and no outdoor intercoms.

Thank you for your consideration,

Fred G. Ward and Mary DiBonito
8117 Tierra Verde Dr. El Paso, Texas 79907
(512) 934-3235

LETTER IN SUPPORT OF REZONING 8100 N LOOP

April 13, 2022

City of El Paso
300 N Campbell
El Paso, Texas 79901

REF: Rezoning 8100 N Loop. Case No PZRZ22-00001

To City of El Paso,

This is to inform you that I am in favor or have no opposition rezoning 8100 N Loop from R-3 to C-2. I understand the proposed land use is a retail center.

The property is located and fronts a Texas State Highway. There is already existing C-1 to C-4 zoning along N Loop and near this property. Thank you.

RAFAEL SALAS
Name

Rafael Salas
Signature

VICTOR SALAS
Name

[Signature]
Signature

8101 TIENKA VERDE DRIVE
Address: El Paso, Texas 79915

(915) 534-7252
Phone



LETTER IN SUPPORT OF REZONING 8100 N LOOP

April 13, 2022

City of El Paso
300 N Campbell
El Paso, Texas 79901

8103 Tierra Verde

REF: Rezoning 8100 N Loop. Case No PZRZ22-00001

To City of El Paso,

This is to inform you that I am in favor or have no opposition rezoning 8100 N Loop from R-3 to C-2. I understand the proposed land use is a retail center.

The property is located and fronts a Texas State Highway. There is already existing C-1 to C-4 zoning along N Loop and near this property. Thank you.

Norma Chasco
Name

N Chasco
Signature

Ramiro Gutierrez
Name

Ramiro Gutierrez
Signature

8103 Tierra Verde Dr. (915) 703-8893
Address: El Paso, Texas 79915 Phone



LETTER IN SUPPORT OF REZONING 8100 N LOOP

April 13, 2022

City of El Paso
300 N Campbell
El Paso, Texas 79901

8105 Tierra Verde

REF: Rezoning 8100 N Loop. Case No PZRZ22-00001

To City of El Paso,

This is to inform you that I am in favor or have no opposition rezoning 8100 N Loop from R-3 to C-2. I understand the proposed land use is a retail center.

The property is located and fronts a Texas State Highway. There is already existing C-1 to C-4 zoning along N Loop and near this property. Thank you.

JUAN GALAVIZ
Name

[Signature]
Signature

Beha Galaviz
Name

[Signature]
Signature

8105 Tierra Verde Dr
Address: El Paso, Texas 79915

(915) 592-5981
Phone



LETTER IN SUPPORT OF REZONING 8100 N LOOP

April 13, 2022

City of El Paso
300 N Campbell
El Paso, Texas 79901

8107 Tierra Verde

REF: Rezoning 8100 N Loop. Case No PZRZ22-00001

To City of El Paso,

This is to inform you that I am in favor or have no opposition rezoning 8100 N Loop from R-3 to C-2. I understand the proposed land use is a retail center.

The property is located and fronts a Texas State Highway. There is already existing C-1 to C-4 zoning along N Loop and near this property. Thank you.

MARTHA CHAVEZ
Name

Martha Chavez
Signature

Name

Signature

8107 TIERRA VERDE
Address: El Paso, Texas 79915

(915) 621-9597
Phone



LETTER IN SUPPORT OF REZONING 8100 N LOOP

April 13, 2022

8109 Tierra Verde

City of El Paso
300 N Campbell
El Paso, Texas 79901

REF: Rezoning 8100 N Loop. Case No PZRZ22-00001

To City of El Paso,

This is to inform you that I am in favor or have no opposition rezoning 8100 N Loop from R-3 to C-2. I understand the proposed land use is a retail center.

The property is located and fronts a Texas State Highway. There is already existing C-1 to C-4 zoning along N Loop and near this property. Thank you.

Name Patricia Ortiz

Signature _____

Name Patricia Ortiz

Signature Patricia Ortiz

8109 Tierra Verde
Address: El Paso, Texas 79915

915-595-6440
Phone





Legislation Text

File #: 22-758, Version: 1

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

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 4

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 Franklin Mountain Communities, LLC, approximately 1.73 acres of land being described as a portion of Section 20, Block 81, Township 1 and portion of Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, 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 – June 22, 2022
Public Hearing – July 5, 2022

CONTACT PERSON/PHONE: Alex Vidales, El Paso Water, Real Estate Manager, 915.594.5636

DISTRICT(S) AFFECTED: 4

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 Franklin Mountain Communities, LLC, approximately 1.73 acres of land being described as a portion of Section 20, Block 81, Township 1 and portion of Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas. (District 4) El Paso Water, Alex Vidales, Real Estate Manager (915) 594-5636.

BACKGROUND / DISCUSSION:

These parcels of land are owned by the City of El Paso and managed by the El Paso Water Utilities - Public Service Board (EPWU/PSB). On March 27, 2020, El Paso Water Utilities Public Service Board approved the transfer of approximately 2,313 acres of land excepting these land parcels from the land transfer to the City of El Paso.

PRIOR COUNCIL ACTION:

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

On July 23, 2019, El Paso City Council approved the Second Amendment to the Land Exchange Agreement between the City of El Paso and FSW Investments, LP.

AMOUNT AND SOURCE OF FUNDING: N/A

BOARD / COMMISSION ACTION:

On September 12, 2018, the El Paso Water Utilities - Public Service Board approved the transfer of one or more parcels to the City of El Paso.

AFTER EXECUTION OF ALL DOCUMENTS, PLEASE CONTACT ALEX VIDALES TO PICK UP THE DOCUMENTS @ 594.5636. THANK YOU.



TO: Roberta Brito
Assistant City Attorney

FROM: Alex Vidales
Real Estate Manager

THRU: Alma De Anda
Utility Land and Water Rights Manager

DATE: May 31, 2022

SUBJECT: Placement of Item on City Council Agenda

City Council authorizing the City Manager to sign a Purchase and Sale Agreement and Deed conveying approximately 1.73 acres of land being described as a portion of as a portion of Section 20, Block 81, Township 1 and portion of Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, Abstract No., City of El Paso, 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 Franklin Mountain Communities, LLC. 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

The wording of the Ordinance should be as follows:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A PURCHASE AND SALE AGREEMENT, DEED AND ANY OTHER DOCUMENTS NECESSARY TO CONVEY THE FOLLOWING DESCRIBED REAL PROPERTY: APPROXIMATELY 1.73 ACRES OF LAND BEING DESCRIBED AS A PORTION OF SECTION 20, BLOCK 81, TOWNSHIP 1 AND PORTION OF SECTION 19, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

(District 4) El Paso Water, 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 FRANKLIN MOUNTAIN COMMUNITIES, LLC, APPROXIMATELY 1.73 ACRES OF LAND BEING DESCRIBED AS A PORTION OF SECTION 20, BLOCK 81, TOWNSHIP 1, AND A PORTION OF SECTION 19, BLOCK 80, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, CITY OF EL PASO, 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 March 27, 2020, the Public Service Board approved the transfer of approximately 2,313 acres of land to the City of El Paso and excepted certain parcels of land for existing and future infrastructure; and,

WHEREAS, on October 12, 2021, Franklin Mountain Communities, LLC requested to purchase these parcels for their development.

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, Deed and any other necessary documents, in a form approved by the City Attorney's Office, conveying the following described real property:

Approximately 1.73 acres of land being a portion of Section 20, Block 81, Township 1 and portion of Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, and more particularly described in Exhibits "A", "B" and "C" attached hereto and made a part hereof for all purposes.

(Signatures begin on following page)

ADOPTED this _____ day of _____, 2022.

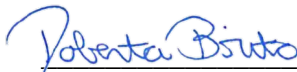
CITY OF EL PASO

Oscar Leeser,
Mayor

ATTEST:

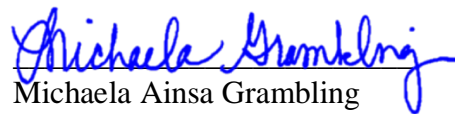
Laura D. Prine,
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO FORM:



Michaela Ainsa Grambling
Senior Assistant General Counsel

ORDINANCE NO. _____

**PURCHASE AND SALE AGREEMENT FOR
UNIMPROVED PROPERTY**

This Purchase and Sale Agreement for Unimproved Property (this "**Agreement**") is entered into by and between the **EL PASO WATER UTILITIES PUBLIC SERVICE BOARD**, for and on behalf of THE CITY OF EL PASO, a Texas municipal corporation (the "**Seller**"), and **FRANKLIN MOUNTAIN COMMUNITIES, LLC**, a Texas limited liability company (the "**Buyer**"), in consideration of the mutual covenants, promise and undertaking of Seller and Buyer in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged. Seller and Buyer may be each referred to individually herein as a "**Party**" and collectively as the "**Parties**".

RECITALS

WHEREAS, Seller own certain real property being more particularly described by metes and bounds on **Exhibit A-1, A-2 and A-3** attached hereto and incorporated herein for all purposes (collectively with all rights, privileges and appurtenances, pertaining thereto, including, without limitation, any and all adjacent roads, alleys, easements, streets, docks, ways, strips and gores, the "**Property**");

WHEREAS, Buyer desires to purchase the Property from Seller in its "as-is, where-is and with all faults" condition; and

WHEREAS, Seller desires to sell the Property to Buyer in its "as-is, where-is and with all faults" condition, subject to the terms and conditions contained in this Agreement; and

WHEREAS, the Seller may sell the Property directly to the Buyer pursuant to the exception to the notice and bidding requirements set forth at Texas Local Government Code Section 272.001 (b) (6).

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:

**ARTICLE I
KEY TERMS AND PROVISIONS**

PARTIES:

"Seller" means El Paso Water Utilities by and through its Public Service Board.

"Buyer" means Franklin Mountain Communities, LLC, a Texas limited liability company.

"Escrow Agent" means WestStar Title, 601 N. Mesa, Suite 1025, El Paso, Texas 79901, Attn. Janette Coon. Telephone: (915) 747-4147; Email: Janette.Coon@weststar-title.com.

"Title Company" means WestStar Title, 601 N. Mesa, Suite 1025 El Paso, Texas 79901, Attn. Janette Coon. Telephone: (915) 747-4147; Email: Janette.Coon@weststar-title.com.

DATES:

"Effective Date" means the date this Agreement is receipted by the Title Company on the space provided for in this Agreement.

"Inspection Period" means a period of thirty (30) days, beginning on the Effective Date, during which Buyer may inspect the Property and conduct due diligence in, on or in relation to the Property in accordance with the terms of Section 5.1.

"Closing Date" means the date on which the Closing shall occur, which date shall be on or before fifteen (15) days after the expiration of the Inspection Period, provided that an ordinance (the "Ordinance") approving the sale of the Property by the City of El Paso has been passed as set forth in paragraph 12.1(f). The Closing Date shall be extended until such time as the Ordinance is passed but in no event more than fifteen (15) days after its passage.

FINANCIAL TERMS:

"Earnest Money" means the sum of FIVE HUNDRED DOLLARS AND ZERO CENTS (\$500.00).

"Independent Consideration" means the portion of the Earnest Money in the amount of ONE HUNDRED DOLLARS AND ZERO CENTS (\$100.00) which amount the parties have bargained for and agreed to as consideration for Seller's grant to Buyer of Buyer's exclusive right to purchase the Property pursuant to the terms hereof and for Seller's execution of this Agreement.

"Sales Price" means THIRTEEN THOUSAND NINE HUNDRED AND THIRTY-FIVE DOLLARS AND EIGHTY-TWO CENTS (\$13,935.82).

ARTICLE II OTHER DEFINITIONS

2.1 Defined Terms. Capitalized terms in this Agreement shall be defined as follows:

"Agreement" means this Purchase and Sale Agreement.

"Applicable Laws" means any applicable building, zoning, subdivision, environmental, health, safety or other governmental laws, statutes, ordinances, resolutions, rules, codes, regulations, orders or determinations of any Governmental Authority or of any insurance boards of underwriters (or other body exercising similar functions), or any restrictive covenants or deed restrictions affecting the Property or the ownership, operation, use, maintenance or condition thereof.

"Authorizations" means all licenses, permits and approvals required by any governmental or quasi-governmental agency, body, department, commission, board, bureau, instrumentality or office, or otherwise appropriate with respect to the construction, ownership, operation, leasing, maintenance, or use of the Property or any part thereof.

"Business Day" means Monday through Friday, that is not a Legal Holiday.

"Buyer Parties" means Buyer and Buyer's contractors, employees, agents and representatives.

"Claims" means any and all claims, demands, causes of action, losses, damages, liabilities, costs and expenses (including attorneys' fees whether suit is instituted or not) whether known or unknown, liquidated or contingent.

"Closing" means the closing of the sale and delivery of the closing documents as applicable and

release of the Sales Price to Seller in accordance with Sections 7.1 and 7.2 hereof.

“Condemnation” means a fee simple taking or a limitation or denial of use, temporary or permanent, by a body having the power of eminent domain.

“Confirmations” means shall have the meaning given such term in Section 11.2 (c) hereof.

“Deed” means a duly executed and acknowledged Special Warranty Deed.

“Due Diligence Information” means any and all information in Seller’s possession related to the property and such other information called for in Section 6.5, together with the Title Binder and Survey.

“Earnest Money Deposit” means the Earnest Money, along with any interest earned on the Earnest Money.

“Existing Survey” means Seller’s most recent existing survey of the Land.

“Facilities” shall have the meaning provided in Section 3.3 hereof.

“Facilities Easement” shall have the meaning provided in Section 3.3 hereof.

“Federal Tax Law” means the Federal Foreign Investment in Real Property Tax Act of 1980 and the 1984 Tax Reform Act as amended.

“FIRPTA Certificate” means the affidavit of Seller under Section 1445 of the Internal Revenue Code, as amended, certifying that Seller is not a foreign corporation, foreign partnership, foreign trust, foreign estate or Foreign Person (as those terms are defined in the Internal Revenue Code and regulations promulgated thereunder), in form and substance satisfactory to Buyer.

“Foreign Person” means a person as defined in the Federal Tax Law.

“Governmental Authority” means any federal, state, county, municipal or other government or any governmental or quasi-governmental agency, department, commission, board, bureau, officer or instrumentality, foreign or domestic, or any of them.

“Hazardous Materials” means any chemical substance: (i) which is or becomes defined as a “hazardous substance,” “hazardous waste,” “hazardous material,” “pollutant,” “contaminant,” or “toxic,” “explosive,” “corrosive,” “flammable,” “infectious,” “radioactive,” “carcinogenic,” or “mutagenic” material under any law, regulation, rule, order, or other authority of the federal, state or local governments, or any agency, department, commission, board, or instrumentality thereof, regarding the protection of human health or the environment from such chemical substances including, but not limited to, the following federal laws and their amendments, analogous state and local laws, and any regulations promulgated thereunder: the Clean Air Act, the Clean Water Act, the Oil Pollution Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act of 1986, the Emergency Planning and Community Right to Know Act, the Solid Waste Disposal Act, the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Federal Insecticide, Fungicide and Rodenticide Act, and the Toxic Substances Control Act, including, without limitation, asbestos and gasoline and other petroleum products (including crude oil or any fraction thereof); (ii) without limitation, which contains gasoline, diesel fuel or other petroleum hydrocarbons; (iii) without limitation, which contains drinking biphenyls or asbestos or asbestos-containing materials or urea formaldehyde foam insulation; or (iv) without limitation, radon gas.

"Legal Holiday" means a date in which the Federal, State or local government is not open for business.

"New Survey" means an updated survey or surveys of the Land in a form acceptable to Buyer.

"Non-Permitted Encumbrances" means (i) all deeds of trust that Seller or its predecessors has or have granted and that are recorded against the Property; (ii) easements, restrictions, liens, encumbrances or other instruments related to the Property created or recorded after the Effective Date; (iii) mechanics', materialmen's and other similar statutory liens arising from work performed or materials supplied in connection with the Property unless arising out of the acts of Buyer or Buyer Parties; or (iv) any other lien of a definite or ascertainable amount which may be removed by the payment of money.

"Ordinance" shall mean the ordinance passed by the City Council of the City of El Paso, Texas approving the sale of the Property (*see also* the defined term *Closing Date*).

"Permitted Exceptions" means the exceptions shown on the Title Binder that Buyer either approves or is deemed to have approved pursuant to Section 6.3 but excluding the Non-Permitted Encumbrances.

"Person" means an individual, a partnership, a limited liability company, a corporation, an association, a joint stock company, a trust, a joint venture, an unincorporated organization, or a Governmental Authority.

"Property" shall have the definition as set forth in the Recitals of this Agreement.

"Representations" means representations, warranties, covenants and certifications.

"Seller Parties" means Seller and/or any agent, advisor, representative, employee, or other person or entity acting on Seller's behalf or otherwise related or affiliated with Seller.

"State" means the State of Texas.

"Survey" means collectively the Existing Survey and New Survey.

"Surviving Obligations" means the obligations and rights that by their terms expressly survive Closing or termination of this Agreement.

"Title Binder" means a title commitment covering the Land, binding the Title Company to issue the Title Policy in the full amount of the Sales Price at the Closing in accordance with Section 6.2 herein.

"Title Policy" means a Texas Owner's Policy of Title Insurance on the standard form of policy prescribed by the Texas State Board of Insurance in the full amount of the Sales Price.

ARTICLE III **PURCHASE AND SALE**

3.1 Sale of Property. Upon the terms and conditions in this Agreement and for other good and valuable consideration, the receipt of which is hereby acknowledged, Seller agrees to sell and convey the Property to Buyer, and Buyer agrees to buy the Property from Seller.

3.2 Closing Costs. Unless otherwise provided herein or already paid outside of Closing, at Closing all other costs and expenses incurred in connection with this Agreement that are not expressly recited herein to be the obligation of Seller or Buyer shall be allocated among Buyer and Seller as is customary in El Paso, Texas, and each party shall pay its own attorneys' fees.

3.3 Access to EPWater Facilities After Closing. Buyer acknowledges and agrees that Seller will require access to its existing utility infrastructure (the "**Facilities**") for a period of time after the Closing until the Buyer's subdivision plat is recorded, and Buyer agrees to grant Seller a permanent easement granting access to the Facilities (the "**Facilities Easement**") as shown on the map attached hereto as **Exhibit B** and in the form attached hereto as **Exhibit C** and incorporated fully herein for the purpose of relocating the Facilities to a new right of way.

ARTICLE IV **SALES PRICE AND EARNEST MONEY**

4.1 Amount and Payment of Sales Price. The Buyer shall pay to Seller the Sales Price in immediately available funds at Closing.

4.2 Earnest Money. Buyer shall deposit the Earnest Money with Escrow Agent, within five (5) Business Days after the Effective Date.

4.3 Earnest Money Deposit. The Parties agree that the Earnest Money shall be deposited by Escrow Agent in an interest-bearing account at an institution acceptable to Seller and Buyer.

4.4 Independent Consideration. Upon deposit, the Independent Consideration will be earned by Seller and will be non-refundable under any circumstances. The Independent Consideration is in addition to and independent of any other consideration or payment provided in this Agreement. The Independent Consideration shall be credited against the Sales Price if the Closing occurs.

ARTICLE V **INSPECTION PERIOD**

5.1 Property Condition Investigation. During the Inspection Period, Buyer may inspect the Property and conduct due diligence in, on or in relation to the Property, including, but not limited to review of conditions (physical and financial), all information, contracts and agreements and perform such other inspections and studies as Buyer desires in its sole discretion; provided that Buyer's prior written consent must first be obtained before the commencement of any invasive studies (including Phase II environmental studies) on the Land.

5.2 Access. Beginning on the Effective Date and thereafter until Closing or termination of this Agreement, Buyer and Buyer Parties will have the right to enter the Land to perform, at Buyer's expense, such economic, surveying, engineering, topographic, environmental, marketing and other tests, studies and investigations in accordance with the provisions in Section 5.1 above; provided that, Buyer must coordinate with Seller at least seventy-two (72) hours in advance before entering onto Land at any time prior to Closing.

5.3 Termination During Inspection Period. Buyer may terminate this Agreement for any reason by providing Seller written notice of termination prior to the expiration of the Inspection Period. Upon receipt of the notice of termination by the Seller during the Inspection Period, this Agreement shall be deemed terminated and the Earnest Money Deposit, less the Independent Consideration, shall be refunded to

Buyer and the Parties shall have no further rights or obligations under this Agreement, except the Surviving Obligations. If Buyer fails to timely deliver a notice of termination, upon expiration of the Inspection Period, Buyer is deemed to have approved the Property and waived its right to terminate this Agreement under this Section 5.3. Upon expiration of the Inspection Period the Earnest Money Deposit, shall become non-refundable, except in the event of a default by Seller under this Agreement or as otherwise specifically set forth in this Agreement. At Closing, the Earnest Money Deposit will be credited against the Sales Price or returned to Seller, at the election of Seller in its sole discretion.

ARTICLE VI

SURVEY, TITLE BINDER AND OTHER DOCUMENTS

6.1 Survey. Buyer may obtain a New Survey at its cost. If Buyer obtains a New Survey, the metes and bounds description of the Land contained in the New Survey will be used for purposes of describing the Land in the Deed.

6.2 Title Binder. Within twenty (20) days after the Effective Date, Buyer will, at Buyer's expense, deliver or cause to be delivered to Buyer and Seller a Title Binder. In addition, the Title Binder will include legible copies of all exceptions listed on Schedule B and Schedule C of the Title Binder. The Parties further instruct the Title Company that Schedule B of the Title Policy to be issued at the Closing must comply with the following requirements: (a) the exception for restrictive covenants must be annotated "none of record" or, if applicable, "none of record except...(restrictions listed)"; (b) the exceptions for taxes must reflect only the current year; (c) no exceptions shall be permitted for "visible and apparent easements" or words to that effect; (d) no exception shall be permitted for "rights of parties in possession"; (e) the "survey deletion" shall be deleted except for shortages in area, at Buyer's option and at Buyer's expense; and (f) at Buyer's election, be accompanied by a T-19.1 Endorsement at the expense of Buyer.

6.3 Buyer's Approval of Title and Survey. Buyer shall have until the expiration of the Inspection Period to deliver in writing to Seller objections Buyer may have to anything contained in the Title Binder or the Survey. In the event that Buyer delivers objections to Seller, Seller may, in Seller's sole discretion, undertake to eliminate or modify all unacceptable matters to the reasonable satisfaction of Buyer. In the event Buyer delivers the Go Forward Notice to Seller, Buyer will be deemed to have approved exceptions contained in the Title Binder that have not been cured. Notwithstanding the foregoing, Seller shall at its expense cure, remove or satisfy the Non-Permitted Encumbrances at or before the Closing. The Non-Permitted Encumbrances will never be included as Permitted Exceptions. In addition to the above, Buyer may object to and will not be deemed to approve any additional exceptions shown in an updated Title Binder or Survey delivered to Buyer after the expiration of the Inspection Period and such matters will not be considered Permitted Exceptions unless expressly approved by Buyer.

6.4 Compliance. In accordance with the requirements of the Property Code, Title 2, Chapter 5, Subchapter D, Buyer is hereby advised that it should obtain a title abstract or title commitment covering the Land and have it examined by an attorney of its own selection and purchase owner's policy of title insurance covering the Land.

ARTICLE VII

CLOSING

7.1 Closing Date. The Closing shall take place on the Closing Date, as otherwise extended, at the offices of Escrow Agent unless otherwise agreed by Seller and Buyer. Notwithstanding the forgoing, Seller and Buyer agree that the Closing can be accomplished by the Parties' delivery of closing documents

to Escrow Agent via mail or other delivery method acceptable to Escrow Agent and that neither party is required to be physically present at the office of Escrow Agent for the Closing to occur.

7.2 Seller's Obligations. At the Closing, Seller shall deliver in-escrow to Escrow Agent in accordance with this Agreement, duly executed and, where applicable, acknowledged:

(a) The Deed, in the form mutually acceptable to the parties (subject on only the Permitted Exceptions and to such changes as are required by Applicable Law, local recording requirements and/or customary real estate practices in the jurisdiction in which the Property is located, provided, the substantive terms and provisions of the Deed attached hereto are not modified as a result of any such changes).

(b) Such agreements, affidavits or other documents as may be required by the Title Company to issue the Title Policy to Buyer at Closing, subject only to the Permitted Exceptions and to eliminate such standard exceptions and to issue such endorsements thereto which may be eliminated and issued under applicable State law, and which are customarily required by institutional investors purchasing property comparable to the Property.

(c) The FIRPTA Certificate.

(d) Appropriate resolutions of Seller, together with all other necessary approvals and consents of Seller and such documentary and other evidence as may be reasonably required by Buyer or Escrow Agent, authorizing and evidencing the authorization of (i) the execution on behalf of Seller of this Agreement and the authority of the person or persons who are executing the various documents to be executed and delivered by Seller prior to, at or otherwise in connection with the Closing, and (ii) the performance by Seller of its obligations hereunder and under such documents.

(e) Any other document or instrument reasonably necessary or required to consummate the transactions contemplated by this Agreement.

7.3 Buyer's Obligations. At Closing, Buyer shall:

(a) Pay the Sales Price.

(b) Any other document or instrument reasonably necessary or required to consummate the transactions contemplated by this Agreement.

7.4 Seller and Buyer Obligations. At the Closing, Seller and Buyer will mutually execute and deliver the following:

A final closing statement reflecting the Sales Price and the adjustments and prorations required hereunder and the allocation of income and expenses required hereby.

7.5 Closing Costs. All other costs and expenses incurred in connection with this Agreement that are not expressly recited herein to be the obligation of Seller or Buyer shall be allocated among Buyer and Seller as is customary in El Paso, Texas. Except as provided in Section 14.3, each party shall pay its own attorneys' fees.

ARTICLE VIII **BROKER'S FEES**

Buyer and Seller represent and warrant to each other that they have not engaged and will not engage during the pendency of this Agreement the services of any real estate broker or real estate agent in connection with this transaction.

ARTICLE IX CASUALTY LOSS

9.1 Risk of Loss. The risk of any loss or damage to the Land and Improvements prior to the recordation of the Deed shall remain upon Seller. If any such material loss or material damage occurs prior to Closing, Buyer shall have the right to terminate this Agreement. If Buyer elects not to terminate this Agreement, all insurance proceeds and rights to proceeds arising out of such loss or damage shall be paid or assigned, as applicable, to Buyer at Closing (less any money spent disputing the valuation) and Buyer shall receive as a credit against the Sales Price the amount of any deductibles under the policies of insurance covering such loss or damage. If Buyer elects to terminate this Agreement by giving Seller written notice thereof prior to the Closing, the Earnest Money Deposit shall be promptly returned to Buyer and all rights and obligations of Seller and Buyer hereunder (except those set forth herein which expressly survive a termination of this Agreement) shall terminate immediately.

ARTICLE X CONDEMNATION

10.1 Condemnation. In the event of any actual or threatened Condemnation, of all or any portion of the Land or Improvements, or any proposed sale in lieu thereof, Seller shall give written notice thereof to Buyer promptly after Seller learns or receives notice thereof. If all or any part of the Land or Improvements is, or is to be, so condemned or sold pursuant to Condemnation, Buyer shall have the right to terminate this Agreement. If Buyer elects not to terminate this Agreement, all proceeds, awards and other payments arising out of such Condemnation or sale (actual or threatened) shall be paid or assigned, as applicable, to Buyer at Closing. Seller shall not settle or compromise any such proceeding without Buyer's written consent. If Buyer elects to terminate this Agreement by giving Seller written notice thereof prior to the Closing, the Earnest Money Deposit shall be promptly returned to Buyer and all rights and obligations of Seller and Buyer hereunder (except those set forth herein which expressly survive a termination of this Agreement) shall terminate immediately.

ARTICLE XI WARRANTIES, REPRESENTATIONS AND COVENANTS

11.1 Seller Representations and Warranties. Seller represents and warrants to Buyer as of the Effective Date and the Closing Date, that:

(a) **Authority to Sell.** Seller has the legal authority to sell the Property and has retained all necessary approvals or consents required to consummate the sale of the Property under the terms of this Agreement.

(b) **Organization and Power.** Seller has all requisite powers and all governmental licenses, authorizations, consents and approvals to carry on its business as now conducted and to enter into and perform its obligations hereunder and under any document or instrument required to be executed and delivered on behalf of Seller hereunder.

(c) Authorization and Execution. This Agreement has been duly authorized by all necessary action on the part of Seller, has been duly executed and delivered by Seller, constitutes the valid and binding agreement of Seller and is enforceable in accordance with its terms. There is no other person or entity who has an ownership interest in the Property or whose consent is required in connection with Seller's performance of its obligations hereunder. The person executing this Agreement on behalf of Seller has the authority to do so.

(d) Non-contravention. The execution and delivery of, and the performance by Seller of its obligations under, this Agreement do not and will not contravene, or constitute a default under, any provision of Applicable Law or regulation, Seller's governing documents or any agreement, judgment, injunction, order, decree or other instrument binding upon Seller or to which the Property is subject, which would be likely to have a material adverse effect on the ability of Seller to consummate the transactions set forth herein or result in the creation of any lien or other encumbrance on all or any asset of Property. There are no outstanding agreements (written or oral) pursuant to which Seller (or any predecessor to or representative of Seller) has agreed to sell or has granted an option or right of first refusal to purchase the Property or any part thereof.

(e) Title to Land. (1) Seller is the sole owner of fee simple absolute title to the Land; (2) Seller is legally authorized to sell the Land; (3) Seller has satisfied all obligations necessary to consummate the sale of the Land, including but not limited obtaining all bond conditions/covenant releases.

(f) No Special Taxes. Seller has no actual knowledge of, nor has it received any notice of, any special taxes or assessments relating to the Property or any part thereof or any planned public improvements that may result in a special tax or assessment against the Property.

(g) Compliance with Existing Laws. To Seller's actual knowledge, Seller possesses all Authorizations, each of which is valid and in full force and effect, and no provision, condition or limitation of any of the Authorizations has been breached or violated. To Seller's actual knowledge, Seller has not misrepresented or failed to disclose any relevant fact in obtaining any Authorizations, and Seller has no knowledge of any change in the circumstances under which those Authorizations were obtained that result in their termination, suspension, modification or limitation. Seller has no actual knowledge, nor has it received notice within the past three (3) years, of any existing or threatened violation of any provision of any Applicable Laws including, but not limited to, those of environmental agencies or insurance boards of underwriters with respect to the ownership, operation, use, maintenance or condition of the Property or any part thereof or requiring any repairs or alterations to the Property other than those that have been made prior to the date hereof. Seller has no knowledge, nor has it received notice within the past three (3) years, of any existing or threatened violation of any restrictive covenants or deed restrictions affecting the Property.

(h) Condemnation Proceedings; Roadways. Seller has received no notice of any Condemnation or eminent domain proceeding pending or to Seller's actual knowledge threatened against the Property or any part thereof. Seller has no knowledge of any change or proposed change in the route, grade or width of, or otherwise affecting, any street, creek or road adjacent to or serving the Land.

(i) Actions or Proceedings. There is no action, suit or proceeding pending or, to Seller's actual knowledge, known to Seller to be threatened against or affecting Seller in any court, before any arbitrator or before or by any Governmental Authority which (a) in any manner raises any question affecting the validity or enforceability of this Agreement or any other agreement or instrument to which Seller is a party or by which it is bound and that is or is to be used in connection with, or is contemplated by, this Agreement, (b) would materially and adversely affect the business, financial position or results of operations of Seller or the Property, (c) would materially and adversely affect the ability of Seller to perform

its obligations hereunder, or under any document to be delivered pursuant hereto, (d) could create a lien on the Property, any part thereof or any interest therein, (e) concerns any past or present employee of Seller or its managing agent or (f) would otherwise adversely affect the Property, any part thereof or any interest therein or the use, operation, condition or occupancy thereof.

(j) Hazardous Substances. To Seller's actual knowledge, neither Seller nor any previous owner, tenant, occupant or user of the Property, nor any other person, has engaged in or permitted any operations or activities upon, or any use or occupancy of the Property or any portion thereof, for the purpose of or in any way involving the handling, manufacture, treatment, storage, use, generation, release, discharge, refining, dumping or disposal of any Hazardous Materials on, under, in or about the Property in violation of any Applicable Laws. To Seller's actual knowledge, no Hazardous Materials have migrated from or to the Property upon, about, or beneath other properties in violation of any Environmental Requirements. To Seller's actual knowledge, neither the Property nor its existing or prior uses fail or failed to materially comply with Environmental Requirements. Seller has no actual knowledge of any permits, licenses or other authorizations which are required under any Environmental Requirements with regard to the current uses of the Property which have not been obtained and complied with. Seller has not received any written notice concerning any alleged violation of Environmental Requirements in connection with the Property or any liability for Environmental Damages in connection with the Property for which Seller (or Buyer after Closing) may be liable. To Seller's knowledge, no Hazardous Materials are constructed, deposited, stored or otherwise located on, under, in or about the Property in violation of any Environmental Requirements. To Seller's knowledge, there exists no writ, injunction, decree, order or judgment outstanding, nor any lawsuit, claim, proceeding, citation, summons or investigation, pending or threatened, relating to any alleged violation of Environmental Requirements on the Property, or from the suspected presence of Hazardous Materials thereon, or relating to any Environmental Damages and, other than temporary storage of deliveries of fertilizer for the golf course in the ordinary course of business and two above-ground fuel tanks for unleaded and diesel fuel, no underground or above ground chemical treatment or storage tanks, or gas or oil wells are located on the Property.

(k) Access. Seller has no actual knowledge of any pending or threatened governmental proceeding or any other fact or condition which would limit or result in the termination of the Property's existing access to and from public streets or roads.

(l) No Commitments. To Seller's actual knowledge, no commitments have been made to any Governmental Authority, utility company, school board, church or other religious body, or any homeowners' association or any other organization, group or individual, relating to the Property which would impose an obligation upon Buyer to make any contribution or dedication of money or land or to construct, install or maintain any improvements of a public or private nature on or off the Property.

(m) Seller Is Not a "Foreign Person". Seller is not a "Foreign Person" within the meaning of Section 1445 of the Internal Revenue Code, as amended (i.e., Seller is not a foreign corporation, foreign partnership, foreign trust, foreign estate or Foreign Person as those terms are defined in the Internal Revenue Code and regulations promulgated thereunder).

(n) Notwithstanding anything in this Agreement to the contrary, any and all references to "Seller's actual knowledge" or words of similar import shall be deemed to refer to the current actual knowledge of Ms. Marcela Navarrete.

11.2 Seller's Covenants. Seller hereby covenants and agrees with Buyer, after the date specified in each covenant below:

(a) No Marketing. Seller shall not market the Property for sale or enter into discussions or negotiations with potential Buyers of the Property during the pendency of this Agreement.

(b) Rights of First Refusal and Options. Seller shall provide Buyer with satisfactory evidence of the waiver of any and all rights of first refusal or options related to the Property that may have been granted to any party.

(c) Confirmations. After the Effective Date, Seller will deliver to Buyer, in a form reasonably acceptable to Buyer in its sole discretion, written confirmation from Seller, confirmation that the Property has been deemed inexpedient.

ARTICLE XII

CONDITIONS PRECEDENT TO BUYER'S PERFORMANCE

12.1 Conditions for Buyer's Benefit. The obligations of Buyer to consummate the transaction contemplated hereby are subject to the following conditions:

(a) Seller's Deliveries. Seller shall have delivered to or for the benefit of Buyer, on or before the Closing Date, all of the documents and other information required of Seller pursuant to Sections 7.2 and 7.4 hereof.

(b) Representations, Warranties and Covenants; Obligations of Seller; Certificate. All of Seller's representations and warranties made in this Agreement shall be true and correct in all material respects as of the date hereof and as of the date of Closing as if then made; there shall have been no material adverse change in the business conducted at the Property or the financial results thereof from the date of acceptance of this Agreement; Seller shall have performed in all material respects all of its covenants and other obligations under this Agreement.

(c) Title Insurance. Good and indefeasible fee simple title to the Land shall be insurable as such by the Title Company, at its lowest rates allowed by law, subject only to Permitted Exceptions as determined in accordance with Section 6.3 hereof and including, without limitation, all applicable deletions of standard exceptions and endorsements permitted under applicable state law which are customarily required by institutional investors purchasing property comparable to the Property.

(d) Survey. The Survey shall be adequate for the Title Company to delete any exception for general survey matters in the Owner's Title Policy except for "shortages in area".

(e) Title to Property. Seller shall be the sole owner of good and indefeasible fee simple title to the Property, free and clear of all liens, encumbrances, restrictions, conditions and agreements except for Permitted Title Exceptions. Seller shall not have taken any action or permitted or suffered any action to be taken by others from the date hereof and through and including the date of Closing that would adversely affect the status of title to the Property.

Each of the conditions contained in this Section are intended for the benefit of Buyer and may be waived in whole or in part, by Buyer, but only by an instrument in writing signed by Buyer.

12.2 Default by Seller/Failure of Conditions Precedent. If any condition set forth herein for the benefit of Buyer cannot or will not be satisfied prior to Closing, or upon the occurrence of any other event that

would entitle Buyer to terminate this Agreement and its obligations hereunder, and if Seller fails to cure any such matter or satisfy that condition within ten (10) business days after notice thereof from Buyer (or such other time period as may be explicitly provided for herein), Buyer, at its option, may elect (a) to terminate this Agreement, in which event (i) the Earnest Money Deposit shall be promptly returned to Buyer, and (ii) all other rights and obligations of Seller and Buyer hereunder (except Surviving Obligations) shall terminate immediately; or (b) elect to proceed to Closing.

ARTICLE XIII **CONDITIONS PRECEDENT TO SELLER'S PERFORMANCE**

13.1 Conditions for Seller's Benefit. The obligations of Seller to consummate the transaction contemplated hereby are subject to the following conditions, any of which, if not fulfilled by the Closing or as otherwise provided herein, shall entitle Seller (at its option) to terminate this Agreement and retain the Earnest Money Deposit:

(a) The transactions contemplated under this Agreement to be effected on the Closing Date shall not have been restrained or prohibited by any injunction or order or judgment rendered by any court or other governmental agency of competent jurisdiction and no proceeding shall have been instituted and be pending in which any creditor of Buyer or any other person seeks to restrain such transactions or otherwise to attach any of the Property;

(b) Buyer shall have timely complied with its obligations hereunder;

(c) All warranties and representations made by Buyer herein shall be true and correct in all respects.

ARTICLE XIV **DEFAULT**

14.1 Buyer's Default. If Buyer defaults in its obligations hereunder to deliver the Sales Price at the time required by this Agreement and close on the purchase of the Property on the Closing Date, then, Buyer shall forfeit the Earnest Money Deposit, and Escrow Agent shall deliver the Earnest Money Deposit to Seller, and neither party shall be obligated to proceed with the purchase and sale of the Property. If, Buyer defaults in any of its other representations, warranties or obligations under this Agreement, and such default continues for more than 10 days after written notice from Seller, then Buyer shall forfeit the Earnest Money Deposit, and Escrow Agent shall deliver the Earnest Money Deposit to Seller, and neither party shall be obligated to proceed with the purchase and sale of the Property. The Earnest Money Deposit is liquidated damages and recourse to the Earnest Money Deposit is, except for Buyer's indemnity and confidentiality obligations hereunder, Seller's sole and exclusive remedy for Buyer's failure to perform its obligation to purchase the Property or breach of a representation or warranty. Seller expressly waives the remedies of specific performance and additional damages for such default by Buyer. **SELLER AND BUYER ACKNOWLEDGE THAT SELLER'S DAMAGES WOULD BE DIFFICULT TO DETERMINE, AND THAT THE EARNEST MONEY DEPOSIT IS A REASONABLE ESTIMATE OF SELLER'S DAMAGES RESULTING FROM A DEFAULT BY BUYER IN ITS OBLIGATION TO PURCHASE THE PROPERTY. SELLER AND BUYER FURTHER AGREE THAT THIS SECTION 14.1 IS INTENDED TO AND DOES LIQUIDATE THE AMOUNT OF DAMAGES DUE SELLER, AND SHALL BE SELLER'S EXCLUSIVE REMEDY AGAINST BUYER, BOTH AT LAW AND IN EQUITY, ARISING FROM OR RELATED TO A BREACH BY BUYER OF ITS OBLIGATION TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS CONTRACT, OTHER**

**THAN WITH RESPECT TO BUYER'S INDEMNITY AND CONFIDENTIALITY OBLIGATIONS
HEREUNDER.**

14.2 Seller's Default. If Seller, prior to the Closing, defaults in its representations, warranties, covenants, or obligations under this Agreement, including to sell the Property as required by this Agreement, then this Agreement shall terminate, and all payments and things of value, including the Earnest Money Deposit, provided by Buyer hereunder shall be returned to Buyer as its sole recoverable damages.

14.3 Attorneys' Fees. Any signatory to this Agreement who is the prevailing party against any other signatory in any legal proceeding brought under or with relation to this Agreement or sale transaction shall be additionally entitled to recover from the non-prevailing party court costs, reasonable attorneys' fees, and all other litigation expenses, including deposition, travel, and expert witness costs and fees.

14.4 Liability of Parties. Except for obligations expressly assumed or agreed to be assumed by Buyer hereunder, Buyer is not assuming any obligations of Seller or any liability for Claims arising out of any act, omission or occurrence which occurs, accrues or arises prior to the Closing Date, to the extent allowed by law, and Seller hereby indemnifies and holds Buyer harmless from and against any and all Claims, costs, penalties, damages, losses, liabilities and expenses (including reasonable attorneys' fees) that may at any time be incurred by Buyer as a result of (1) obligations of Seller not expressly assumed or agreed to be assumed by Buyer hereunder, or (2) acts, omissions or occurrences which occur, accrue or arise prior to the Closing Date. The provisions of this Section shall survive the Closing of the transaction contemplated hereby.

**ARTICLE XV
NOTICES**

Any notice or communication required or permitted hereunder shall be deemed to be delivered, whether actually received or not, when addressed to the intended recipient at the address provided below: (a) three (3) Business Days after being deposited in the United States mail, postage fully prepaid, registered or certified mail, return receipt requested; (b) one (1) Business Day after being deposited with a nationally recognized overnight courier, postage fully prepaid; or (c) sent by fax transmission upon transmission and confirmation of receipt; provided any notice sent by fax transmission will be followed by delivery using method (b), above, deposited on the following Business Day. Any address for notice may be changed by giving notice thereof as provided in this Section. The addresses and fax numbers for notice purposes are as follows:

Seller: El Paso Water Utilities Public Service Board
Attention: John Balliew
President/CEO
1154 Hawkins Blvd.
El Paso, Texas 79925
(915) 594-5595

with a copy to El Paso Water Utilities Public Service Board
Attention: Alma DeAnda
Utility Land and Water Rights Manager
1154 Hawkins Blvd.
El Paso, Texas 79925
ADeAnda@epwater.org

Buyer: FRANKLIN MOUNTAIN COMMUNITIES, LLC
 c/o Yolanda Giner
 123 W. Mills Ave. Suite 600
 El Paso, Texas 79901
 (915) 504-7100

ARTICLE XVI
MISCELLANEOUS

16.1 Integration. This Agreement contains the complete agreement among the parties and the Brokers. It cannot be varied except by the written agreement of the Buyer and Seller. The parties agree that there are no oral agreements, understandings, representations, or warranties that are not expressly set forth herein.

16.2 Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors and assigns, when such are not proscribed by this Agreement.

16.3 Omitted

16.4 Legal Construction. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. This Agreement shall be construed as a whole and in accordance with its fair meaning and without regard to any presumption or other rule requiring construction against the party preparing this Agreement or any part hereof.

16.5 Time of the Essence. Time is of the essence of this Agreement. If the expiration of the Inspection Period or the Closing Date falls on a Saturday, Sunday or a Legal Holiday, then the Inspection Period and/or the Closing Date shall be the first Business Day after the Saturday, Sunday or Legal Holiday.

16.6 Governing Law. This Agreement shall be construed under in accordance with the laws of the state of Texas. Venue shall be in El Paso, Texas.

16.7 Assignment. Buyer may assign this Agreement or any of its rights hereunder to the City of El Paso Municipal Management District No.1 with the consent of the President of the El Paso Water Utilities Public Service Board.

16.8 Exhibits

Exhibit A – Property Description

Exhibit B- Map of the Facilities Easement

Exhibit C- Facilities Easement Form

EXECUTED by Seller on this the 9th day of June, 2022.

SELLER:

**EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

By: Marcela Navarrete
Marcela Navarrete
Vice President

APPROVED AS TO FORM:

Michaela Ainsa Grambling
Michaela Ainsa Grambling
Senior Assistant General Counsel

APPROVED AS TO CONTENT:

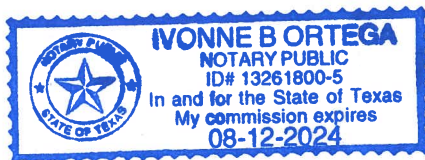
Alma De Anda
Alma De Anda
Utility Land & Water Rights Manager

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the 9th day of June, 2022, by **MARCELA NAVARRETE, VICE PRESIDENT**, on behalf of the El Paso Water Utilities Public Service Board.

Notary Seal:



[Signature]
Notary Public, State of Texas

Commission Expires: 08-12-2024

EXECUTED by Buyer on this the 8th day of June, 2022.

BUYER:

**FRANKLIN MOUNTAIN COMMUNITIES,
LLC, a Texas Limited Liability Company**

By: 

Name: Ryan Burkhardt

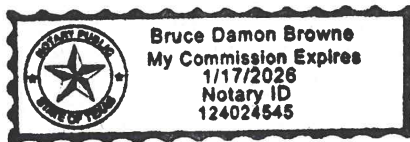
Title: President

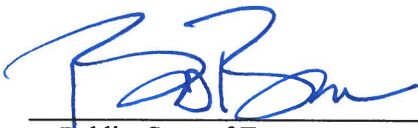
ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF Dallas ~~EL PASO~~)

This instrument was acknowledged before me on this the 8th day of June, 2022, by Ryan Burkhardt, President of Franklin Mountain Communities, LLC, a Texas liability company, on behalf of said company.

Notary Seal:




Notary Public, State of Texas

Commission Expires: 1/17/2026

EXECUTED on this the ____ day of _____, 2022.

THE CITY OF EL PASO
a Municipal Corporation

By: _____

Tomás González
City Manager

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the ____ day of _____ 2022, by
Tomás González, City Manager of the City of El Paso.

Notary Seal:

Notary Public, State of Texas

Commission Expires: _____

This Agreement has been received and reviewed by the Title Company this the _____ day of _____, 20____. The Title Company acknowledges that all information furnished to it by the parties or obtained by the Title Company in the course of performing its duties, including acting as the escrow agent for the parties, under the Agreement will be treated as confidential information.

TITLE COMPANY:

WestStar Title Company

By: _____
Its: _____

EXHIBIT "A-1"
PROPERTY DESCRIPTION

LEGAL DESCRIPTION

BEING a tract of land situated in Section 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys, Abstract No. 5419, City of El Paso, El Paso County, Texas, and being all of a tract of land described as "PARCEL 6B" in Declaration and Grant of Easements and Restrictions to City of El Paso Public Service Board (PSB) recorded in Instrument No. 20200059840 of the Official Public Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a point in the west right-of-way line of McCombs Street - Farm to Market Road No. 2529 (150-foot wide right-of-way); from said point a 2-inch iron pipe found for the common corner of Sections 13 and 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys and Sections 18 and 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys bears North 30°24'25" East, a distance of 158.13 feet;

THENCE South 1°57'20" West, along the said west right-of-way line of McCombs Street, a distance of 2045.96 feet to a point;

THENCE departing the said west right-of-way line of McCombs Street, North 88°01'01" West, a distance of 50.00 feet to a point for the northeast corner of a called 11.2965 acre tract of land described in Special Warranty Deed to Franklin Mountain Communities, LLC recorded in Instrument No. 20210037465 of said Official Public Records;

THENCE South 1°57'20" West, along the east line of said 11.2965 acre tract, a distance of 464.62 feet to a point for the southeast corner of said 11.2965 acre tract, and being the northeast corner of said "PARCEL 6B", and being the **POINT OF BEGINNING**;

THENCE South 1°57'20" West, along the east line of said "PARCEL 6B", a distance of 20.00 feet to a point for the southeast corner of said "PARCEL 6B";

THENCE North 87°59'29" West, along the south line of the said "PARCEL 6B", a distance of 1059.74 feet to a 1/2-inch iron rod with plastic cap stamped "TX 8223" found for the southwest corner of said "PARCEL 6B";

THENCE North 1°58'59" East, along the west line of the said "PARCEL 6B", a distance of 20.00 feet to a 1/2-inch iron rod with plastic cap stamped "TX 8223" found for the northwest corner of said "PARCEL 6B";

THENCE South 87°59'29" East, along the north line of the said "PARCEL 6B", a distance of 1059.73 feet to the **POINT OF BEGINNING** and containing 0.4866 acres or 21,195 square feet of land, more or less.

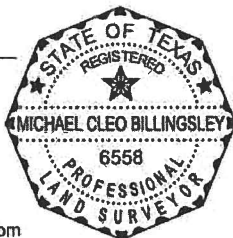
NOTES:

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4203).

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the 0.4866 acre tract.

M.C. Billingsley 8/10/21
MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6558
801 CHERRY STREET,
UNIT 11 SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-335-6511
michael.billingsley@kimley-horn.com



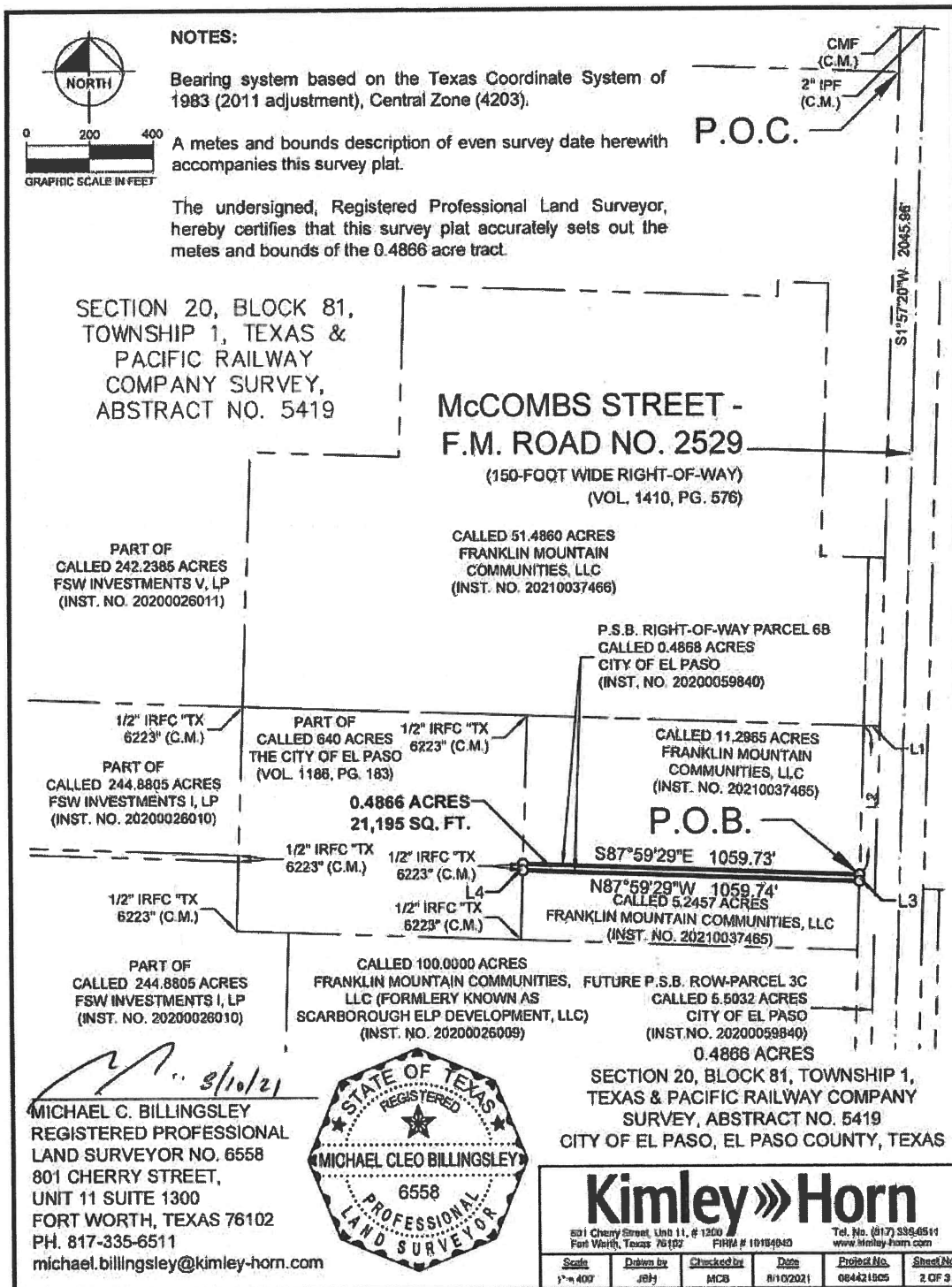
0.4866 ACRES
SECTION 20, BLOCK 81, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEY, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102
Tel. No. (817) 335-6511
www.kimley-horn.com

Role	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JRH	MCS	8/10/21	004421505	1 OF 3

BILLINGSLEY, MICHAEL 8/10/2021 8:10 AM KFTW SURVEY 1004421505-2300 ACRES EL PASO DWMG06421505-2300 ACRES EL PASO EX PSB PARCEL 6B.DWG



LINE TABLE		
NO.	BEARING	LENGTH
L1	N88°01'01"W	50.00'
L2	S01°57'20"W	464.62'
L3	S01°57'20"W	20.00'
L4	N01°58'58"E	20.00'

0.4866 ACRES
SECTION 20, BLOCK 81, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEY, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, N 1300
Fort Worth, Texas 76102

FIRM # 10184040

Tel No. (817) 335-8511
www.Kimley-Horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
ASB	JBH	MCE	8/10/2021	054423505	3 OF 3

BILLINGSLEY, MICHAEL 07/10/2021 10:19 AM K:\FTW SURVEY\054423505-2300 ACRES EL PASO\DWG\054423505-2300 ACRES EL PASO EX P&B PARCEL 68.DWG

EXHIBIT "A-2"

PROPERTY DESCRIPTION

LEGAL DESCRIPTION

BEING a tract of land situated in Section 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys, Abstract No. 5419, City of El Paso, El Paso County, Texas, and being part of a tract of land described as "PARCEL 6A" in Declaration and Grant of Easements and Restrictions to City of El Paso Public Service Board (PSB) recorded in Instrument No. 20200059840 of the Official Public Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a point in the west right-of-way line of McCombs Street - Farm to Market Road No. 2529 (150-foot wide right-of-way); from said point a 2-inch iron pipe found for the common corner of Sections 13 and 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys and Sections 18 and 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys bears North 30°24'25" East, a distance of 158.13 feet;

THENCE South 1°57'20" West, along the said west right-of-way line of McCombs Street, a distance of 2045.96 feet to a point;

THENCE departing the said west right-of-way line of McCombs Street, North 88°01'01" West, a distance of 50.00 feet to a point for the northeast corner of a called 11.2965 acre tract of land described in Special Warranty Deed to Franklin Mountain Communities, LLC recorded in Instrument No. 20210037465 of said Official Public Records;

THENCE South 1°57'20" West, along the east line of said 11.2965 acre tract, a distance of 464.62 feet to a point for the southeast corner of said 11.2965 acre tract;

THENCE North 87°59'29" West, a distance of 1959.73 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for the northeast corner of said "PARCEL 6A", and being the **POINT OF BEGINNING**;

THENCE South 1°58'59" West, along the east line of said "PARCEL 6A", a distance of 20.00 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for the southeast corner of said "PARCEL 6A";

THENCE North 87°59'29" West, along the south line of the said "PARCEL 6A", a distance of 565.22 feet to a point for corner;

THENCE departing the said south line of "PARCEL 6A", North 2°00'31" East, a distance of 20.00 feet to a point for corner in the north line of said "PARCEL 6A";

THENCE South 87°59'29" East, along the north line of the said "PARCEL 6A", a distance of 565.22 feet to the **POINT OF BEGINNING** and containing 0.2595 acres or 11,304 square feet of land, more or less.

NOTES:

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4203).

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the 0.2595 acre tract.

M.C. 8/10/21
MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 8558
801 CHERRY STREET,
UNIT 11 SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-335-6511
michael.billingsley@kimley-horn.com



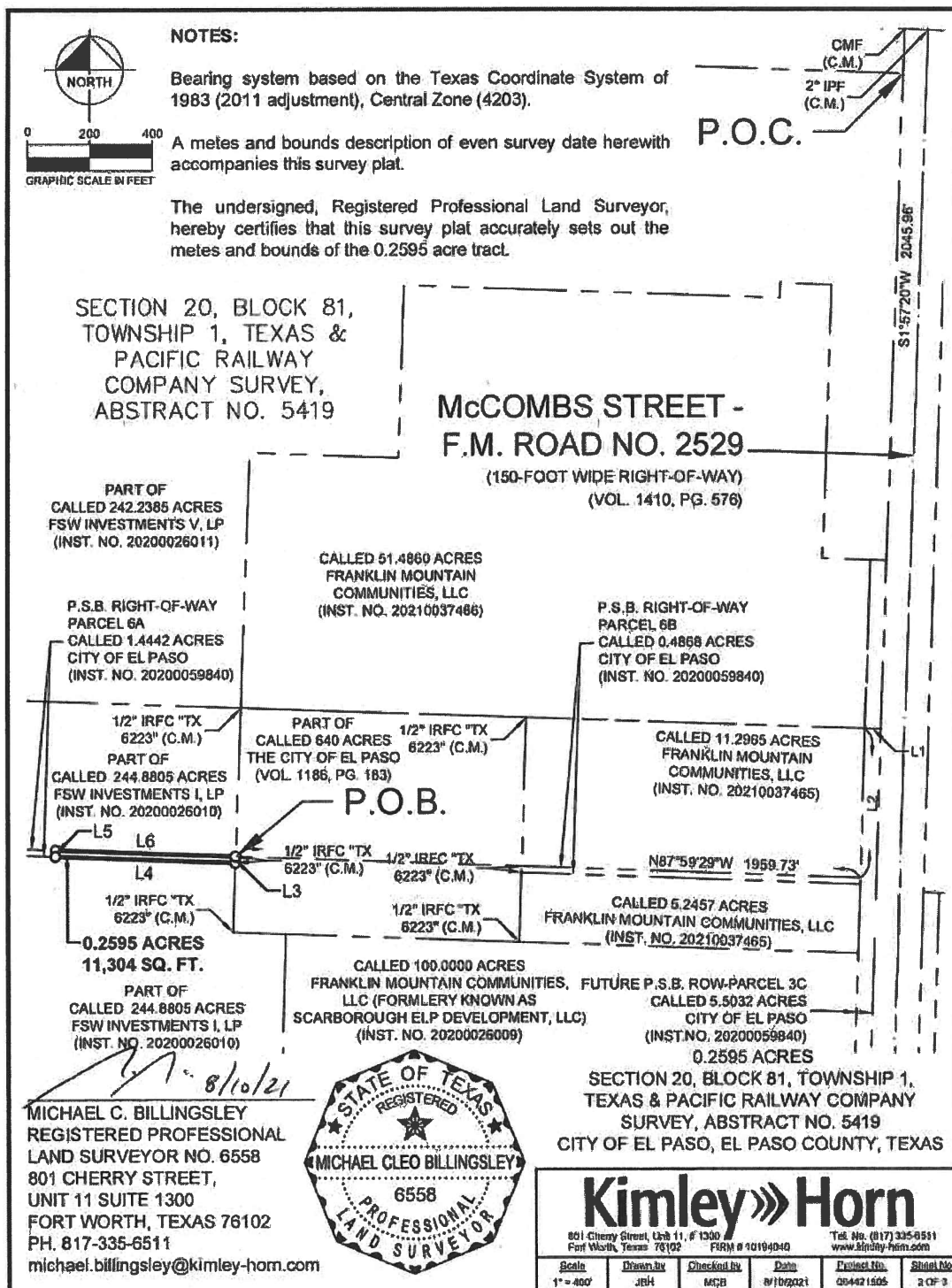
0.2595 ACRES
SECTION 20, BLOCK 81, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEY, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

891 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102
Tel. No. (817) 335-6511
www.kimley-horn.com

State	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCA	8/10/2021	004421603	1 OF 3

BILLINGSLEY, MICHAEL 8/10/2021 8:11 AM KFTW SURVEY094421505-2300 ACRES EL PASO.DWG054421505-2300 ACRES EL PASO EX PSB PARCEL 6A.DWG



LINE TABLE		
NO.	BEARING	LENGTH
L1	N88°01'01"W	50.00'
L2	S01°57'20"W	464.62'
L3	S01°58'59"W	20.00'
L4	N87°59'29"W	565.22'
L5	N02°00'31"E	20.00'
L6	S87°59'29"E	565.22'

0.2595 ACRES
SECTION 20, BLOCK 81, TOWNSHIP 1,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEY, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102
PRM # 10194040

Tel. No. (817) 338-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JSH	AKC	8/10/2021	084421505	3 OF 3

BILLINGSLEY, MICHAEL 8/10/2021 8:11 AM K.V.T.W. SURVEY 084421505-2300 ACRES EL PASO DWN 084421505-2300 ACRES EL PASO EX P88 PARCEL 6A.DWG

EXHIBIT "A-3"

PROPERTY DESCRIPTION

LEGAL DESCRIPTION

BEING a tract of land situated in Section 19, Block 80, Township 1, Texas & Pacific Railway Company Surveys, Abstract No., City of El Paso, El Paso County, Texas, and being all of the called 3.9819 acre tract of land described in deed to the City of El Paso's Public Service Board recorded in Instrument No. 20200059840 of the Official Public Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a point in the east right-of-way line of McCombs Street - Farm to Market Road No. 2529 (150-foot wide right-of-way); from said point the common corner of Sections 20 and 21, Block 81, Texas & Pacific Railway Company Surveys and Sections 19 and 30, Block 80, Texas & Pacific Railway Company Surveys bears North 89°30'24" West, a distance of 79.97 feet;

THENCE departing the said east right-of-way line of McCombs Street, South 86°57'26" East, along the south line of said 3.9819 acre tract, a distance of 50.91 feet to the southernmost southeast corner of said 3.9819 acre tract;

THENCE South 01°57'20" West, along the east line of said 3.9819 acre tract, a distance of 1331.39 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner, and being the **POINT OF BEGINNING**;

THENCE the following eight (8) calls:

South 01°57'20" West, a distance of 1125.48 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 South 88°02'40" East, a distance of 30.00 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 South 01°57'20" West, a distance of 141.37 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 South 38°21'18" East, a distance of 1254.17 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 South 83°21'18" East, a distance of 28.58 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 South 51°38'18" West, a distance of 42.42 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 North 83°21'18" West, a distance of 11.01 feet to a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for corner;
 North 38°21'18" West, a distance of 1277.61 feet to the **POINT OF BEGINNING** and containing 42,985 square feet or 0.9868 acres of land, more or less.

NOTES:

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4203).

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the 0.9868 acre tract.

4/8/22
MICHAEL C. BILLINGSLEY
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6558
 801 CHERRY STREET,
 UNIT 11 SUITE 1300
 FORT WORTH, TEXAS 76102
 PH. 817-335-8511
 michael.billingsley@kimley-horn.com



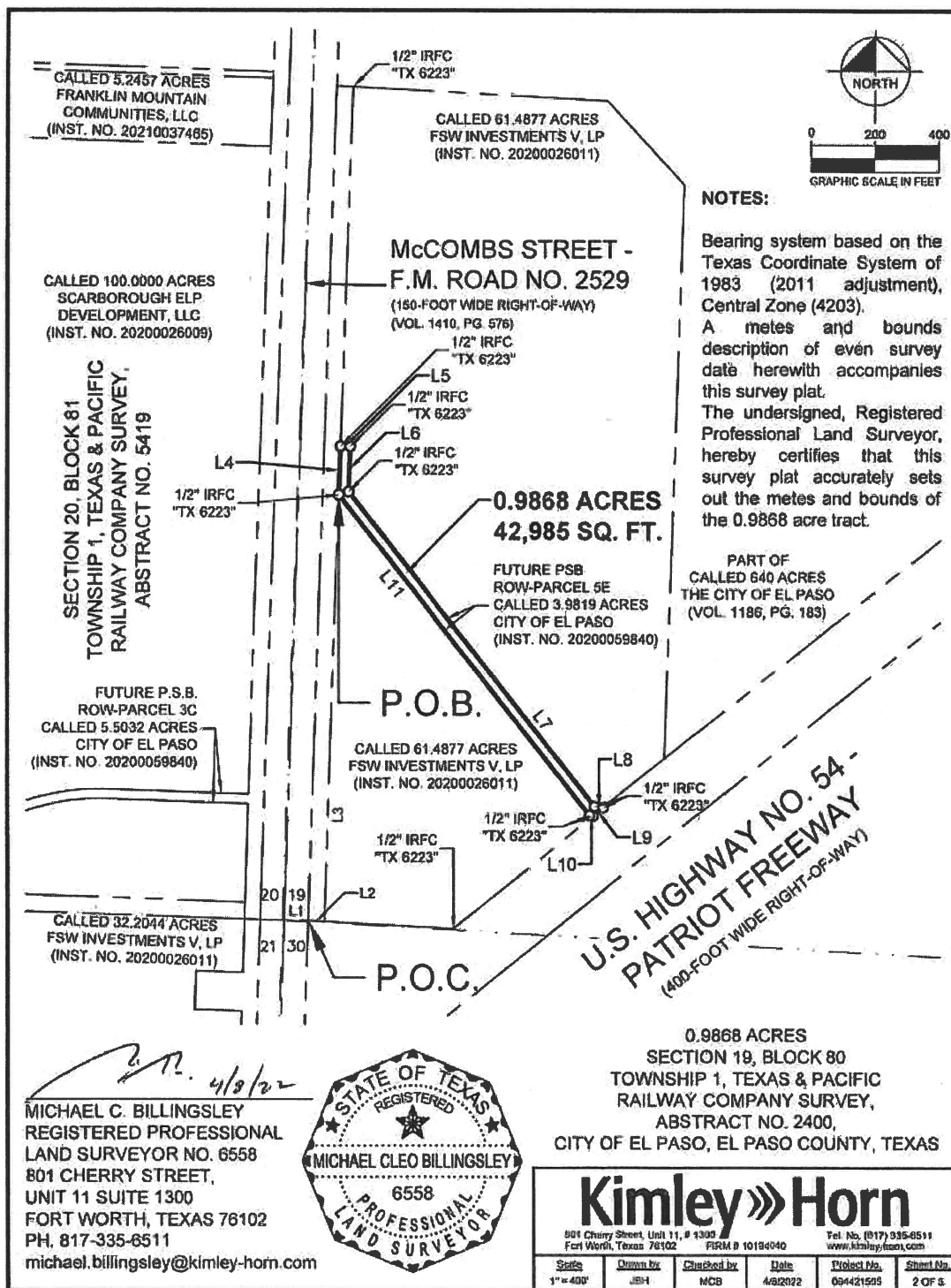
0.9868 ACRES
 SECTION 19, BLOCK 80
 TOWNSHIP 1, TEXAS & PACIFIC
 RAILWAY COMPANY SURVEY,
 ABSTRACT NO. 2400,
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 355-8511 www.kimleyhorn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JHM	MCB	4/8/2022	084421505	1 OF 2

HOPPER, BRADIN 4/8/2022 11:46 AM KCTW SURVEY084421505-2300 ACRES EL PASO DWG PUBLIC SERVICE BOARD 084421505-2300 ACRES EL PASO PBB FUTURE ROW-PARCEL



LINE TABLE		
NO.	BEARING	LENGTH
L1	S89°30'24"E	79.97'
L2	S86°57'26"E	60.91'
L3	N01°57'20"E	1331.39'
L4	N01°57'20"E	152.39'
L5	S88°02'40"E	30.00'
L6	S01°57'20"W	141.37'
L7	S38°21'18"E	1254.17'
L8	S83°21'18"E	28.58'
L9	S51°38'18"W	42.42'
L10	N83°21'18"W	11.01'
L11	N38°21'18"W	1277.60'

0.9868 ACRES
SECTION 19, BLOCK 80
TOWNSHIP 1, TEXAS & PACIFIC
RAILWAY COMPANY SURVEY,
ABSTRACT NO. 2400,
CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

601 Cherry Street, Unit 11, # 1000
Fort Worth, Texas 76102

FIRM # 1618(040)

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCB	4/9/2022	054421505	3 OF 3

HOPPER, BRADIN 4/8/2022 11:46 AM K:\FTW SURVEY\054421505-2300 ACRES EL PASO\DWG\PUBLIC SERVICE BOARD\054421505-2300 ACRES EL PASO P&B FUTURE ROW PARCEL

EXHIBIT B
Map of the Facilities Easement

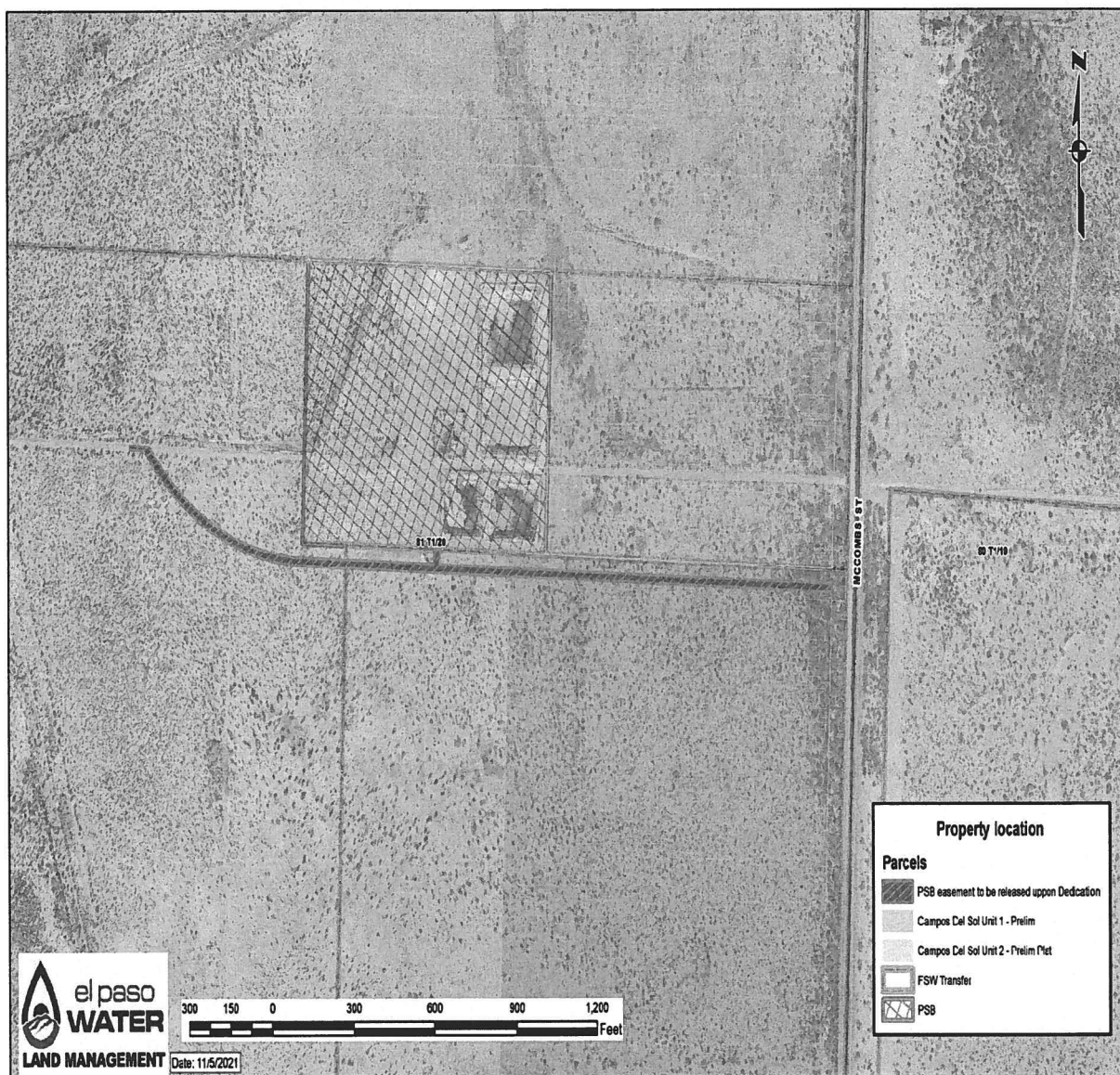


EXHIBIT C
The Facilities Easements

EASEMENT

THE STATE OF TEXAS)
) **KNOW ALL MEN BY THESE PRESENTS:**
 COUNTY OF EL PASO)

That the undersigned, **FRANKLIN MOUNTAIN COMMUNITIES, LLC**, hereinafter called "Grantor", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration paid by the **CITY OF EL PASO**, a municipal corporation, for the use and benefit of the **El Paso Water Utilities - Public Service Board**, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby grant and convey unto said Grantee, a **20-FT WIDE (.8415 ACRES)** underground easement, to install, repair, replace, reconstruct, and use, maintain and operate a **underground 24-INCH RECLAIMED WATER LINE** with necessary appurtenances, and improvements, being hereinafter sometimes collectively called the "Facilities", under and through the following described property in the County of El Paso, Texas, hereinafter referred to as the "Easement":

as depicted in the **PART OF SECTION 20, BLOCK 81, TOWNSHIP I, TEXAS & PACIFICRAILWAY COMPANY SURVEYS, ABSTRACT NO. 5419 CITY OF EL PASO, EL PASO COUNTY, TEXAS** attached hereto as Exhibit "A".

This Easement shall be subject to all matters of record and existing on the ground. Except as modified herein, this grant shall carry with it the right of ingress and egress to and from the Easement at all reasonable times, with the right to use existing roads for the purpose of constructing, reconstructing, installing, operating, inspecting, repairing, and maintaining the Facilities; and the removal or replacement of same either in whole or in part. Grantee may use such portion of the property along and adjacent to said easement, as may be reasonably necessary, in connections with the construction, reconstruction, installation, maintenance, repair, removal, or replacement of the Facilities.

Grantor reserves the right to full use and enjoyment of the property encumbered by the Easement except as otherwise provided herein. Grantor's use shall not hinder, conflict, or interfere with the exercise of Grantee's rights hereunder. No building, reservoir, or permanent structure shall be constructed or maintained on said Easement. However, Grantor its successors and assigns may use the Easement Area for improvements such as paving (provided that any concrete paving is constructed in 20' x 20' segments with expansion joints around the perimeter), parking, driveways, surface drainage improvements, landscaping (provided trees are in compliance with city code requirements), light poles with bases, access areas, curbs, curb cuts, roads and signage (provided that Grantor shall coordinate with Grantee regarding the specific location of light poles with bases, signage with bases, and trees within the Easement to ensure that such improvements are not placed over the Facilities and will not interfere with Grantee's operation of its Facilities). Additionally, parking stalls cannot be placed above facilities such as manholes and vaults.

1048/3003/00013276.4

Grantor's employees, agents, and invitees, shall at all times, have access and use of the Easement and Grantee shall not unreasonably prohibit ingress to or egress from Grantor's adjacent land because of construction or for any other reason.

Grantor reserves the right to allow additional underground utilities and infrastructure to cross the Facilities, provided that the location of such additional utilities and infrastructure are marked and identifiable. Grantor however, agrees not to collocate underground utilities and infrastructure in the Easement, except for the collocation of water and sewer lines which is expressly permitted. For purposes of this Easement, "collocation" shall mean the parallel placement of other underground utilities and infrastructure within the Easement.

Grantee covenants and agrees not to unreasonably interfere with the use of the Easement by Grantor, its successor and assigns, and to restore the surface of the Easement and surrounding property, whenever disturbed by Grantee, to as good a condition as existed immediately prior to such disturbance, including, but not limited to, compaction of excavated areas, restoration of pavement areas, landscaping, sidewalks and other improvements. Grantee agrees to cooperate with Grantor if an adjustment of the Easement is required at any time; however, any reasonable costs associated with adjusting or relocating facilities shall be the responsibility of the Grantor. Grantee's consent shall not be unreasonably withheld where required.

This Easement shall automatically terminate unless Grantee objects to Grantor in writing within 10 days after delivery to Grantee of all the following items (the "Objection Period"): (i) a subdivision plat ("Plat") covering the Property that is recorded in the Real Property Records of El Paso County, Texas and creates a public utility easement for use by Grantee on, over and across Easement Area, and (ii) a "Termination Certificate", in recordable form, signed by a licensed engineer confirming to Grantee that: (a) the public utility easements shown on the Plat are in the same location as the Easement Area, and (b) Grantee Facilities are within the public utility easement on the Plat.

If Grantee does not provide written objection to Grantor within the Objection Period, Grantor may record the Termination Certificate as evidence that this easement has terminated without further action from Grantee. Provided however, that Grantee shall promptly execute reasonable documents confirming such termination as requested by Grantor. This obligation shall survive termination of this Easement.

Notwithstanding anything to the contrary contained herein, to the extent Grantee Facilities are located within street rights of way that are to be dedicated pursuant to the Plat ("Dedicated Right of Way"), Grantee shall retain rights under this easement to portions of the Easement Area within Dedicated Right of Way until such time as the Dedicated Right of Way is accepted by the applicable governmental authority.

The authority granted herein to Grantee does not include the right for Grantee to grant permission to any other person or entity to use the Easement Area for any purpose unrelated to the delivery by Grantee of electrical service. Grantor retains the exclusive authority to permit cable companies and telephone service companies to use the easement for their own purposes, provided

1048/3003/00013276.4

that such entities do not unreasonably obstruct Grantee's access or impair safe clearances from Grantee Facilities.

Grantee warrants to Grantor that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement as a condition to the validity of this Easement. Grantor warrants to Grantee that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement.

WITNESS THE EXECUTION HEREOF the _____ day of _____,
202_.

(Signatures Continue on Following Pages)

1048/3003/00013276.4

GRANTOR:

**FRANKLIN MOUNTAIN COMMUNITIES, LLC, a
Texas Limited Liability Company**

By: _____

NAME: _____

TITLE: _____

Executed on: _____

ACKNOWLEDGMENT

STATE OF TEXAS)

)

COUNTY OF EL PASO)

This instrument was acknowledged before me on this the ____ day of _____,
202__, by _____ of Franklin Mountain
Communities, LLC, a Texas limited liability company.

My Commission Expires

Notary Public, State of Texas

(Additional Signature Contained on Following Page)

1048/3003/00013276.4

GRANTEE:

**CITY OF EL PASO
EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

By: _____
Marcela Navarrete
Vice President

Executed on: _____

APPROVED AS TO CONTENT:

Alma De Anda
Utility Land and Water Rights Manger

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the _____ day of _____, 202_, by Marcela Navarrete, Vice President, of El Paso Water Utilities Public Service Board.

My Commission Expires

Notary Public, State of Texas

1048/3003/00013276.4

EXHIBIT A**LEGAL DESCRIPTION**

BEING a tract of land situated in Section 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys, Abstract No. 5419, City of El Paso, El Paso County, Texas, and being part of a called 100.0000 acre tract of land described in Special Warranty Deed to Scarborough ELP Development, LLC recorded in Instrument No. 20200026009 of the Official Public Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a point in the west right-of-way line of McCombs Street - Farm to Market Road No. 2529 (150-foot wide right-of-way), and being the southeast corner of said 100.0000 acre tract; from said point the common corner of Sections 20 and 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys and Sections 19 and 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys bears South 50°51'02" East, a distance of 87.94 feet;

THENCE North 1°57'20" West, along the said west right-of-way line of McCombs Street, a distance of 2356.73 feet to a point;

THENCE departing the said west right-of-way line of McCombs Street, North 88°01'01" West, a distance of 50.00 feet to a point in the west line of a called 5.5032 acre tract of land described in Declaration and Grant of Easements and Restrictions to City of El Paso Public Service Board (PSB) recorded in Instrument No. 20200059840 of said Official Public Records, and being the **POINT OF BEGINNING**;

THENCE departing the said west line of said 100.0000 acre tract, North 88°01'01" West, a distance of 1795.74 feet to a point corner in the west line of said

THENCE North 01°57'20" East, along the said west line of the 100.0000 acre tract, a distance of 20.00 feet to a point for corner;

THENCE South 88°01'01" East, a distance of 327.32 feet to a point for corner;

THENCE North 01°58'59" East, a distance of 37.00 feet to a point for corner in the north line of said 100.0000 acre tract; from said point a 5/8-inch iron rod with cap stamped "KHA" found for the northwest corner of said 100.0000 acre tract bears North 88°01'01" West, a distance of 327.34 feet;

THENCE South 88°01'01" East, along the said north line of the 100.0000 acre tract, a distance of 20.00 feet to a point for corner; from said point a 1/2-inch iron rod with cap stamped "TX 6223" found bears South 88°01'01" East, a distance of 388.55 feet;

CONTINUED ON SHEET 2

**WATER EASEMENT
PART OF SECTION 20, BLOCK 81,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEYS, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS**

Kimley»Horn

801 Cherry Street, Unit 11, # 1200 FIRM # 10194040 Tel. No. (817) 335-0511
Fort Worth, Texas 76102 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCB	10/19/2021	064421505	1 OF 5

HOPPER, BRADIN 10/19/2021 10:36 AM K:\FTW_SURVEY\064421505-2300 ACRES EL PASO\DWG\EASEMENTS AND RIGHT-OF-WAYS\064421505-2300 ACRES EL PASO_ESMT_WTR_2.DWG

LEGAL DESCRIPTION (CONTINUED)

THENCE departing the said north line of the 100.0000 acre tract, South 01°58'59" West, a distance of 37.00 feet to a point for corner;

THENCE South 88°01'01" East, a distance of 1448.42 feet to a point for corner in the said west line of the 5.5032 acre tract;

THENCE South 01°57'20" West, along the said west line of the 5.5032 acre tract, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 36,655 square feet or 0.8415 acres of land, more or less.

NOTES:

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4203).

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the easement tract.

10/19/21
MICHAEL C. BILLINGSLEY
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6558
 801 CHERRY STREET,
 UNIT 11 SUITE 1300
 FORT WORTH, TEXAS 76102
 PH. 817-335-6511
 michael.billingsley@kimley-horn.com



WATER EASEMENT
 PART OF SECTION 20, BLOCK 81,
 TEXAS & PACIFIC RAILWAY COMPANY
 SURVEYS, ABSTRACT NO. 5419
 CITY OF EL PASO, EL PASO COUNTY, TEXAS

Kimley»Horn

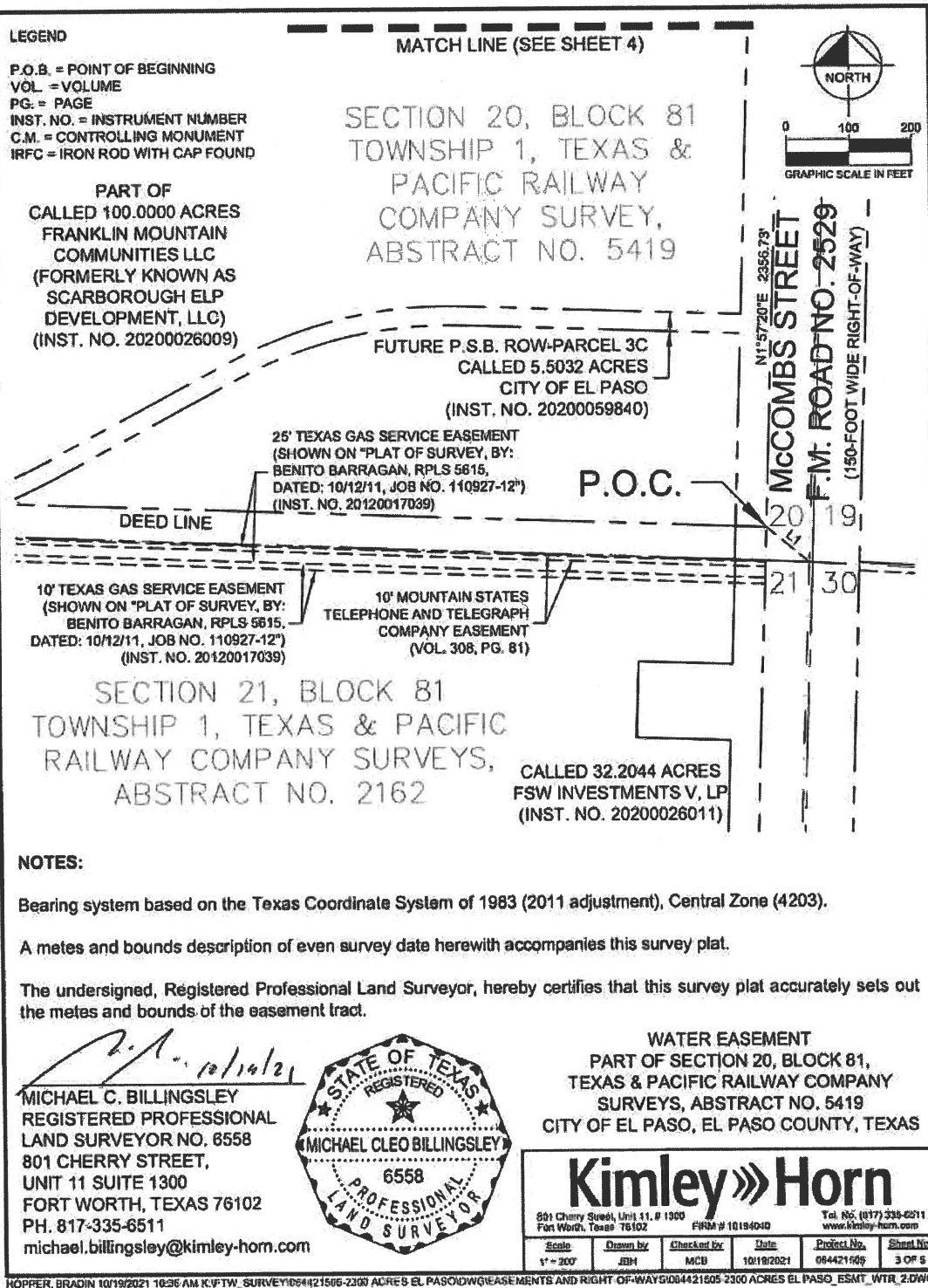
801 Cherry Street, Unit 11, # 1300
 Fort Worth, Texas 76102

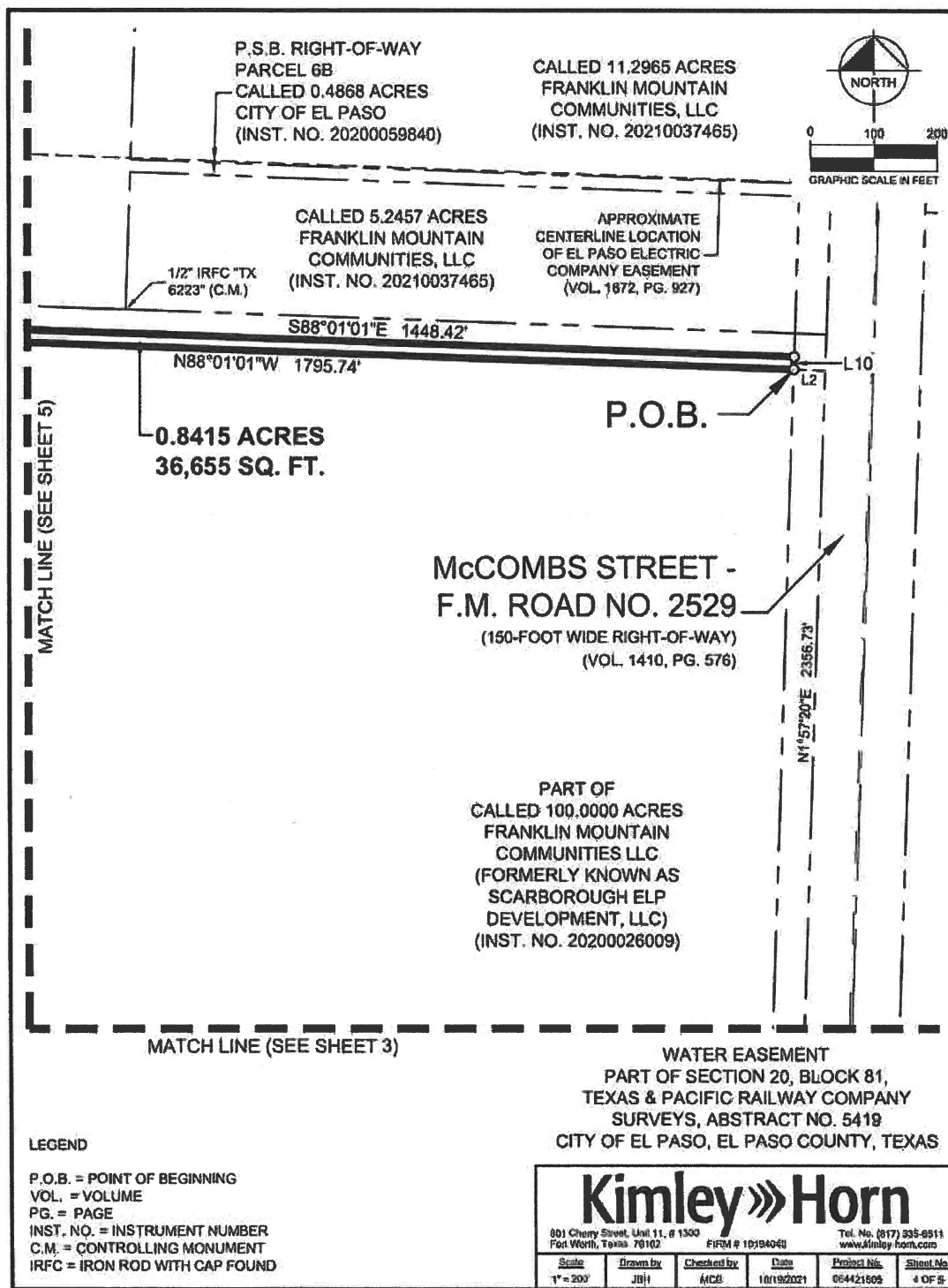
FIRM # 10184040

Tel. No. (817) 335-6511
 www.kimley-horn.com

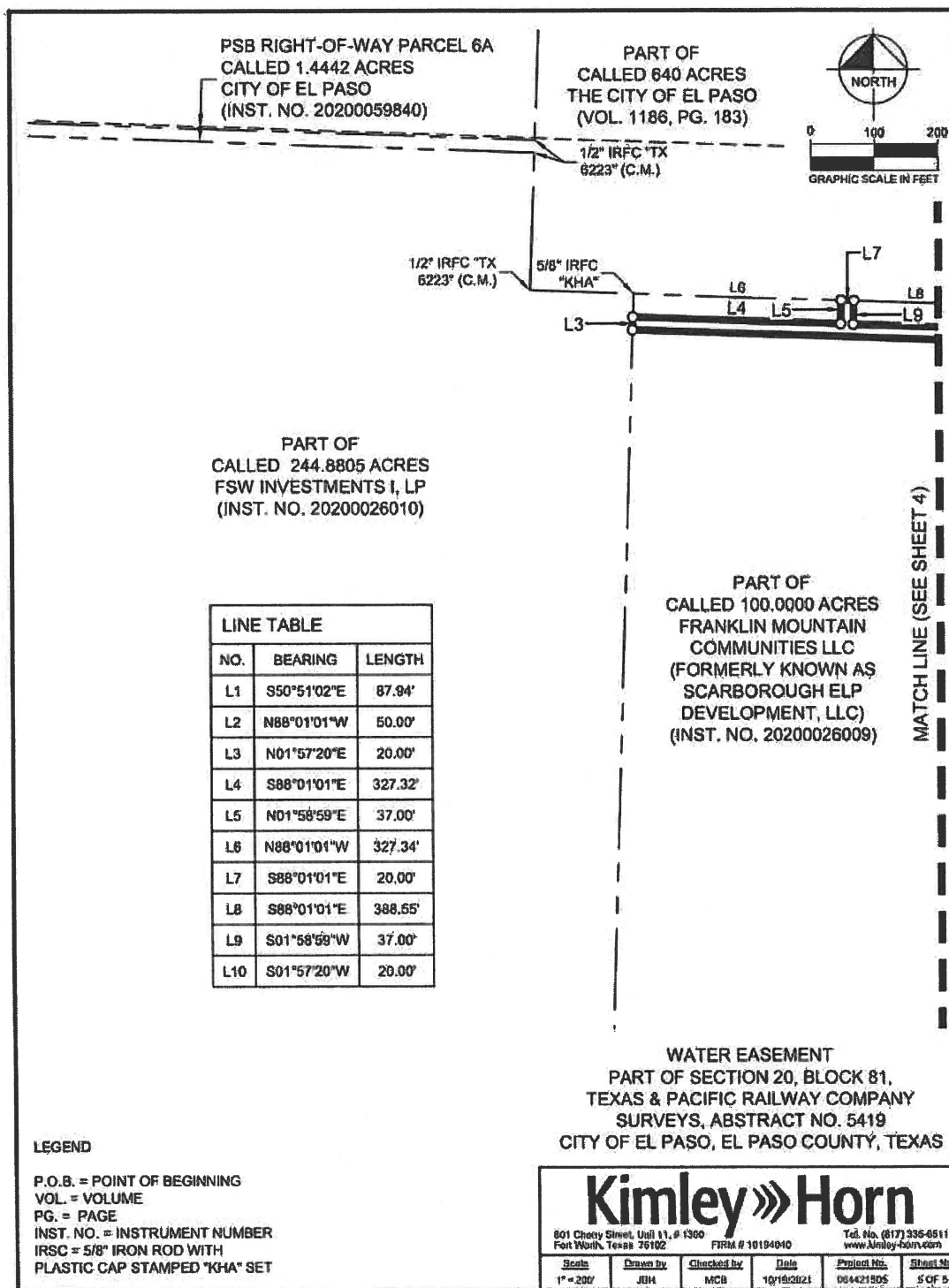
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCB	10/19/2021	064421505	2 OF 5

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HOPPER, BRADIN 10/19/2021 10:35 AM K:\FTW_SURVEY\084421603-2300 ACRES EL PASO\DWG\EASEMENTS AND RIGHT-OF-WAYS\084421505-2300 ACRES EL PASO_ESMT_WTR_2.DWG



EASEMENT

THE STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF EL PASO)

That the undersigned, FSW INVESTMENTS I, LP, hereinafter called "Grantor", for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration paid by the CITY OF EL PASO, a municipal corporation, for the use and benefit of the El Paso Water Utilities - Public Service Board, hereinafter called "Grantee," the receipt and sufficiency of which is hereby acknowledged by Grantor, does hereby grant and convey unto said Grantee, a 20-FT WIDE (0.3873 ACRES) underground easement, to install, repair, replace, reconstruct, and use, maintain and operate a underground 24-INCH RECLAIMED WATER LINE with necessary appurtenances, and improvements, being hereinafter sometimes collectively called the "Facilities", under and through the following described property in the County of El Paso, Texas, hereinafter referred to as the "Easement":

as depicted in the PART OF SECTION 20, BLOCK 81, TOWNSHIP 1, TEXAS & PACIFIC RAILWAY COMPANY SURVEYS, ABSTRACT NO. 5419 CITY OF EL PASO, EL PASO COUNTY, TEXAS attached hereto as Exhibit "A".

This Easement shall be subject to all matters of record and existing on the ground. Except as modified herein, this grant shall carry with it the right of ingress and egress to and from the Easement at all reasonable times, with the right to use existing roads for the purpose of constructing, reconstructing, installing, operating, inspecting, repairing, and maintaining the Facilities; and the removal or replacement of same either in whole or in part. Grantee may use such portion of the property along and adjacent to said easement, as may be reasonably necessary, in connections with the construction, reconstruction, installation, maintenance, repair, removal, or replacement of the Facilities.

Grantor reserves the right to full use and enjoyment of the property encumbered by the Easement except as otherwise provided herein. Grantor's use shall not hinder, conflict, or interfere with the exercise of Grantee's rights hereunder. No building, reservoir, or permanent structure shall be constructed or maintained on said Easement. However, Grantor its successors and assigns may use the Easement Area for improvements such as paving (provided that any concrete paving is constructed in 20' x 20' segments with expansion joints around the perimeter), parking, driveways, surface drainage improvements, landscaping (provided trees are in compliance with city code requirements), light poles with bases, access areas, curbs, curb cuts, roads and signage (provided that Grantor shall coordinate with Grantee regarding the specific location of light poles with bases, signage with bases, and trees within the Easement to ensure that such improvements are not placed over the Facilities and will not interfere with Grantee's operation of its Facilities). Additionally, parking stalls cannot be placed above facilities such as manholes and vaults.

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Grantor's employees, agents, and invitees, shall at all times, have access and use of the Easement and Grantee shall not unreasonably prohibit ingress to or egress from Grantor's adjacent land because of construction or for any other reason.

Grantor reserves the right to allow additional underground utilities and infrastructure to cross the Facilities, provided that the location of such additional utilities and infrastructure are marked and identifiable. Grantor however, agrees not to collocate underground utilities and infrastructure in the Easement, except for the collocation of water and sewer lines which is expressly permitted. For purposes of this Easement, "collocation" shall mean the parallel placement of other underground utilities and infrastructure within the Easement.

Grantee covenants and agrees not to unreasonably interfere with the use of the Easement by Grantor, its successor and assigns, and to restore the surface of the Easement and surrounding property, whenever disturbed by Grantee, to as good a condition as existed immediately prior to such disturbance, including, but not limited to, compaction of excavated areas, restoration of pavement areas, landscaping, sidewalks and other improvements. Grantee agrees to cooperate with Grantor if an adjustment of the Easement is required at any time; however, any reasonable costs associated with adjusting or relocating facilities shall be the responsibility of the Grantor. Grantee's consent shall not be unreasonably withheld where required.

This Easement shall automatically terminate unless Grantee objects to Grantor in writing within 10 days after delivery to Grantee of all the following items (the "Objection Period"): (i) a subdivision plat ("Plat") covering the Property that is recorded in the Real Property Records of El Paso County, Texas and creates a public utility easement for use by Grantee on, over and across Easement Area, and (ii) a "Termination Certificate", in recordable form, signed by a licensed engineer confirming to Grantee that: (a) the public utility easements shown on the Plat are in the same location as the Easement Area, and (b) Grantee Facilities are within the public utility easement on the Plat.

If Grantee does not provide written objection to Grantor within the Objection Period, Grantor may record the Termination Certificate as evidence that this easement has terminated without further action from Grantee. Provided however, that Grantee shall promptly execute reasonable documents confirming such termination as requested by Grantor. This obligation shall survive termination of this Easement.

Notwithstanding anything to the contrary contained herein, to the extent Grantee Facilities are located within street rights of way that are to be dedicated pursuant to the Plat ("Dedicated Right of Way"), Grantee shall retain rights under this easement to portions of the Easement Area within Dedicated Right of Way until such time as the Dedicated Right of Way is accepted by the applicable governmental authority.

The authority granted herein to Grantee does not include the right for Grantee to grant permission to any other person or entity to use the Easement Area for any purpose unrelated to the delivery by Grantee of electrical service. Grantor retains the exclusive authority to permit cable companies and telephone service companies to use the easement for their own purposes, provided

1048/3003/00013277.5

that such entities do not unreasonably obstruct Grantee's access or impair safe clearances from Grantee Facilities.

Grantee warrants to Grantor that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement as a condition to the validity of this Easement. Grantor warrants to Grantee that the undersigned has the full power and authority to execute this Easement and fulfill its obligations under this Easement.

WITNESS THE EXECUTION HEREOF the _____ day of _____,
202_.

(Signatures Continue on Following Pages)

1048/3003/00013277.5

GRANTOR:

FSW INVESTMENTS I, L.P.,
a Texas Limited Partnership

By: FSW GP, LLC
 a Texas limited liability company
 its general partner

By: _____
 Name: _____
 Title: _____

Executed on: _____

ACKNOWLEDGMENT

STATE OF TEXAS)
)
 COUNTY OF EL PASO)

This instrument was acknowledged before me on this the ____ day of _____,
 202__, by _____ of FSW Investments I, L.P., a
limited partnership.

 My Commission Expires

 Notary Public, State of Texas

(Additional Signature Contained on Following Page)

1048/3003/00013277.5

GRANTEE:

**CITY OF EL PASO
EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD**

By: _____
Marcela Navarrete
Vice President

Executed on: _____

APPROVED AS TO CONTENT:

Alma De Anda
Utility Land and Water Rights Manger

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF EL PASO)

This instrument was acknowledged before me on this the _____ day of _____, 202_, by Marcela Navarrete, Vice President, of El Paso Water Utilities Public Service Board.

My Commission Expires

Notary Public, State of Texas

1048/3003/00013277.5

EXHIBIT A**LEGAL DESCRIPTION**

BEING a tract of land situated in Section 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys, Abstract No. 5419, City of El Paso, El Paso County, Texas, and being part of a called 244.8805 acre tract of land described in Special Warranty Deed to PSW Investments I, LP recorded in Instrument No. 20200026010 of the Official Public Records of El Paso County, Texas, and being more particularly described as follows:

COMMENCING at a point in the west right-of-way line of McCombs Street - Farm to Market Road No. 2529 (150-foot wide right-of-way), and being the southeast corner of said 100.0000 acre tract; from said point the common corner of Sections 20 and 21, Block 81, Township 1, Texas & Pacific Railway Company Surveys and Sections 19 and 30, Block 80, Township 1, Texas & Pacific Railway Company Surveys bears South 50°51'02" East, a distance of 87.94 feet;

THENCE North 1°57'20" East, along the said west right-of-way line of McCombs Street, a distance of 2356.73 feet to a point;

THENCE departing the said west right-of-way line of McCombs Street, North 88°01'01" West, a distance of 1845.74 feet to a point in the east line of said 244.8805 acre tract, and being the **POINT OF BEGINNING**;

THENCE departing the said east line of the 244.8805 acre tract, North 88°01'01" West, a distance of 167.22 feet to a point for corner, and being the beginning of a tangent curve to the right with a radius of 770.00 feet, a central angle of 48°52'09", and a chord bearing and distance of North 63°34'56" West, 637.03 feet;

THENCE the following three (3) calls:

In a northerly direction, with said tangent curve to the right, an arc distance of 656.76 feet to a point for corner, North 87°59'29" West, a distance of 51.56 feet to a point for corner;

North 02°00'31" East, a distance of 10.00 feet to a point for corner in the south line of a called 1.4442 acre tract of land described in Declaration and Grant of Easements and Restrictions to City of El Paso Public Service Board (PSB) recorded in Instrument No. 20200059840 of said Official Public Records;

THENCE South 87°59'29" East, along the said south line of the 1.4442 acre tract, a distance of 69.40 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 48°32'51", a radius of 750.00 feet, a chord bearing and distance of South 63°44'35" East, 616.65 feet; from said point a 1/2-inch iron rod with plastic cap stamped "TX 6223" found for the southeast corner of said 1.4442 acre tract bears South 87°59'29" East, a distance of 565.22 feet;

CONTINUED ON SHEET 2

**WATER EASEMENT
PART OF SECTION 20, BLOCK 81,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEYS, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS**

Kimley»Horn

801 Cherry Street, Suite 11, El Paso, TX 79901		Phone 915.764.4444		Fax 915.764.4444	
Email: info@kimleyhorn.com		Website: www.kimleyhorn.com			
Project No.	Client No.	Drawn By	Checked By	Scale	Sheet No.
10483003/00013277.5	10483003/00013277.5	JAC	JAC	1" = 40'	1 OF 1

HOPPER, BRADEN 12/15/2024 11:37 AM HPTW_SURVEYING\481550-330 ACRES EL PASO\DWG\EXHIBITS AND REPORTS\WAY\0441100-330 ACRES EL PASO, TEXAS, WATER EASEMENT

10483003/00013277.5

LEGAL DESCRIPTION (CONTINUED)

THENCE departing the said south line of the 1.4442 acre tract, in a southeasterly direction, with said curve to the left, an arc distance of 636.49 feet to a point for corner;

THENCE South 88°01'01" East, a distance of 167.21 feet to a point for corner in the said east line of the 244.8805 acre tract;

THENCE South 01°57'20" West, along the said east line of the 244.8805 acre tract, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 16,872 square feet or 0.3873 acres of land, more or less.

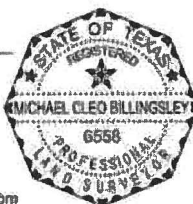
NOTES:

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), Central Zone (4283).

A survey plat of every survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the easement tract.

Michael C. Billingsley
MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6558
801 CHERRY STREET,
UNIT 11 SUITE 1300
FORT WORTH, TEXAS 76102
PH. 817-335-6511
michael.billingsley@kimley-horn.com



WATER EASEMENT
PART OF SECTION 20, BLOCK 81,
TEXAS & PACIFIC RAILWAY COMPANY
SURVEYS, ABSTRACT NO. 5419
CITY OF EL PASO, EL PASO COUNTY, TEXAS

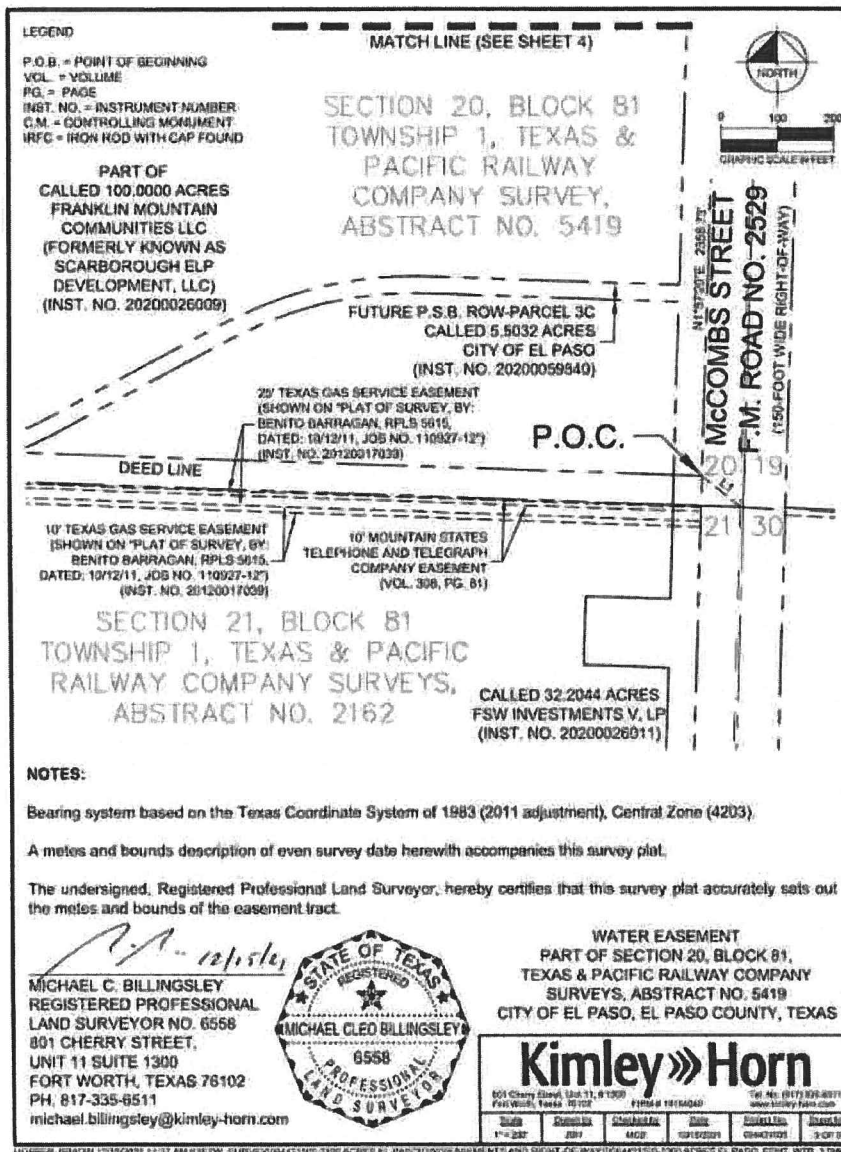
Kimley»Horn

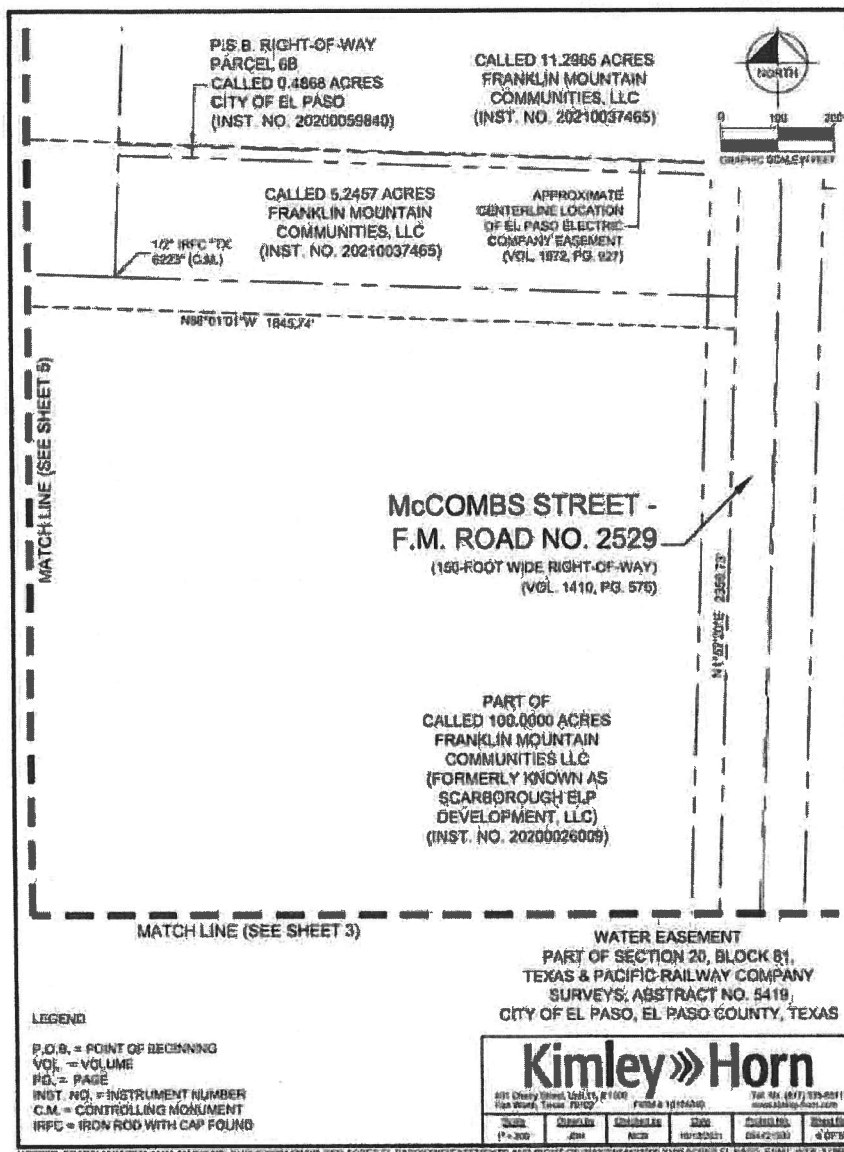
801 Cherry Street, Unit 11, Suite 1300 Fort Worth, Texas 76102 Phone: (817) 335-6511 Fax: (817) 335-6511 www.kimley-horn.com

NAME	ADDRESS	CITY/STATE	ZIP	PHONE	FAX	EMAIL
KPH	200	MCO	76102	817-335-6511	817-335-6511	200@k-h.com

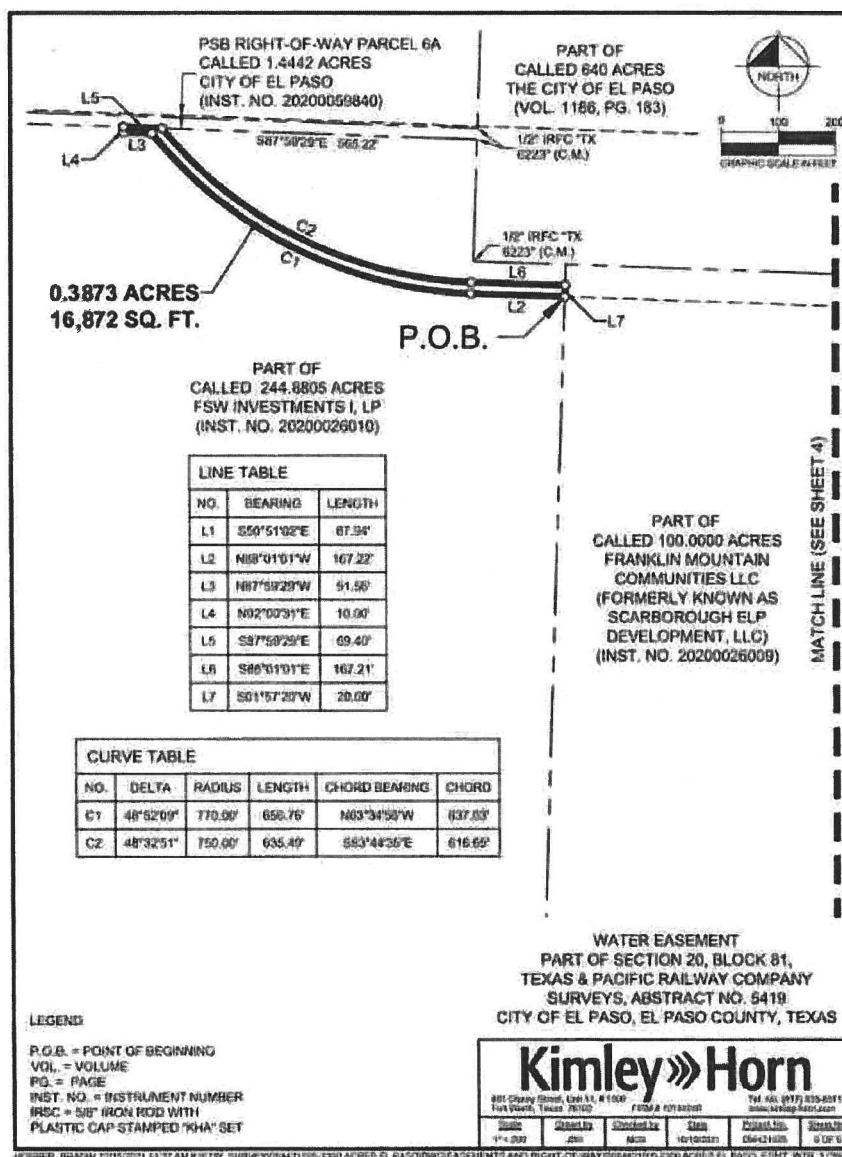
HORN, BRAND 12/15/2011 11:07 AM RPTW, SURVEY UN461504-3300 ACRES EL PASO WATER EASEMENT AND RIGHT OF WAY 5419 0.3873 ACRES EL PASO, CO. TEXAS

1048/3003/00013277.5





1048/3003/00013277.5



1048/3003/00013277.5



Legislation Text

File #: 22-771, 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, Claudia A. Garcia, (915) 212-1218

Libraries, Norma Martinez, (915) 212-5822

AGENDA LANGUAGE:

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

This linkage to Strategic Plan is subsection 4.2 - Create innovative recreational, educational and cultural programs.

Discussion and action on the request that the Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Sirsi Corporation dba SirsiDynix referencing Contract 2019-814 Integrated Library Services System Software. This change order is to increase the contract by \$92,018.10 for a total amount not to exceed \$998,628.23. The change order is to add the maintenance of the SirsiDynix mobile app and inclusion of eResource Central gateway services and connectors for the remainder of the contract.

Contract Variance:

No contract variance

Department:	Library
Award to:	Sirsi Corporation dba SirsiDynix
	Lehi, UT
Total Estimated Amount:	\$92,018.10
Account No.:	239-522290-1000-15240-P1506
Funding Source	General Funds
District(s):	All

This is a Sole Source, service contract.

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Norma Martinez, Director of Library, (915) 212-5822
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: No. 4 – Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

SUBGOAL: 4.2 – Create innovative recreational, educational and cultural programs

SUBJECT:

Request that the Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Sirsi Corporation dba SirsiDynix referencing Contract 2019-814 Integrated Library Services System Software. This change order is to increase the contract by \$92,018.10 for a total amount not to exceed \$998,628.23. The change order is to add the maintenance of the SirsiDynix mobile app and inclusion of eResource Central gateway services and connectors for the remainder of the contract.

BACKGROUND / DISCUSSION:

This change order provides for the purchase of an upgraded mobile app and software that manages eBooks within the mobile app and online catalog. This software provides real time updates, adding or removing eBooks to reflect the current status of purchased eBook licenses.

SELECTION SUMMARY:

N/A

CONTRACT VARIANCE:

No contract variance

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

On April 2, 2019 City Council approved the award of contract 2019-814 to Sirsi Corporation dba SirsiDynix for seven (7) years, for a total amount of \$869,118.00.

AMOUNT AND SOURCE OF FUNDING:

Amount: \$92,018.10

Funding Source: General Funds- Schedule E

Account: 522290-239-1000-15240-P1506

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES ___ NO

2019-814 Integrated Library Services System Software

PRIMARY DEPARTMENT: Library Services
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

Norma P. Martinez

Norma Martinez – Director of Library

**COUNCIL PROJECT FORM
(CHANGE ORDER)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **JUNE 22, 2022**.

STRATEGIC GOAL: No 4: Enhance El Paso's Quality of Life through Recreational, Cultural and Educational Environments

This linkage to Strategic Plan is subsection 4.2 – Create innovative recreational, educational and cultural programs Maximize.

Request that the Director of Purchasing & Strategic Sourcing be authorized to issue a purchase order to Sirsi Corporation dba SirsiDynix referencing Contract 2019-814 Integrated Library Services System Software. This change order is to increase the contract by \$92,018.10 for a total amount not to exceed \$998,628.23. The change order is to add the maintenance of the SirsiDynix mobile app and inclusion of eResource Central gateway services and connectors for the remainder of the contract.

Contract Variance:
No contract variance

Department:	Library
Award to:	Sirsi Corporation dba SirsiDynix Lehi, UT
Total Estimated Amount:	\$92,018.10
Account No.:	239-522290-1000-15240-P1506
Funding Source	General Funds
District(s):	All

This is a Sole Source, service contract.

*******ADDITIONAL INFO BELOW*******



Legislation Text

File #: 22-772, 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, Claudia A. Garcia, (915) 212-1218

Human Resources, Araceli Guerra, (915) 212-1401

AGENDA LANGUAGE:

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

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

Award Summary:

Discussion and action of the award of Solicitation No. 2022-0194R Benefit Consulting Services to Gallagher Benefits Services, Inc., for an initial term of five (5) years for an estimated amount of \$738,750.00. The award also includes a three (3) year option for an estimated amount of \$443,250.00. The total contract value is, including the initial term plus options is eight (8) years, for an estimated amount of \$1,182,000.00.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$204,150.00 for the initial term, which represents a 38.19% increase due to higher hourly rates and new services added to this contract.

Department:	Human Resources
Award to:	Gallagher Benefits Services, Inc. Rolling Meadows, IL
Item(s):	All
Initial Term:	5 years
Option to Extend:	3 years
Annual Estimated Award:	\$ 147,750.00
Initial Term Estimated Award:	\$ 738,750.00 (5 years)
Option Term Estimated Award	\$ 443,250.00 (3 years)
Total Estimated Award:	\$1,182,000.00 (8 years)
Account No.:	209-3500-14045-521160-P1414
Funding Source	Self Insurance Fund
District(s):	All

This is a Request for Proposal, requirements contract.

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

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

AGENDA DATE: June 22, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Araceli Guerra, Managing Director of Internal Services, (915) 212-1401
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-1218

DISTRICT(S) AFFECTED: All

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

SUBGOAL: 6.2 - Implement employee benefits and services that promote financial security.

SUBJECT:

Discussion and action of the award of Solicitation No. 2022-0194R Benefit Consulting Services to Gallagher Benefits Services, Inc., for an initial term of five (5) years for an estimated amount of \$738,750.00. The award also includes a three (3) year option for an estimated amount of \$443,250.00. The total contract value is, including the initial term plus options is eight (8) years, for an estimated amount of \$1,182,000.00.

BACKGROUND / DISCUSSION:

This contract will allow the City of El Paso to obtain general benefit consulting advice.

SELECTION SUMMARY:

Solicitation was advertised on December 14, 2021 and December 21, 2021. The solicitation was posted on City website on December 14, 2021. The email (Purmail) notification was sent out on December 16, 2021. There were a total forty-six (46) viewers online; two (2) proposals were received; none being a local supplier. An Inadequate Competition Survey was conducted.

CONTRACT VARIANCE:

The difference based in comparison to the previous contract is as follows: An increase of \$204,150.00 for the initial term, which represents a 38.19% increase due to higher hourly rates and new services added to this contract.

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

NA

AMOUNT AND SOURCE OF FUNDING:

Amount: \$738,750.00
Funding Source: Self Insurance Fund
Account: 209-3500-14045-521160-P1414

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Human Resources

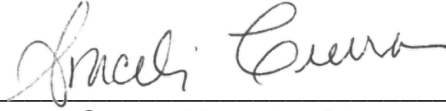
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

2022-0194R Benefit Consulting Services

Revised 2/23/2022-V2 – Previous Versions Obsolete

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

DEPARTMENT HEAD:



Araceli Guerra, Managing Director of Internal Services

**COUNCIL PROJECT FORM
(RFP)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR** agenda for the Council Meeting of **June 21, 2022**.

STRATEGIC GOAL NO. 6: Set the Standard for Sound Governance and Fiscal Management.

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

Award Summary:

Discussion and action of the award of Solicitation No. 2022-0194R Benefit Consulting Services to Gallagher Benefits Services, Inc., for an initial term of five (5) years for an estimated amount of \$738,750.00. The award also includes a three (3) year option for an estimated amount of \$443,250.00. The total contract value is, including the initial term plus options is eight (8) years, for an estimated amount of \$1,182,000.00.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$204,150.00 for the initial term, which represents a 38.19% increase due to higher hourly rates and new services added to this contract.

Department:	Human Resources
Award to:	Gallagher Benefits Services, Inc. Rolling Meadows, IL
Item(s):	All
Initial Term:	5 years
Option to Extend:	3 years
Annual Estimated Award:	\$ 147,750.00
Initial Term Estimated Award:	\$ 738,750.00 (5 years)
Option Term Estimated Award:	\$ 443,250.00 (3 years)
Total Estimated Award:	\$1,182,000.00 (8 years)
Account No.:	209-3500-14045-521160-P1414
Funding Source:	Self Insurance Fund
District(s):	All

This is a Request for Proposal, requirements contract.

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

*******ADDITIONAL INFO BELOW*******

CITY OF EL PASO RFP SCORESHEET

PROJECT: 2022-0194R Benefits Consulting Services

Evaluation of Submittal

MAX POINTS

Gallagher Benefit
Services, Inc.Hub International
Texas, Inc.

Factor A - Price

30

\$ 147,750.00

\$ 227,300.00

30.00

19.50

Factor B - Experience – Comparable Contracts

30

26.80

29.80

Factor C - References

30

28.00

18.00

Factor D - Quality of Response and Presentation

10

8.40

9.60

TOTAL SCORE

100

93.20

76.90

Rank

1

2



CITY OF EL PASO
REQUEST FOR PROPOSALS TABULATION FORM



Bid Opening Date: February 2, 2022

Solicitation #: 2022-0194R

Project Name: Benefits Consulting Services

Department: Human Resources

BIDDER'S NAME:	LOCATION:	AMENDMENT(S) ACKNOWLEDGED:
Gallagher Benefit Services, Inc.	Austin, TX	No
Hub International Texas, Inc.	Fort Worth, TX	Yes
RFPs SOLICITED: 17 LOCAL RFPs SOLICITED: 3 RFPs RECEIVED: 2 LOCAL RFPs RECEIVED: 0 NO RFPs: 0		

NOTE: The information contained in this RFP tabulation is for information only and does not constitute actual award/execution of contract.

Approved: /s/

Date: 2/9/2022

2022-0194R Benefits Consulting Services

2022-0194R Benefits Consulting Services

BBVA COMPASS
ATTN: JIM VOLK
690 SUNLAND PARK DRIVE
EL PASO, TX 79912

Mercer Human Resources Consultants
1225 17TH STREET
UNIT 2200
DENVER, CO 80202

AMERICAN BENEFIT CONSULTANTS
9575 KATY FREEWAY
150
HOUSTON, TX 77024

HEWITT ASSOCIATES
2201 WEST ROYAL LANE SUITE 100
IRVING, TX 75063

FINANCIAL BENEFIT SERVICES, LLC
2175 N. GLENVILLE DRIVE
RICHARDSON, TX 75082

HOLMES MURPHY
12712 PARK CENTRAL DRIVE
SUITE 100
DALLAS, TX 75251

MILLIMAN CONSULTANTS AND ACTUARIES
ATTN: DONALD M. SIMS
3000 BAYPORT DRIVE, SUITE 1050
TAMPA, FL 33607

RWL GROUP
300 N. COIT ROAD #810
RICHARDSON, TX 75080

SEGAL
ATTN: GARY L PETERSEN
1230 WEST WASHINGTON STREET, SUITE
501
TEMPE, ARIZONA 85281-1248

THE ABE PEINADO INSURANCE GROUP
ATTN: ABE PEINADO
1444 MONTANA
SUITE 100
EL PASO, TX 79902

MARKETING DEPARTMENT
VITECH SYSTEMS GROUP, INC.
401 PARK AVENUE SOUTH
NEW YORK, NY 10016

SMITH & ASSOCIATES CONSULTING
P.O. BOX 92398
SOUTHLAKE, TX 76092

AON RISK SOLUTIONS – EMP. BENEFITS
CONSULTING GROUP
ATTN: REBECCA ELLIS – ACCT. EXECUTIVE
6501 AMERICAS PARKWAY NE
ONE PARK SQUARE
ALBUQUERQUE, NM 87110

GALLAGER BENEFIT SERVICES INC
6399 SOUTH FIDDLER'S GREEN CIRCLE
SUITE 200
GREENWOOD VILLAGE, CO 80111-4949

BUCK CONSULTANTS (AN ACS COMPANY)
ATTN: ROBYN BAYNE OR TIMOTHY D.
OLIVER
14911 QUORUM DRIVE SUITE 200
DALLAS, TEXAS 75254

KORN FERRY
2101 CEDAR SPRINGS ROAD
SUITE 1450
DALLAS, TX 75201

HUB INTERNATIONAL
201 E. MAIN DR. # 800
EL PASO, TX 79901

EXECUTIVE SUMMARY
2022-0194R Benefit Consulting Services
VENDORS: Gallagher Benefit Services, Inc.

NATURE OF ITEM: (NEW CONTRACT, REPLACEMENT CONTRACT, EXTENSION, COOP PURCHASE, ETC.)	Replacement Contract													
ADVERTISEMENT DATES:	12/14/2021 & 12/21/2021													
POSTCARDS MAILED ON:	12/16/2021													
POSTED ON CITY WEBSITE:	12/14/2021													
EMAIL (PURMAIL) NOTIFICATION:	1/28/2021													
BIDS OPENED:	3/3/2021													
BIDS SOLICITED:	17													
BIDS RECEIVED:	2													
LOCAL BIDDERS CONTACTED:	3													
LOCAL BIDDERS RESPONDED:	0													
LOCATION OF VENDOR:	Rolling Meadows, IL													
ANNUAL / INITIAL or EXTENSION TERM AMOUNTS and PERIOD:	Initial Term: 5 years Option to Extend: 3 years Annual Estimated Award: \$ 147,750.00 Initial Term Estimated Award: \$ 738,750.00 (5 years) Option Term Estimated Award \$ 443,250.00 (3 years) Total Estimated Award: \$1,182,000.00 (8 years)													
PREVIOUS AND EXISTING CONTRACTS (SAME VENDOR):	NA													
EVALUATION CRITERIA:	<table><tr><th>EVALUATION FACTORS</th><th>MAXIMUM POINTS</th></tr><tr><td>A. Fee Proposal</td><td>30 Points</td></tr><tr><td>B. Experience & Qualifications</td><td>30 Points</td></tr><tr><td>C. Response of References</td><td>30 Points</td></tr><tr><td>D. Quality of Response & Presentation</td><td>10 Points</td></tr><tr><td>TOTAL</td><td>100 Points</td></tr></table>		EVALUATION FACTORS	MAXIMUM POINTS	A. Fee Proposal	30 Points	B. Experience & Qualifications	30 Points	C. Response of References	30 Points	D. Quality of Response & Presentation	10 Points	TOTAL	100 Points
	EVALUATION FACTORS	MAXIMUM POINTS												
	A. Fee Proposal	30 Points												
	B. Experience & Qualifications	30 Points												
	C. Response of References	30 Points												
	D. Quality of Response & Presentation	10 Points												
TOTAL	100 Points													
PRINCIPAL STRENGTHS:	Highest ranked proposer based on evaluation factors established for this procurement.													
VENDOR PERFORMANCE HISTORY:	NA													
PRICE REASONABLENESS (COMPARED TO PREVIOUS OR COOP CONTRACT):	(Refer to attachment)													

EXECUTIVE SUMMARY
2022-0194R Benefit Consulting Services
VENDORS: Gallagher Benefit Services, Inc.

OTHER INFORMATION:

The Strategic Goal for this item is:

STRATEGIC GOAL NO. 6: Set the Standard for Sound Governance and Fiscal Management.

The linkage to Strategic Plan is subsection 6.2 - Implement employee benefits and services that promote financial security. This contract will allow the City of El Paso to obtain general benefit consulting advice.

This is a Request for Proposals procurement for Benefit Consulting Services Item had 46 viewers online, 2 proposals were received, none being a local vendor. An inadequate competition survey was conducted.

No protest received for this requirement.

We are recommending to award Gallagher Benefit Services, Inc., the highest ranked proposer based on evaluation factors established for this procurement.

Contract Variance:

The difference based in comparison to the previous contract is as follows: An increase of \$204,150.00 for the initial term, which represents a 38.19% increase due to higher hourly rates and new services added to this contract.

SUMMARY
2022-0194R Benefit Consulting Services

	Project	Hourly Rate 2012-031R	Hourly Rate 2022-0194R	Variance		
1	Benefit Bid Development & Analysis (estimate at minimum 10 proposals submitted for TPA & associated services)	\$ 210.00	\$ 200.00	\$ (10.00)	5.00%	Decrease
2	Annual Health Plan Rate Development for budget	\$ 210.00	\$ 400.00	\$ 190.00	90.48%	Increase
3	Annual actuarial analysis of the Health Fund*	\$ 355.00	\$ 275.00	\$ (80.00)	29.09%	Decrease
4	GASB45 valuation and report (1)	\$ 210.00	Not under this contract	-	-	-
5	Guidance and update on Federal & State Laws & Regulations	New service, not under this contract	\$ 200.00	-	-	New service
6	Workers' Compensation Guidance	New service, not under this contract	\$ 200.00	\$ 200.00	100.00%	New service
7	HIPPA Consultant Services	\$ 210.00	\$ 200.00	\$ (10.00)	5.00%	Decrease
8	Deferred Compensation	\$ 210.00	\$ 200.00	\$ (10.00)	5.00%	Decrease
Additional Services						
1	CBA - FD	New service, not under this contract	Included in Consulting Fee	-	-	New service
2	CBA - PD	New service, not under this contract	Included in Consulting Fee	-	-	New service

Increase 90.48%
Decrease 40.34%
Overall Increase 50.14%



Legislation Text

File #: 22-768, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

Districts 3, 6 and 7

Purchasing and Strategic Sourcing, Claudia A. Garcia, (915) 212-1218

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

AGENDA LANGUAGE:

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

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

Discussion and action on the award of Solicitation 2022-0508 Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements to MARTINEZ BROS. CONTRACTORS, LLC for Base Bid I: \$437,229.91, Base Bid II: \$1,182,994.67, Base Bid III: \$3,513,400.73 and Additive Alternate I: \$358,576.05 for a total estimated award of \$5,492,201.36. This project consists of arterial lighting and landscape improvements along Pebble Hills, Airport Rd. and Vista del Sol.

Department:	Capital Improvement
Award to:	MARTINEZ BROS. CONTRACTORS, LLC
	El Paso, TX
Item(s):	Base Bid I, II, III & Additive Alternate I
Initial Term:	570 Consecutive Calendar Days
Base Bid I:	\$437,229.91
Base Bid II:	\$1,182,994.67
Base Bid III:	\$3,513,400.73
Additive Alternate I:	\$358,576.05
Total Estimated Award:	\$5,492,201.36
Account No.:	190 - 4745 - 28900 - 580220 - PCP20ST013
Funding Source:	2019 Capital Plan
District(s):	3,6,7

This is a Competitive Sealed Proposal, unit price contract.

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

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: June 22, 2022
PUBLIC HEARING DATE: Not Applicable

CONTACT PERSON(S) NAME AND PHONE NUMBER:

Yvette Hernandez, City Engineer (915) 212-1860
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing,
(915) 212-0043

DISTRICT(S) AFFECTED: 3, 6, 7

STRATEGIC GOAL: No. 7: Enhance and Sustain El Paso's Infrastructure Network

SUBGOAL: 7.2: Improve competitiveness through infrastructure improvements impacting the quality of life

SUBJECT:

Discussion and action on the award of solicitation 2022-0508 Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements to MARTINEZ BROS. CONTRACTORS, LLC for Base Bid I: \$437,229.91, Base Bid II: \$1,182,994.67, Base Bid III: \$3,513,400.73 and Additive Alternate I: \$358,576.05 for a total estimated award of \$5,492,201.36. This project consists of arterial lighting and landscape improvements along Pebble Hills Ave., Airport Rd. and Vista del Sol Dr.

BACKGROUND / DISCUSSION:

The proposed project supports the development of arterial lighting and median landscape improvements on the following streets and sections: Pebble Hills Ave. median landscaping from Lee Trevino Dr. to George Dieter Dr. and IT conduit. Airport Road arterial and landscape improvements from Montana Ave. to Spur 601. Vista del Sol Dr. arterial lighting improvements from Sumac Drive to Loop 375.

SELECTION SUMMARY:

Solicitation was advertised on March 1, 2022 and March 8, 2022. The solicitation was posted on City website on March 1, 2022. The email (Purmail) notification was sent out on March 3, 2022. There was a total of seventy five (75) viewers online; four (4) proposals were received; all from local suppliers.

CONTRACT VARIANCE:

N/A

PROTEST

No protest received for this requirement.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

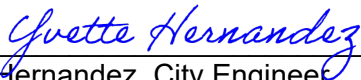
Amount: \$5,492,201.36
Funding Source: 2019 Capital Plan
Account: 190-4745-28900-580220-PCP20ST013

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:



Yvette Hernandez, City Engineer

**COUNCIL PROJECT FORM
(Competitive Sealed Proposal)**

*******POSTING LANGUAGE BELOW*******

Please place the following item on the **REGULAR AGENDA** for the Council Meeting of **June 22, 2022**.

STRATEGIC GOAL 7 Enhance and Sustain El Paso's Infrastructure Network

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

Award Summary:

Discussion and action on the award of solicitation 2022-0508 Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements to MARTINEZ BROS. CONTRACTORS, LLC for Base Bid I: \$437,229.91, Base Bid II: \$1,182,994.67 , Base Bid III: \$3,513,400.73 and Additive Alternate I: \$358,576.05 for a total estimated award of \$5,492,201.36. This project consists of arterial lighting and landscape improvements along Pebble Hills, Airport Rd. and Vista del Sol.

Department:	Capital Improvement
Award to:	MARTINEZ BROS. CONTRACTORS, LLC El Paso, TX
Item(s):	Base Bid I, Base Bid II, Base Bid III, Additive Alternate I
Initial Term:	570 Consecutive Calendar Days
Base Bid I:	\$437,229.91
Base Bid II:	\$1,182,994.67
Base Bid III:	\$3,513,400.73
Additive Alternate I:	\$358,576.05
Total Estimated Award:	\$5,492,201.36
Account No.:	190 – 4745 – 28900 – 580220 – PCP20ST013
Funding Source:	2019 Capital Plan
District(s):	3,6,7

This is a Competitive Sealed Proposal, unit price contract.

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

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.

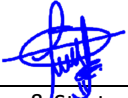
As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law, do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


COMPETITIVE SEALED PROPOSAL (CSP) Ranking

Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

Solicitation No. 2022-0508

Evaluation Factors	Maximum Points	Martinez Bros Contractors, LLC	Jordan Foster Construction, LLC	Allen Concrete, LLC	El Paso A.R.C. Electric, Inc.
Factor A - Offeror's Fee Proposal	35	\$ 5,133,625.31 35.00	\$ 7,415,622.50 24.23	\$ 6,421,397.69 27.98	\$ 5,342,014.78 33.63
Factor B - Offeror's Experience and Reputation	20	13.94	16.94	8.74	0.00
Factor C - Offeror's Project Planning and Scheduling for this Project	10	7.14	8.02	2.98	5.22
Factor D - Offeror's Quality Assurance/Control for this Project	15	10.04	11.22	8.90	4.16
Factor E - Offeror's Project Safety Program	5	3.64	4.14	3.32	2.14
Factor F – Proposed Key Personnel	15	12.72	13.64	12.20	3.82
Total Points	100	82.48	78.19	64.12	48.97
Ranking		1	2	3	4

APPROVED:  5/12/2022
Interim Purchasing & Strategic Sourcing Director Date

APPROVED:  5/12/22
City Engineer Date

Bid Tab Summary

2022-0508 Pebble Hills, Airport Rd, Vista Del Sol, Arterial Lighting and Landscape Improvments

	Contractor	Base Bid I	Base Bid II	Base Bid III	Alternate I	Total Amount
1	Martinez Brothers	\$437,229.91	\$1,182,994.67	\$3,513,400.73	\$358,576.05	\$5,492,201.36
2	Jordan Foster	\$769,448.50	\$1,837,799.00	\$4,808,375.00	\$207,590.00	\$7,623,212.50
3	Allen Concrete	\$604,168.58	\$1,361,415.56	\$4,455,813.55	\$244,085.26	\$6,665,482.95
4	ARC Electric Inc.	\$531,743.91	\$1,324,970.21	\$3,485,300.66	\$316,156.46	\$5,658,171.24



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
1	81	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE	\$ 40.43	\$ 3,274.83	\$ 18.00	\$ 1,458.00	\$ 20.00	\$ 1,620.00
2	353	LF	REMOVE CONCRETE CURB & GUTTER	\$ 2.50	\$ 882.50	\$ 5.00	\$ 1,765.00	\$ 10.00	\$ 3,530.00
3	1,611	SY	REMOVE CONCRETE	\$ 22.50	\$ 36,247.50	\$ 16.00	\$ 25,776.00	\$ 25.00	\$ 40,275.00
4	201	SY	REMOVE MISCELLANEOUS LANDSCAPE	\$ 37.00	\$ 7,437.00	\$ 49.50	\$ 9,949.50	\$ 18.00	\$ 3,618.00
5	0	EA	REMOVE ILLUM POLE ASSEMBLY		\$ -				\$ -
6	0	EA	TREE PROTECTION		\$ -				\$ -
7	5	EA	REMOVING CONC (WHEELCHAIR RAMP)	\$ 500.00	\$ 2,500.00	\$ 500.00	\$ 2,500.00	\$ 2,000.00	\$ 10,000.00
8	50	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 83.00	\$ 4,150.00	\$ 25.00	\$ 1,250.00	\$ 35.00	\$ 1,750.00
9	72	SY	REMOVE CONC SIDEWALK	\$ 22.50	\$ 1,620.00	\$ 20.00	\$ 1,440.00	\$ 18.00	\$ 1,296.00
10	0	EA	REMOVE TIMBER BOLLARD		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	0	LF	REMOVE METAL BEAM GUARD FENCE				\$ -		\$ -
12	4	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)	\$ 525.00	\$ 2,100.00	\$ 72.00	\$ 288.00	\$ 200.00	\$ 800.00
13	25	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)	\$ 7.00	\$ 175.00	\$ 15.00	\$ 375.00	\$ 15.00	\$ 375.00
14	43	TON	D-GR HMA (SQ) TY-B PG76-22	\$ 180.00	\$ 7,740.00	\$ 275.00	\$ 11,825.00	\$ 300.00	\$ 12,900.00
15	35	SY	CONC MEDIAN MISC	\$ 77.20	\$ 2,702.00	\$ 75.00	\$ 2,625.00	\$ 110.00	\$ 3,850.00
16	2	EA	CURB RAMP (TY 2) (MOD)	\$ 1,869.00	\$ 3,738.00	\$ 1,800.00	\$ 3,600.00	\$ 3,000.00	\$ 6,000.00
17	4	EA	CURB RAMP (TY 7)	\$ 1,442.00	\$ 5,768.00	\$ 1,900.00	\$ 7,600.00	\$ 2,500.00	\$ 10,000.00
18	3	EA	CURB RAMP (TY 7) (MOD)	\$ 2,958.00	\$ 8,874.00	\$ 2,000.00	\$ 6,000.00	\$ 3,000.00	\$ 9,000.00
19	2	EA	CURB RAMP (TY 20) (MOD)	\$ 1,935.00	\$ 3,870.00	\$ 2,800.00	\$ 5,600.00	\$ 3,500.00	\$ 7,000.00
20	12	SY	CONCRETE SIDEWALK (4")	\$ 184.32	\$ 2,211.84	\$ 90.00	\$ 1,080.00	\$ 80.00	\$ 960.00
21	264	LF	CONC CURB & GUTTER (TY A)	\$ 17.56	\$ 4,635.84	\$ 24.00	\$ 6,336.00	\$ 30.00	\$ 7,920.00
22	0	LF	MTL W-BEAM GD FEN (TIM POST)		\$ -		\$ -		\$ -
23	8	SY	MISC LANDSCAPE - (MATCH EXISTING)	\$ 500.00	\$ 4,000.00	\$ 350.00	\$ 2,800.00	\$ 100.00	\$ 800.00
24	4	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)	\$ 971.00	\$ 3,884.00	\$ 850.00	\$ 3,400.00	\$ 1,000.00	\$ 4,000.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC					
				Bidder 1 of 4		Bidder 2 of 4		Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	3	EA	RELOCATE SIGN	\$ 690.00	\$ 2,070.00	\$ 600.00	\$ 1,800.00	\$ 700.00	\$ 2,100.00
26	790	LF	REFL PAV MRK TY I (W) 24" (SLD)(100 MIL)	\$ 8.00	\$ 6,320.00	\$ 7.00	\$ 5,530.00	\$ 8.00	\$ 6,320.00
27	109	EA	REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	\$ 36.00	\$ 3,924.00	\$ 60.00	\$ 6,540.00	\$ 64.00	\$ 6,976.00
28	790	LF	REFL PAV MRK TY II (W) 24" (SLD)	\$ 4.60	\$ 3,634.00	\$ 3.00	\$ 2,370.00	\$ 5.00	\$ 3,950.00
29	109	EA	REFL PAV MRK TY II (W) 18" (YLD TRI)	\$ 23.00	\$ 2,507.00	\$ 15.00	\$ 1,635.00	\$ 50.00	\$ 5,450.00
30	18	LF	ELIM EXT PAV MRK & MRKS (4")	\$ 17.25	\$ 310.50	\$ 2.25	\$ 40.50	\$ 1.00	\$ 18.00
31	1,035	LF	ELIM EXT PAV MRK & MRKS (24")	\$ 2.58	\$ 2,670.30	\$ 4.00	\$ 4,140.00	\$ 5.00	\$ 5,175.00
32	790	LF	PAV SURF PREP FOR MRK (24")	\$ 0.86	\$ 679.40	\$ 1.25	\$ 987.50	\$ 2.00	\$ 1,580.00
33	109	EA	PAV SURF PREP FOR MRK (18")(YLD TRI)	\$ 9.20	\$ 1,002.80	\$ 5.50	\$ 599.50	\$ 30.00	\$ 3,270.00
34	162	LF	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)	\$ 9.20	\$ 1,490.40	\$ 0.90	\$ 145.80	\$ 4.00	\$ 648.00
35	0	EA	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
36	0	EA	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
37	0	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)		\$ -		\$ -		\$ -
38	0	LF	CONDUIT (PVC) (SCH 40) (2")		\$ -		\$ -		\$ -



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -		\$ -		\$ -
40	0	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED		\$ -		\$ -		\$ -
41	0	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED		\$ -		\$ -		\$ -
42	0	EA	GROUND BOX TYPE A (122311)		\$ -		\$ -		\$ -
43	0	EA	GROUND BOX TYPE A (122311) W/APRON		\$ -		\$ -		\$ -
44	0	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)		\$ -		\$ -		\$ -
45	0	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	0	CY	CONCRETE RIPRAP (4")		\$ -		\$ -		\$ -
47	0	SY	**REMOVE AND REPLACE SIDEWALK		\$ -		\$ -		\$ -
48	4	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 3,125.00	\$ 12,500.00	\$ 3,500.00	\$ 14,000.00	\$ 10,000.00	\$ 40,000.00
49	23,014	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.28	\$ 29,457.92	\$ 1.52	\$ 34,981.28	\$ 1.25	\$ 28,767.50
50	17,000	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 7.00	\$ 119,000.00	\$ 3.41	\$ 57,970.00	\$ 8.00	\$ 136,000.00
51	0	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
52	0	SF	4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
53	0	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
54	8,050	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT	\$ 4.25	\$ 34,212.50	\$ 2.79	\$ 22,459.50	\$ 5.00	\$ 40,250.00
55	53	EA	BOULDER	\$ 416.00	\$ 22,048.00	\$ 216.00	\$ 11,448.00	\$ 500.00	\$ 26,500.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	0	LF	GABION BASKETS		\$ -		\$ -		\$ -
57	1	LS	MINOR GRADING	\$ 12,000.00	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
58	830	LF	6" CONCRETE MOW CURB	\$ 9.00	\$ 7,470.00	\$ 18.00	\$ 14,940.00	\$ 20.00	\$ 16,600.00
59	26	EA	TREES - 2" CAL.	\$ 867.00	\$ 22,542.00	\$ 538.00	\$ 13,988.00	\$ 800.00	\$ 20,800.00
60	0	EA	TREES - 3" CAL.		\$ -		\$ -		\$ -
61	706	EA	SHRUBS - 5 GAL.	\$ 49.00	\$ 34,594.00	\$ 50.00	\$ 35,300.00	\$ 55.00	\$ 38,830.00
62	184	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 32.00	\$ 5,888.00	\$ 22.71	\$ 4,178.64	\$ 30.00	\$ 5,520.00
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 136,000.00	\$ 136,000.00	\$ 119,571.00	\$ 119,571.00	\$ 160,000.00	\$ 160,000.00
64	4	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 3,500.00	\$ 14,000.00	\$ 12,000.00	\$ 48,000.00	\$ 12,000.00	\$ 48,000.00
Sum Total – Base Bid I (Items 1-64)				\$ 580,131.33 Contractor's Price \$580,931.33		\$ 511,292.22		\$ 737,448.50	
Mobilization (Not to exceed 5% of Base Bid I)				\$ 23,237.25		\$ 20,455.00		\$ 32,000.00	
Sum Total (Base Bid I and Mobilization)				\$ 603,368.58 Contractor's Price \$604,168.58		\$ 531,747.22 Contractor's Price \$531,743.91		\$ 769,448.50	



**CITY OF EL PASO
BID TABULATION FORM**



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BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
BASE BID II – UNIT PRICE SCHEDULE - AIRPORT RD. ARTERIAL LIGHTING & LANDSCAPE & LANDSCAPE IMPROVEMENTS									
1	0	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE		\$ -		\$ -		\$ -
2	0	LF	REMOVE CONCRETE CURB & GUTTER		\$ -		\$ -		\$ -
3	12,471	SY	REMOVE CONCRETE	\$ 9.00	\$ 112,239.00	\$ 16.00	\$ 199,536.00	\$ 20.00	\$ 249,420.00
4	0	SY	REMOVE MISCELLANEOUS LANDSCAPE		\$ -		\$ -		\$ -
5	8	EA	REMOVE ILLUM POLE ASSEMBLY	\$ 1,438.00	\$ 11,504.00	\$ 950.00	\$ 7,600.00	\$ 1,300.00	\$ 10,400.00
6	0	EA	TREE PROTECTION		\$ -		\$ -		\$ -
7	0	EA	REMOVING CONC (WHEELCHAIR RAMP)		\$ -		\$ -		\$ -
8	25	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 100.00	\$ 2,500.00	\$ 25.00	\$ 625.00	\$ 35.00	\$ 875.00
9	0	SY	REMOVE CONC SIDEWALK		\$ -		\$ -		\$ -
10	0	EA	REMOVE TIMBER BOLLARD		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	0	LF	REMOVE METAL BEAM GUARD FENCE		\$ -		\$ -		\$ -
12	0	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)		\$ -		\$ -		\$ -
13	0	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)		\$ -		\$ -		\$ -
14	0	TON	D-GR HMA (SQ) TY-B PG76-22		\$ -		\$ -		\$ -
15	0	SY	CONC MEDIAN MISC		\$ -		\$ -		\$ -
16	0	EA	CURB RAMP (TY 2) (MOD)		\$ -		\$ -		\$ -
17	0	EA	CURB RAMP (TY 7)		\$ -		\$ -		\$ -
18	0	EA	CURB RAMP (TY 7) (MOD)		\$ -		\$ -		\$ -
19	0	EA	CURB RAMP (TY 20) (MOD)		\$ -		\$ -		\$ -
20	0	SY	CONCRETE SIDEWALK (4")		\$ -		\$ -		\$ -
21	0	LF	CONC CURB & GUTTER (TY A)		\$ -		\$ -		\$ -
22	0	LF	MTL W-BEAM GD FEN (TIM POST)		\$ -		\$ -		\$ -
23	0	SY	MISC LANDSCAPE - (MATCH EXISTING)		\$ -		\$ -		\$ -
24	0	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	0	EA	ELIM EXT PAV MRK & MRKS (4")		\$ -		\$ -		\$ -
26	0	LF	ELIM EXT PAV MRK & MRKS (24")		\$ -		\$ -		\$ -
27	0	EA	PAV SURF PREP FOR MRK (24")		\$ -		\$ -		\$ -
28	0	LF	PAV SURF PREP FOR MRK (18")(YLD TRI)		\$ -		\$ -		\$ -
29	0	EA	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)		\$ -		\$ -		\$ -
30	0	LF	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
31	0	LF	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
32	0	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)		\$ -		\$ -		\$ -
33	0	EA	CONDUIT (PVC) (SCH 40) (2")		\$ -		\$ -		\$ -
34	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -		\$ -		\$ -
35	19	EA	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 6,842.00	\$ 129,998.00	\$ 5,675.00	\$ 107,825.00	\$ 6,000.00	\$ 114,000.00
36	0	EA	ELECTRICAL CONDUCTOR (NO. 8) INSULATED		\$ -		\$ -		\$ -
37	152	LF	GROUND BOX TYPE A (122311)	\$ 558.00	\$ 84,816.00	\$ 300.00	\$ 45,600.00	\$ 400.00	\$ 60,800.00
38	1,671	LF	GROUND BOX TYPE A (122311) W/APRON	\$ 24.20	\$ 40,438.20	\$ 12.00	\$ 20,052.00	\$ 13.00	\$ 21,723.00



**CITY OF EL PASO
BID TABULATION FORM**



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BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	1,693	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)	\$ 26.50	\$ 44,864.50	\$ 20.00	\$ 33,860.00	\$ 24.00	\$ 40,632.00
40	0	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED		\$ -		\$ -		\$ -
41	10,686	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 3.62	\$ 38,683.32	\$ 1.80	\$ 19,234.80	\$ 3.00	\$ 32,058.00
42	2	EA	GROUND BOX TYPE A (122311)	\$ 1,095.00	\$ 2,190.00	\$ 700.00	\$ 1,400.00	\$ 1,000.00	\$ 2,000.00
43	7	EA	GROUND BOX TYPE A (122311) W/APRON	\$ 1,438.00	\$ 10,066.00	\$ 985.00	\$ 6,895.00	\$ 1,300.00	\$ 9,100.00
44	1	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)	\$ 9,200.00	\$ 9,200.00	\$ 7,800.00	\$ 7,800.00	\$ 9,000.00	\$ 9,000.00
45	0	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	0	CY	CONCRETE RIPRAP (4")		\$ -		\$ -		\$ -
47	18	SY	**REMOVE AND REPLACE SIDEWALK	\$ 296.00	\$ 5,328.00	\$ 75.00	\$ 1,350.00	\$ 110.00	\$ 1,980.00
48	6	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 3,125.00	\$ 18,750.00	\$ 3,500.00	\$ 21,000.00	\$ 12,000.00	\$ 72,000.00
49	0	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
50	0	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
51	67,630	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.28	\$ 86,566.40	\$ 1.90	\$ 128,497.00	\$ 3.00	\$ 202,890.00
52	0	SF	2-4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
53	17,675	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 6.78	\$ 119,836.50	\$ 6.19	\$ 109,408.25	\$ 8.00	\$ 141,400.00
54	30,756	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT	\$ 4.25	\$ 130,713.00	\$ 2.86	\$ 87,962.16	\$ 6.00	\$ 184,536.00
55	137	EA	BOULDER	\$ 416.00	\$ 56,992.00	\$ 216.00	\$ 29,592.00	\$ 500.00	\$ 68,500.00



**CITY OF EL PASO
BID TABULATION FORM**



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BID NO: 2022-0508

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DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	0	LF	GABION BASKETS		\$ -		\$ -		\$ -
57	1	LS	MINOR GRADING	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 35,000.00	\$ 35,000.00
58	0	LF	6" CONCRETE MOW CURB		\$ -		\$ -		\$ -
59	0	EA	TREES - 2" CAL.		\$ -		\$ -		\$ -
60	56	EA	TREES - 3" CAL.	\$ 772.00	\$ 43,232.00	\$ 846.00	\$ 47,376.00	\$ 800.00	\$ 44,800.00
61	1,181	EA	SHRUBS - 5 GAL.	\$ 49.00	\$ 57,869.00	\$ 50.00	\$ 59,050.00	\$ 55.00	\$ 64,955.00
62	491	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 32.00	\$ 15,712.00	\$ 22.71	\$ 11,150.61	\$ 30.00	\$ 14,730.00
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 251,909.00	\$ 251,909.00	\$ 241,196.00	\$ 241,196.00	\$ 300,000.00	\$ 300,000.00
64	6	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 3,500.00	\$ 21,000.00	\$ 12,000.00	\$ 72,000.00	\$ 12,000.00	\$ 72,000.00
Sum Total – Base Bid II (Items 1-64)				\$ 1,309,406.92 Contractor's Price \$1,309,053.42		\$ 1,274,009.82		\$ 1,752,799.00	
Mobilization (Not to exceed 5% of Base Bid II)				\$ 52,362.14		\$ 50,960.39		\$ 85,000.00	
Sum Total (Base Bid II and Mobilization)				\$ 1,361,769.06 Contractor's Price \$1,361,415.56		\$ 1,324,970.21		\$ 1,837,799.00	



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BID TABULATION FORM**



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DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
BASE BID III – UNIT PRICE SCHEDULE VISTA DEL SOL DR. ARTERIAL LIGHTING & LANDSCAPE IMPROVEMENTS									
1	157	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE	\$ 23.00	\$ 3,611.00	\$ 18.00	\$ 2,826.00	\$ 20.00	\$ 3,140.00
2	478	LF	REMOVE CONCRETE CURB & GUTTER	\$ 2.50	\$ 1,195.00	\$ 5.00	\$ 2,390.00	\$ 10.00	\$ 4,780.00
3	587	SY	REMOVE CONCRETE	\$ 22.50	\$ 13,207.50	\$ 16.00	\$ 9,392.00	\$ 20.00	\$ 11,740.00
4	486	SY	REMOVE MISCELLANEOUS LANDSCAPE	\$ 37.00	\$ 17,982.00	\$ 49.50	\$ 24,057.00	\$ 15.00	\$ 7,290.00
5	8	EA	REMOVE ILLUM POLE ASSEMBLY	\$ 1,438.00	\$ 11,504.00	\$ 950.00	\$ 7,600.00	\$ 1,300.00	\$ 10,400.00
6	165	EA	TREE PROTECTION	\$ 800.00	\$ 132,000.00	\$ 300.00	\$ 49,500.00	\$ 80.00	\$ 13,200.00
7	10	EA	REMOVING CONC (WHEELCHAIR RAMP)	\$ 500.00	\$ 5,000.00	\$ 500.00	\$ 5,000.00	\$ 1,500.00	\$ 15,000.00
8	25	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 100.00	\$ 2,500.00	\$ 25.00	\$ 625.00	\$ 35.00	\$ 875.00
9	109	SY	REMOVE CONC SIDEWALK	\$ 22.50	\$ 2,452.50	\$ 20.00	\$ 2,180.00	\$ 20.00	\$ 2,180.00
10	1	EA	REMOVE TIMBER BOLLARD	\$ 500.00	\$ 500.00	\$ 100.00	\$ 100.00	\$ 350.00	\$ 350.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	12.5	LF	REMOVE METAL BEAM GUARD FENCE	\$ 48.00	\$ 600.00	\$ 50.00	\$ 625.00	\$ 30.00	\$ 375.00
12	10	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)	\$ 525.00	\$ 5,250.00	\$ 72.00	\$ 720.00	\$ 200.00	\$ 2,000.00
13	36	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)	\$ 7.00	\$ 252.00	\$ 15.00	\$ 540.00	\$ 15.00	\$ 540.00
14	60	TON	D-GR HMA (SQ) TY-B PG76-22	\$ 180.00	\$ 10,800.00	\$ 275.00	\$ 16,500.00	\$ 300.00	\$ 18,000.00
15	55	SY	CONC MEDIAN MISC	\$ 77.20	\$ 4,246.00	\$ 75.00	\$ 4,125.00	\$ 100.00	\$ 5,500.00
16	0	EA	CURB RAMP (TY 2) (MOD)		\$ -		\$ -		\$ -
17	2	EA	CURB RAMP (TY 7)	\$ 1,442.00	\$ 2,884.00	\$ 1,900.00	\$ 3,800.00	\$ 2,500.00	\$ 5,000.00
18	17	EA	CURB RAMP (TY 7) (MOD)	\$ 2,958.00	\$ 50,286.00 Contractor's Price \$5,916.00	\$ 2,000.00	\$ 34,000.00	\$ 3,000.00	\$ 51,000.00
19	0	EA	CURB RAMP (TY 20) (MOD)		\$ -		\$ -		\$ -
20	16	SY	CONCRETE SIDEWALK (4")	\$ 184.32	\$ 2,949.12 Contractor's Price \$2,934.00	\$ 90.00	\$ 1,440.00	\$ 80.00	\$ 1,280.00
21	356	LF	CONC CURB & GUTTER (TY A)	\$ 17.56	\$ 6,251.36	\$ 24.00	\$ 8,544.00	\$ 30.00	\$ 10,680.00
22	12.5	LF	MTL W-BEAM GD FEN (TIM POST)	\$ 225.00	\$ 2,812.50	\$ 250.00	\$ 3,125.00	\$ 60.00	\$ 750.00
23	0	SY	MISC LANDSCAPE - (MATCH EXISTING)		\$ -		\$ -		\$ -
24	3	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)	\$ 978.00	\$ 2,934.00	\$ 850.00	\$ 2,550.00	\$ 900.00	\$ 2,700.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	2	EA	ELIM EXT PAV MRK & MRKS (4")	\$ 690.00	\$ 1,380.00	\$ 600.00	\$ 1,200.00	\$ 700.00	\$ 1,400.00
26	1,116	LF	ELIM EXT PAV MRK & MRKS (24")	\$ 8.00	\$ 8,928.00	\$ 7.00	\$ 7,812.00	\$ 6.00	\$ 6,696.00
27	57	EA	PAV SURF PREP FOR MRK (24")	\$ 36.00	\$ 2,052.00	\$ 60.00	\$ 3,420.00	\$ 50.00	\$ 2,850.00
28	1,116	LF	PAV SURF PREP FOR MRK (18")(YLD TRI)	\$ 4.60	\$ 5,133.60	\$ 3.00	\$ 3,348.00	\$ 4.00	\$ 4,464.00
29	57	EA	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)	\$ 23.00	\$ 1,311.00	\$ 15.00	\$ 855.00	\$ 40.00	\$ 2,280.00
30	30	LF	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)	\$ 17.25	\$ 517.50	\$ 2.25	\$ 67.50	\$ 0.50	\$ 15.00
31	1,250	LF	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)	\$ 2.58	\$ 3,225.00	\$ 4.00	\$ 5,000.00	\$ 4.00	\$ 5,000.00
32	1,116	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)	\$ 0.86	\$ 959.76	\$ 1.25	\$ 1,395.00	\$ 1.50	\$ 1,674.00
33	57	EA	CONDUIT (PVC) (SCH 40) (2")	\$ 65.00	\$ 3,705.00	\$ 5.50	\$ 313.50	\$ 20.00	\$ 1,140.00
34	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -		\$ -		\$ -
35	120	EA	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 6,842.00	\$ 821,040.00 Contractor's Price \$821,404.00	\$ 5,675.00	\$ 681,000.00	\$ 6,000.00	\$ 720,000.00
36	7	EA	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 8,676.00	\$ 60,732.00	\$ 6,250.00	\$ 43,750.00	\$ 8,000.00	\$ 56,000.00
37	1,016	LF	GROUND BOX TYPE A (122311)	\$ 431.00	\$ 437,896.00	\$ 300.00	\$ 304,800.00	\$ 400.00	\$ 406,400.00
38	112	LF	GROUND BOX TYPE A (122311) W/APRON	\$ 14.38	\$ 1,610.56	\$ 12.00	\$ 1,344.00	\$ 13.00	\$ 1,456.00



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	41,165	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)	\$ 25.00	\$ 1,029,125.00	\$ 20.00	\$ 823,300.00	\$ 24.00	\$ 987,960.00
40	18852	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 3.45	\$ 65,039.40	\$ 1.95	\$ 36,761.40	\$ 4.00	\$ 75,408.00
41	111,484	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 3.16	\$ 352,289.44	\$ 1.80	\$ 200,671.20	\$ 4.00	\$ 445,936.00
42	59	EA	GROUND BOX TYPE A (122311)	\$ 1,259.00	\$ 74,281.00	\$ 700.00	\$ 41,300.00	\$ 1,200.00	\$ 70,800.00
43	161	EA	GROUND BOX TYPE A (122311) W/APRON	\$ 1,438.00	\$ 231,518.00	\$ 985.00	\$ 158,585.00	\$ 1,400.00	\$ 225,400.00
44	0	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)	/		/		/	
45	3	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)	\$ 9,837.00	\$ 29,511.00	\$ 7,800.00	\$ 23,400.00	\$ 9,000.00	\$ 27,000.00



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC El Paso, TX Bidder 1 of 4		El Paso A.R.C Electric, Inc. El Paso, TX Bidder 2 of 4		Jordan Foster Construction, LLC El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	2	CY	CONCRETE RIPRAP (4")	\$ 1,250.00	\$ 2,500.00	\$ 75.00	\$ 150.00	\$ 2,000.00	\$ 4,000.00
47	168	SY	**REMOVE AND REPLACE SIDEWALK	\$ 82.00	\$ 13,776.00	\$ 75.00	\$ 12,600.00	\$ 110.00	\$ 18,480.00
48	8	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 3,125.00	\$ 25,000.00	\$ 3,500.00	\$ 28,000.00	\$ 10,000.00	\$ 80,000.00
49	16,321	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 4.89	\$ 79,809.69	\$ 1.53	\$ 24,971.13	\$ 6.00	\$ 97,926.00
50	0	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
51	0	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -		\$ -		\$ -
52	53,765	SF	2-4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 4.54	\$ 244,093.10	\$ 3.41	\$ 183,338.65	\$ 8.00	\$ 430,120.00
53	8,800	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 7.07	\$ 62,216.00	\$ 6.20	\$ 54,560.00	\$ 10.00	\$ 88,000.00
54	0	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT		\$ -		\$ -	\$ -	\$ -
55	60	EA	BOULDER	\$ 416.00	\$ 24,960.00	\$ 216.00	\$ 12,960.00	\$ 500.00	\$ 30,000.00



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	40	LF	GABION BASKETS	\$ 85.00	\$ 3,400.00	\$ 75.00	\$ 3,000.00	\$ 400.00	\$ 16,000.00
57	1	LS	MINOR GRADING	\$ 12,000.00	\$ 12,000.00	\$ 36,742.00	\$ 36,742.00	\$ 25,000.00	\$ 25,000.00
58	3300	LF	6" CONCRETE MOW CURB	\$ 9.50	\$ 31,350.00	\$ 18.00	\$ 59,400.00	\$ 20.00	\$ 66,000.00
59	60	EA	TREES - 2" CAL.	\$ 766.00	\$ 45,960.00	\$ 538.00	\$ 32,280.00	\$ 800.00	\$ 48,000.00
60	0	EA	TREES - 3" CAL.		\$ -		\$ -		\$ -
61	1,129	EA	SHRUBS - 5 GAL.	\$ 53.00	\$ 59,837.00	\$ 50.00	\$ 56,450.00	\$ 60.00	\$ 67,740.00
62	315	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 38.00	\$ 11,970.00	\$ 22.71	\$ 7,153.65	\$ 30.00	\$ 9,450.00
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 252,604.00	\$ 252,604.00	\$ 238,504.00	\$ 238,504.00	\$ 300,000.00	\$ 300,000.00
64	8	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 3,500.00	\$ 28,000.00	\$ 12,000.00	\$ 96,000.00 Contractor's Price \$12,000.00	\$ 12,000.00	\$ 96,000.00
Sum Total – Base Bid III (Items 1-64)				\$ 4,306,947.03		\$ 3,364,071.03		\$ 4,585,375.00	
				Contractors Price \$4,295,472.03		Contractor's Price \$3,351,250.63			
Mobilization (Not to exceed 5% of Base Bid III)				\$ 150,341.52		\$ 134,050.03		\$ 223,000.00	
Sum Total (Base Bid III and Mobilization)				\$ 4,457,288.55		\$ 3,498,121.06		\$ 4,808,375.00	
				Contractors Price \$4,448,813.55		Contractor's Price \$3,485,300.66			
Sum Total Base Bid I, Base Bid II, Base Bid III and Mobilization				\$ 6,422,426.19		\$ 5,354,838.49		\$ 7,415,622.50	
				Contractor's Price \$6,411,397.69		Contractor's Price \$5,342,014.78			



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
Additive Alternate I – UNIT PRICE SCHEDULE PEBBLE HILLS BLVD. ITS									
1	0	LF	CONDT (HDPE) (SCH 40) (3")		\$ -		\$ -		\$ -
2	6,245	LF	CONDT (HDPE) (SCH 40) (3") BORE	\$ 23.00	\$ 143,635.00	\$ 28.00	\$ 174,860.00	\$ 20.00	\$ 124,900.00
3	22	EA	ITS GND BOX W/APRN	\$ 3,450.00	\$ 75,900.00	\$ 5,600.00	\$ 123,200.00	\$ 3,100.00	\$ 68,200.00
4	6,245	LF	NO. 14 XHHW INSULATED (TRACER)	\$ 2.07	\$ 12,927.15	\$ 0.95	\$ 5,932.75	\$ 2.00	\$ 12,490.00
Sum Total - Alternate I				\$ 232,462.15		\$ 303,992.75 Contractor's Price \$304,092.75		\$ 205,590.00	
Mobilization (Not to exceed 5% of Sum Total of Alternate)				\$ 11,623.11		\$ 12,163.71		\$ 2,000.00	
Sum Total (Additive Alternate I and Mobilization)				\$ 244,085.26		\$ 316,156.46 Contractor's Price \$316,256.46		\$ 207,590.00	



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Allen Concrete, LLC		El Paso A.R.C Electric, Inc.		Jordan Foster Construction, LLC	
				El Paso, TX Bidder 1 of 4		El Paso, TX Bidder 2 of 4		El Paso, TX Bidder 3 of 4	
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
Additive Alternate II – UNIT PRICE SCHEDULE VISTA DEL SOL DR. ITS									
1	4,870	LF	CONDT (HDPE) (SCH 40) (3")	\$ 21.00	\$ 102,270.00	\$ 20.00	\$ 97,400.00	\$ 19.00	\$ 92,530.00
2	22,805	LF	CONDT (HDPE) (SCH 40) (3") BORE	\$ 23.00	\$ 524,515.00	\$ 28.00	\$ 638,540.00	\$ 21.00	\$ 478,905.00
3	81	EA	ITS GND BOX W/APRN	\$ 3,450.00	\$ 279,450.00	\$ 5,600.00	\$ 453,600.00	\$ 3,200.00	\$ 259,200.00
4	27,675	LF	NO. 14 XHHW INSULATED (TRACER)	\$ 2.07	\$ 57,287.25	\$ 0.95	\$ 26,291.25	\$ 2.00	\$ 55,350.00
Sum Total - Alternate II				\$ 963,522.25		\$ 1,215,831.25		\$ 885,985.00	
Mobilization (Not to exceed 5% of Sum Total of Alternate)				\$ 48,176.11		\$ 48,633.25		\$ 5,000.00	
Sum Total (Additive Alternate II and Mobilization)				\$ 1,011,698.36		\$ 1,264,464.50		\$ 890,985.00	



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
1	81	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE	\$ 35.50	\$ 2,875.50				
2	353	LF	REMOVE CONCRETE CURB & GUTTER	\$ 8.14	\$ 2,873.42				
3	1,611	SY	REMOVE CONCRETE	\$ 13.80	\$ 22,231.80				
4	201	SY	REMOVE MISCELLANEOUS LANDSCAPE	\$ 6.07	\$ 1,220.07				
5	0	EA	REMOVE ILLUM POLE ASSEMBLY		\$ -				
6	0	EA	TREE PROTECTION		\$ -				
7	5	EA	REMOVING CONC (WHEELCHAIR RAMP)	\$ 460.00	\$ 2,300.00				
8	50	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 20.70	\$ 1,035.00				
9	72	SY	REMOVE CONC SIDEWALK	\$ 16.10	\$ 1,159.20				
10	0	EA	REMOVE TIMBER BOLLARD						



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	0	LF	REMOVE METAL BEAM GUARD FENCE						
12	4	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)	\$ 287.50	\$ 1,150.00				
13	25	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)	\$ 46.00	\$ 1,150.00				
14	43	TON	D-GR HMA (SQ) TY-B PG76-22	\$ 178.25	\$ 7,664.75				
15	35	SY	CONC MEDIAN MISC	\$ 74.75	\$ 2,616.25				
16	2	EA	CURB RAMP (TY 2) (MOD)	\$ 977.50	\$ 1,955.00				
17	4	EA	CURB RAMP (TY 7)	\$ 1,092.50	\$ 4,370.00				
18	3	EA	CURB RAMP (TY 7) (MOD)	\$ 1,725.00	\$ 5,175.00				
19	2	EA	CURB RAMP (TY 20) (MOD)	\$ 1,955.00	\$ 3,910.00				
20	12	SY	CONCRETE SIDEWALK (4")	\$ 74.50	\$ 894.00				
21	264	LF	CONC CURB & GUTTER (TY A)	\$ 18.40	\$ 4,857.60				
22	0	LF	MTL W-BEAM GD FEN (TIM POST)		\$ -				
23	8	SY	MISC LANDSCAPE - (MATCH EXISTING)	\$ 121.88	\$ 975.04				
24	4	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)	\$ 1,092.50	\$ 4,370.00				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	3	EA	RELOCATE SIGN	\$ 517.50	\$ 1,552.50				
26	790	LF	REFL PAV MRK TY I (W) 24" (SLD)(100 MIL)	\$ 8.05	\$ 6,359.50				
27	109	EA	REF PAV MRK TY I(W)18"(YLD TRI)(100MIL)	\$ 36.80	\$ 4,011.20				
28	790	LF	REFL PAV MRK TY II (W) 24" (SLD)	\$ 4.60	\$ 3,634.00				
29	109	EA	REFL PAV MRK TY II (W) 18" (YLD TRI)	\$ 23.00	\$ 2,507.00				
30	18	LF	ELIM EXT PAV MRK & MRKS (4")	\$ 9.20	\$ 165.60				
31	1,035	LF	ELIM EXT PAV MRK & MRKS (24")	\$ 17.25	\$ 17,853.75				
32	790	LF	PAV SURF PREP FOR MRK (24")	\$ 2.30	\$ 1,817.00				
33	109	EA	PAV SURF PREP FOR MRK (18")(YLD TRI)	\$ 0.80	\$ 87.20				
34	162	LF	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)	\$ 9.20	\$ 1,490.40				
35	0	EA	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)		\$ -				
36	0	EA	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)		\$ -				
37	0	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)		\$ -				
38	0	LF	CONDUIT (PVC) (SCH 40) (2")		\$ -				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -				
40	0	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED		\$ -				
41	0	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED		\$ -				
42	0	EA	GROUND BOX TYPE A (122311)		\$ -				
43	0	EA	GROUND BOX TYPE A (122311) W/APRON		\$ -				
44	0	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)		\$ -				
45	0	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)		\$ -				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	0	CY	CONCRETE RIPRAP (4")		\$ -				
47	0	SY	**REMOVE AND REPLACE SIDEWALK		\$ -				
48	4	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 5,175.00	\$ 20,700.00				
49	23,014	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.33	\$ 30,608.62				
50	17,000	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 3.22	\$ 54,740.00				
51	0	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
52	0	SF	4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
53	0	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
54	8,050	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT	\$ 5.16	\$ 41,538.00				
55	53	EA	BOULDER	\$ 300.53	\$ 15,928.09				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	0	LF	GABION BASKETS		\$ -				
57	1	LS	MINOR GRADING	\$ 2,500.00	\$ 2,500.00				
58	830	LF	6" CONCRETE MOW CURB	\$ 16.10	\$ 13,363.00				
59	26	EA	TREES - 2" CAL.	\$ 539.50	\$ 14,027.00				
60	0	EA	TREES - 3" CAL.		\$ -				
61	706	EA	SHRUBS - 5 GAL.	\$ 45.41	\$ 32,059.46				
62	184	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 18.19	\$ 3,346.96				
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 45,198.00	\$ 45,198.00				
64	4	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 8,740.00	\$ 34,960.00				
Sum Total – Base Bid I (Items 1-64)				\$ 421,229.91					
				Contractor's Price \$421,232.91					
Mobilization (Not to exceed 5% of Base Bid I)				\$ 16,000.00					
Sum Total (Base Bid I and Mobilization)				\$ 437,229.91					
				Contractor's Price \$437,232.91					



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 1 of 6					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
BASE BID II – UNIT PRICE SCHEDULE - AIRPORT RD. ARTERIAL LIGHTING & LANDSCAPE & LANDSCAPE IMPROVEMENTS									
1	0	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE		\$ -				
2	0	LF	REMOVE CONCRETE CURB & GUTTER		\$ -				
3	12,471	SY	REMOVE CONCRETE	\$ 10.20	\$ 127,204.20				
4	0	SY	REMOVE MISCELLANEOUS LANDSCAPE		\$ -				
5	8	EA	REMOVE ILLUM POLE ASSEMBLY	\$ 5,175.00	\$ 41,400.00				
6	0	EA	TREE PROTECTION		\$ -				
7	0	EA	REMOVING CONC (WHEELCHAIR RAMP)		\$ -				
8	25	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 21.85	\$ 546.25				
9	0	SY	REMOVE CONC SIDEWALK		\$ -				
10	0	EA	REMOVE TIMBER BOLLARD		\$ -				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 1 of 6					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	0	LF	REMOVE METAL BEAM GUARD FENCE		\$ -		\$ -		\$ -
12	0	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)		\$ -		\$ -		\$ -
13	0	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)		\$ -		\$ -		\$ -
14	0	TON	D-GR HMA (SQ) TY-B PG76-22		\$ -		\$ -		\$ -
15	0	SY	CONC MEDIAN MISC		\$ -		\$ -		\$ -
16	0	EA	CURB RAMP (TY 2) (MOD)		\$ -		\$ -		\$ -
17	0	EA	CURB RAMP (TY 7)		\$ -		\$ -		\$ -
18	0	EA	CURB RAMP (TY 7) (MOD)		\$ -		\$ -		\$ -
19	0	EA	CURB RAMP (TY 20) (MOD)		\$ -		\$ -		\$ -
20	0	SY	CONCRETE SIDEWALK (4")		\$ -		\$ -		\$ -
21	0	LF	CONC CURB & GUTTER (TY A)		\$ -		\$ -		\$ -
22	0	LF	MTL W-BEAM GD FEN (TIM POST)		\$ -		\$ -		\$ -
23	0	SY	MISC LANDSCAPE - (MATCH EXISTING)		\$ -		\$ -		\$ -
24	0	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)		\$ -		\$ -		\$ -



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	0	EA	ELIM EXT PAV MRK & MRKS (4")		\$ -		\$ -		\$ -
26	0	LF	ELIM EXT PAV MRK & MRKS (24")		\$ -		\$ -		\$ -
27	0	EA	PAV SURF PREP FOR MRK (24")		\$ -		\$ -		\$ -
28	0	LF	PAV SURF PREP FOR MRK (18")(YLD TRI)		\$ -		\$ -		\$ -
29	0	EA	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)		\$ -		\$ -		\$ -
30	0	LF	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
31	0	LF	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)		\$ -		\$ -		\$ -
32	0	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)		\$ -		\$ -		\$ -
33	0	EA	CONDUIT (PVC) (SCH 40) (2")		\$ -		\$ -		\$ -
34	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -		\$ -		\$ -
35	19	EA	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 7,178.87	\$ 136,398.53 Contractor's Price \$136,417.15				
36	0	EA	ELECTRICAL CONDUCTOR (NO. 8) INSULATED		\$ -				
37	152	LF	GROUND BOX TYPE A (122311)	\$ 345.00	\$ 52,440.00				
38	1,671	LF	GROUND BOX TYPE A (122311) W/APRON	\$ 13.80	\$ 23,059.80				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	1,693	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)	\$ 23.00	\$ 38,939.00				
40	0	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	/		/		/	
41	10,686	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 2.07	\$ 22,120.02				
42	2	EA	GROUND BOX TYPE A (122311)	\$ 805.00	\$ 1,610.00				
43	7	EA	GROUND BOX TYPE A (122311) W/APRON	\$ 1,132.75	\$ 7,929.25				
44	1	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)	\$ 8,970.00	\$ 8,970.00				
45	0	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)	/		/		/	



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	0	CY	CONCRETE RIPRAP (4")		\$ -				
47	18	SY	**REMOVE AND REPLACE SIDEWALK	\$ 68.00	\$ 1,224.00				
48	6	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 5,175.00	\$ 31,050.00				
49	0	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
50	0	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
51	67,630	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.35	\$ 91,300.50				
52	0	SF	2-4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
53	17,675	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 6.25	\$ 110,468.75				
54	30,756	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT	\$ 5.16	\$ 158,700.96				
55	137	EA	BOULDER	\$ 301.59	\$ 41,317.83				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	0	LF	GABION BASKETS		\$ -				
57	1	LS	MINOR GRADING	\$ 2,875.00	\$ 2,875.00				
58	0	LF	6" CONCRETE MOW CURB		\$ -				
59	0	EA	TREES - 2" CAL.		\$ -				
60	56	EA	TREES - 3" CAL.	\$ 749.29	\$ 41,960.24				
61	1,181	EA	SHRUBS - 5 GAL.	\$ 45.55	\$ 53,794.55				
62	491	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 17.69	\$ 8,685.79				
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 87,350.00	\$ 87,350.00				
64	6	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 9,775.00	\$ 58,650.00				
Sum Total – Base Bid II (Items 1-64)				\$ 1,147,994.67					
				Contractor's Price \$1,148,013.29					
Mobilization (Not to exceed 5% of Base Bid II)				\$ 35,000.00					
Sum Total (Base Bid II and Mobilization)				\$ 1,182,994.67					
				Contractor's Price \$1,183,013.29					



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
BASE BID III – UNIT PRICE SCHEDULE VISTA DEL SOL DR. ARTERIAL LIGHTING & LANDSCAPE IMPROVEMENTS									
1	157	SY	REMOVE EXISTING ASPHALT PAVEMENT & BASE	\$ 21.97	\$ 3,449.29				
2	478	LF	REMOVE CONCRETE CURB & GUTTER	\$ 6.30	\$ 3,011.40				
3	587	SY	REMOVE CONCRETE	\$ 15.30	\$ 8,981.10				
4	486	SY	REMOVE MISCELLANEOUS LANDSCAPE	\$ 6.07	\$ 2,950.02				
5	8	EA	REMOVE ILLUM POLE ASSEMBLY	\$ 4,800.00	\$ 38,400.00				
6	165	EA	TREE PROTECTION	\$ 379.73	\$ 62,655.45				
7	10	EA	REMOVING CONC (WHEELCHAIR RAMP)	\$ 460.00	\$ 4,600.00				
8	25	LF	REMOVE AND REPLACE DAMAGED CURB OR CURB & GUTTER	\$ 20.70	\$ 517.50				
9	109	SY	REMOVE CONC SIDEWALK	\$ 5.29	\$ 576.61				
10	1	EA	REMOVE TIMBER BOLLARD	\$ 977.50	\$ 977.50				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

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DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
11	12.5	LF	REMOVE METAL BEAM GUARD FENCE	\$ 103.50	\$ 1,293.75				
12	10	CY	EMBANKMENT (FINAL) (ORD COMP) (TY A)	\$ 230.00	\$ 2,300.00				
13	36	GAL	EMULS ASPH (BS OR SUBGR TRT) (CSS-1H)	\$ 48.30	\$ 1,738.80				
14	60	TON	D-GR HMA (SQ) TY-B PG76-22	\$ 160.54	\$ 9,632.40				
15	55	SY	CONC MEDIAN MISC	\$ 74.75	\$ 4,111.25				
16	0	EA	CURB RAMP (TY 2) (MOD)		\$ -				
17	2	EA	CURB RAMP (TY 7)	\$ 977.50	\$ 1,955.00				
18	17	EA	CURB RAMP (TY 7) (MOD)	\$ 1,667.50	\$ 28,347.50				
19	0	EA	CURB RAMP (TY 20) (MOD)		\$ -				
20	16	SY	CONCRETE SIDEWALK (4")	\$ 63.25	\$ 1,012.00				
21	356	LF	CONC CURB & GUTTER (TY A)	\$ 18.40	\$ 6,550.40				
22	12.5	LF	MTL W-BEAM GD FEN (TIM POST)	\$ 89.70	\$ 1,121.25				
23	0	SY	MISC LANDSCAPE - (MATCH EXISTING)		\$ -				
24	3	EA	SM RD SN SUP&AM TY10BWG(1)SA(P)	\$ 1,437.50	\$ 4,312.50				



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

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DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
25	2	EA	ELIM EXT PAV MRK & MRKS (4")	\$ 517.50	\$ 1,035.00				
26	1,116	LF	ELIM EXT PAV MRK & MRKS (24")	\$ 8.05	\$ 8,983.80				
27	57	EA	PAV SURF PREP FOR MRK (24")	\$ 36.80	\$ 2,097.60				
28	1,116	LF	PAV SURF PREP FOR MRK (18")(YLD TRI)	\$ 4.60	\$ 5,133.60				
29	57	EA	RE PM W/RET REQ TY I (Y)6"(SLD)(100 MIL)	\$ 23.00	\$ 1,311.00				
30	30	LF	IN RD IL (TY ST) 30T-8 LED (250 W HPS EQ)	\$ 17.25	\$ 517.50				
31	1,250	LF	IN RD IL (TY ST) 30T-8-8 LED (250 W HPS EQ)	\$ 2.50	\$ 3,125.00				
32	1,116	LF	DRILL SHAFT (RDWY ILL POLE) (30 IN)	\$ 0.86	\$ 959.76				
33	57	EA	CONDUIT (PVC) (SCH 40) (2")	\$ 9.20	\$ 524.40				
34	0	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)		\$ -				
35	120	EA	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 6,526.25	\$ 783,150.00				
36	7	EA	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 7,187.50	\$ 50,312.50				
37	1,016	LF	GROUND BOX TYPE A (122311)	\$ 345.00	\$ 350,520.00				
38	112	LF	GROUND BOX TYPE A (122311) W/APRON	\$ 13.80	\$ 1,545.60				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
39	41,165	LF	CONDUIT (PVC) (SCH 80) (2") (BORE)	\$ 23.00	\$ 946,795.00				
40	18852	LF	ELECTRICAL CONDUCTOR (NO. 6) INSULATED	\$ 2.24	\$ 42,228.48				
41	111,484	LF	ELECTRICAL CONDUCTOR (NO. 8) INSULATED	\$ 2.07	\$ 230,771.88				
42	59	EA	GROUND BOX TYPE A (122311)	\$ 805.00	\$ 47,495.00				
43	161	EA	GROUND BOX TYPE A (122311) W/APRON	\$ 1,132.75	\$ 182,372.75				
44	0	EA	ELECTRICAL SERVICE TYPE A 120/240 060 (NS) SS (E) GC (O)	/		/		/	
45	3	EA	ELECTRICAL SERVICE TYPE A 240/480 060 (NS) SS (E) GC (O)						



CITY OF EL PASO BID TABULATION FORM



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
UNIT PRICE SCHEDULE: BASE BID I CIVIL IMPROVEMENTS									
46	2	CY	CONCRETE RIPRAP (4")	\$ 517.50	\$ 1,035.00				
47	168	SY	**REMOVE AND REPLACE SIDEWALK	\$ 78.20	\$ 13,137.60				
48	8	MO	STORM WATER POLLUTION PREVENTION MEASURES	\$ 3,500.00	\$ 28,000.00				
49	16,321	SF	1-1/2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.01	\$ 16,484.21				
50	0	SF	4-6" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
51	0	SF	2" ROCK MULCH, 3" DEPTH W/ WEED FABRIC UNDERLAYMENT		\$ -				
52	53,765	SF	2-4" ROCK MULCH, 6" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 1.32	\$ 70,969.80				
53	8,800	SF	2-8" RADIUM ARROYO ROCK MULCH, 8" DEPTH W/ WEED FABRIC UNDERLAYMENT	\$ 6.27	\$ 55,176.00				
54	0	SF	BUILDING STONE, 6" DEPTH WITH WEED FABRIC UNDERLAYMENT	\$ 5.16	\$ -				
55	60	EA	BOULDER	\$ 300.40	\$ 18,024.00				



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
56	40	LF	GABION BASKETS	\$ 193.00	\$ 7,720.00				
57	1	LS	MINOR GRADING	\$ 2,500.00	\$ 2,500.00				
58	3300	LF	6" CONCRETE MOW CURB	\$ 16.10	\$ 53,130.00				
59	60	EA	TREES - 2" CAL.	\$ 539.50	\$ 32,370.00				
60	0	EA	TREES - 3" CAL.	/		/		/	
61	1,129	EA	SHRUBS - 5 GAL.	\$ 45.22	\$ 51,053.38				
62	315	EA	SHRUBS - 1 GAL/ GROUND COVER	\$ 18.01	\$ 5,673.15				
63	1	LS	AUTOMATIC IRRIGATION SYSTEM	\$ 116,845.00	\$ 116,845.00				
64	8	MO	BARRICADES, SIGNS, AND TRAFFIC HANDLING	\$ 8,625.00	\$ 69,000.00				
Sum Total – Base Bid III (Items 1-64)				\$ 3,415,400.73					
				Contractors Price \$3,415,400.76					
Mobilization (Not to exceed 5% of Base Bid III)				\$ 98,000.00					
Sum Total (Base Bid III and Mobilization)				\$ 3,513,400.73					
Sum Total Base Bid I, Base Bid II, Base Bid III and Mobilization				\$ 5,133,625.31					
				Contractor's Price \$5,133,646.93					



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX					
				Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
Additive Alternate I – UNIT PRICE SCHEDULE PEBBLE HILLS BLVD. ITS									
1	0	LF	CONDT (HDPE) (SCH 40) (3")		\$ -				
2	6,245	LF	CONDT (HDPE) (SCH 40) (3") BORE	\$ 32.20	\$ 201,089.00				
3	22	EA	ITS GND BOX W/APRN	\$ 6,440.00	\$ 141,680.00				
4	6,245	LF	NO. 14 XHHW INSULATED (TRACER)	\$ 1.09	\$ 6,807.05				
Sum Total - Alternate I				\$ 349,576.05					
Mobilization (Not to exceed 5% of Sum Total of Alternate)				\$ 9,000.00					
Sum Total (Additive Alternate I and Mobilization)				\$ 358,576.05					



**CITY OF EL PASO
BID TABULATION FORM**



BID TITLE: Pebble Hills Blvd Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

BID NO: 2022-0508

BID DATE: March 30, 2022

DEPARTMENT: Capital Improvement

				Martinez Bros Contractors, LLC					
				El Paso, TX Bidder 4 of 4					
Item No.	Approx. Quantity	Unit	Brief Description of Item	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals	Unit Bid Price (In figures) Use Two Decimals Do Not Round	Total Amount (Quantity X Unit Price) Do Not Round Only Two Decimals
Additive Alternate II – UNIT PRICE SCHEDULE VISTA DEL SOL DR. ITS									
1	4,870	LF	CONDT (HDPE) (SCH 40) (3")	\$ 23.00	\$ 112,010.00				
2	22,805	LF	CONDT (HDPE) (SCH 40) (3") BORE	\$ 32.20	\$ 734,321.00				
3	81	EA	ITS GND BOX W/APRN	\$ 6,440.00	\$ 521,640.00				
4	27,675	LF	NO. 14 XHHW INSULATED (TRACER)	\$ 1.09	\$ 30,165.75				
Sum Total - Alternate II				\$	1,398,136.75				
Mobilization (Not to exceed 5% of Sum Total of Alternate)				\$	50,000.00				
Sum Total (Additive Alternate II and Mobilization)				\$	1,448,136.75				

Solicitation No. 2022-0508
Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

Views List

No.	COMPANY	NAME
1	1988	Garcia, Alfonso
2	Abescape	Gallegos, Mari
3	Accent Landscape Con	Counts, Tim
4	Access Communication	Dittmar, Mark
5	Allen Concrete Inc.	Magdaleno, Jesus
6	allied paving	ortiz, abel
7	Allied Paving Compan	Chacon, Salvador
8	AMTEK	Rugh, John
9	APACHE BARRICADE And	SALAZAR, ART
10	Bella Luna Engineeri	Luna, Larry
11	Black stallion Contr	Reyes, Carlos
12	Border Demolition	Anguiano, Carlos
13	Brock And Bustillos	Bustillos, Roman
14	Caballero Electric C	Caballero, Luis
15	CEA Group	Concha, David
16	chdg uydgh	HGSAFUYDUI, mnsdf jkui
17	ConstructConnect	STINSON, MORGAN
18	Construction Journal	Exton, Pamela
19	Construction Reporte	Wood, Jane
20	dayrep	Lowman, Henry
21	DEL MAR CONTRACTING,	HARRISON, MIKE
22	Deltek	Management, Source
23	Dodge Data	Peggy, Koehn
24	DRS Rock Materials,	Soto, Daniel
25	ECM International	Lujan, Rosie
26	El Paso Sanitation S	Soto, Lorena
27	El Roi Construction	Molina, Ytzel
28	Enotsyek	Dominguez, Luis
29	Globe Builders, LLC	Banks, Archie
30	HAWK	Jorge, Ojeda
31	Horizone Const. 1 LT	De Stefano, Luis Rene
32	Horizone Constructio	Andres, Daher
33	HUB	Gilcrease, Paul
34	i- Sourcing Technolo	Balai, Rakesh
35	IMS	Gaynor, Shabron
36	International Eagle	Molina, Marcos
37	JAR Concrete Inc	Monica, Lombrana
38	Jobe Materials	Paredes, Raul
39	Jordan Foster Constr	Figueroa, Joseph
40	Keystone GC, LLC.	Guillen, Francisco
41	KS Construction LLC	Smith, Kenneth
42	Lizandro Naranjo	Naranjo, Lizandro
43	Lomeli and sons Land	Gonzalez, Ruben
44	Martinez Bros. Contr	Martinez, Heriberto
45	MERCER TECHNOLOGIES	Mercer, Garrett

Pebble Hills Blvd, Airport Rd, Vista del Sol Dr, Arterial Lighting and Landscape Improvements

46	Mirador Enterprises	Dominguez, Adriana
47	Mr.	Ortiz, Cano
48	New miracle maintena	Arellano, Adan
49	Pacific Inc	Doe, John
50	PMI Pavement Marking	HESSNEY, STEVE
51	Prime Vendor Inc.	Jones, Kim
52	proarq Design Studio	Hernandez, Salvador
53	PWXPress	Miller, Mary
54	Satarain Constructio	Satarain, Joe
55	Smartprocure	Bjornsson, Ron
56	Star Pavers Construc	Yahve, Gallegos
57	The PlanIt Room	Hernandez, Cecilia
58	TIA Facility Service	Diaz, Christian
59	tierra firme const i	ruiz jr, abraham g
60	Tri-State Electric,	Fuller, Anna
61	Universal Industrial	Myers, Steve
62	Vertex Contractors,	Ruiz, Erika
63	Visual Infomedia	N, Sivakumar
64	Vitual Builders Exch	Olguin, Jeannette
65	Wayne Enterprises	Austin, Fork
66	Zayza Irrigation And	Acosta, German
67	Ztex Construction	Construction, Ztex
68		Banquil, Lovely
69		James, Hardison
70		Maldonado, Mariana
71		Mario, Canchola
72		Martinez, Jessica
73		Watson, Frank



Legislation Text

File #: 22-176, 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, Assistant Chief Peter Pacillas, (915) 212-4308

AGENDA LANGUAGE:

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

An Ordinance amending Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability) to clarify the Reasonable Sensibilities Standard; Section 9.40.030 (Sound Level Violations) to clarify the maximum sound level, that sound levels apply to properties producing the noise, and the locations of sound readings; Section 9.40.040 (Vibration) to clarify that Vibration Violations can occur on any affected property; Section 9.40.070 (Penalties) to clarify that the city may seek civil action and penalties of up to \$1,000 per day; Section 9.40.080 (Enforcement) to clarify which departments have authority to enforce; the penalty as provided in Section 9.40.070 of the City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, 05-10-2022, AND 06-07-2022]

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

AGENDA DATE: 02/15/22

PUBLIC HEARING DATE: 03/01/2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Assistant Chief Peter Pacillas, 915-212-4308

DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: 2-Set the Standard for a Safe and Secure City

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

SUBJECT:

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.40 (NOISE), SECTION 9.40.020 (APPLICABILITY) TO CLARIFY THE REASONABLE SENSIBILITIES STANDARD; SECTION 9.40.030 (SOUND LEVEL VIOLATIONS) TO CLARIFY THE MAXIMUM SOUND LEVEL, THAT SOUND LEVELS APPLY TO PROPERTIES PRODUCING THE NOISE, AND THE LOCATION OF SOUND READINGS; SECTION 9.40.040 (VIBRATION) TO CLARIFY THAT VIBRATION VIOLATIONS CAN OCCUR ON ANY AFFECTED PROPERTY; SECTION 9.40.070 (PENALTIES) TO CLARIFY THAT THE CITY MAY SEEK CIVIL ACTION AND PENALTIES OF UP TO \$1,000 PER DAY; SECTION 9.40.080 (ENFORCEMENT) TO CLARIFY WHICH DEPARTMENTS HAVE AUTHORITY TO ENFORCE; THE PENALTY AS PROVIDED IN SECTION 9.40.070 OF THE CITY CODE.

BACKGROUND / DISCUSSION:

PRIOR COUNCIL ACTION:

City Council passed and approved Ordinance No. 018908 on February 26, 2019, amending Chapter 9.40 of the El Paso City Code relating to noise nuisance.

AMOUNT AND SOURCE OF FUNDING:

N/A

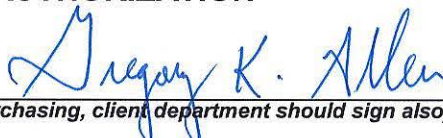
HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Police

SECONDARY DEPARTMENT: City Attorney's Office

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

DEPARTMENT HEAD: Chief Gregory K. Allen



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

ORDINANCE NO. ____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.40 (NOISE), SECTION 9.40.020 (APPLICABILITY) TO CLARIFY THE REASONABLE SENSIBILITIES STANDARD; SECTION 9.40.030 (SOUND LEVEL VIOLATIONS) TO CLARIFY THE MAXIMUM SOUND LEVEL, THAT SOUND LEVELS APPLY TO PROPERTIES PRODUCING THE NOISE, AND THE LOCATION OF SOUND READINGS; SECTION 9.40.040 (VIBRATION) TO CLARIFY THAT VIBRATION VIOLATIONS CAN OCCUR ON ANY AFFECTED PROPERTY; SECTION 9.40.070 (PENALTIES) TO CLARIFY THAT THE CITY MAY SEEK CIVIL ACTION AND PENALTIES OF UP TO \$1,000 PER DAY; SECTION 9.40.080 (ENFORCEMENT) TO CLARIFY WHICH DEPARTMENTS HAVE AUTHORITY TO ENFORCE; THE PENALTY AS PROVIDED IN SECTION 9.40.070 OF THE CITY CODE.

WHEREAS, the El Paso City Council passed and approved Ordinance No. 018908 on February 26, 2019, amending Chapter 9.40 of the El Paso City Code relating to noise nuisance; and

WHEREAS, the El Paso Police Department has responded to 131 calls for police service regarding noise disturbances from April 2021 to January 2022; and

WHEREAS, the El Paso Police Department and Code Enforcement has taken approximately 2,062 readings from various business establishments from April 2021 to January 2022; and

WHEREAS, approximately 50 of the 2,062 readings, or 2.42% of total readings, resulted in violations of the El Paso City Code; and

WHEREAS, the El Paso City Council wishes to further amend Chapter 9.40 of the El Paso City Code, to clarify the requirements of the Chapter.

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

Section 1. That Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.020 (Applicability), Subsection B.5. shall be amended as follows:

5. Exterior loudspeakers. Operating or permitting to be operated any loudspeaker or sound-amplifying equipment in a fixed or movable position in or upon any street, alley, sidewalk, park, place, or public or private property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort, or repose of a person of reasonable sensibilities.

Section 2. That Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.030 (Sound level violations), Subsections A. and B. shall be amended and Subsection D. added as follows:

A. It shall be unlawful for any person to conduct, permit, allow, or produce a sound that is discernable beyond the property lines of the property on which the sound is

ORDINANCE NO. _____

22-1152-1154 | PL#1146122

TITLE 9.40 – Amendment - Noise

being produced that, when measured with a sound level meter using the standardized frequency weighting as specified by the American National Standards Institute, exceeds sixty-five dB(A) between the hours of 10:00 p.m. and 7:00 a.m. daily for the property on which the sound is produced.

- B. The dB(A) levels set forth in this section apply to a property where the sound is being produced. Any sound that when measured at the property where the sound is being produced exceeds the dB(A) level set forth in this section is a violation of this chapter.
- C. Procedure. Sound levels regulated in this chapter shall be measured in accordance with a city-adopted policy.
- D. Reading Locations. The location selected for measuring noise levels shall be at the property line of the property producing the noise.

Section 3. That Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.040 (Vibration), shall be amended as follows:

It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration which is perceptible without instruments by a person at any point on any affected property, in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort and repose of a person of reasonable sensibilities, unless such activity is otherwise regulated under other applicable law.

Section 4. That Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.070 (Penalties), Subsection 9.40.070.C. shall be amended as follows:

- C. In addition to proceeding under authority of subsections A. and B. of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes, including a civil action in accordance with Chapter 54 of the Texas Local Government Code to recover a civil penalty not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted, or other ordinances against a person that remains in violation of this chapter.

Section 5. That Title 9 (Health and Safety), Chapter 9.40 (Noise), Section 9.40.080 (Enforcement), shall be amended as follows:

The director of the planning and inspections department, the director of code enforcement, or the police chief or their designated representatives, shall be responsible for the enforcement of this chapter.

Section 6. Except as herein amended, Title 9 (Health and Safety), Chapter 9.40 (Noise) of the El Paso City Code shall remain in full force and effect.

(Signatures begin on following page)

ORDINANCE NO. _____

22-1152-1154 | PL#1146122

TITLE 9.40 – Amendment - Noise

ADOPTED this ____ day of _____, 2022.

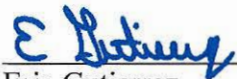
CITY OF EL PASO

Oscar Leaser
Mayor

ATTEST:

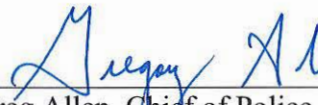
Laura D. Prine
City Clerk

APPROVED AS FORM:



Eric Gutierrez
Assistant City Attorney

APPROVED AS TO CONTENT:



Greg Allen, Chief of Police
El Paso Police Department

ORDINANCE NO. _____
22-1152-1154 | PL#1146122
TITLE 9.40 – Amendment - Noise



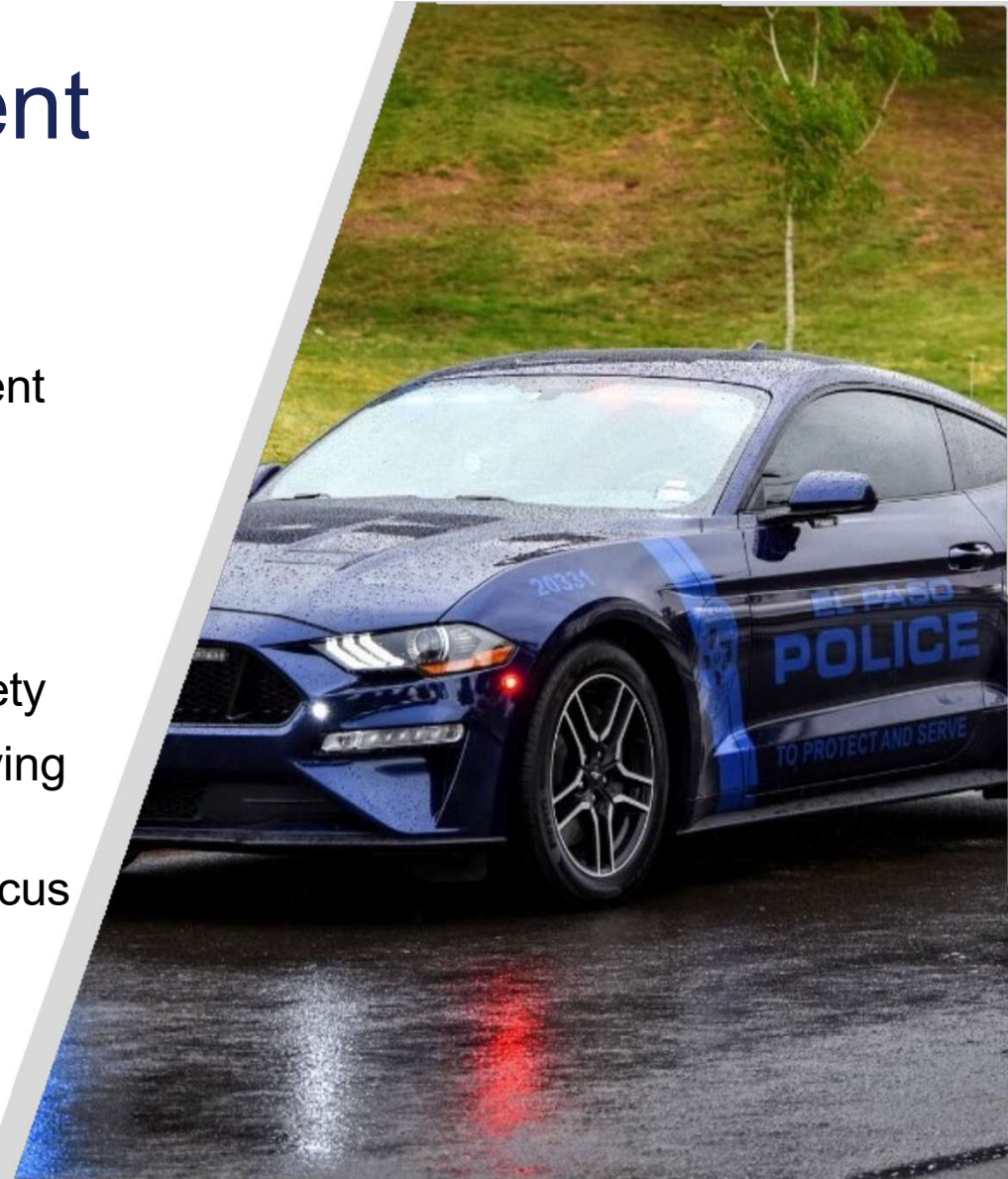
Ordinances Amending
TITLE 9 – Health and
Safety Noise Nuisance
TITLE 5 – Business License and Permit
Regulations Sound Amplification Permit

GOAL 2 – Set Standard for a Safe & Secure City



Strategic Goal Alignment

- 2.1 Maintain standing as one of the nation's top safest cities
- 2.2 Strengthen community involvement in resident safety
- 2.3 Increase public safety operational efficiency
- 2.8 Implement effective code enforcement strategies to reduce nuisances, enhance visual appearance and improve overall health and safety
- 6.4 Implement leading-edge practices for achieving quality and performance excellence
- 6.5 Deliver services timely and efficiently with focus on continual improvement



**NEWS
RELEASE**

03 / 11/ 2022

City Hosts Additional Meetings About Proposed Amendments to Noise, Sound Amplification Permit Ordinances

El Paso, Texas—The City of El Paso will host four virtual community meetings to discuss the proposed amendments to the Noise Ordinance and the Sound Amplification Permit Ordinance, detailed in municipal codes Title 9 (Health and Safety) and Title 5 (Business License and Permit Regulations).

The public is invited to attend one of the four virtual community meetings listed as follows:

THURSDAY, MARCH 17

Noon to 1:30 p.m.

Virtual: [Microsoft Teams Link](#)

Phone: (915) 213-4096; code: 661 650 140#

MONDAY, MARCH 21

5:30 to 7 p.m.

Virtual: [Microsoft Teams Link](#)

Phone: (915) 213-4096; code: 482 857 210#

WEDNESDAY, MARCH 23

9 to 10:30 a.m.

Virtual: [Microsoft Teams Link](#)

Phone: (915) 213-4096; code: 891 789 084#

TUESDAY, MARCH 29

5:30 to 7 p.m.

Virtual: [Microsoft Teams Link](#)

Phone: (915) 213-4096; code: 504 545 226#

The community may also attend a public hearing at 9 a.m. Tuesday, April 26, 2022, at the El Paso City Council meeting, 300 N. Campbell.



Timeline

- 2/26/2019
 - Amendments to both chapters passed
 - Floor Amendments passed:
 - Excluding DMD (from Chapter 5 permit)
 - Adding 350 distance requirement from residence (for Chapter 5 permit)
 - Chapter 5 permitting appeal to City Council
 - **Revisit in six months**
- 8/20/19, 9/3/19: **postponed**
- 10/15/19
 - **Proposed amendments:** to extend permit time frame to 2 am with sound impact plan and mitigation equipment installed
 - **Not passed, revisit in six months**
- COVID
- Reopening of businesses



What we will cover:

- Current law
- Benchmarking other cities
- Sample of existing data and data gathering processes
- Staff Proposed amendments
- Q&A



Current Law

EP Code Chapter 9.40 Noise Nuisance **Amended in 2019**

General noise nuisance

Three categories of violations:

- 1) noise higher than 70 dB between 10 p – 7 a
- 2) reasonable sensibilities standard (added)
- 3) Vibrations

- Violations: max fine of \$500/day



Current Law

EP Code Chapter 5.03 - Amplified Sound Permit

Created in 2019

- Only if **business is within 350 feet of a residence**
- Permit allows for amplified sound up to 70 dB from **10 pm to midnight**
- No outdoor amplified sound after midnight
- Violations: max fine of \$2,000/day



Texas Cities – Noise Ordinances

City	Max Decibel Level	Location of Reading	Time Restrictions
El Paso (current)	70 dB	Property receiving the noise	10 p – 7 a
El Paso (pre-2019)	60-65 dB for commercial properties	Property producing the noise	10 p – 7 a (65 dB) 7 a – 10 p (60 dB)
Austin	85 dB 70 dB (if property is a restaurant)	Property producing the noise	10 a – 2 a
Dallas	Greater of 49 dB or 5 dB above background (if adjacent to residential); greater of 49-63 dB or 5 dB above background (if not adjacent)	Property producing the noise	10 p
Houston	Nonresidential: 68 dB Residential: 65 dB (day); 58 dB (night)	Property receiving the noise	Enforceable 24/7
San Antonio	Business: 70 dB; residential: 63 dB (day) Business: 63 dB; Residential: 56 dB (night) (Riverwalk District allows 72/80)	Property receiving the noise	10 p



Texas Cities – Permits for Sound Amp

City	Max Decibel Level	Location of Reading	Time Restrictions	Distance from Residential
El Paso (current)	70 dB	Property producing the noise	Permit required 10 p – midnight; no sound amp after midnight	350 ft
Austin	85 dB	At commercial property line	Sun – Thurs: 8 p Fri – Sat: 10 p	600 ft
Dallas	N/A	N/A	N/A	N/A
Houston	75 dB	At nearest receiving property line	Sun – Thurs: 8 a – 10 p; Friday – Sat: 8 am – 11p	Permit required for all businesses playing amp sound
San Antonio	N/A	N/A	N/A	N/A

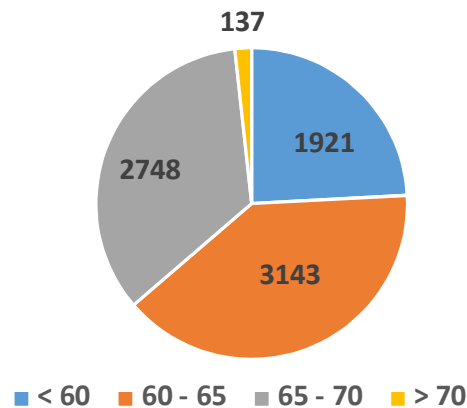


“Entertainment Districts” Noise Enforcement

Number of Noise Readings – 4/22/21-1/22/22

Count of Violation				
Command	Code Enforcement	Police	No Violation	Grand Total
Central	17	1	2,108	2,269
Mission Valley	0	0	283	283
Pebble Hills	4	0	3,423	3,143
Westside	38	12	2,061	2,113
Grand Total	59	13	7,875	7,947

Over 70 dB = 1.72%
 65 to 70 dB = 34.57%
 60 to 65 dB = 39.54%
 60 dB or less = 24.17%



Total
Readings:
7,949

“Entertainment Districts” Noise Enforcement

2021:

Police Department Commands	# Readings	# Venues	Ave dB	# Violations*
WESTSIDE • 200 Cincinnati	1,625	16	66 dB	50
PEBBLE HILLS • 3000 Zaragoza • 2100 Zaragoza • 1700 Zaragoza • 1400 Zaragoza • 1100 Airway • 1500 G. Dieter • 12000 Tierra Este • 11400 Montana • 10700 Pebble Hills	2,878	31	62 dB	4
CENTRAL • Downtown-DMD	374	13	60 dB	1
CENTRAL • 5 Points	1,544	15	62 dB	17
Total	6,421	75	62.5 dB	72



*Total excludes **Reasonable Sensibility Standard** and **Vibration** Complaints filed with City Prosecutor's Office



Proposed Changes TITLE 9, CHAPTER 9.40 Noise

Proposed Revisions – Ch. 9.40

Three categories of violations:

- Reasonable Sensibilities standard
 - Clarifying violations **can occur at any time of the day** if noise unreasonably disturbs or interferes with the sleep, peace, comfort, or repose of a person of reasonable sensibilities
- Decibel Level
 - Lowering from 70 dB to 65 dB
- Vibration Violations
 - Revising requirement from adjoining properties to affected property.

Location of Reading

- Revising location from property line of the property receiving the noise to property line of the property producing the noise (consist for both ordinances)

Penalties – 9.40.070

- Class C Citation: max of \$500/day
- Additionally, the city may, in accordance with Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter.
- The civil action may include civil penalties of up to \$1,000/day

Proposed Revisions – Ch. 9.40

Proposed Floor Amendment- **NEW ADDITION**

9.40.040 - Vibration.

It shall be unlawful for any person to create, maintain or cause any ground or airborne vibration **including bass** which is perceptible without instruments by a person at any point on any affected property ~~adjoining the property in which the vibration source is located~~, in such a manner as to unreasonably disturb or interfere with the sleep, peace, comfort and repose of a person of reasonable sensibilities, unless such activity is otherwise regulated under other applicable law. **A decibel level reading shall not be required for the enforcement of this section.**



TITLE 5, CHAPTER 5.03

Amplified Sound Permit





Sound Amplification Permit

- Any business entity that utilizes amplification equipment at a non-residential property **within 350 feet of a residential property** must get a sound amplification permit
 - Outdoor Area
 - **10:00PM to 12:00AM**
 - 70 Decibels



Sound Amplification Permits

- # of businesses with sound amp permit as of 1/20/22: 2
- # of businesses with pending applications: 0
- # of businesses denied: 0

** Since 2019: 12 locations began the application process, 4 expired/not renewed, 2 no applicant follow-up, 2 cancelled by customer, 2 denied, 2 active





Proposed Revisions – Ch. 5.03

- Revise definition of "Outdoor Area" to clarify that roll-up style doors, open doors, and windows constitute an outdoor area.
- Lowering decibel level from 70 dB to 65 dB
- Expand location requirement from 350 ft. to 500 ft. from residences.
- Written notice to neighbors expanded to 500 ft. (from 300 ft.); written responses expanded to 300 ft. (from 150 ft.).
- Lower revocation threshold from ten citations to two citations.
- Clarify that the City may seek injunctive relief for violations under the Texas Local Government Code.
- ***Not applicable to Downtown Management District – no change.





Sound Amplification Permit Process

Application submitted and reviewed for completeness If incomplete returned to applicant for corrections to applicant	2 days
If complete Routed to GIS planner to develop mailing labels of parcels within 150' and 350' to be notified.	2 days
Site Inspection conducted to verify on-site posting and location of outdoor amplification equipment	2 days
Notification of intent to acquire permit mailed	2 days
30 day response allowance for notified parties	30 days
Review of responses from notified parties	2 days
Permit issuance If less than 25% of residential properties within 150' object – permit issued If more than 25% of residential properties within 150' object – permit denied	1 day
Approximate time for permit issuance/denial	40-45 days

*The initial permit application fee is \$367.00 and requires yearly renewal with a 125.00 fee.

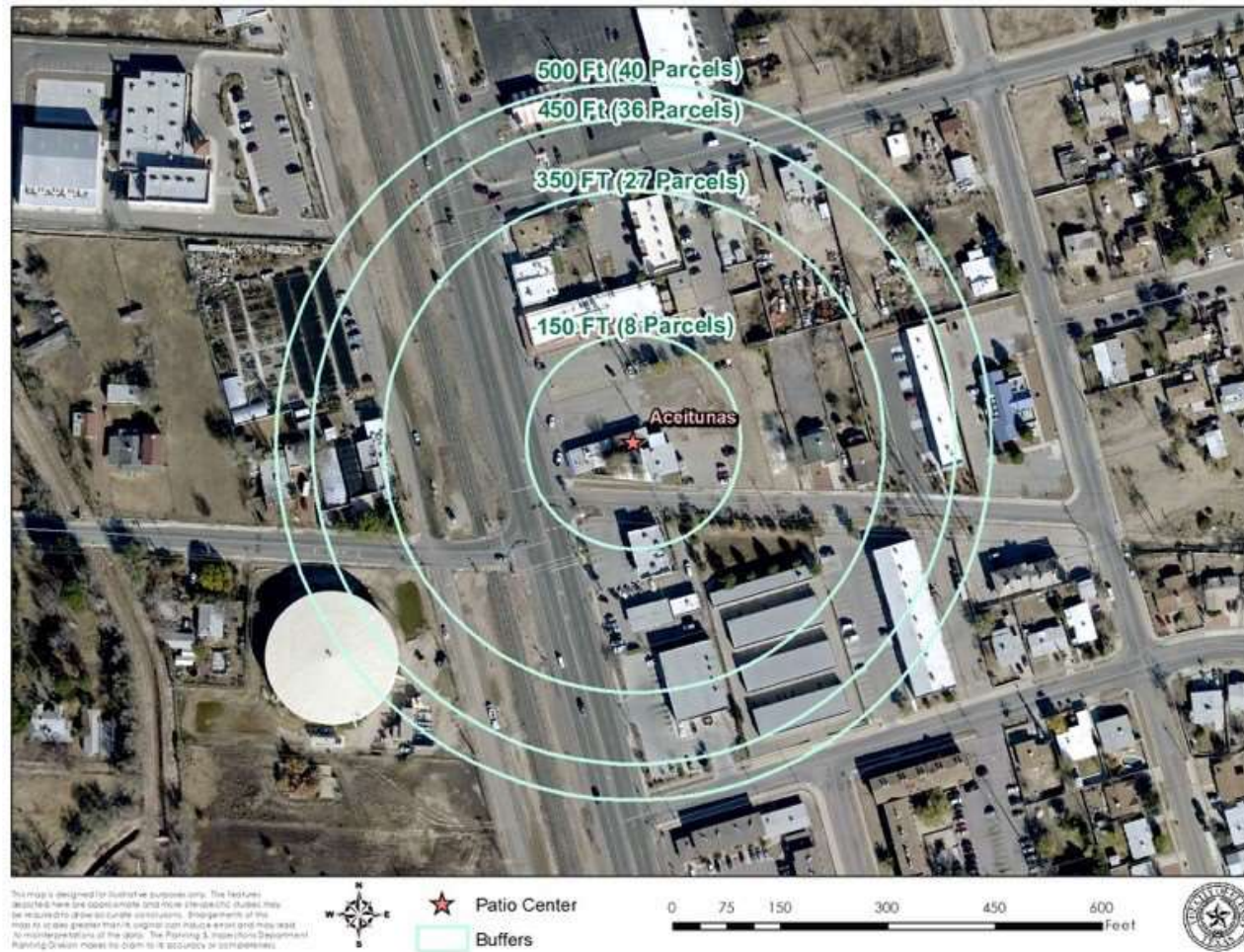
Establishment Survey

Police Regional Command Area	Outdoor Sound Amp	No Outdoor Sound Amp	Total
Central	50 (11 DMD exempt)	78	128
Mission Valley	8	26	34
West Side	59	113	172
Pebble Hills	88	183	271
Northeast	17	16	33
	222	416	638

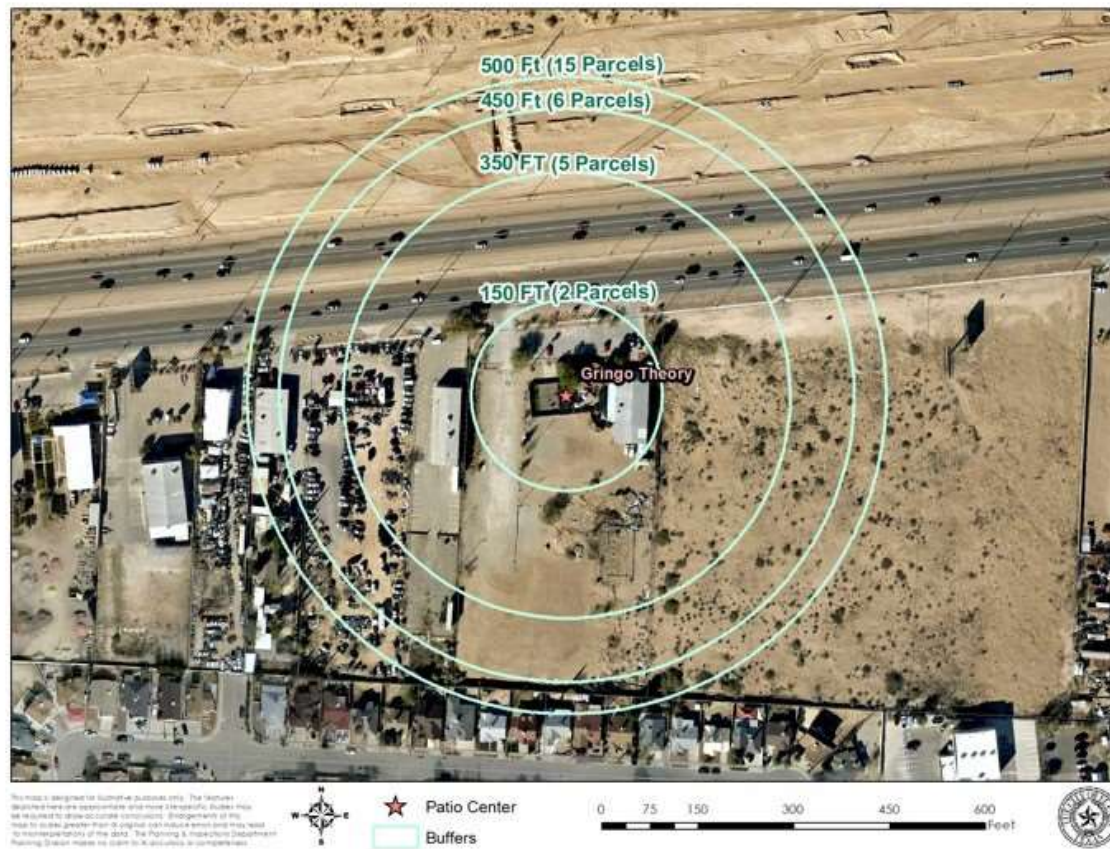
34 % of establishments have outdoor sound amplification ability



Westside Regional Command



Pebble Hills Regional Command



Westside Regional Command



This map is designed for illustrative purposes only. The features depicted here are approximate and have no legal effect. Users may be required to make accurate measurements. Some elements of this map may differ from the original map data and may not be accurate. The City of El Paso is not responsible for any errors or omissions. The Planning & Information Services Department Planning Division makes no warranty as to the accuracy of this map.

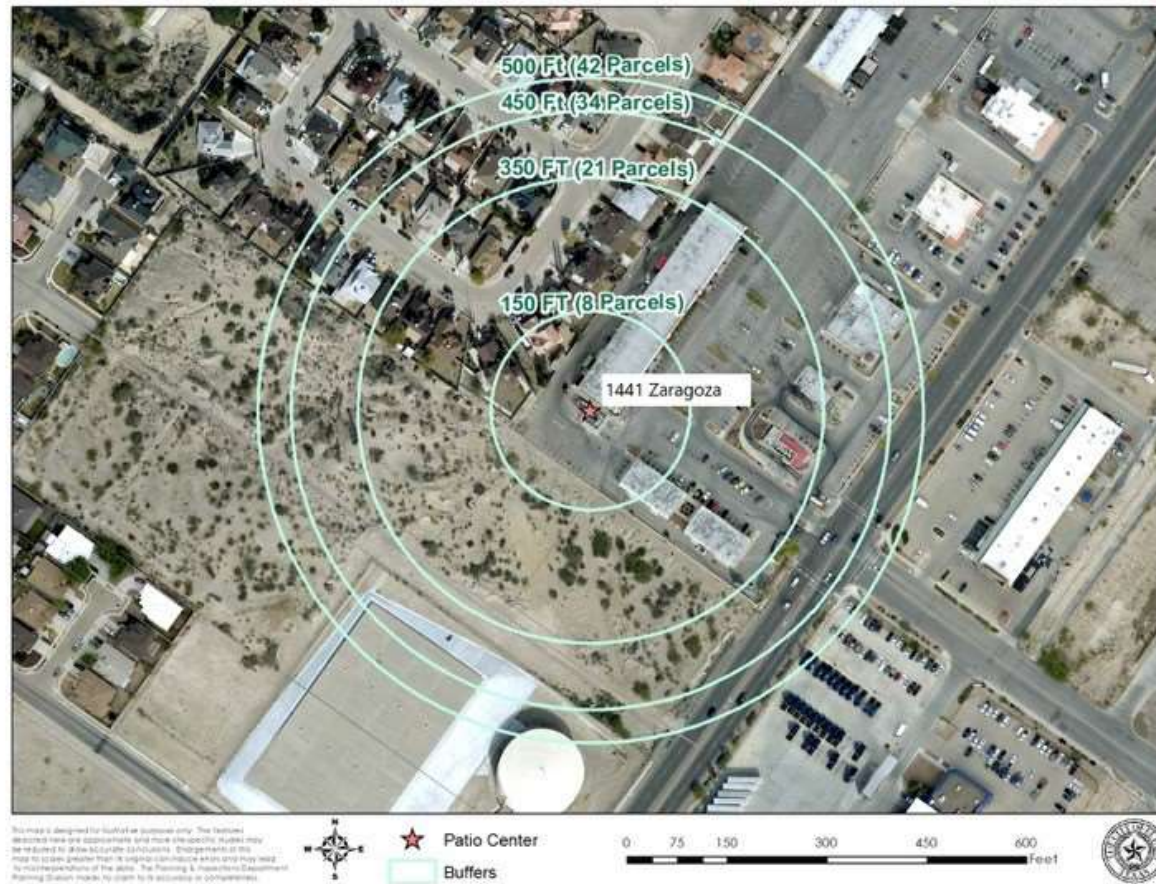


★ Patio Center
□ Buffers

0 75 150 300 450 600 Feet



Pebble Hills Regional Command



Pebble Hills Regional Command



This map is designed for informational purposes only. The features depicted here are approximate and more detailed maps may be required to determine exact locations. Discrepancies of this map to other maps may be caused by errors in data or by the nature of the data. The Planning & Inspection Department Planning Division makes no claim to the accuracy or completeness.



★ Patio Center
□ Buffers

0 75 150 300 450 600 Feet



Central Regional Command



This map is designed for public use only. The features depicted here are approximate and should not be used for any purpose other than general information. No warranty is made by the City of El Paso for the accuracy of the data. The Planning & Information Department Planning Division makes no claim to the accuracy of computer data.



★ Patio Center
Buffers

0 75 150 300 450 600 Feet





City Attorney's Office Prosecutors



Citizen Complaint Packets

- Reasonable Sensibilities Cases
- Now available to the public at the CAO website
 - <https://www.elpasotexas.gov/city-attorney/complaint-forms/>
- Videos strongly encouraged
- Identification of violating party and other elements of offense

Municipal Court Cases

- Citations/Notices of Violations from Police/Code:92
 - Violations: Max decibel level, no permit, vibrations
 - Plea/paid fine: 4
 - Reset: 59
 - Warrants: 28
 - Dismiss: 1
- City Attorney's Office cases under Reasonable Sensibilities standard in 2021-Feb 2022: 39
 - 31 Accepted
 - 6 reset
 - 25 awaiting first setting
 - 8 rejected

Questions?



Community Meeting Feedback



32

Community Suggestions (Business)-Noise

Downtown Management District will oppose changes/seek exemption	Make no changes to ordinances
Texas Restaurant Association- El Paso Chapter will oppose any changes	Prohibit repeated complaints filed by a few residents
In Cincinnati District- add outdoor decibels as staff collected reading are incorrect	Exempt Downtown from any regulations, align with Austin allowable levels
Revise proposal to focus only on bad actors/repeat offenders	Data collected by staff does not support a change

Community Suggestions (Resident)-Noise

Changes to ordinances will not address greater concerns- zoning of bars near residential	Police should have the ability to order a business to turn off music immediately when found in violation
Adopt Austin noise ordinance (more restrictive in residential areas, vibrations, order to turn off music?)	Shut down repeat offender businesses
Lower decibel levels to 50 (levels before 2019 changes?)	Prohibit any noise emitting from locations near residential areas
Consider restricting outdoor music after 10pm	Can the citation be issued to the DJ's as well as the establishment owner?

Community Suggestions (Business)-Permit

DMD will request revision to include boundaries amended January 2020	Eliminate Sound Amplification Permit Requirements
Provide a sound engineer and other financial assistance to businesses to assist in achieving compliance	Eliminate cost/fees associated with acquiring a permit or penalties, as businesses are in recovery
Develop process to include requirements/limits at issuance of the certificate of occupancy	Why not consider extending the timeframe from midnight to 2 am?
Provide a list of specific locations committing these violations- focus on these locations	Changes will potentially impact all business, not just those discussed requiring permit

Community Suggestions (Resident)-Permit

Expand Voice of Resident to 500 feet vs 350 feet for Sound Amplification Permit Applications

Require sound proofing before any permits for occupancy or sound are issued (*Building Code)

Can restrictions be placed, regarding language (vulgar lyrics) projected by establishments?

Develop process to include requirements/limits at issuance of the certificate of occupancy

Renters should have a voice in the application process not just the owner

Community Suggestions (public meetings)-General

What is the status of the creation of entertainment districts? Hospitality Industry associations should be planning committee members.	What assurance do we have that the ordinances will not need to be revised again in the near future
Develop more “Entertainment Districts”, allowing for relaxed/targeted regulation standard	We are discussing noise regulations now, will lighting regulations be next? Where does this end?
Focus on Cincinnati Entertainment District restriction	Have you considered damages to Businesses? Economic Development Department should be in the discussion
Consider shutting down entertainment venues at mid-night	Business and Residents should work together to strengthen neighborhood relations
Has a study been conducted of truly affected property owners?	

Next Steps- Entertainment Districts CFT: Engage third party consultant



Overview:

- In-depth analysis of city's strengths, challenges, and opportunities
- Observe nightlife firsthand through district tours
 - Create focus groups and background research
- Help to build bridges of trust and communication between key stakeholders to ensure diverse voices are heard

Action Plan:

- Priorities established through interviews
- Build consensus on a course of action using best practice measures

Implementation:

- Final phase includes presentation of the comprehensive summary and action plan
- Findings presented to key decision-makers for citywide buy-in and support
- Final report will serve as a blueprint to implement the action plan
 - Final on-site meeting will review strategy for implementation, including timeline and resources required





Legislation Text

File #: 22-216, 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, Tony De La Cruz, (915) 212-1589

AGENDA LANGUAGE:

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

An Ordinance amending Title 5 (Business License and Permit Regulations), Chapter 5.03 (Amplified Sound Permit), Article I (General Provisions), Section 5.03.020 (A) and Section 5.03.020 (E) (Definitions), Article II (Permit Application Process) Section 5.03.040 (B) (3) (Permit Application Processing), Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080 (B) (5) and Section 5.03.090 (A) (2), Article IV (Permit Standards), Section 5.03.110 (A) (Permit Standards), Article VI (Violation; Penalty) Section 5.03.130 (C) Violation and adding Section 5.03.130 (E); The penalty as provided in 5.03.130 of the El Paso City Code. [POSTPONED FROM 03-01-2022, 04-26-2022, 05-10-2022, AND 06-07-2022]

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

AGENDA DATE: February 15, 2022
PUBLIC HEARING DATE: March 1, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Tony De La Cruz, (915) 212-1589

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 3.1 Provide business friendly permitting and inspection process
3.2 Set one standard for infrastructure across the city

SUBJECT:

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.03 (AMPLIFIED SOUND PERMIT), ARTICLE I (GENERAL PROVISIONS), SECTION 5.03.020(A) AND SECTION 5.03.020(E) (DEFINITIONS), ARTICLE II (PERMIT APPLICATION PROCESS) SECTION 5.03.040(B)(3) (PERMIT APPLICATION PROCESSING), ARTICLE III (DENIAL, SUSPENSION, REVOCATION, AND APPEALS) SECTION 5.03.080(B)(5) AND SECTION 5.03.090(A)(2), ARTICLE IV (PERMIT STANDARDS), SECTION 5.03.110(A) (PERMIT STANDARDS), ARTICLE VI (VIOLATION; PENALTY) SECTION 5.03.130(C) VIOLATION AND ADDING SECTION 5.03.130(E); THE PENALTY AS PROVIDED IN 5.03.130 OF THE EL PASO CITY CODE.

BACKGROUND / DISCUSSION:

Council direction to review and update the sound amplification permit ordinance for applicability and enforcement.

PRIOR COUNCIL ACTION:

City Council passed and approved Ordinance No. 018907 on February 26, 2019, amending Chapter 5.03 of the El Paso City Code relating to outdoor sound amplification.

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: City Attorney's Office

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 (BUSINESS LICENSE AND PERMIT REGULATIONS), CHAPTER 5.03 (AMPLIFIED SOUND PERMIT), ARTICLE I (GENERAL PROVISIONS), SECTION 5.03.020(A) AND SECTION 5.03.020(E) (DEFINITIONS), ARTICLE II (PERMIT APPLICATION PROCESS) SECTION 5.03.040(B)(3) (PERMIT APPLICATION PROCESSING), ARTICLE III (DENIAL, SUSPENSION, REVOCATION, AND APPEALS) SECTION 5.03.080(B)(5) AND SECTION 5.03.090(A)(2), ARTICLE IV (PERMIT STANDARDS), SECTION 5.03.110(A) (PERMIT STANDARDS), ARTICLE VI (VIOLATION; PENALTY) SECTION 5.03.130(C) VIOLATION AND ADDING SECTION 5.03.130(E); THE PENALTY AS PROVIDED IN 5.03.130 OF THE EL PASO CITY CODE.

WHEREAS, City Code Title 5 (business License and Permit Regulations), contains various sections regarding permits for various topics;

WHEREAS, On February 26, 2019 City Council enacted Ordinance 018907 establishing a Sound Amplification Permit; and

WHEREAS, City Council now desires to amend Title 5 of the City Code in order to make revisions to improve the Sound Amplification Permit function and process.

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

Section 1. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article I (General Provisions) Section 5.03.020(A) and Section 5.03.020(E) (Definitions) be amended and replaced as follows:

5.03.020 (Definitions)

A. “Establishment” means any business entity in the City that utilizes amplification equipment at a non-residential property located within five hundred feet of a residential property as defined in this chapter, measured from the center of the outdoor area closest to the residential property, for the purpose of emitting sound to any outdoor area on the premises between the hours of 10:00 p.m. and 12:00 a.m.

E. “Outdoor Area” means any portion of the establishment premises that is not fully enclosed by permanent, solid walls and a roof, (including open roll-up-style doors, open windows, or open doors) where sound amplification equipment will be utilized for the enjoyment of establishment customers, includes fixed, non-portable structures used in conjunction with sound amplification equipment, including but not limited to stages, decks, risers, and lighting support structures.

Section 2. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article II (Permit Application Process) Section 5.03.040(B)(3) (Permit Application Processing) be amended and replaced as follows:

5.03.040 (Permit Application Processing)

B. Notification

1. On behalf of the applicant, the City must issue written notice of intent to acquire a permit to any property owner and any neighborhood association within a five hundred foot radius, measured from the center point of the outdoor area of the establishment. Each notification shall provide recipients with pertinent information to inform the city of the recipients' opportunity to provide comment on the application,

3. On behalf of the applicant, the permit official shall notify every abutting residential property owner and any other residential property owner(s) within a three hundred foot radius, measured from the center point of the outdoor area of the establishment, for the purpose of securing a written response from each notified property owner. Each notification shall provide recipients with pertinent information regarding his or her opportunity to contest an application. The written response to an opportunity to contest shall allow a person to submit evidence and specific reasons why the issuance of the permit would be detrimental to the community.

Section 3. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.080(B)(5) (Denial) be amended and replaced as follows:

5.03.080 (Denial)

B. The permit official finds:

5. That more than twenty-five percent of the notified residential property owners within three hundred feet of the outdoor area provide the permit official with a written response contesting the permit;

Section 4. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article III (Denial, Suspension, Revocation, and Appeals) Section 5.03.090(A)(2) (Suspension and Revocation) be amended and replaced as follows:

2. Except in the case of a compliance plan approved by the permit official, during the time frame covered by the plan, the permit holder is found, after notice to the permit holder and opportunity for hearing, to be in violation of a provision of this chapter or a rule adopted under this chapter, including, but not limited to the issuance of more than two citations resulting from Chapter 9.40 of the City Code, or more than two issued violations of the permit at the establishment;

Section 5. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article IV (Permit Standards) Section 5.03.110(A) (Permit Standards) be amended and replaced as follows:

5.03.110 (Permit Standards)

A. An establishment under a permit shall be allowed to emit sound up to 65 dB(A), measured by a sound meter at the property boundary.

Section 6. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article VI (Violations; Penalty) Section 5.03.130(C) (Violation) be amended and replaced as follows:

5.03.130 (Violation)

C. The City may suspend or revoke the permit when more than two violations of Chapter 9.40 have been documented and citations issued to the permit holder at the establishment to either the establishment owner, employee, or individual in control of the establishment at the time of issuing the citation.

Section 7. That Title 5 (Business License and Permit Regulations) Chapter 5.03 (Amplified Sound Permit) Article VI (Violations; Penalty) Section 5.03.130 (Violation) be amended to add Section 5.03.130(E) as follows:

5.03.130(E) (Violation)

E. The city may, in accordance with Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter. The civil action may include, but is not limited to, a suit to recover a civil penalty pursuant to Section 54.017 of the Texas Local Government Code not to exceed \$1,000 for each day or portion of a day during which the violation is committed, continued, or permitted.

Except as herein amended, Title 5 of the El Paso City Code shall remain in full force and effect.

ADOPTED this _____ day of _____, 2022.

THE CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

Laura D. Prine, City Clerk

(Signatures Continued on Following Page)

APPROVED AS TO FORM:

Russell Abeln

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT

Philip Etiwe

Philip F. Etiwe, Director
Planning & Inspections Department

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E. “Outdoor Area” means any portion of the establishment premises that is not fully enclosed by permanent, solid walls and a roof, ~~and is identified in the sound impact plan~~ **(including open roll-up-style doors, open windows, or open doors)** where sound amplification equipment will be utilized for the enjoyment of establishment customers, includes fixed, non-portable structures used in conjunction with sound amplification equipment, including but not limited to stages, decks, risers, and lighting support structures.

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22-1152-1154/RTA

Title 5- Sound Amplification Permit

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ADOPTED this _____ day of _____, 2022.

THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:

Russell T. Abeln
Assistant City Attorney

APPROVED AS TO CONTENT

Philip F. Etiwe, Director
Planning & Inspections Department



Ordinances Amending
TITLE 9 – Health and Safety
Noise Nuisance

TITLE 5 – Business License and Permit Regulations
Sound Amplification Permit

GOAL 2 – Set Standard for a Safe & Secure City

Strategic Goal Alignment

- 2.1 Maintain standing as one of the nation's top safest cities
- 2.2 Strengthen community involvement in resident safety
- 2.3 Increase public safety operational efficiency
- 2.8 Implement effective code enforcement strategies to reduce nuisances, enhance visual appearance and improve overall health and safety
- 6.4 Implement leading-edge practices for achieving quality and performance excellence
- 6.5 Deliver services timely and efficiently with focus on continual improvement



Review:

- Current law
- Benchmarking other cities
- Existing data and data gathering processes
- Proposed amendments

2 Sources of Current Law

- EP Code Chapter 9.40 Noise Nuisance
 - Amended in 2019
 - General noise nuisance
 - Three categories of violations: 1) noise higher than 70 dB between 10 p – 7 a
 - 2) reasonable sensibilities standard 3) vibrations
 - Violations: max fine of \$500/day
- EP Code Chapter 5.03 - Amplified Sound Permit
 - Created in 2019
 - Only if business is within 350 feet of a residence
 - Permit allows for amplified sound up to 70 dB from 10 pm to midnight
 - No outdoor amplified sound after midnight
 - Violations: max fine of \$2,000/day

Texas Cities – Noise Ordinances

City	Max Decibel Level	Location of Reading	Time Restrictions
El Paso (current)	70 dB	Property receiving the noise	10 p – 7 a
El Paso (pre-2019)	60-65 dB for commercial properties	Property producing the noise	10 p – 7 a (65 dB) 7 a – 10 p (60 dB)
Austin	85 dB 70 dB (if property is a restaurant)	Property producing the noise	10 a – 2 a
Dallas	Greater of 49 dB or 5 dB above background (if adjacent to residential); greater of 49-63 dB or 5 dB above background (if not adjacent)	Property producing the noise	10 p
Houston	Nonresidential: 68 dB Residential: 65 dB (day); 58 dB (night)	Property receiving the noise	Enforceable 24/7
San Antonio	Business: 70 dB; residential: 63 dB (day) Business: 63 dB; Residential: 56 dB (night) (Riverwalk District allows 72/80)	Property receiving the noise	10 p

Texas Cities – Permits for Sound Amp

City	Max Decibel Level	Location of Reading	Time Restrictions	Distance from Residential
El Paso (current)	70 dB	Property producing the noise	Permit required 10 p – midnight; no sound amp after midnight	350 ft
Austin	85 dB	At commercial property line	Sun – Thurs: 8 p Fri – Sat: 10 p	600 ft
Dallas	N/A	N/A	N/A	N/A
Houston	75 dB	At nearest receiving property line	Sun – Thurs: 8 a – 10 p; Friday – Sat: 8 am – 11p	Permit required for all businesses playing amp sound
San Antonio	N/A	N/A	N/A	N/A

Timeline

- 2/26/2019
 - Amendments to both chapters passed
 - Floor Amendments passed:
 - Excluding DMD (from Chapter 5 permit)
 - Adding 350 distance requirement from residence (for Chapter 5 permit)
 - Chapter 5 permitting appeal to City Council
 - Revisit in six months
- 8/20/19, 9/3/19: postponed
- 10/15/19
 - Proposed amendments: to extend permit time frame to 2 am with sound impact plan and mitigation equipment installed
 - Not passed, revisit in six months
- COVID
- Reopening of businesses



Outreach

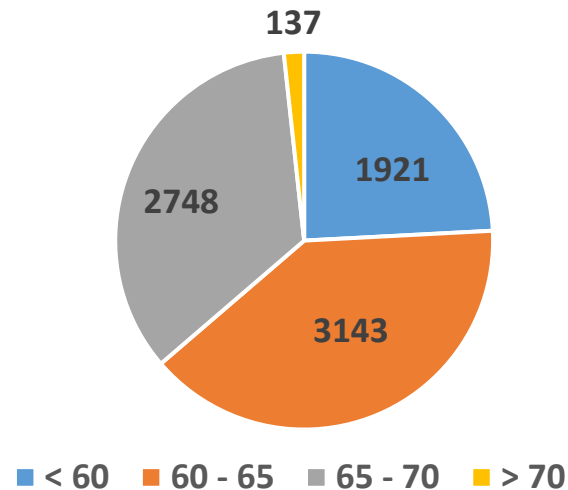
- Neighborhood meetings
- Citizen calls
- El Paso Police Department – Regional Command meetings
 - Citizens – Neighborhood Associations - Businesses
- Entertainment District Cross Functional Team
 - Operational Departments:
 - Police Department
 - Code Enforcement
 - Planning and Inspections
 - Streets and Maintenance
 - City Attorney's Office
 - District Representatives #1, 2, 5, and 7

“Entertainment Districts” Noise Enforcement

Number of Noise Readings – 4/22/21-1/22/22

Count of Violation				
Command	Code Enforcement	PD	None	Grand Total
Central	17	1	2,108	2,269
Mission Valley	0	0	283	283
Pebble Hills	4	0	3,423	3,143
Westside	38	12	2,061	2,113
Grand Total	59	13	7,875	7,947

Over 70 db = 1.72%
 65 to 70 db = 34.57%
 60 to 65 db = 39.54%
 60 db or less = 24.17%



Total
Readings:
7,949

“Entertainment Districts” Noise Enforcement

2021:

PD Commands	# Readings	# Venues	Ave dB	# Violations
Westside • 200 Cincinnati	1,625	16	66 dB	50
Pebble Hills • 3000 Zaragoza • 2100 Zaragoza • 1700 Zaragoza • 1400 Zaragoza • 1100 Airway • 1500 G. Dieter • 12000 Tierra Este • 11400 Montana • 10700 Pebble Hills	2,878	31	62 dB	4
Central • Downtown-DMD	374	13	60 dB	1
Central • 5 Points	1,544	15	62 dB	17
Total	6,421	75	62.5 dB	72

Cincinnati Area Special Operations

Noise Enforcement

April 22, 2021 – Jan 22, 2022

- Noise Violations – Cincinnati Entertainment District: 50
- **DB Actual Average = 63.03**
- **DB Ambient Average = 59.86**

April 22, 2021 – Jan 22, 2022

Noise Disturbance Calls:

- 131 Calls for Police Service:
- Noise Disturbance / Nuisance Calls

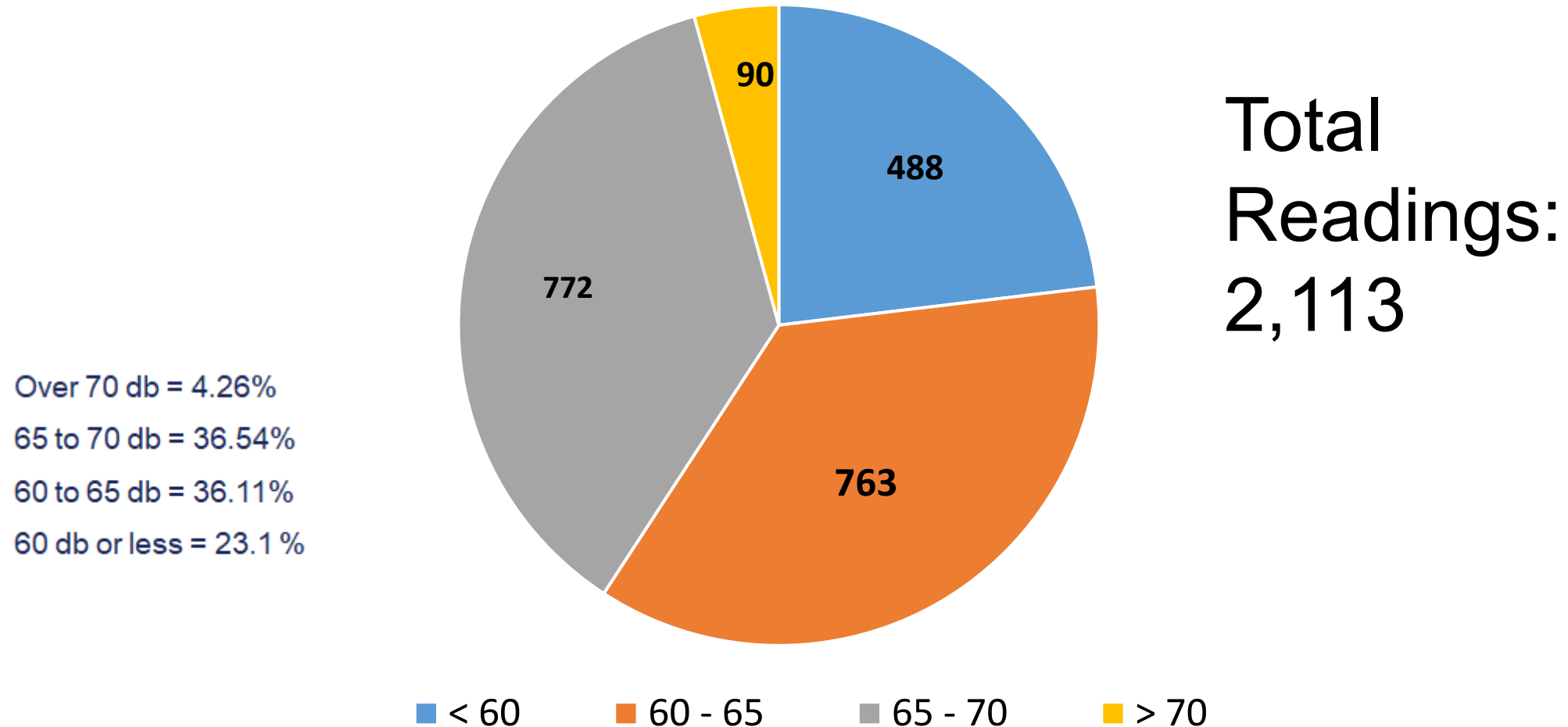
Cincinnati Area Special Operations

Noise Readings and Violations

Count of Violation				
Business	Code Enforcement	Police	None	Grand Total
Champagne Villain	1		218	219
Chino Chido			78	78
College Dropout	4	2	185	191
Ditzy Duck	6	1	121	128
El Rey Muerto			2	2
Faded Barber	1		6	7
Fools Gold	3		195	198
Geogeske G2			169	169
Good Times	4		213	217
Lost And Found Bar	3	1	225	229
Palomino	8	4	208	220
Profe	5	4	154	163
Rockin Cigar			208	208
Sister Esthers Bar	3		80	83
Spirit Of 66			1	1
Grand Total	38	12	2063	2113

Cincinnati Area Special Operations

Number of Noise Readings – 4/22/21 - 1/22/22





Proposed Changes

TITLE 9, CHAPTER 9.40

Noise

Proposed Revisions – Ch. 9.40

- Reasonable Sensibilities standard
 - Clarifying violations can occur at any time of the day if noise unreasonably disturbs or interferes with the sleep, peace, comfort, or repose of a person of reasonable sensibilities
- Location of Reading
 - Revising location from property line of the property receiving the noise to property line of the property producing the noise
- Decibel Level
 - Lowering from 70 dB to 65 dB
- Vibration Violations
 - Revising requirement from adjoining properties to affected property.

Penalties – 9.40.070

- Class C Citation: max of \$500/day
- Additionally, the city may, in accordance with Chapter 54 of the Texas Local Government Code, bring a civil action against a person violating a provision of this chapter.
- The civil action may include civil penalties of up to \$1,000/day



TITLE 5, CHAPTER 5.03

Amplified **Sound** Permit

Sound Amplification Permit

- Any business entity that utilizes amplification equipment at a non-residential property within 350 feet of a residential property must get a sound amplification permit
 - Outdoor Area
 - 10:00PM to 12:00AM
 - 70 Decibels



Sound Amplification Permits

- # of businesses with sound amp permit as of 1/20/22: 2
- # of businesses with pending applications: 0
- # of businesses denied: 0



Proposed Revisions – Ch. 5.03

- Revise definition of "Outdoor Area" to clarify that roll-up style doors, open doors, and windows constitute an outdoor area.
- Lowering decibel level from 70 dB to 65 dB
- Expand location requirement from 350 ft. to 500 ft. from residences.
- Written notice to neighbors expanded to 500 ft. (from 300 ft.); written responses expanded to 300 ft. (from 150 ft.).
- Lower revocation threshold from ten citations to two citations.
- Clarify that the City may seek injunctive relief for violations under the Texas Local Government Code.

- ***Not applicable to Downtown Management District – no change.



Sound Amplification Permit Process

Application submitted and reviewed for completeness If incomplete returned to applicant for corrections to applicant	2 days
If complete Routed to GIS planner to develop mailing labels of parcels within 150' and 350' to be notified.	2 days
Site Inspection conducted to verify on-site posting and location of outdoor amplification equipment	2 days
Notification of intent to acquire permit mailed	2 days
30 day response allowance for notified parties	30 days
Review of responses from notified parties	2 days
Permit issuance If less than 25% of residential properties within 150' object – permit issued If more than 25% of residential properties within 150' object – permit denied	1 day
Approximate time for permit issuance/denial	40-45 days



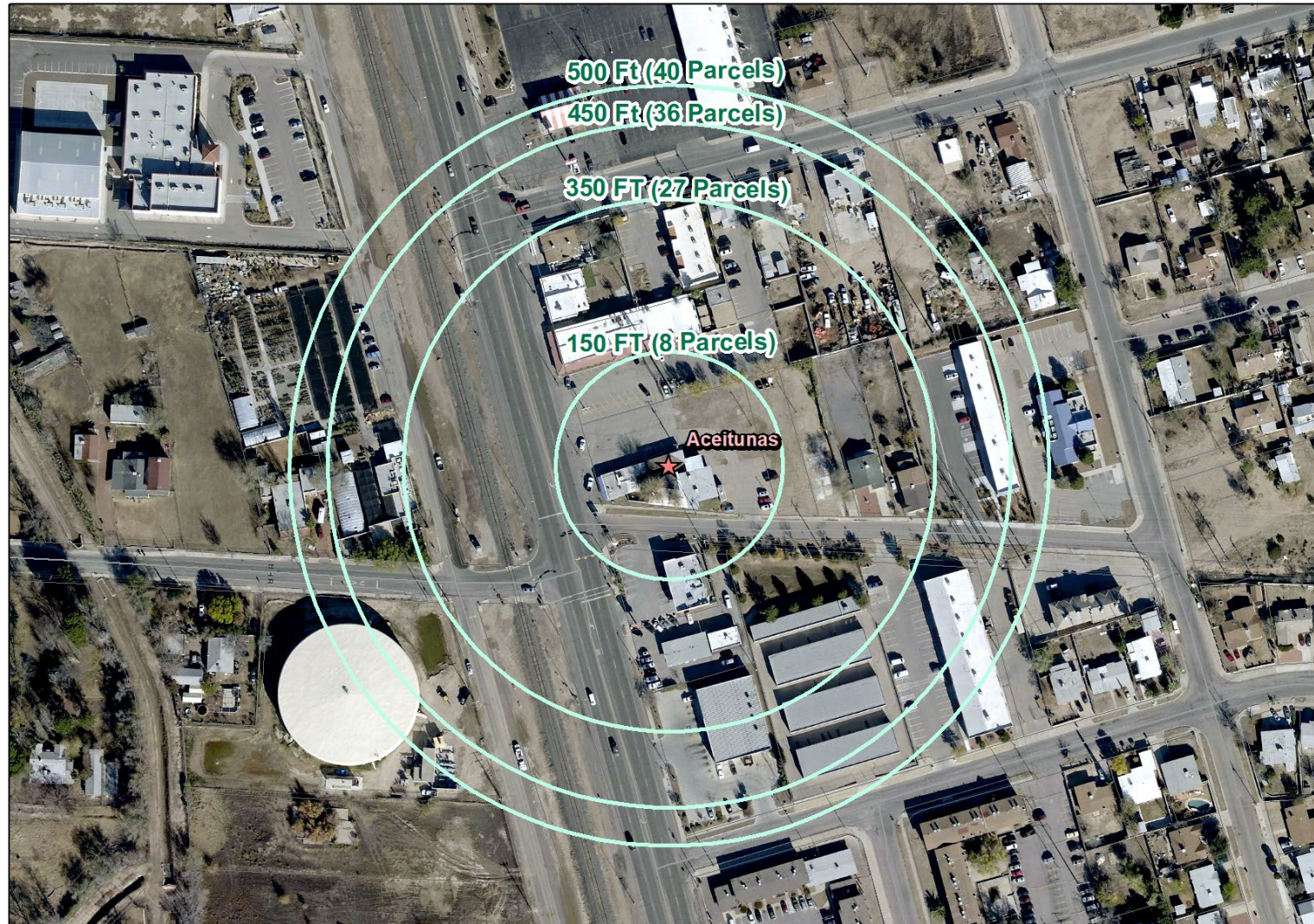
Establishment Survey

Police Regional Command Area	Outdoor Sound Amp	No Outdoor Sound Amp	Total
Central	50 (11 DMD exempt)	78	128
Mission Valley	8	26	34
West Side	59	113	172
Pebble Hills	88	183	271
Northeast	17	16	33
	222	416	638

34 % of establishments have outdoor sound amplification ability



Westside Regional Command



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



★ Patio Center
□ Buffers

0 75 150 300 450 600 Feet



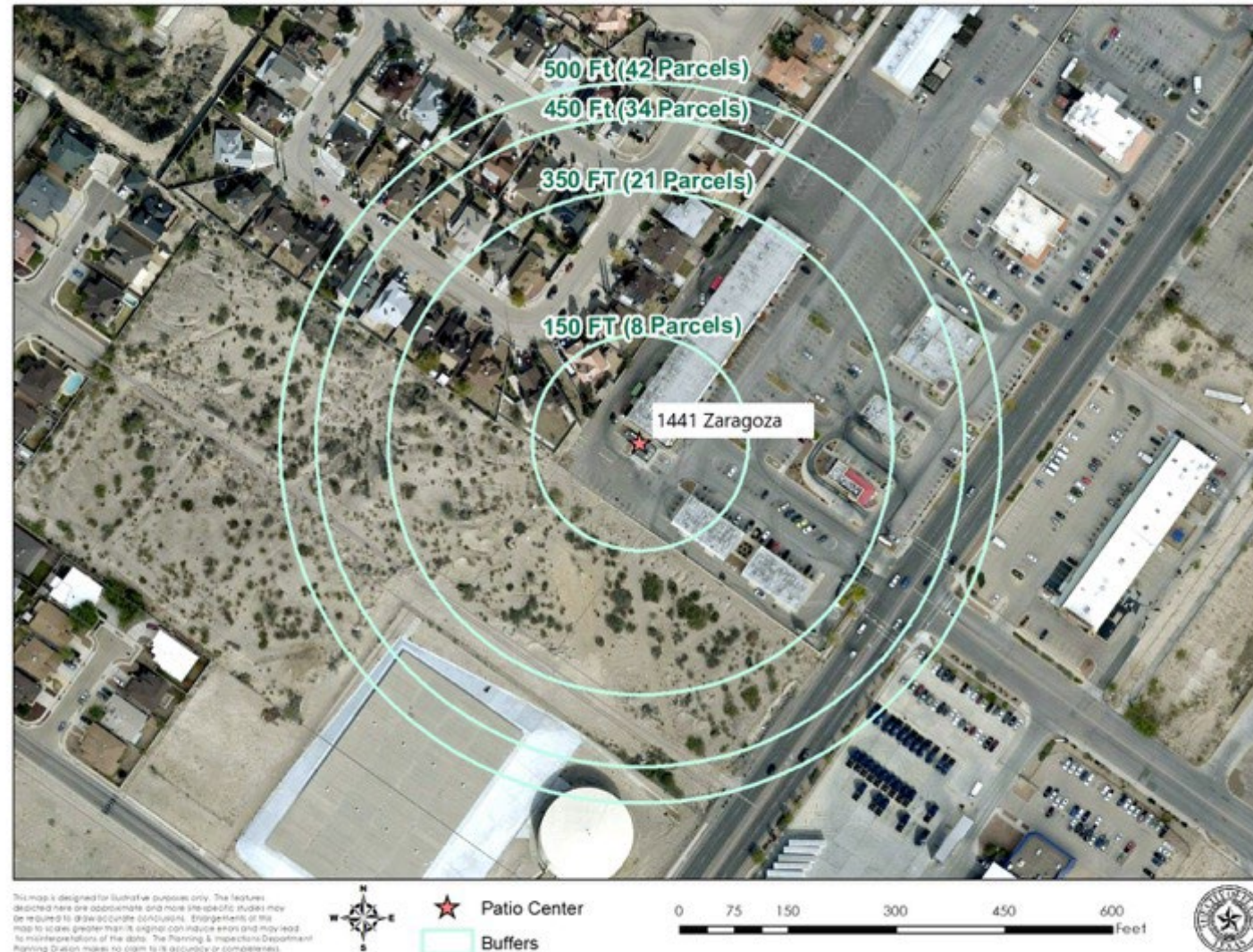
Pebble Hills Regional Command



Westside Regional Command



Pebble Hills Regional Command



Pebble Hills Regional Command



Central Regional Command





City Attorney's Office Prosecutors

Citizen Complaint Packets

- Reasonable Sensibilities Cases
- Now available to the public at the CAO website
 - <https://www.elpasotexas.gov/city-attorney/complaint-forms/>
- Videos strongly encouraged
- Identification of violating party and other elements of offense

Municipal Court Cases

- Citations/Notices of Violations from Police/Code:92
 - Violations: Max decibel level, no permit, vibrations
 - Plea/paid fine: 4
 - Reset: 59
 - Warrants: 28
 - Dismiss: 1
- City Attorney's Office cases under Reasonable Sensibilities standard in 2021-Feb 2022: 39
 - 31 Accepted
 - 6 reset
 - 25 awaiting first setting
 - 8 rejected

Questions?

Mission

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

Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

Vision

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



Legislation Text

File #: 22-521, 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 amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-7, Industrial and/or Railyards.

Subject Property: 9879 North Loop Drive

Applicant: Hunt Eastlake Industrial, LLC. PLCP21-00004

[POSTPONED FROM 05-10-2022]

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

AGENDA DATE: May 10, 2022
PUBLIC HEARING DATE: June 7, 2022

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: 3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-7, Industrial and/or Railyards.

Subject Property: 9879 North Loop Drive
Applicant: BRE Development, LLC. PLCP21-00004

BACKGROUND / DISCUSSION:

The applicant is requesting to revise the Future Land Use Map designation from O-3, Agriculture to G-7, Industrial and/or Railyards. City Plan Commission recommended 8-0 to approve the proposed amendment on April 21, 2022. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN “PLAN EL PASO” FOR THE PROPERTIES LEGALLY DESCRIBED AS TRACT 1C, BLOCK 1 AND TRACT 1A, BLOCK 2, YSLETA GRANT, 9879 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-3, AGRICULTURE TO G-7, INDUSTRIAL AND/OR RAILYARDS.

WHEREAS, *Plan El Paso*, as subsequently amended, was initially adopted by the El Paso City Council on March 6, 2012 pursuant to provisions of the Texas Local Government Code as the Comprehensive Plan for the City; and

WHEREAS, the Comprehensive Plan provides a basis for the City’s regulations and policies that directs its physical and economic development; and

WHEREAS, the Future Land Use Map (FLUM) is one of the policies adopted by the El Paso City Council contained within the Comprehensive Plan which identifies desired land use patterns; and

WHEREAS, the City’s Future Land Use Map serves as a guide to the type and manner of future development for the City of El Paso; and

WHEREAS, when changes and amendments to the zoning map are requested, the reviewing City departments and the City Plan Commission must make recommendations regarding the conformity of the proposed change to the City’s Comprehensive Plan; and

WHEREAS, in some instances when a request to amend the zoning map does not conform to the Future Land Use Map, an amendment to that map may be required; and

WHEREAS, the City Plan Commission, after conducting a public hearing, recommended the proposed amendment to the Future Land Use Map; and

WHEREAS, after conducting a public hearing, the proposed amendment to the Future Land Use Map of *Plan El Paso* will have no negative impact upon the public health, safety, morals, and general welfare of the City, and will carry out the purpose and spirit of the policies expressed in *Plan El Paso*.

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

1. That the areas identified in "Exhibit A" and legally described Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas, be incorporated into the City's Comprehensive Plan, *Plan El Paso*, for all the purposes, including amending the Future Land Use Map from O-3, Agriculture to G-7, Industrial and/or Railyards.
2. That *Plan El Paso* and its related documents, as herein modified, shall remain in full force and effect as to the long range general policies for guiding growth and development in the City.

ADOPTED this ____ day of _____, 2022.

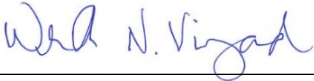
THE CITY OF EL PASO:

ATTEST:

Oscar Leeser
Mayor

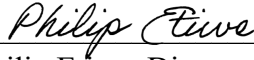
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director
Planning & Inspections Department

Exhibit "A"

Tract 1C, Block 1 and Tract 1A, Block 2,
Ysleta Grant,
City of El Paso, El Paso County, Texas
June 14, 2021

METES AND BOUNDS DESCRIPTION

North Loop Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set iron rod located at the common boundary corner of Tract 1A, Block 2, Ysleta Grant and Tract 13A, Block 5, Socorro Grant, same being the northerly right-of-way line of North Loop Drive and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary corner and along the northerly right-of-way line of North Loop Drive, North 38°11'22" West, a distance of 710.71 feet to a found iron rod for corner at the easterly right-of-way of Via Maria Drive;

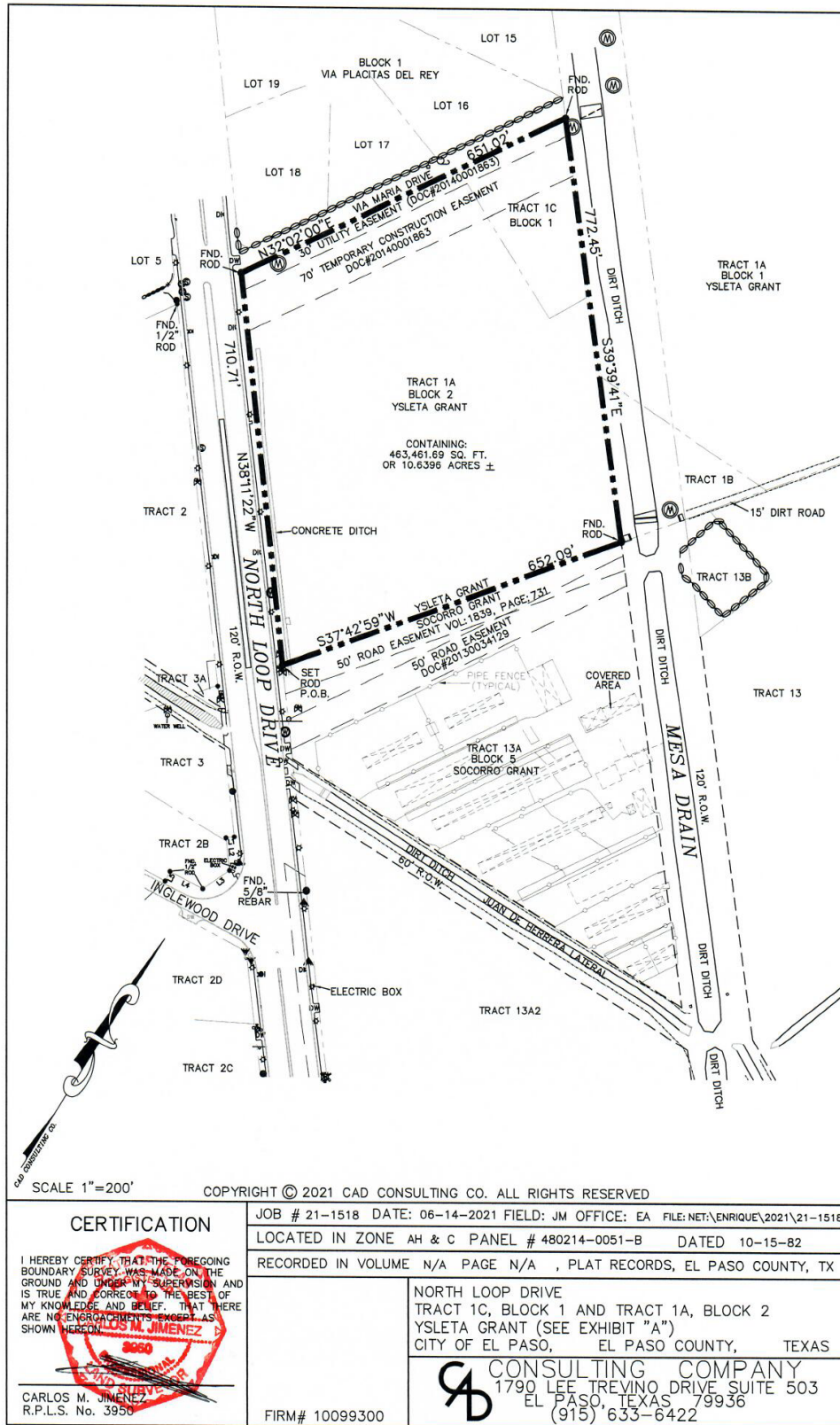
THENCE, leaving said northerly right-of-way line of North Loop Drive and along the easterly right-of-way of Via Maria Drive, North 32°02'00" East, a distance of 651.02 feet to a found iron rod for corner at the southerly right-of-way line of Mesa Drain;

THENCE, leaving said easterly right-of-way of Via Maria Drive and along the southerly right-of-way line of Mesa Drain, South 39°39'41" East, a distance of 772.45 feet to a found iron rod for corner at the common boundary corner of Tract 1A, Block 2, Ysleta Grant and Tract 13A, Block 5, Socorro Grant;

THENCE, leaving said southerly right-of-way line of Mesa Drain and along the common boundary line of Tracts 1A and 13A, South 37°42'59" West, a distance of 652.09 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 463,461.69 square feet or 10.6396 acres of land more or less.

Carlos M. Jimenez
R.P.L.S. # 3950
CAD Consulting Co.
1790 Lee Trevino Drive, Suite 309
El Paso, Texas 79936
(915) 633-6422
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9879 North Loop Dr.

City Plan Commission — April 21, 2022

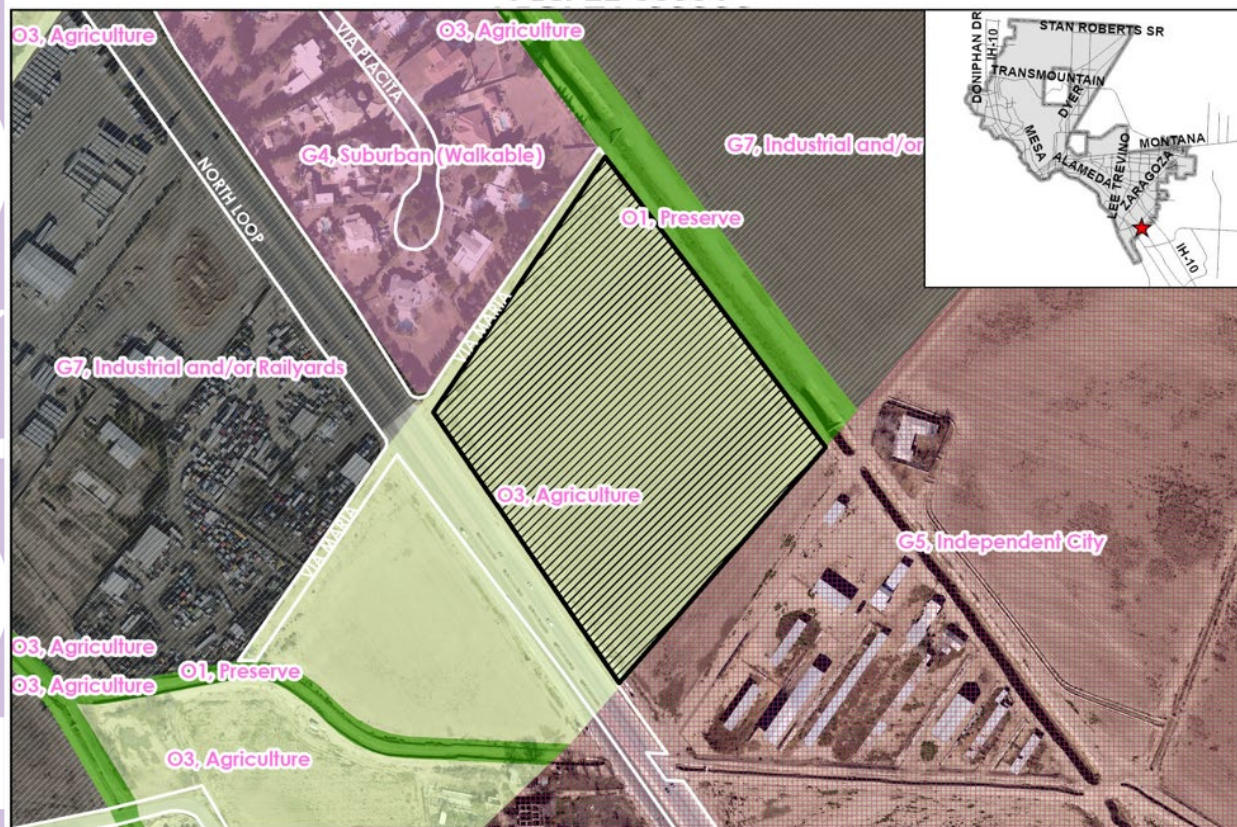


CASE NUMBER: PLCP21-00004
CASE MANAGER: David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER: Hunt Eastlake Industrial, LLC
REPRESENTATIVE: CEA Group
LOCATION: 9879 North Loop Drive (District 6)
PROPERTY AREA: 10.55 acres
REQUEST: Adjust the Future Land Use designation from O-3, Agriculture to G-7, Industrial and/or Railyards
RELATED APPLICATIONS: PZR21-00017, Rezoning
PUBLIC INPUT: N/A

SUMMARY OF REQUEST: The applicant is requesting an amendment to *Plan El Paso*, the City's comprehensive plan, to amend the Future Land Use designation from O-3, Agriculture to G-7, Industrial and/or Railyards, to accommodate a proposed industrial and general warehouse development.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed development is in keeping with the character of the adjacent development and the policies of *Plan El Paso* for the G-7, Industrial and/or Railyards Future Land Use designation.

PLCP21-00004



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



Subject Property

0 87.5 175 350 525 700 Feet



Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to amend the Future Land Use designation on a 10.55-acre property to allow for industrial and general warehouse development. The subject property is currently inactive farmland. The existing O-3 Agriculture Use designation is no longer appropriate for the area as agricultural uses have ceased and there is increased development within the area. The G-7 designation is most in character with the proposed development for the property, which is similar in scale and character to nearby industrial development along North Loop Drive and Inglewood Drive. This case is related to rezoning case PZRZ21-00017, which requests to rezone the subject property from R-F (Ranch and Farm) to C-4 (Commercial) to allow for a proposed warehouse and industrial development.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: Properties in the City limits to the north of the subject property has the G-4, Suburban (Walkable), O-1, Preserve and G-7, Industrial and/or Railyards designation and are currently vacant farmland and residential development. To the west, properties have the G-4, Suburban (Walkable) and G-7, Industrial and/or Railyards designation and consist of heavy truck storage and repair uses. To the south, the property is inactive farmland and has the O-3, Agriculture designation. All properties to the east are outside El Paso City limits and inactive farmland.

COMPLIANCE WITH PLAN EL PASO – When evaluating whether a proposed adjustment is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed Future Land Use designation for the property:</p> <p>G-7 – Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso’s economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town</p>	<p>Yes. <i>Plan El Paso</i> identifies the G-7 designation as appropriate for industrial parks and industrial uses, which is in keeping with the proposed industrial and general warehouse uses. The associated rezoning to C-4 (Commercial) will ensure that any future proposed uses will remain compatible with the G-7 designation. In addition, the subject property is accessed from North Loop Drive which is classified as a major arterial per the City of El Paso’s Major Thoroughfare Plan and is adequate to serve the proposed uses.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use, and/or land use.</p>	<p>Yes, the subject property has access from North Loop Drive, which is classified as a major arterial on the City of El Paso’s Major Thoroughfare Plan (MTP).</p>

THE PROPOSED DESIGNATION’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
<p>Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.</p>	<p>N/A, this property is not within any historic districts or other special designations.</p>
<p>Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested change.</p>	<p>Development of the subject property will bring higher intensity uses into close proximity with existing residential, commercial, and agricultural uses.</p>

Natural Environment: Anticipated effects on the natural environment.	The subject property is currently inactive farmland. The existing irrigation canals and drainage laterals will be buffered from development.
Stability: Whether the area is stable or in transition.	The surrounding area is in transition from farmland to employment supportive uses.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing designation no longer suitable for the property.	Agricultural uses have ceased on the subject property and there is increased development in the area. The area is in transition.

CITY PLAN COMMISSION OPTIONS:

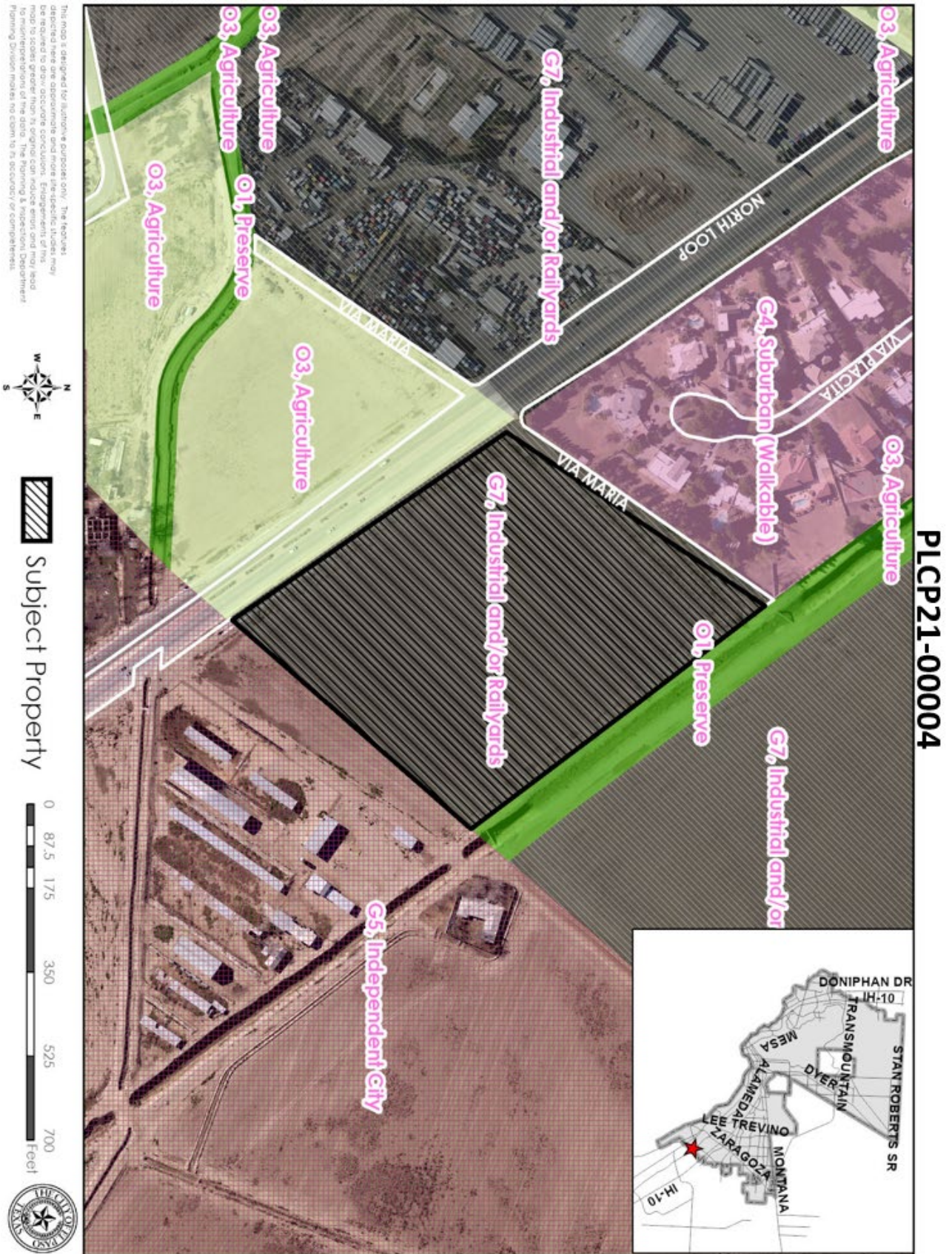
The City Plan Commission (CPC) has the authority to advise City Council on changes to the Comprehensive Plan. In evaluating the request, the CPC may take any of the following actions:

1. **Recommend Approval** of the 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 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 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. Proposed Future Land Use Map

ATTACHMENT 1





Legislation Text

File #: 22-522, 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 changing the zoning of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and 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: 9879 North Loop Drive

Applicant: Hunt Eastlake Industrial, LLC, PZRZ21-00017

[POSTPONED FROM 05-10-2022]

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

AGENDA DATE: May 10, 2022
PUBLIC HEARING DATE: June 7, 2022

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: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and 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: 9879 North Loop Drive
Applicant: Hunt Eastlake Industrial, LLC. PZRZ21-00017

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-F (Ranch and Farm) to C-4 (Commercial) to allow for warehouse and industrial development. City Plan Commission recommended 8-0 to approve the proposed rezoning with four conditions on April 21, 2022. The Mission Valley Civic Association President and Corridor 20 Civic Association President were present and spoke in favor of this item at the CPC hearing. As of May 2, 2022, the Planning Division did not receive any communications in support or opposition to the request from the public. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACT 1C, BLOCK 1 AND TRACT 1A, BLOCK 2, YSLETA GRANT, 9879 NORTH LOOP DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND 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.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, 9879 North Loop Drive located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-4/c (Commercial/condition)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the change in intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code.
2. Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive. Upon the extension and construction of Via Maria northeasterly toward Interstate-10, access for semi-trailer trucks and cabs to and from Via Maria Drive shall be authorized.
3. That prior to issuance of any certificates of occupancy, a six foot (6') high combination masonry/wrought iron wall be constructed along the property line abutting Via Maria Drive.
4. That prior to issuance of any certificates of occupancy, a temporary traffic barricade be installed on Via Maria Drive where it intersects with North Loop Drive.

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 _____, 2022.


THE CITY OF EL PASO:

ATTEST:

Laura D. Prine
City Clerk

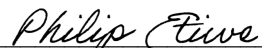
Oscar Leoser
Mayor

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ21-00017

Tract 1C, Block 1 and Tract 1A, Block 2,
Ysleta Grant,
City of El Paso, El Paso County, Texas
June 14, 2021

METES AND BOUNDS DESCRIPTION

North Loop Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of Tract 1C, Block 1 and Tract 1A, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a set iron rod located at the common boundary corner of Tract 1A, Block 2, Ysleta Grant and Tract 13A, Block 5, Socorro Grant, same being the northerly right-of-way line of North Loop Drive and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said common boundary corner and along the northerly right-of-way line of North Loop Drive, North $38^{\circ}11'22''$ West, a distance of 710.71 feet to a found iron rod for corner at the easterly right-of-way of Via Maria Drive;

THENCE, leaving said northerly right-of-way line of North Loop Drive and along the easterly right-of-way of Via Maria Drive, North $32^{\circ}02'00''$ East, a distance of 651.02 feet to a found iron rod for corner at the southerly right-of-way line of Mesa Drain;

THENCE, leaving said easterly right-of-way of Via Maria Drive and along the southerly right-of-way line of Mesa Drain, South $39^{\circ}39'41''$ East, a distance of 772.45 feet to a found iron rod for corner at the common boundary corner of Tract 1A, Block 2, Ysleta Grant and Tract 13A, Block 5, Socorro Grant;

THENCE, leaving said southerly right-of-way line of Mesa Drain and along the common boundary line of Tracts 1A and 13A, South $37^{\circ}42'59''$ West, a distance of 652.09 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 463,461.69 square feet or 10.6396 acres of land more or less.

Carlos M. Jimenez
R.P.L.S. # 3950
CAD Consulting Co.
1790 Lee Trevino Drive. Suite 309
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2021\21-1518_North Loop-Hunt.wpd



9879 North Loop Drive

City Plan Commission — April 21, 2022

REZONING



CASE NUMBER: PZRZ21-00017
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: Hunt Eastlake Industrial, LLC
REPRESENTATIVE: CEA Group
LOCATION: 9879 North Loop Drive (District 6)
PROPERTY AREA: 10.55 acres
REQUEST: Rezone from R-F (Ranch and Farm) to C-4 (Commercial)
RELATED APPLICATIONS: PLCP21-00004 Comprehensive Plan Amendment
PUBLIC INPUT: None received as of April 14, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone from R-F (Ranch and Farm) to C-4 (Commercial) to allow for general warehouse and industrial development.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential and commercial districts in the immediate area. The proposed rezoning is consistent with *Plan El Paso*, the City's adopted Comprehensive Plan. The conditions are the following:

1. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code.
2. Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive. Upon the extension and construction of Via Maria northeasterly toward Interstate-10, access for semi-trailer trucks and cabs to and from Via Maria Drive shall be authorized.
3. That prior to issuance of any certificates of occupancy, a six foot (6') high combination masonry/wrought iron wall be constructed along the property line abutting Via Maria Drive.
4. That prior to issuance of any certificates of occupancy, a temporary traffic barricade be installed on Via Maria Drive where it intersects with North Loop Drive.

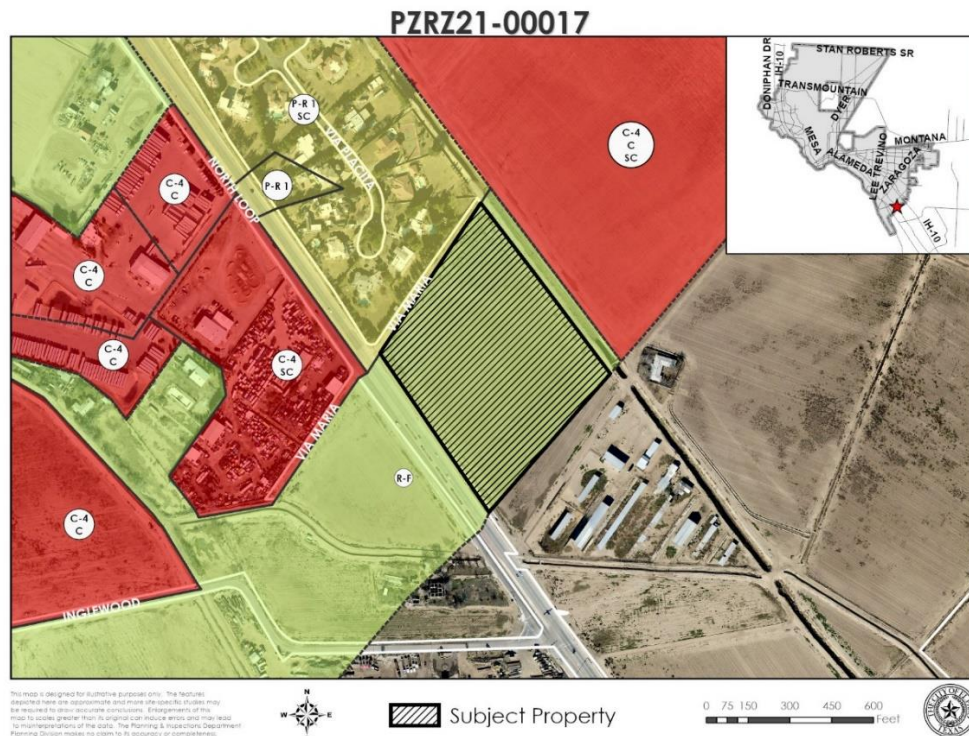


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone from R-F (Ranch and Farm) to C-4 (Commercial) to allow for proposed general warehouse and industrial development. The conceptual site plan shows a new 130,000 square-foot warehouse and industrial building. Access to the subject property is proposed from North Loop Drive.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed C-4 district is consistent with the surrounding residential and heavy commercial districts in the immediate area, and consistent with the established character of the neighborhood. This development is part of a much larger area within the abutting City of Socorro which is currently zoned for light industrial uses. Furthermore, the proposed development meets the intent of the proposed G-7, Industrial and/or Railyards designation of *Plan El Paso* in the Mission Valley planning area.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-7, Industrial and/or Railyards: 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 railyards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes, the subject property and the proposed developments meet the intent of the proposed G-7 Industrial and/or Railyards Future Land Use designation of <i>Plan El Paso</i>. The proposed development is adjacent to residential and commercial lots; therefore, has the potential to repurpose the lot for commercial and industrial employment for the area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-4 (Commercial) District: The purpose of this 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. Within the central business district, more intensive commercial uses are allowed, the predominant of which are retail trade and service uses, providing less restrictive height and area regulations.</p>	<p>Yes, the proposed commercial development is consistent with the commercial development in the neighborhood. Commercial uses are common and appropriate in this sector. The surrounding properties are zoned P-R I (Planned-Residential I) and C-4 (Commercial). Therefore, the proposed development has the potential to provide employment opportunities.</p>

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: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.	Yes, the property is located on North Loop Drive which is classified as a major arterial on the City of El Paso's Major Thoroughfare Plan. Additionally, Via Maria Drive is designated a minor arterial as per the City of El Paso's Major Thoroughfare Plan. It will need to be improved as required at the subdivision stage since it is substandard.
THE PROPOSED ZONING DISTRICT'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A. The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will match development immediately surrounding the subject property.
Natural Environment: 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 in transition and the proposed development is compatible with the existing commercial zoning properties to the north.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The area is in transition from inactive agricultural uses for the property. The established neighborhood is comprised of a mix of residential and commercial development. There have been recent rezoning requests for this area to the northwest and northeast in 1982 and 2021, respectively.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders North Loop Drive, which is designated a major arterial as per the City of El Paso's Major Thoroughfare Plan. Access is proposed from North Loop Drive and is adequate to serve the development. Additionally, Via Maria Drive is designated a minor arterial as per the City of El Paso's Major Thoroughfare Plan. It will need to be improved as required at the subdivision stage since it is substandard.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to the proposed rezoning. Per Streets and Maintenance Department, the traffic impact analysis (TIA) can be deferred to the platting/subdivision stage, however, a Detailed Site Development Plan (DSDP) will be needed during the platting/subdivision stage when the TIA requirement will be determined. 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 Civic Association and Corridor 20 Civic Association, which were notified by the applicant prior to submittal of the Rezoning Application. The Planning & Inspections Department of the City of El Paso, in conjunction with the office of Representative Claudia Rodriguez, held a virtual community meetings January 24, 2022 providing information on the proposed rezoning however no residents from the community attended the meeting. As required, public notices were mailed to property owners within 300 feet on February 10, 2022. Additionally, on March 14, 2022 the applicants met with the

presidents of the Corridor 20 Civic Association and Mission Valley Civic Association. A follow up meeting was held on April 13, 2022. As of April 14, 2022, the Planning Division did not receive any communication in support or opposition to the request from the public.

RELATED APPLICATIONS: PLCP21-00004 Comprehensive Plan Amendment.

CITY PLAN COMMISSION OPTIONS:

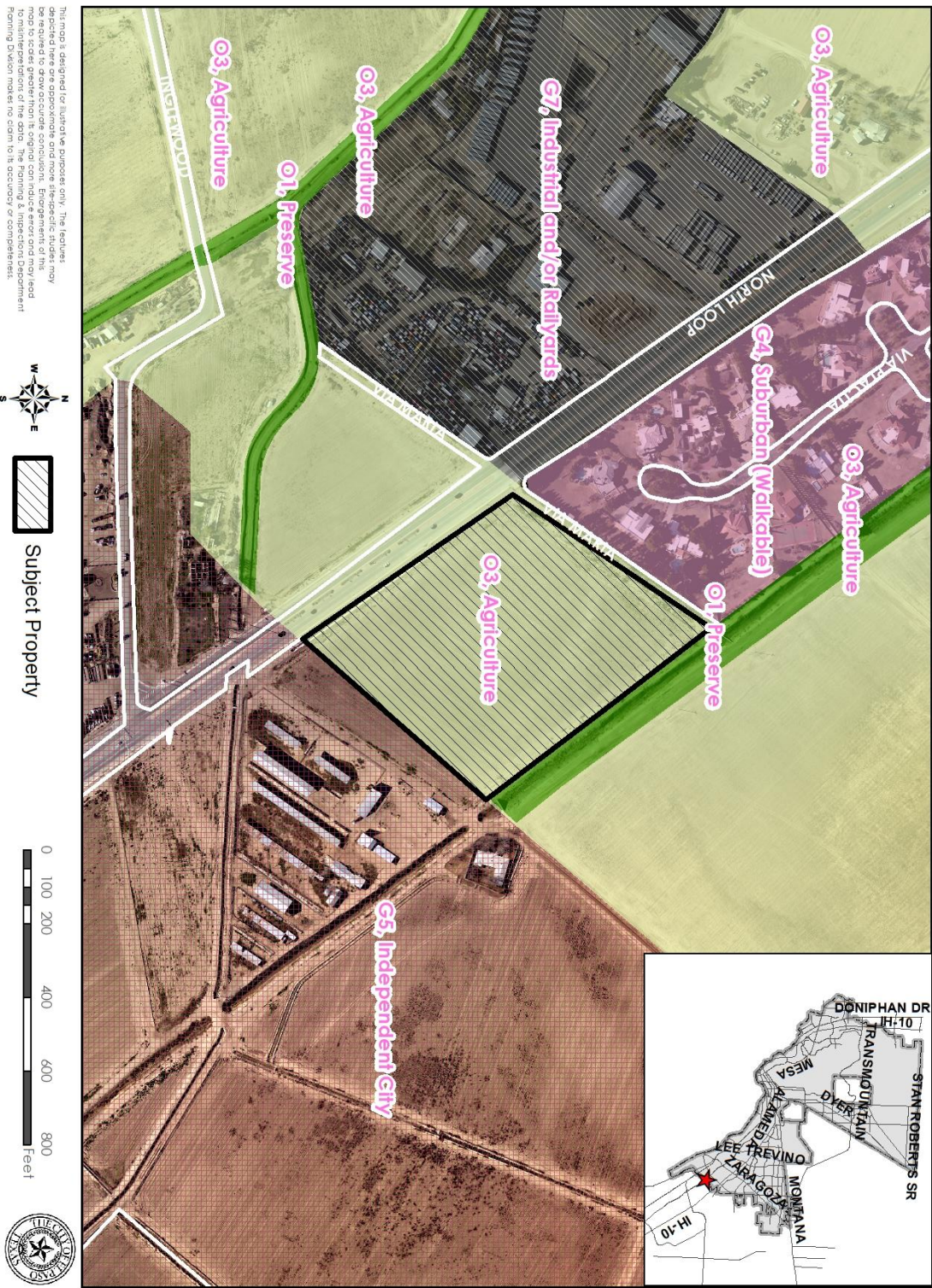
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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

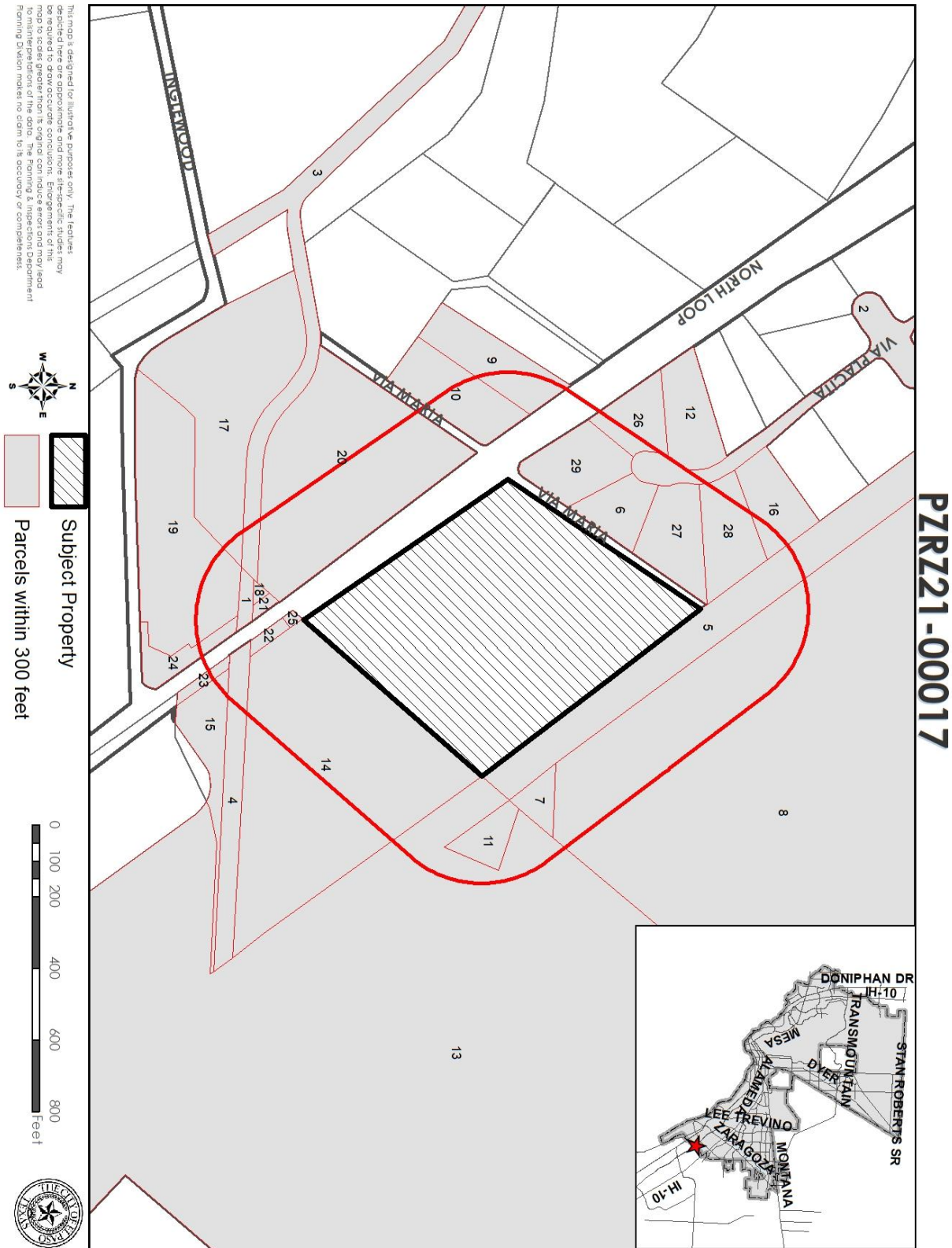
ATTACHMENTS:

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Conceptual Site Plan
4. Department Comments

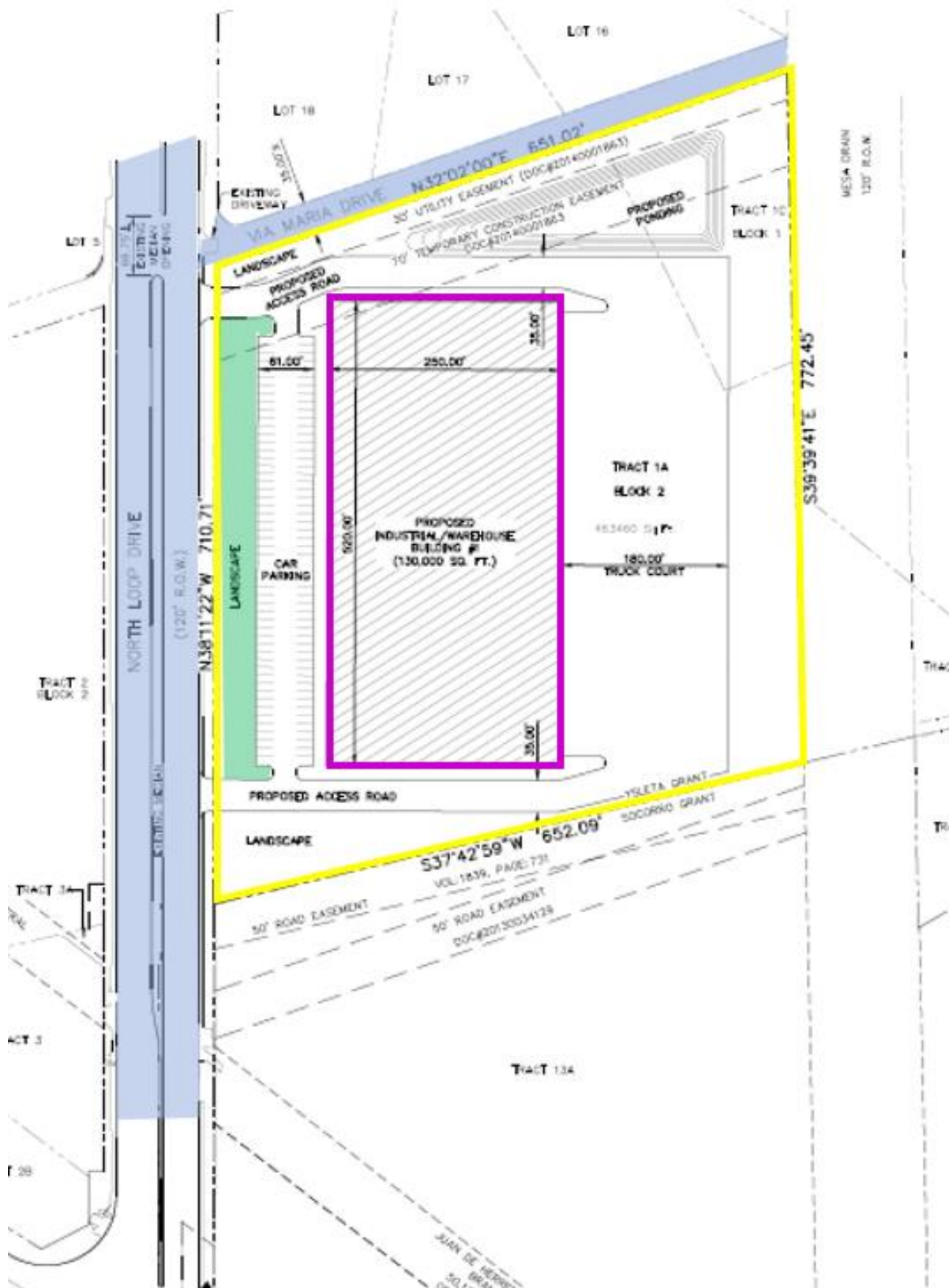
ATTACHMENT 1



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department – Planning Division

Staff recommends APPROVAL WITH CONDITIONS of the request. The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential and commercial districts in the immediate area. The proposed rezoning is consistent with Plan El Paso, the City's adopted Comprehensive Plan. The conditions are the following:

1. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code.
2. Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive.

Planning and Inspections Department – Plan Review

No objections to rezoning.

Planning and Inspections Department – Land Development

No objections to rezoning.

Street and Maintenance Department

The TIA can be deferred to the platting/subdivision stage, however, a DSDP will be needed during the platting/subdivision stage when the TIA requirement will be determined.

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)

- Please adhere to the TxDOT access management manual for driveway spacing minimums (the minimum spacing is 360 feet for this location)

-Submit for a TxDOT permit for all work on state ROW

Note: the comments will be addressed at Subdivision stage.

Fire Department

No adverse comments.

Sun Metro

No objections.

El Paso Water

El Paso Water (EPWU) does not object to this request.

North Loop Rd. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Rd. right-of-way requires written permission from TxDOT.

Water:

There is an existing 12-inch diameter water main along North Loop Rd., approximately 5-feet south of the property. This main is available for Service.

Previous water pressure from fire hydrant #6634 located on North Loop Rd. approximately 270 feet east of the intersection of North Loop Rd. and Via Maria, has yielded a static pressure of 104 psi, a residual pressure of 90 psi, and a discharge of 1,061 gallons per minute. 13. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

There is an existing 60-inch sanitary sewer interceptor along a 25-foot PSB easement East of Via Maria Rd. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is a 48-inch diameter sanitary sewer interceptor along Via Maria, approximately 15 feet west of the property. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is a 60-inch diameter sanitary sewer interceptor along Mesa Drain, approximately 10 feet north of the property. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General:

Sanitary sewer main extensional along an easement will be required to provide service. Owner is responsible for main extension costs and easement acquisition and costs.

Mesa Drain is an El Paso County Water Improvement District No. 1 facility. Permits for installation of sanitary sewer main and manholes within the right of way are required. Owner/Developer is responsible for permit, survey and consideration fees.

During the site improvement work, the Owner/Developer shall safeguard all existing water mains, sewer mains, and appurtenant structures. The Owner/Developer shall minimize changes in grade above or near the vicinity of the existing PSB facilities and is responsible for the cost of setting appurtenant structures to final grade.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWater-PSB easement without the written consent of EPWater-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWater-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWater maintenance vehicles. EPWater-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

An application for water and sanitary sewer services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

El Paso Water – Stormwater Engineering

The proposed pond shown shall be able to retain the runoff generated by a 100yr. storm event.

El Paso County Water Improvement District #1

EPCWID1 has no comments on the above mentioned item.



Legislation Text

File #: 22-523, 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, 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 amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

Subject Property: North of Inglewood Drive and West of North Loop Drive

Applicant: BRE Development, LLC. PLCP21-00005

[POSTPONED FROM 05-10-2022]

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

AGENDA DATE: May 10, 2022
PUBLIC HEARING DATE: June 7, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 7

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

SUBGOAL: 3.2 Improve the visual impression of the community

SUBJECT:

An Ordinance amending the Future Land Use Map (FLUM) contained in "Plan El Paso" for the properties legally described as Tract 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, from O-3, Agriculture to G-4, Suburban (Walkable).

Subject Property: North of Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PLCP21-00005

BACKGROUND / DISCUSSION:

The applicant is requesting to revise the Future Land Use Map designation from O-3, Agriculture to G-4, Suburban (Walkable). City Plan Commission recommended 6-0 to approve the proposed amendment on February 24, 2022. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES ___ NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP (FLUM) CONTAINED IN “PLAN EL PASO” FOR THE PROPERTIES LEGALLY DESCRIBED AS TRACT 2, 2B, AND 3D, BLOCK 2, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS, FROM O-3, AGRICULTURE TO G-4, SUBURBAN (WALKABLE).

WHEREAS, *Plan El Paso*, as subsequently amended, was initially adopted by the El Paso City Council on March 6, 2012 pursuant to provisions of the Texas Local Government Code as the Comprehensive Plan for the City; and

WHEREAS, the Comprehensive Plan provides a basis for the City’s regulations and policies that directs its physical and economic development; and

WHEREAS, the Future Land Use Map (FLUM) is one of the policies adopted by the El Paso City Council contained within the Comprehensive Plan which identifies desired land use patterns; and

WHEREAS, the City’s Future Land Use Map serves as a guide to the type and manner of future development for the City of El Paso; and

WHEREAS, when changes and amendments to the zoning map are requested, the reviewing City departments and the City Plan Commission must make recommendations regarding the conformity of the proposed change to the City’s Comprehensive Plan; and

WHEREAS, in some instances when a request to amend the zoning map does not conform to the Future Land Use Map, an amendment to that map may be required; and

WHEREAS, the City Plan Commission, after conducting a public hearing, recommended the proposed amendment to the Future Land Use Map; and

WHEREAS, after conducting a public hearing, the proposed amendment to the Future Land Use Map of *Plan El Paso* will have no negative impact upon the public health, safety, morals, and general welfare of the City, and will carry out the purpose and spirit of the policies expressed in *Plan El Paso*.

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

ORDINANCE NO. _____

[location] [district] to [district]

22-1007-2871 | 1163252 | WNV

PLCP21-00005

1. That the areas identified in “Exhibit A” and legally described Tract 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas, be incorporated into the City’s Comprehensive Plan, *Plan El Paso*, for all the purposes, including amending the Future Land Use Map from O-3, Agriculture to G-4, Suburban (Walkable).
2. That *Plan El Paso* and its related documents, as herein modified, shall remain in full force and effect as to the long range general policies for guiding growth and development in the City.

ADOPTED this _____ day of _____, 2022.

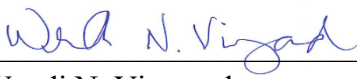
THE CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

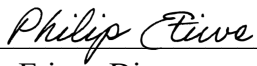
Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

[location] [district] to [district]

22-1007-2871 | 1163252 | WNV

PLCP21-00005

Being All of Tracts 2, 2B and 3D, Block 2
Ysleta Grant,
El Paso County, Texas
February 26, 2021

METES AND BOUNDS DESCRIPTION

North Loop Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of Tracts 2, 2B and 3D, Block 2, Ysleta Grant, El Paso County, Texas being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 1/2 rebar at the notherwest boundary corner of Tract 2, same being the westerly right-of-way line of North Loop Drive and the southerly right-of-way line of Via Maria Drive (35' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southerly right-of-way line of Via Maria Drive and along the westerly right-of-way line of North Loop Drive, South 38°16'00" East, a distance of 691.95 feet to a point for corner along the westerly right-of-way line of North Loop Drive;

THENCE, leaving said westerly right-of-way line of North Loop Drive, South 37°44'00" West, a distance of 475.83 feet to a point for corner at the northerly right-of-way line of Inglewood Drive;

THENCE, along said northerly right-of-way line of Inglewood Drive, South 86°06'06" West, a distance of 297.23 feet to a 1/2 rebar for corner;

THENCE, continuing along said northerly right-of-way line of Inglewood Drive, South 68°20'15" West, a distance of 42.81 feet to a point for corner;

THENCE, continuing along said easterly right-of-way line of Inglewood Drive, North 35°22'00" West, a distance of 305.05 feet to a found 5/8 rebar for corner at the common boundary corner of Tracts 3D, 19B1 and the easterly right-of-way line of Inglewood Drive;

THENCE, leaving said easterly right-of-way line of Inglewood Drive, North 75°01'00" East, a distance of 6.10 feet to a found 1/2 rebar for corner;

THENCE, North 31°29'00" West, a distance of 207.00 feet to a found 1/2 rebar for corner at the southerly right-of-way line of Juan De Herrera Lateral;

THENCE, along said southerly right-of-way line of Juan De Herrera Lateral, North 76°36'00" East, a distance of 186.35 feet to a point for corner;

THENCE, leaving said southerly right-of-way line of Juan De Herrera Lateral, North 24°27'00" West, a distance of 7.34 feet to a point for corner;

THENCE, crossing Juan De Herrera Lateral and along the southerly right-of-way line of Via Maria Drive and the common boundary line of Tract 2, North 32°01'35" East, a distance of 564.84 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 457,109.94 square feet or 10.4938 acres of land more or less.

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2021\21-0557_ N. Loop (Tracts 2,2B and 3D)



PARCEL 2: TRACTS 2B, 3 AND 34, BLOCK 6, SOCORRO GRANT, AND TRACTS 2, 2B AND 3D BLOCK 2, YSLETA GRAN, EL PASO COUNTY, TX: SAVE AND EXCEPT 1.1185 ACRES, MORE OR LESS, OUT OF THE JUAN DE HERRERA LATERAL CONTAINING: 550,135.08 SQ. FT. OR 12.6293 ACRES +

SEE EXHIBIT "C"
NET ACREAGE: 11.5108 ACRES +

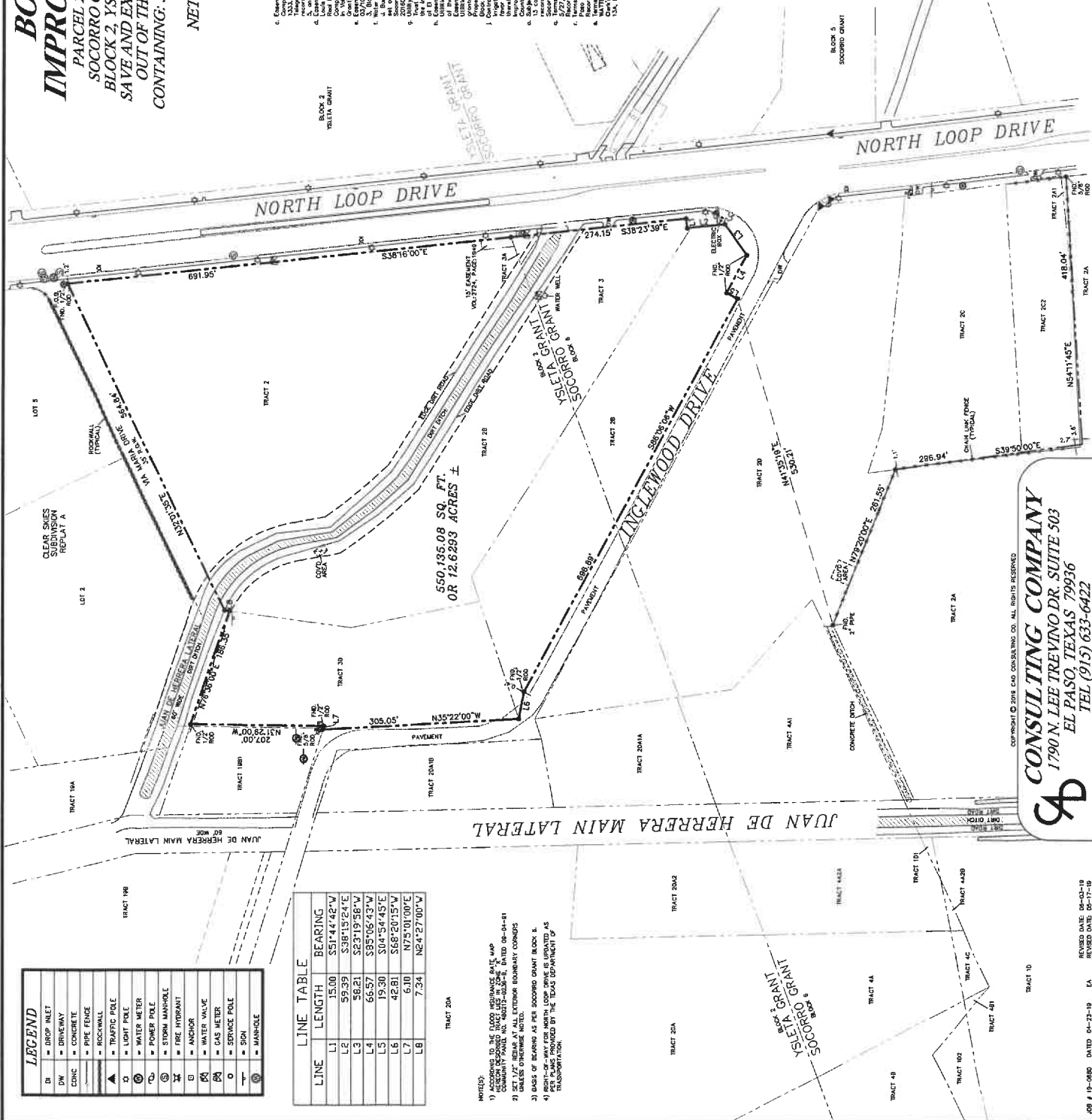
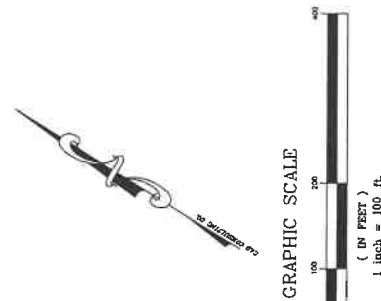
NOTES CORRESPONDING TO SCHEDULE B ITEMS:

[illegible]

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING BOUNDARY AND IMPROVEMENT SURVEY WAS MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

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



CONSULTING COMPANY
1790 N. LEE TREVINO DR. SUITE 503
EL PASO, TEXAS 79936
TEL (915) 633-0422

REVISED DATE: 06-03-19
REVISED DATE: 05-17-19

North of Inglewood Drive and West of North Loop Drive

City Plan Commission — February 24, 2022



CASE NUMBER:	PLCP21-00005
CASE MANAGER:	David Samaniego, (915)212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER:	BRE Development, LLC
REPRESENTATIVE:	CEA Group
LOCATION:	North of Inglewood Drive and West of North Loop Drive (District 6)
PROPERTY AREA:	10.49 acres
REQUEST:	Adjust the Future Land Use designation from O-3, Agriculture to G-4, Suburban (Walkable)
RELATED APPLICATIONS:	PZRZ21-00035, Rezoning
PUBLIC INPUT:	N/A

SUMMARY OF REQUEST: The applicant is requesting an amendment to *Plan El Paso*, the City's comprehensive plan, to amend the Future Land Use designation from O3, Agriculture to G-4, Suburban (Walkable), to accommodate a proposed apartment and office development.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed development is in keeping with the character of the adjacent residential, industrial, and agricultural development and the policies of *Plan El Paso* for the G-4, Suburban (Walkable) Future Land Use designation.

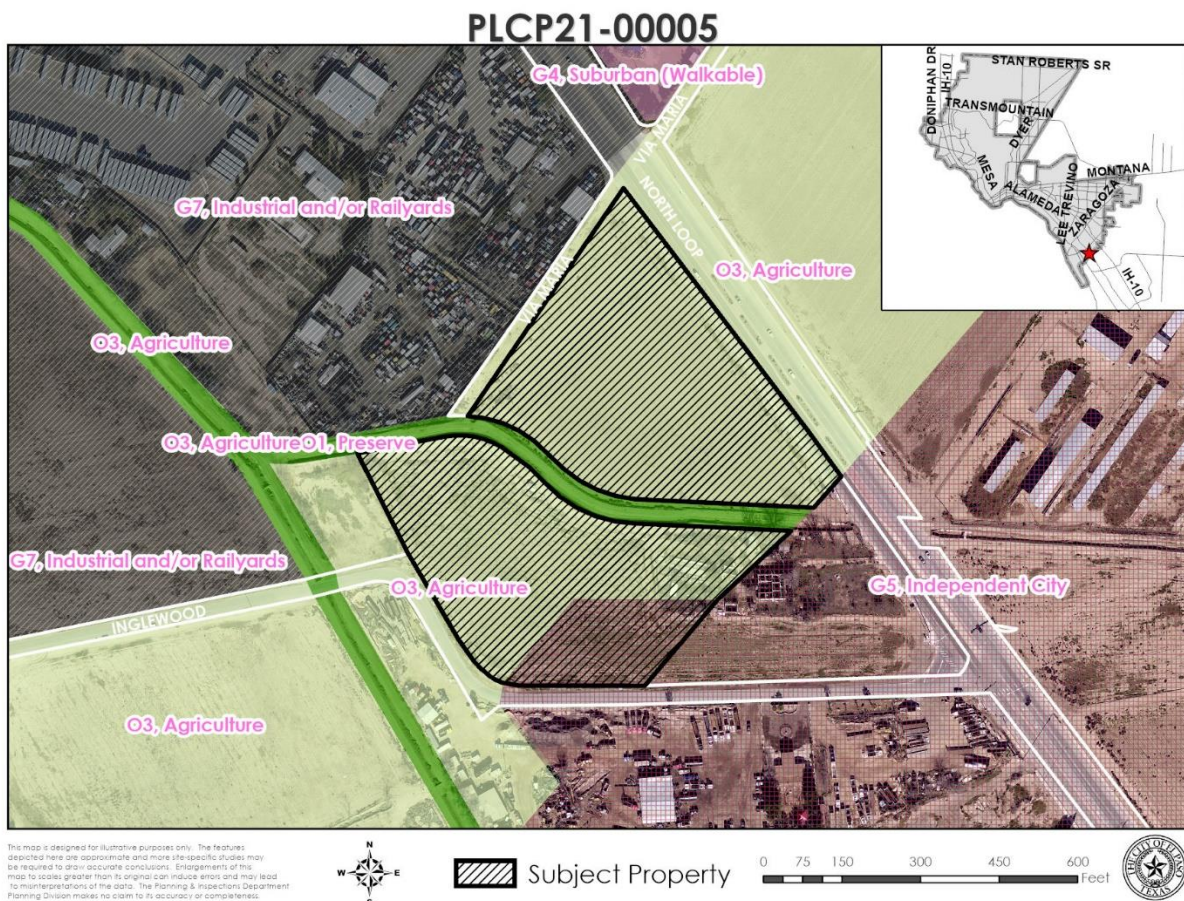


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is proposing to amend the Future Land Use designation on a 10.49-acre property in order to allow for development of apartment and office. The existing O-3 Agriculture Use designation is no longer appropriate for the area. The G-4, Suburban designation is in character with the proposed development for the property, which is similar in scale and character to the nearby industrial development along North Loop Drive and Inglewood Drive. This case is related to application number PZR221-00035, which requests to rezone part of the subject area from R-F (Ranch and Farm) to A-O (Apartment/Office) to allow for a proposed apartment and office development.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: Properties in the City limits to the north of the subject property has the G-4, Suburban (Walkable), O-1, Preserve and G-7, Industrial and/or Railyards designation and are currently vacant farmland, residential development and consist of heavy truck storage and repair uses. To the west, properties has the G-7, Industrial and/or Railyards and future proposed general warehouse and industrial development. All properties to the south are outside El Paso City limits and feature farmland uses.

COMPLIANCE WITH PLAN EL PASO – When evaluating whether a proposed adjustment is in accordance with Plan El Paso, consider the following factors:	
Criteria	Does the Request Comply?
Future Land Use Map: Proposed Future Land Use designation for the property: G-4, Suburban (Walkable): This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.	<i>Plan El Paso</i> identifies the G-4 designation as appropriate for apartment and office uses, which is in keeping with the proposed uses. The associated rezoning to A-O will ensure that any future proposed uses will remain compatible with the G-4 designation. In addition, the subject property is accessed from North Loop Drive and Inglewood Drive which are classified as a major arterial and collector street, respectively, per the City of El Paso's Major Thoroughfare Plan and is adequate to serve the proposed uses.
Preferred Development Locations: Is the property in a "Compact Urban" area?	N/A

THE PROPOSED DESIGNATION'S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small area plans, including land-use maps in those plans.	N/A
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested change.	Development of the subject property will bring higher intensity uses into close proximity with existing residential, commercial, and agricultural uses.
Natural Environment: Anticipated effects on the natural environment.	The subject property is currently inactive farmland. The existing irrigation canals and drainage laterals will be buffered from development.
Stability: Whether the area is stable or in transition.	The surrounding area is in transition from farmland to employment supportive uses.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing designation no longer suitable for the property.	Agricultural uses have ceased on the subject property and there is increased development in the area. The area is in transition.

CITY PLAN COMMISSION OPTIONS:

The City Plan Commission (CPC) has the authority to advise City Council on changes to the Comprehensive Plan. In evaluating the request, the CPC may take any of the following actions:

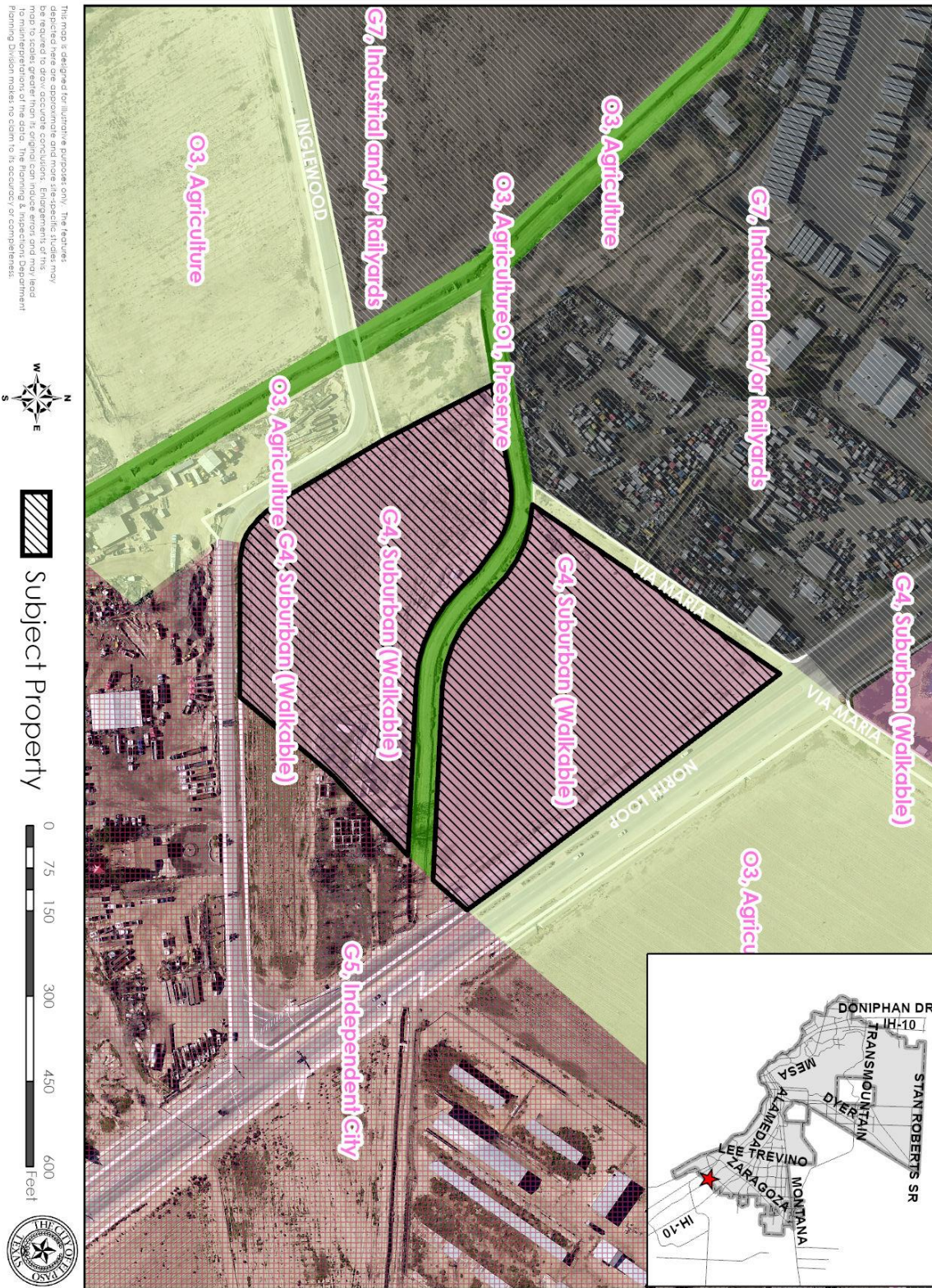
1. **Recommend Approval** of the request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan. **(Staff Recommendation)**
2. **Recommend Approval of the 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 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. Proposed Future Land Use Map

ATTACHMENT 1

PLCP21-00005





Legislation Text

File #: 22-524, 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, 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 changing the zoning of Tracts 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to A-O/c (Apartment/Office/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: North of Inglewood Drive and West of North Loop Drive

Applicant: BRE Development, LLC. PZRZ21-00035

[POSTPONED FROM 05-10-2022]

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

AGENDA DATE: May 10, 2022
PUBLIC HEARING DATE: June 7, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Andrew Salloum, (915) 212-1603

DISTRICT(S) AFFECTED: District 7

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of Tracts 2, 2B, and 3D, Block 2, Ysleta Grant, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to A-O/c (Apartment/Office/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: North of Inglewood Drive and West of North Loop Drive
Applicant: BRE Development, LLC. PZRZ21-00035

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-F (Ranch and Farm) to A-O (Apartment/Office) to allow for apartment and office development. City Plan Commission recommended 6-0 to approve the proposed rezoning with three conditions on February 24, 2022. The Mission Valley Civic Association President was present and spoke in favor of this item at the CPC hearing. As of April 4, 2022, the Planning Division did not receive any communications in support or opposition to the request from the public.

Additionally, on April 21, 2022, this item was reconsidered by the City Plan Commission to reconsider revised language for condition number 2. On April 21, 2022, the City Plan Commission recommended 8-0 to approve the proposed amended condition language. The Mission Valley Civic Association President was present and spoke in favor of this item at the CPC hearing. As of May 2, 2022, the Planning Division received a letter via email in opposition to the request from the public. See attached staff report for additional information.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Planning & Inspections, Planning Division

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Philip Etiwe

Revised 04/09/2021

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF TRACTS 2, 2B, AND 3D, BLOCK 2, YSLETA GRANT, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO A-O/C (APARTMENT/OFFICE/CONDITION), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *Tracts 2, 2B and 3D, Block 2, Ysleta Grant, located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **A-O/c (Apartment/Office/condition)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the change in intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

- 1) Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code; and,*
- 2) Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria, improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.*
- 3) Access for semitrailer trucks and cabs shall be prohibited to and from Via Maria Drive.*

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 _____, **2022.**


THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor

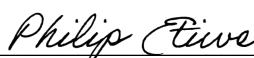
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ21-00035

Being All of Tracts 2, 2B and 3D, Block 2
Ysleta Grant,
El Paso County, Texas
February 26, 2021

METES AND BOUNDS DESCRIPTION

North Loop Drive
Exhibit "A"

FIELD NOTE DESCRIPTION of Tracts 2, 2B and 3D, Block 2, Ysleta Grant, El Paso County, Texas being more particularly described by metes and bounds as follows:

COMMENCING FOR REFERENCE at a found 1/2 rebar at the notherwest boundary corner of Tract 2, same being the westerly right-of-way line of North Loop Drive and the southerly right-of-way line of Via Maria Drive (35' R.O.W.) and the **POINT OF BEGINNING** of the herein described parcel;

THENCE, leaving said southerly right-of-way line of Via Maria Drive and along the westerly right-of-way line of North Loop Drive, South 38°16'00" East, a distance of 691.95 feet to a point for corner along the westerly right-of-way line of North Loop Drive;

THENCE, leaving said westerly right-of-way line of North Loop Drive, South 37°44'00" West, a distance of 475.83 feet to a point for corner at the northerly right-of-way line of Inglewood Drive;

THENCE, along said northerly right-of-way line of Inglewood Drive, South 86°06'06" West, a distance of 297.23 feet to a 1/2 rebar for corner;

THENCE, continuing along said northerly right-of-way line of Inglewood Drive, South 68°20'15" West, a distance of 42.81 feet to a point for corner;

THENCE, continuing along said easterly right-of-way line of Inglewood Drive, North 35°22'00" West, a distance of 305.05 feet to a found 5/8 rebar for corner at the common boundary corner of Tracts 3D, 19B1 and the easterly right-of-way line of Inglewood Drive;

THENCE, leaving said easterly right-of-way line of Inglewood Drive, North 75°01'00" East, a distance of 6.10 feet to a found 1/2 rebar for corner;

THENCE, North 31°29'00" West, a distance of 207.00 feet to a found 1/2 rebar for corner at the southerly right-of-way line of Juan De Herrera Lateral;

THENCE, along said southerly right-of-way line of Juan De Herrera Lateral, North 76°36'00" East, a distance of 186.35 feet to a point for corner;

THENCE, leaving said southerly right-of-way line of Juan De Herrera Lateral, North 24°27'00" West, a distance of 7.34 feet to a point for corner;

THENCE, crossing Juan De Herrera Lateral and along the southerly right-of-way line of Via Maria Drive and the common boundary line of Tract 2, North 32°01'35" East, a distance of 564.84 feet to the **POINT OF BEGINNING** of the herein described parcel and containing 457,109.94 square feet or 10.4938 acres of land more or less.

CAD Consulting Co.
1790 Lee Trevino Drive. Suite 503
El Paso, Texas 79936
(915) 633-6422
I:\M&B\2021\21-0557_ N. Loop (Tracts 2,2B and 3D)



North of Inglewood Drive and West of North Loop Drive

City Plan Commission — April 21, 2022 (RECONSIDERATION)



CASE NUMBER: PZRZ21-00035 (REVISED)
CASE MANAGER: Andrew Salloum, (915) 212-1603, SalloumAM@elpasotexas.gov
PROPERTY OWNER: BRE Development, LLC
REPRESENTATIVE: CEA Group
LOCATION: North of Inglewood Drive and West of North Loop Drive (District 6)
PROPERTY AREA: 10.49 acres
REQUEST: Rezone from R-F (Ranch and Farm) to A-O (Apartment/Office)
RELATED APPLICATIONS: PLCP21-00005 (Comprehensive Amendment)
PUBLIC INPUT: Received a letter of inquiry as of February 24, 2022. As of April 21, 2022, received a letter of inquiry after renotification.

SUMMARY OF REQUEST: The applicant is requesting to reconsider the wording for condition number two. The request to rezone from R-F (Ranch and Farm) to A-O (Apartment/Office) to allow for apartment and office development remains unchanged.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request with the following conditions:

1. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code; and,

Previous condition 2:

2. Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria over the lateral and to connect to Inglewood Dr., improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.

Proposed condition 2:

2. Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria, improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.
3. Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive.

The proposed zoning district is compatible with the surrounding residential and commercial districts in the immediate area and consistent with *Plan El Paso*, the City's adopted Comprehensive Plan.

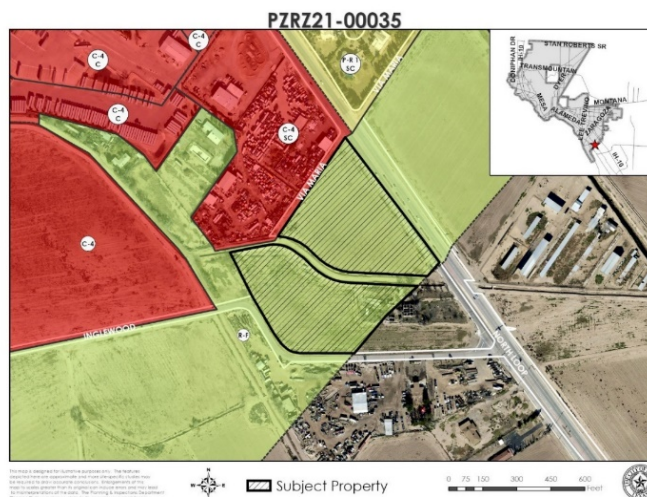


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to reconsider the wording for condition number 2. The revised condition wording will allow Via Maria to be extended in a more safe and sensible engineering based alignment, and will also allow for the future opportunity to re-align Inglewood Dr. in a more sensible and safe manner.

The request to rezone from R-F (Ranch-Farm) to A-O (Apartment/Office) remains unchanged. The rezoning request remains to allow for proposed apartment complex and office development. The conceptual site plan shows a new twenty-five (25) apartment complex, clubhouse, and three (3) office buildings. Access to the subject property is provided from North Loop Drive and Inglewood Drive.

PREVIOUS CASE HISTORY: On February 24, 2022, City Plan Commission (CPC) recommended approval of rezoning request for the subject property from R-F (Ranch and Farm) to A-O (Apartment/Office) to allow for proposed apartment complex and office development with the following conditions:

1. *Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code; and,*
2. *Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria over the lateral and to connect to Inglewood Dr., improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.*
3. *Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive.*

Additionally, CPC recommended approval of the proposed comprehensive amendment from O-3, Agriculture to G-4, Suburban (Walkable) to accommodate a proposed apartment and office development.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed district is consistent with the surrounding residential and heavy commercial districts in the immediate area, and in character with the established neighborhood surrounding the subject property. Furthermore, the proposed development meets the intent of the proposed G-4, Suburban (Walkable) designation of *Plan El Paso* in the Mission Valley planning area.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single-use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes. The subject property is proposed to be developed into residential and office developments, which are in character with the future land use designation of <i>Plan El Paso</i>.</p> <p>The proposed development is adjacent to residential and commercial lots; therefore, has the potential to repurpose the lot for residential and provide employment to the area. The proposed development addresses the need a mixed use of apartment and office. and has the potential to reduce travel and infrastructure needs.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>A-O (Apartment/Office) District:</u> The purpose of the district is to promote and preserve residential development within the city associated with a landscape more urban in appearance and permitting a mixture of housing types. It is intended that the district regulations allow for medium densities of dwelling units supported by higher intensity land uses located at the periphery of single-family neighborhoods providing that the overall character and architectural integrity of the neighborhood is preserved. The regulations of the districts will permit building types designed for transition from areas of low density residential neighborhoods to other residential areas, and certain nonresidential uses and support facilities.</p>	<p>Yes, the proposed apartment and office development uses are consistent with the residential and commercial neighborhood. Apartment and office uses are common and appropriate in this sector. The surrounding properties are zoned C-4 (Commercial) and R-F (Ranch and Farm). Therefore, has the potential to repurpose the lot for apartment and office development and provide employment opportunities.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it</p>	<p>Yes, the property is located on North Loop Drive and Inglewood Drive, and Via Maria Drive which are classified as a major arterial, collector, and local respectively on the City of El Paso's Major Thoroughfare Plan.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
being the only property on the block with an alternative zoning district, density, use and/or land use.	
THE PROPOSED ZONING DISTRICT’S EFFECT ON THE PROPERTY AND SURROUNDING PROPERTY, AFTER EVALUATING THE FOLLOWING FACTORS:	
Historic District or Special Designations & Study Area Plans: Any historic district or other special designations that may be applicable. Any adopted small areas plans, including land-use maps in those plans.	N/A. The proposed development is not within any historic districts or study area plan boundaries.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	The proposed development is not anticipated to pose any adverse effects on the community. The proposed development will match development immediately surrounding the subject property.
Natural Environment: 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 transition and the proposed development is compatible with the existing commercial zoning properties to the northwest, northeast, and west.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The proposed development is in transition from inactive agricultural uses for the property. The established neighborhood is comprised of a residential and commercial development. There have been recent rezoning requests for this area to the northwest, north and west in 1975, 1979 and 2021 respectively.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property borders North Loop Drive, Inglewood Drive, and Via Maria Drive which are designated a major arterial, collector, and local street respectively as per the City of El Paso’s Major Thoroughfare Plan. Access is proposed from North Loop Drive. It is adequate to serve the development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No objections to the proposed rezoning. There were no adverse comments received. Applicant is responsible for obtaining all applicable permits and approvals prior to construction.

PUBLIC COMMENT: The subject property lies within the boundaries of the Mission Valley Civic Association and Corridor 20 Civic Association, which was notified prior to submittal of the Rezoning Application. As required, public notices were mailed to property owners within 300 feet on February 10, 2022. As of February 24, 2022, the Planning Division did not receive any communication in support or opposition to the request from the public. However, staff received a letter of inquiry, see attachment 5.

Additionally, as required for reconsideration, public notices were mailed to property owners within 300 feet on April 7, 2022. As of April 21, 2022, the Planning Division did not receive any communication in support or opposition to the request from the public. Staff did receive a letter of inquiry, see attachment 6.

RELATED APPLICATIONS: PLCP21-00005 Comprehensive Plan Amendment.

CITY PLAN COMMISSION OPTIONS:

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

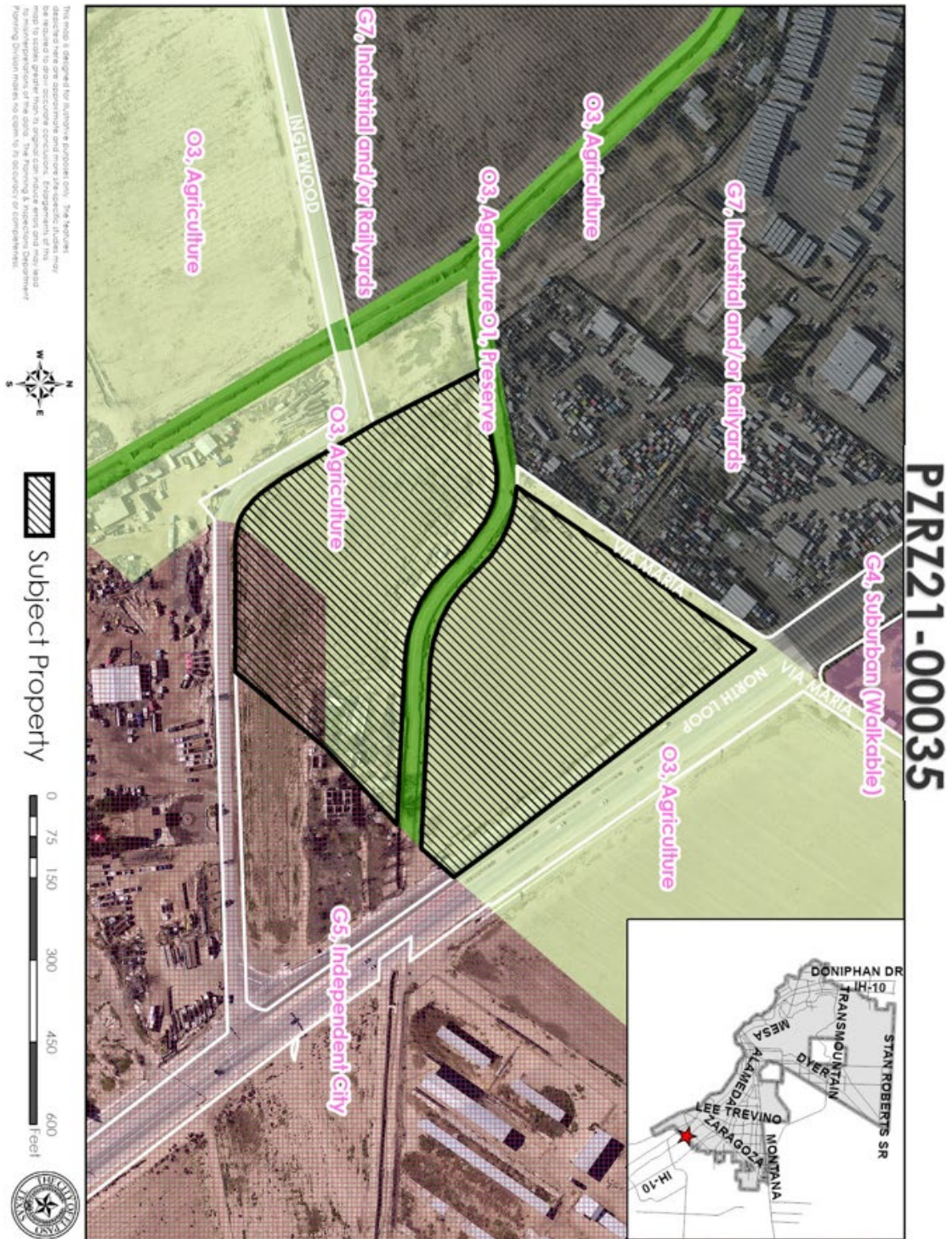
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval of the rezoning request With Modifications** to bring the request into conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan. (Staff Recommendation)

3. **Recommend Denial** of the rezoning request, finding that the request does not conform to the review criteria of *Plan El Paso* as reflected in the Staff Report, or other criteria that the CPC identifies from the Comprehensive Plan.

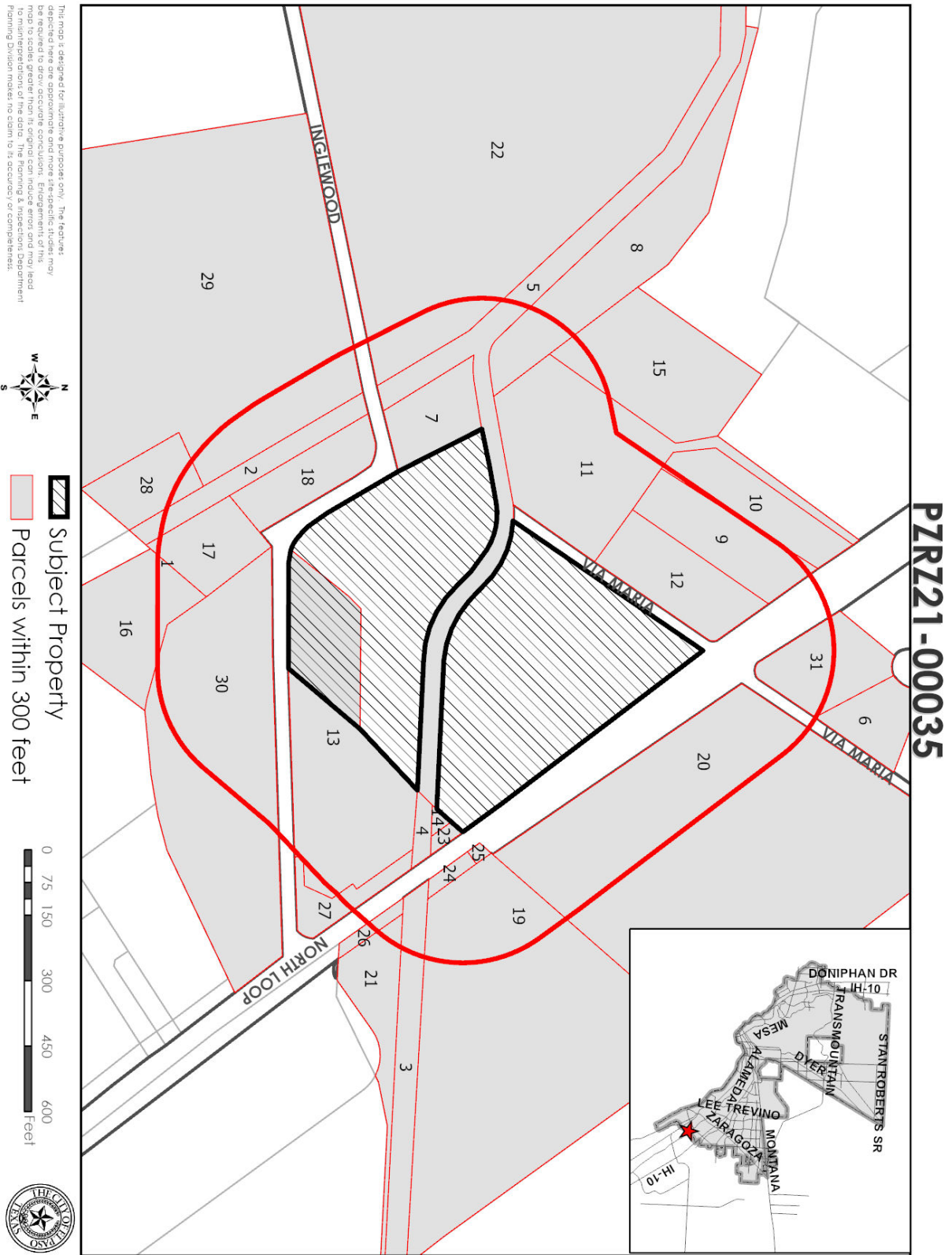
ATTACHMENTS:

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Conceptual Site Plan
4. Department Comments
5. Letter of inquiry
6. Letter of inquiry

ATTACHMENT 1



ATTACHMENT 2



[illegible]



ATTACHMENT 4

Planning and Inspections Department – Planning Division

Staff recommends **APPROVAL** of the request with the following conditions:

1. Prior to the issuance of building permits a detailed site development plan shall be submitted and approved as per the El Paso City Code; and,

Previous condition 2:

2. Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria over the lateral and to connect to Inglewood Dr., improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.

New condition 2:

2. Prior to the issuance of building permits, land shall be dedicated and improvements be constructed for the extension of Via Maria, improvements shall be in accordance with Title 19, the City's Subdivision Ordinance.
3. Access for semi-trailer trucks and cabs shall be prohibited to and from Via Maria Drive.

Planning and Inspections Department – Plan Review and Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature.

No objections to proposed rezoning.

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 – Land Development

No objections to proposed rezoning.

Street and Maintenance Department

Reviewing the TIA report we noticed that the latest edition of the ITE trip generation manual was not used for the pick hours trip generated at the location.

TIA scoping meeting must be conducted prior to the submittal of the TIA report.

Please provide traffic signal timing sheets for the study intersections and the appendix.

Please provide the complete information, number of units, apartments floors/ levels /stories and the area of the commercial building size.

There is a discrepancy on the area described on the application (10.49 AC) and the plat (12.60 AC).

Note: All driveway and sidewalk improvements shall be constructed in current compliance with all applicable City of El Paso Municipal Codes / Ordinances.

Note: The comments will be addressed at Subdivision stage.

Note: No issues with the proposed re-alignment of Via Maria (as per meeting held 4/6/2022).

Texas Department of Transportation (TxDOT)

- Please adhere to the TxDOT access management manual for driveway spacing minimums (the minimum spacing is 360 feet for this location)

-Submit for a TxDOT permit for all work on state ROW

Note: the comments will be addressed at Subdivision stage.

Fire Department

Fire plan review may have issue with the R-2 access drives to the property. They appear to be too close together and the turning radius for right-hand turn from the angled drive on the left may not meet code. Turn-arounds for fire department vehicles may be needed if dead end drives exceed 250' per 2015 EPFD amendments. New 2021 codes to be adopted later this year. Unsure if that amendment will carry over to new codes.

El Paso County 911 District

The 911 District has no comments/concerns regarding this zoning.

El Paso Police Department

My only comment if/and when the property is developed that the COEP/Socorro boundaries are clearly marked somehow. This so that residents and emergency response personnel can clearly see what agency is responsible for a response. Also this will help 911 determine quickly who to dispatch. Seconds matter. This will also help with tracking statistical information.

El Paso Water

Juan De Herrera Lateral is an El Paso County Improvement District No. 1 facility. Licenses for installation of water main within the lateral are required. Lot owner is responsible for permit, survey and consideration fees.

EPWater-PSB anticipates providing water and sanitary sewer service by on-site main extensions. Water mains are to be extended to create a looped system. EPWater-PSB requests that site be graded so that sanitary sewer may be provided by gravity. All water and sanitary sewer main extension costs are the responsibility of the Owner/Developer.

Water:

There is an existing 8-inch diameter water main extending along Via Maria Ln., located approximately 5-feet north of the south right-of-way line. This main is available for extension.

There is an existing 12-inch diameter water main extending along North Loop Dr., located approximately 5-feet west of the east right-of-way line.

EPWater records indicate a master meter for the El Paso Lower Valley Water District Authority located in an easement at the southeast corner of Tract 2.

Previous water pressure from fire hydrant #6634, located on North Loop Dr. approximately 253-feet south of Via Maria Ln., has yielded a static pressure of 104 (psi), a residual pressure of 90 (psi), and a discharge of 1,061 (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 Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 48-inch diameter sanitary sewer main extending along Via Maria Ln., located approximately 15-feet north of the south right-of-way line. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

There is an existing 60-inch diameter sanitary sewer main extending along a 30-foot easement on the western portions of Tract 2, 2B, and 3D. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General:

Water mains are to be extended to create a looped system. Owner is responsible for all main extensions' costs.

North Loop Dr. is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within North Loop Dr. right-of-way requires written permission from TxDOT.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

El Paso Water – Stormwater Engineering

- As per Municipal Code: new developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
- The proposed ponding areas shown, shall have enough capacity to hold the developed runoff for a designated 100-yr. storm event. Label the ponds as "Private".

El Paso County Water Improvement District #1

EPCWID1 has no comments on the above mentioned item.

ATTACHMENT 5

Salloum, Andrew M.

From: Salloum, Andrew M.
Sent: Monday, February 21, 2022 7:12 AM
To: Lawrence Angus
Subject: RE: Case: PZR221-00035

Good morning Ms. Angus,

Received your letter. It will be provided to the City Plan Commissioners. Thank you.

Regards,

Andrew Salloum | Senior Planner

P: 915.212.1603

A: 801 Texas Ave. El Paso, TX 79901

E: SalloumAM@elpasotexas.gov

ElPasoTexas.gov | [Take Our Survey](#)



Planning & Inspections Department
City of El Paso

From: Lawrence Angus <lantana45@att.net>
Sent: Sunday, February 20, 2022 1:57 PM
To: Salloum, Andrew M. <SalloumAM@elpasotexas.gov>
Subject: Case: PZR221-00035

You don't often get email from lantana45@att.net. [Learn why this is important](#)

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Dear Mr. Salloum,

I would be obliged if you would relay the attached letter to the City Plan Commission for the meeting scheduled on February 24, 2022.

Please let me know that you have received this.

Sincerely,

Barbara J. Angus
601 Inglewood Drive
El Paso, TX 79927
(915) 859-7928

601 Inglewood Drive
El Paso, TX 79927

February 20, 2022

City Plan Commission
c/o Planning Division
PO Box 1890
El Paso, TX 79950-1890

Ref. Case: PZRZ21-00035

Dear City Plan Commission Members:

My name is Barbara J. Angus. I am writing in regard to the request for changing the zoning of Tracts 2, 2B, and 3D, Block 2, Ysleta Grant, from R-F (Ranch and Farm) to A-O (Apartment/Office). I am the owner (my husband, Lawrence S. Angus, having died in November 2021) of the properties marked 7 and 8 on your map.

My personal opinion is that gravity fed, irrigated farmland in this county is a limited resource and should not be built upon. El Paso Water does its best to anticipate future water needs and shortages. Given the empty shelves I have occasionally seen the last few years at Walmart, the City and County may eventually need to do the same for food. One hundred or so years ago, during World War I, the farmers of El Paso produced, and local businesses processed, enough food for the County's residents. I would like "my" El Paso to have a fighting chance to do the same.

I attended Rep. Rodriguez' neighborhood meeting last fall regarding this project.

I would like to reiterate that:

1. The City water line to my property runs down Via Maria, outside the walls of the properties marked 11 and 12. As Via Maria is not currently a paved street, I am concerned about possible water line breakage during any construction.
2. There is a stormwater drain that runs down Via Maria, crosses the property under discussion, then enters and crosses my property marked 7.

I would like to ask:

1. Why property number 13 has now been separated out from the project?
2. How will BRE Development, LLC mark the limits of their property as it touches my property 7? Will they be erecting a fence, and if so, what kind?
3. Will BRE Development, LLC be putting any gates across the canal, and if so, will they prevent me from directly checking my waterline?
4. What are the plans for straightening, widening or otherwise "improving" Inglewood Drive? I would like to see these plans on paper, and I would like to know in advance if I will have to provide a right of way or pay for curbing/sidewalks on my property. (I am retired and on a fixed income, so I may need to save for this.) The various entities that work on the street also have a

tendency (since my house is somewhat hidden) to not let me know when the street is closed for construction work.

5. How "concrete" are TexDOT's plans for extending Nuevo Hueco Tanks to Nevarez, and then intersecting at Alameda? How will this effect the portion of Nevarez that connects with Inglewood Drive? Do they anticipate extending this new "Loop" to Socorro Road? (If this happens, and they follow Nevarez, the new road will be too close to Socorro Mission.)

I will attempt to watch this Thursday's meeting via the limited capabilities of my computer. Thank you for the opportunity to comment on this topic.

Sincerely,

Barbara J. Angus

ATTACHMENT 6

Salloum, Andrew M.

From: Richard Dayoub <Richard.Dayoub@outlook.com>
Sent: Monday, April 18, 2022 2:56 PM
To: Lawrence Angus; Salloum, Andrew M.
Cc: jazcarate@ceagroup.net; Enrique Escobar
Subject: RE: PZR221-00035

Importance: High

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Good Afternoon Ms. Angus,

Thank you for sharing your concerns regarding the proposed new development. You expressed a desire to have the wall separating the development property to be made of wrought iron instead of rock. The concept of the wall is being considered per your request. The wall does not have to be a 6-foot stonewall but can also be a wrought iron fence. A wall/fence is recommended to keep people from entering the apartment complex at various locations but rather at controlled access points.

The wall and the other issues will be addressed during the design phase of the improvements, not during the zoning process. My client has agreed to provide the wall separating the properties as you mentioned. If you determine that the wrought iron fencing is preferred over the rock wall, you will be able to make those arrangements with my client at that time.

We appreciate and share your concerns regarding the safety of Via Maria and Inglewood, and understand that the current Inglewood alignment is not ideal. Mr. Escobar has attempted to get the adjacent property owners to re-align the street to make it more practical. The City agrees that Inglewood needs to be straightened out, and the City will do so as the adjacent properties come in for development.

I hope that our responses have answered your concerns. Please don't hesitate to contact us at any time during the process if you have additional questions or concerns.

Respectfully,

Richard Dayoub

Richard E. Dayoub
Thunderbird Management Consulting, LLC
5823 North Mesa Street
#714
El Paso, Texas 79912

www.thunderbirdmanagementconsulting.com

1

www.richarddayoub.com

From: Lawrence Angus <lantana45@att.net>
Sent: Monday, April 18, 2022 10:33 AM
To: Andrew M. Salloum <salloumam@elpasotexas.gov>; Richard Dayoub <richard.dayoub@outlook.com>
Subject: PZRZ21-00035

Dear Sirs:

I am in receipt of the latest public notice for the April 21, 2022 City Plan Commission meeting.

At the last meeting, I was surprised to find that the City was proposing to pave and connect Via Maria from North Loop Drive to Inglewood Drive. As I understand it, this will not physically impact my property. It does affect vehicle access to my home, as I enter and leave Inglewood Drive close to the proposed intersection.

I am concerned about the safety of this intersection. The current dogleg on Inglewood certainly makes the semi-truck traffic slow down and look before they enter that stretch, but it does not seem to have the same effect on car drivers - in fact the straight stretch from the Ysleta Extension canal to the intersection with Nevarez is apparently a good place to test how fast a sports car can go, so many cars are speeding as they enter the first sharp turn. We had a car accident just past the dogleg (North Loop side) - I believe it was last Thursday. No sirens, so I trust no-one was hurt, but the one car was definitely smashed up.

As it stands now, there is a "gentleman's" agreement between myself and the developers of the apartment complex that they will build a fence between our two properties. The implication - and custom - would be a stone wall.

If Via Maria is to go through to Inglewood, I believe that a stone wall at that location would severely limit visibility of traffic about to enter Inglewood from Via Maria. It would certainly block my view as I try to enter or turn off of Inglewood Drive.

Please, this is something that the traffic engineers need to consider for this new intersection. I would certainly put my life and my daughter's life above the need of having a solid fence along that property line.

Sincerely,

Barbara J. Angus

Salloum, Andrew M.

From: Lawrence Angus <lantana45@att.net>
Sent: Thursday, April 21, 2022 6:08 PM
To: Salloum, Andrew M.
Cc: Richard Dayoub; District #6
Subject: Re: City Plan Commission meeting Case PZRZ21-00035

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Sir:

I just spent the past 3 1/2 hours glued to my flip phone, waiting for the item I was interested in to come up.

For the third time for a remote Plan Commission meeting, I was unable to communicate with the Commission by phone, even though I thought I had un-muted the call. Apparently I still had to sign up - somewhere - before I was allowed to comment.

Some suggestions for your mail outs on future public hearings regarding zoning issues:

1. Include precise directions for how to "sign up" to comment over the phone.
2. Include a link to the agenda for that meeting.
3. Understand that listening to the meeting by phone provides "real time" information, but the images coming over the computer in the video are delayed. Plus, the computer images are blurry.
4. Understand that not everyone owns a "smart" phone!
5. Please, do not "speak" for the people who write in but are not able to speak by phone or in person at the meeting. I am trying to be a good neighbor, but my personal views do not necessarily correspond with what you are claiming I believe.

Based on the addendum to the agenda item, I now know that the plan for Via Maria is for it to cross my property. My daughter and I do not plan to ask for any changes in zoning on our front field, so is the City going to be content to stop the road at our boundary line for the next 30 + years? I thought at the last meeting that Via Maria was going to exit directly out of PZRZ21-00035 on to Inglewood, and had sent a letter in regarding the visibility of the proposed intersection. I imagine none of you could figure out what I was talking about.

I concur with Mr. Cummings that the City needs to come up with best practices to fight the loss of farmland. A few years ago, the Planning Department appeared to support my efforts to protest additional truck parking on farmland close to me. Now, it seems that any impediment to the smooth operation of the Amazon Fulfillment Center will not be tolerated. Not that I am against more jobs, but it would seem like there would be enough property east of I-10 and towards Horizon City that could support this addition to the business community - all on land that cannot be irrigated.

Sincerely,

Barbara J. Angus

Registered voter and property owner in District 6

On Thursday, April 21, 2022, 01:56:33 PM MDT, Lawrence Angus <lantana45@att.net> wrote:



Legislation Text

File #: 22-585, Version: 1

They need to provide landscape calculations. **CITY OF EL PASO, TEXAS**
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 7

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

Planning and Inspections, Nina Rodriguez, (915) 212-1561

AGENDA LANGUAGE:

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

An Ordinance changing the zoning of a portion of Lot 1, Block 4, Riverside International Industrial Center, 9751 Pan American Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing). 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: 9751 Pan American Drive

Applicant: El Paso Water, PZRZ22-00004

[POSTPONED FROM 05-24-2022]

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

AGENDA DATE: May 24, 2022
PUBLIC HEARING DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
Nina Rodriguez, (915) 212-1561

DISTRICT(S) AFFECTED: District 7

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning a portion of Lot 1, Block 4, Riverside International Industrial Center, 9751 Pan American Drive, City of El Paso, El Paso County, Texas from R-F (Ranch and Farm) to M-1 (Light Manufacturing). 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: 9751 Pan American Drive
Applicant: El Paso Water, PZRZ22-00004

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone a 1.52-acre property from R-F (Ranch and Farm) to M-1 (Light Manufacturing) to allow for public utility use. City Plan Commission recommended 9-0 to approve the proposed rezone on April 21, 2022. As of May 16, 2022, 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

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

DEPARTMENT HEAD: *Kevin Smith* for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 1, BLOCK 4, RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER, 9751 PAN AMERICAN DRIVE, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH AND FARM) TO M-1 (LIGHT MANUFACTURING). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, the zoning of a Portion of Lot 1, Block 4, Riverside International Industrial Center, 9751 Pan American Drive, located in the City of El Paso, El Paso County, Texas, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **M-1 (Light Manufacturing)**, 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 _____, 2022.


THE CITY OF EL PASO:

Oscar Leaser, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

 for

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Prepared for: CEA Group
January 25, 2022
(M-1 Zoning)

METES AND BOUNDS DESCRIPTION


Description of a parcel of land being a portion of Lot 1, Block 4, Riverside International Industrial Center, as recorded in volume 74, page 3, Plat Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing for reference at an existing brass disk City Monument at the point of curve centerline Winn Road in front of Lot 1, Block 4, Riverside International Industrial Center from which an existing new brass disk City Monument for the centerline intersection of Winn Road and Pan American Drive bears, South 87°31'24" East a distance of 1839.78 feet; Thence leaving said point of curve monument, North 36°26'44" West a distance of 578.27 feet to a set ½" rebar with cap marked TX 5152 on the southerly line of Parcel 4 of Ordinance No. 011061 changing the Zoning to M-1 recorded in Volume 2484, Page 399, Real Property Records of El Paso County, Texas for the "TRUE POINT OF BEGINNING".

Thence along said Parcel 4 the following 8 courses:

1. North 86°57'16" West a distance of 30.00 feet to a set ½" rebar with cap marked TX 5152;
2. North 03°02'44" East a distance of 171.20 feet to a set ½" rebar with cap marked TX 5152;
3. North 23°12'43" East a distance of 351.61 feet to a set ½" rebar marked TX 5152 on the southerly line of the Playa Drain (120' R.O.W);
4. along said Line, South 87°29'39" East a distance of 611.00 feet to a point from which a found ½" rebar with cap marked TX 5337 bears, North 84°27'26" East a distance of 0.38 feet;
5. Leaving said line, South 23°13'16" East a distance of 99.19 feet to a point from which a found ½" rebar with cap marked TX 2027 bears, North 14°38'05" East a distance of 0.35 feet;
6. North 86°17'16" West a distance of 650.72 feet to a point from which a found ½" rebar bears, North 89°09'08" East a distance of 2.38 feet;
7. South 23°12'43" West a distance of 276.73 feet to a set ½" rebar with cap marked TX 5152;
8. South 03°02'44" West a distance of 165.87 feet to the "TRUE POINT OF BEGINNING" and containing 66,363 square feet or 1.5235 acres of land more or less.

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



SCALE: 1"=100'

LINE TABLE		
LINE	LENGTH	BEARING
L1	99.19'	S23°13'16"E
L2	165.87'	S03°02'44"E
L3	30.00'	N86°57'16"W
L4	171.20'	N03°02'44"E

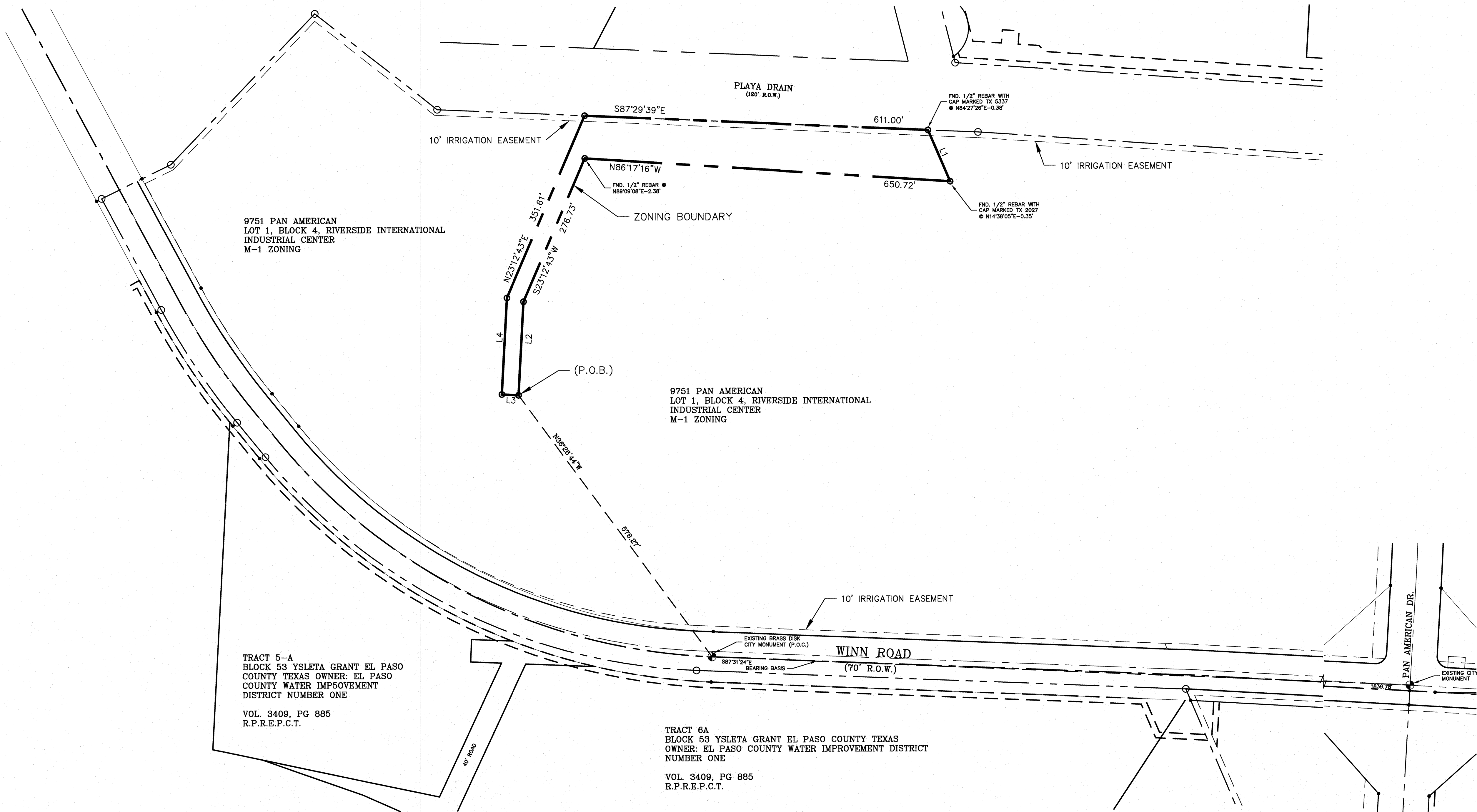
SYMBOL LEGEND	
⊙	FOUND CONTROL POINT
⊕	FOUND CITY MONUMENT
○	SET 1/2" REBAR W/CAP 5152
⊠	CALCULATED POINT (NOT SET)

PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
1	1.5235	M-1	RF

NOTES:
1. SET 1/2" REBARS WITH CAPS MARKED TX 5152 ON ALL CORNERS UNLESS OTHERWISE NOTED.
2. A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS DRAWING.

ZONING PLAN

BEING A PORTION OF LOT 1, BLOCK 4, RIVERSIDE INTERNATIONAL INDUSTRIAL CENTER
CITY OF EL PASO, EL PASO COUNTY, TEXAS
Containing Approximately :1.5235± Acres



9751 Pan American Drive

City Plan Commission — April 21, 2022

REZONING



CASE NUMBER: PZRZ22-00004
CASE MANAGER: Nina Rodriguez, (915) 212-1561, RodriguezNA@elpasotexas.gov
PROPERTY OWNER: El Paso Water Utilities
REPRESENTATIVE: CEA Group
LOCATION: 9751 Pan American Drive (District 6)
PROPERTY AREA: 1.52 acres
REQUEST: Rezone from R-F (Ranch and Farm) to M-1 (Light Manufacturing)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of April 14, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to M-1 (Light Manufacturing) to allow for public utility use. The proposed zoning is consistent with the existing zoning of the areas immediately east, west and south of the subject property.

SUMMARY OF STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the request. The proposed zoning district is consistent with the surrounding light manufacturing in the area and will serve as a zoning clean up for a split-zoned lot.

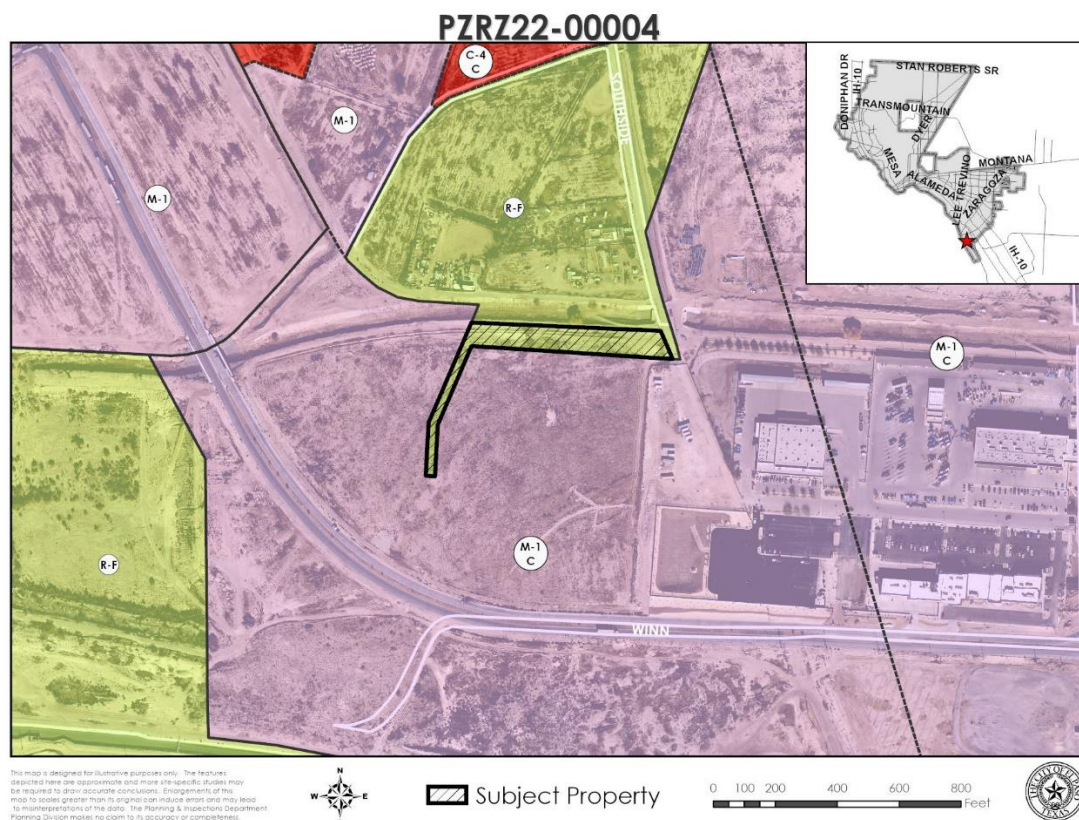


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant is requesting to rezone a 1.52-acre property from R-F (Ranch and Farm) to M-1 (Light Manufacturing) to allow for public utility use. This portion of land is part of a larger property owned by El Paso Water Utilities with the rezoning being a clean up to have the property under one zoning district. The conceptual site plan shows a proposed storm line. Access to the subject property is provided from Southside Road.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed public utility use and M-1 (Light Manufacturing) district is consistent with the surrounding light manufacturing district in the immediate area, and is in character with the areas surrounding the subject property. The property to the north is residential and zoned R-F (Ranch and Farm). The area around the subject property to the east, west and south consist of a water treatment plant and zoned M-1 (Light Manufacturing). The distance to the nearest school, Camino Real Middle School, is 2.36 miles and the distance to the nearest park, SPC Adrian Garcia Park is 1.95 miles.

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>O-1, Preserve: Publicly owned land such as the Franklin Mountains and Hueco Tanks State Parks, all City and County parks and public drainage areas, and cemeteries (even if private). These lands will not be developed due to their ownership and current use.</p>	<p>Yes. The property to be rezoned is publicly owned and will serve to provide a public drainage function.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>M-1 (Light Manufacturing): The purpose of the district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the district will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.</p>	<p>Yes. The areas adjacent to the west, east, and south of the subject property are already zoned M-1 (Light Manufacturing). The property to north is zoned R-F (Ranch and Farm). Furthermore, this is a zoning clean up to ensure consistency of zoning within the whole property.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The property has access from Southside Road, which is classified as a proposed Freeway per El Paso's Major Thoroughfare Plan (MTP). While Southside Road is currently substandard, there are no buildings being proposed for construction.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	None. This property does not fall within any historic districts, special designations, or study plan areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	Yes. Denial of the proposed zoning request will affect the property compliance with the zoning code due to being slit-zoned R-F (Ranch and Farm) and M-1 (Light Manufacturing).
Natural Environment: Anticipated effects on the natural environment.	None. There are not anticipated effects on the natural environment
Stability: Whether the area is stable or in transition.	None. The area is stable with no rezoning cases within the last 10 years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Access to the subject property is taken from Southside Road which is classified as a proposed Freeway per the City of El Paso's Major Thoroughfare Plan (MTP). Southside Road is currently substandard and may require improvements prior to any development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments were received for the rezoning request from the reviewing departments.

PUBLIC COMMENT: The subject property lies within the boundaries of the Mission Valley Civic Association and Corridor 20 Civic Association. Notice was provided to both associations of February 4, 2022 by the applicant. Property owners within 300 feet of the subject property were noticed of the rezone request on April 7, 2022 by the City of El Paso Planning and Inspections Department. As of April 14, 2022, the Planning Division has not received communication in support or opposition to the request.

RELATED APPLICATIONS: None.

CITY PLAN COMMISSION OPTIONS:

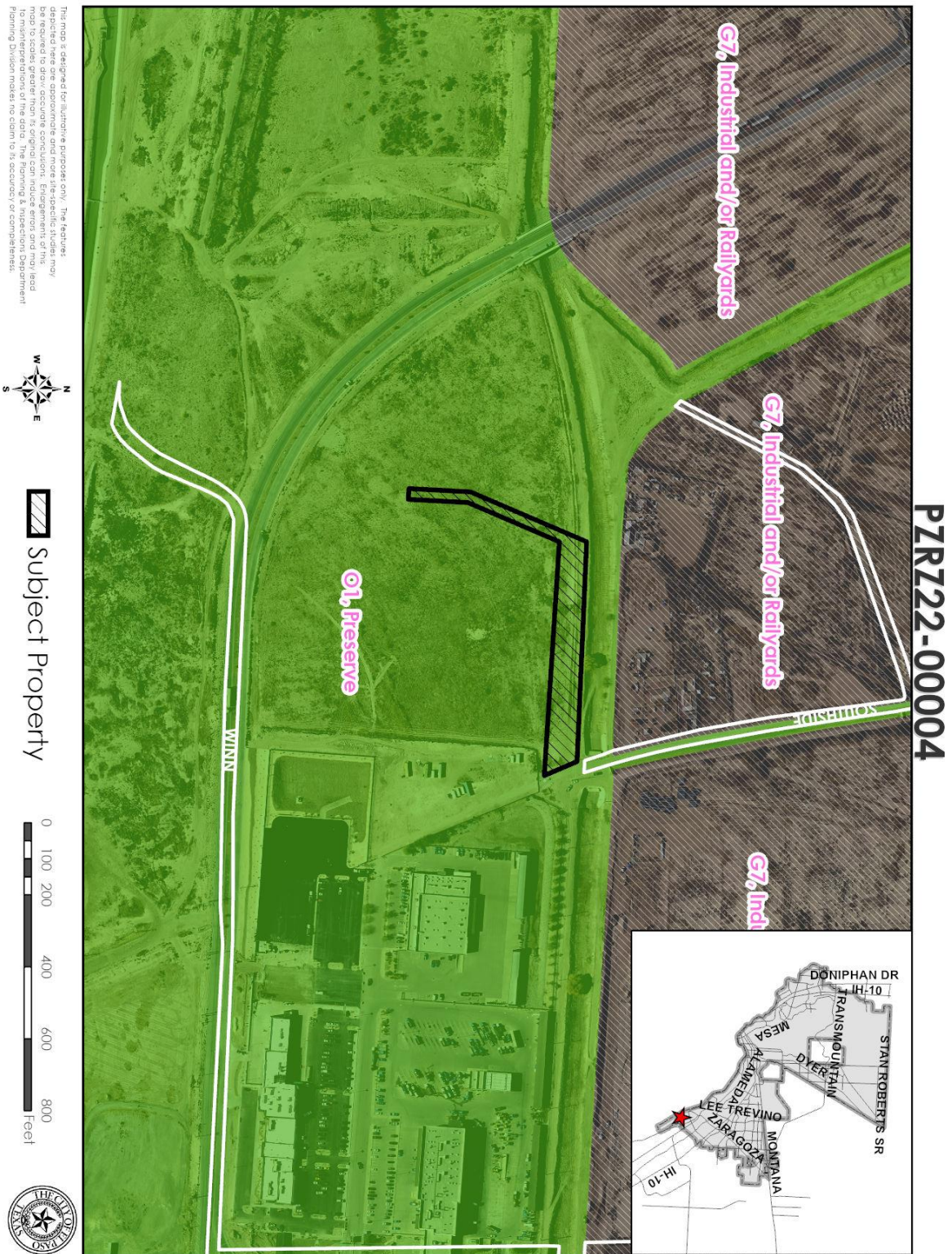
The purpose of the Zoning Ordinance is to promote the health, safety, morals and general welfare of the City. The City Plan Commission (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

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

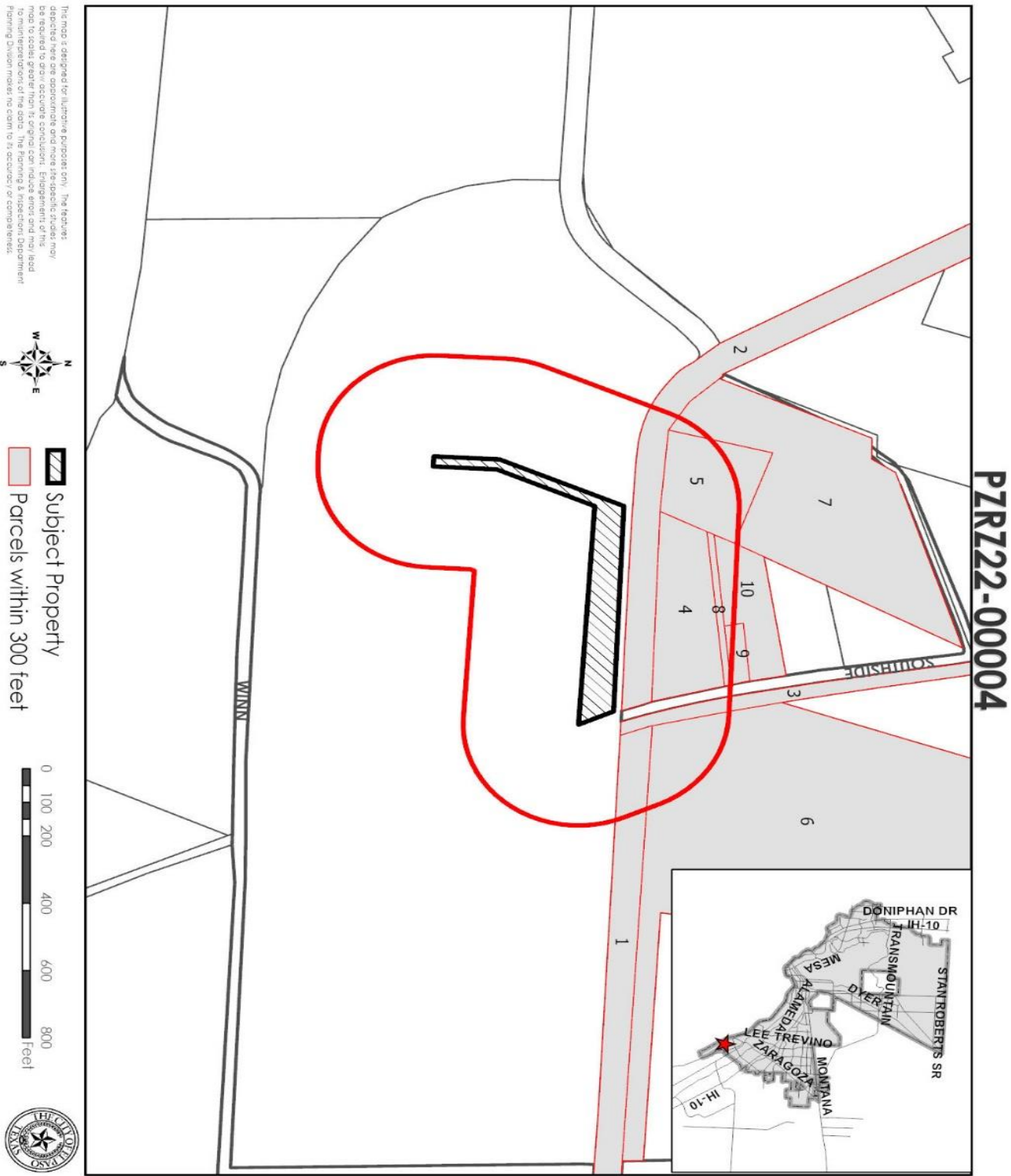
ATTACHMENTS:

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Department Comments

ATTACHMENT 1



ATTACHMENT 2



[illegible]

ATTACHMENT 4

Planning and Inspections Department – Planning Division

1. Recommend approval.

Planning and Inspections Department – Plan Review & Landscaping Division

1. Recommend approval.
2. The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

No comments received.

Fire Department

Recommend approval.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance

Traffic Impact Analysis is not required for this application.

Sun Metro

No comments received.

El Paso Water Utilities

Water:

No comments received

Sewer:

No comments received.

General:

No comments received.

Stormwater:

1. Recommend using principles of low impact development (such as recessed landscaping, rainwater harvesting, and porous pavement) to reduce the amount of developed stormwater runoff.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District #1

No comments received.

El Paso 911

No comments received.



Legislation Text

File #: 22-657, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 3

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 Lot 27, Block 6, Stiles Gardens, 7249 Dale Road, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 7249 Dale Road

Applicant: Scott Winton, PZRZ21-00031

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

AGENDA DATE: June 7, 2022
PUBLIC HEARING DATE: June 22, 2022

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

DISTRICT(S) AFFECTED: District 3

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of Lot 27, Block 6, Stiles Gardens, 7249 Dale Road, City of El Paso, El Paso County, Texas from A-2 (Apartment) to C-1 (Commercial), and imposing conditions. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: 7249 Dale Road
Applicant: Scott Winton, PZRZ21-00031

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from A-2 (Apartment) to C-1 (Commercial) to allow a proposed mix of retail and offices. City Plan Commission recommended 5-0 to approve the proposed rezoning on April 7, 2022. As of May 3, 2022, the Planning Division has received one (1) email in support; one (1) email, one (1) call, and a petition in 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

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

DEPARTMENT HEAD: Kevin Smith for Philip Etiwe

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF LOT 27, BLOCK 6, STILES GARDENS, 7249 DALE ROAD, CITY OF EL PASO, EL PASO COUNTY, TEXAS FROM A-2 (APARTMENT) TO C-1 (COMMERCIAL), AND IMPOSING CONDITIONS. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of **Lot 27, Block 6, Stiles Gardens, 7249 Dale Road**, located in the City of El Paso, El Paso County, Texas, be changed from **A-2 (Apartment)** to **C-1 (Commercial)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning in order to protect the health, safety and welfare of the residents of the City:

1. *That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.*
2. *A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.*
3. *The following uses are prohibited on the property:*
Motor Vehicle Repair, Minor
Automotive Service Station

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 _____, 2022.


THE CITY OF EL PASO:

ATTEST:

Oscar Leaser
Mayor


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Assistant City Attorney

APPROVED AS TO CONTENT:

 for

Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

Zoning Case No: PZRZ21-00031

7249 Dale Road

City Plan Commission — April 7, 2022 **REVISED**



CASE NUMBER: PZRZ21-00031
CASE MANAGER: Luis Zamora, (915) 212-1552 ZamoraLF@elpasotexas.gov
PROPERTY OWNER: Manuel Garza
REPRESENTATIVE: Scott Winton
LOCATION: 7249 Dale Rd. (District 3)
PROPERTY AREA: 0.47 acres
REQUEST: Rezone from A-2 (Apartment) to C-1 (Commercial)
RELATED APPLICATIONS: None
PUBLIC INPUT: One (1) email in support; one (1) email, one (1) call, and a petition in opposition as of April 7, 2022

SUMMARY OF REQUEST: Applicant requests to rezone the subject property from A-2 (Apartment) to C-1 (Commercial) for a proposed mix of retail and offices.

SUMMARY OF STAFF'S RECOMMENDATION: Staff recommends **APPROVAL WITH CONDITIONS** of the rezoning request. The recommendation is based on the proposed development uses being consistent with adjacent commercial and residential properties within its vicinity. Furthermore, the proposed commercial zone is compatible with the G-7, Industrial and/or Railyards Future Land Use designation and is in keeping with the policies of *Plan El Paso* in the Mission Valley Planning Area.

1. "That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy."
2. A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.
3. The following uses are not permitted:
 - o Motor Vehicle Repair, Minor
 - o Automotive Service Station

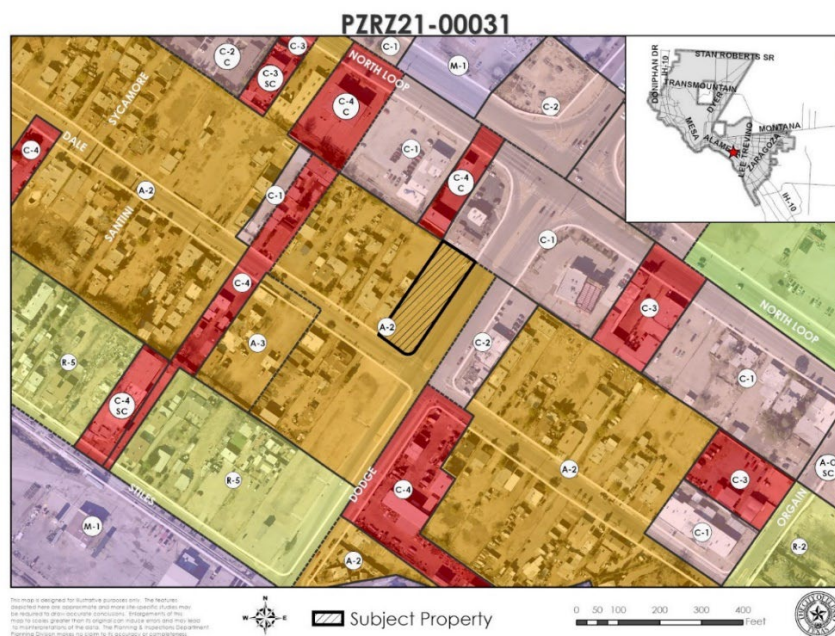


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant requests to rezone from A-2 (Apartment) to C-1 (Commercial) to allow for a light retail and offices. A generalized site plan shows the proposed development configuration of the property with a conceptual building and parking lot with access from Dodge Road. The lot is located at the intersection of Dale Road and Dodge Road.

PREVIOUS CASE HISTORY: None.

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed rezoning is consistent with adjacent uses and meets the established character of its neighborhood. Properties to the north include apartments and a material sales store zoned C-1 (Commercial); to the east, properties include a restaurant that is zoned C-2 (Commercial); to the south, there is a vacant property zoned A-2 (Apartments); and to the west, properties include single-family dwellings zoned A-2 (Apartments). Due to the proximity to other similar uses and zoning districts, the property has the potential to provide light commercial uses within walking distance to an area consisting of single-family and multi-family developments. The nearest school is Ramona Elementary School (0.51 miles) and the nearest park is Stiles Park (0.14 miles).

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p>G-7, Industrial: This sector applies to industrial parks, large free-standing industrial uses, refineries, non-military airfields, trucking terminals, and mines, all on large tracts in areas dominated by vehicles. This sector is essential to El Paso's economy; however, when an industrial use becomes obsolete, there can be potential for mixed-use redevelopment of the site. This sector also includes the existing rail yards which could be redeveloped as mixed-use communities if the rail yards were moved out of town.</p>	<p>Yes. The area has the potential for mixed-use redevelopment of commercial and residential uses in close proximity to each other, which is in character with the future land use designation of <i>Plan El Paso</i>.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p>C-1 (Commercial): The purpose of this district is to serve the needs of surrounding residential neighborhoods by providing compatible neighborhood convenience goods and services that serve day-to-day needs. The regulations of the districts will permit location of business and professional offices and retail category uses within adjacent residential areas of medium and high densities.</p>	<p>Yes. The proposed C-1 (Commercial) zone is compatible with the surrounding A-2 (Apartment), C-1 and C-2 (Commercial) districts. Furthermore, it has the potential to provide light commercial uses within walkable distance to residential properties.</p>
<p>Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use and/or land use.</p>	<p>Yes. The subject property has access to Dodge Road, which is designated as a Major Arterial in the City's Major Thoroughfare Plan. The classification of this road is appropriate for proposed development.</p>

COMPLIANCE WITH <i>PLAN EL PASO</i>/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
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.	None. The property is not located within any Historic Overlay District nor any other special designation areas.
Potential Adverse Effects: Potential adverse effects that might be caused by approval or denial of the requested rezoning.	None. The proposed rezoning, if approved, is not anticipated to cause any adverse effects on the community.
Natural Environment: Anticipated effects on the natural environment.	None. The subject property does not lie within an arroyo or other sensitive environment. No negative environmental impacts are anticipated if the rezoning request is approved.
Stability: Whether the area is stable or in transition.	The area is stable. None of the surrounding properties within the neighborhood of the subject property have been recently rezoned.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	None.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: The subject property is located at the intersection of Dale Road and Dodge Road. Dodge Road is designated as a Major Arterial in the City’s Major Thoroughfare Plan (MTP). The major arterial classification is appropriate to serve the future proposed uses. Currently, there is no sidewalk on the property along Dodge Road, but will be required to be installed by the owner at the time of development. Other existing infrastructure and services are appropriate to serve future development.

SUMMARY OF DEPARTMENTAL REVIEW COMMENTS: No adverse comments from reviewing departments. The Planning Division recommends adding conditions to provide a ten-foot (10’) landscaping buffer along residential and apartment zone districts or uses, to require and approved Detailed Site Development Plan reviewed per City Code prior to issuance of building permits, and to prohibit the uses of Motor Vehicle Repair, Minor and Automotive Service Station.

PUBLIC COMMENT: The subject property lies within the Stiles Garden Neighborhood Association, Mission Valley Civic Association, and Corridor 20 Civic Association. These Associations were notified of the request by the applicant, with the Planning Division receiving two (2) emails from such associations providing commentary to the applicant per the request, with one (1) email (Mission Valley Civic Association) in support. In addition, we received one (1) email from the office of City Representative Cassandra Hernandez stating opposition from the Stiles Garden Neighborhood Association. Staff contacted Mrs. Elva Villagran via phone from such Association, who stated concern for automobile service uses, as well as inquiring about other similar uses permitted under the existing and proposed zoning district. At the end of the conversation, it was decided that the call was going to be kept as opposition just as the previous email stated. At the City Plan Commission on April 7, 2022, a petition in opposition was provided from Stiles Garden Neighborhood Association. All correspondence is included on Attachment 4 of this document. Public notice was sent to all property owners within 300 feet of the subject property on March 23, 2022. As of April 6, 2022, only the previous stated email has been received in support.

CITY PLAN COMMISSION OPTIONS:

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

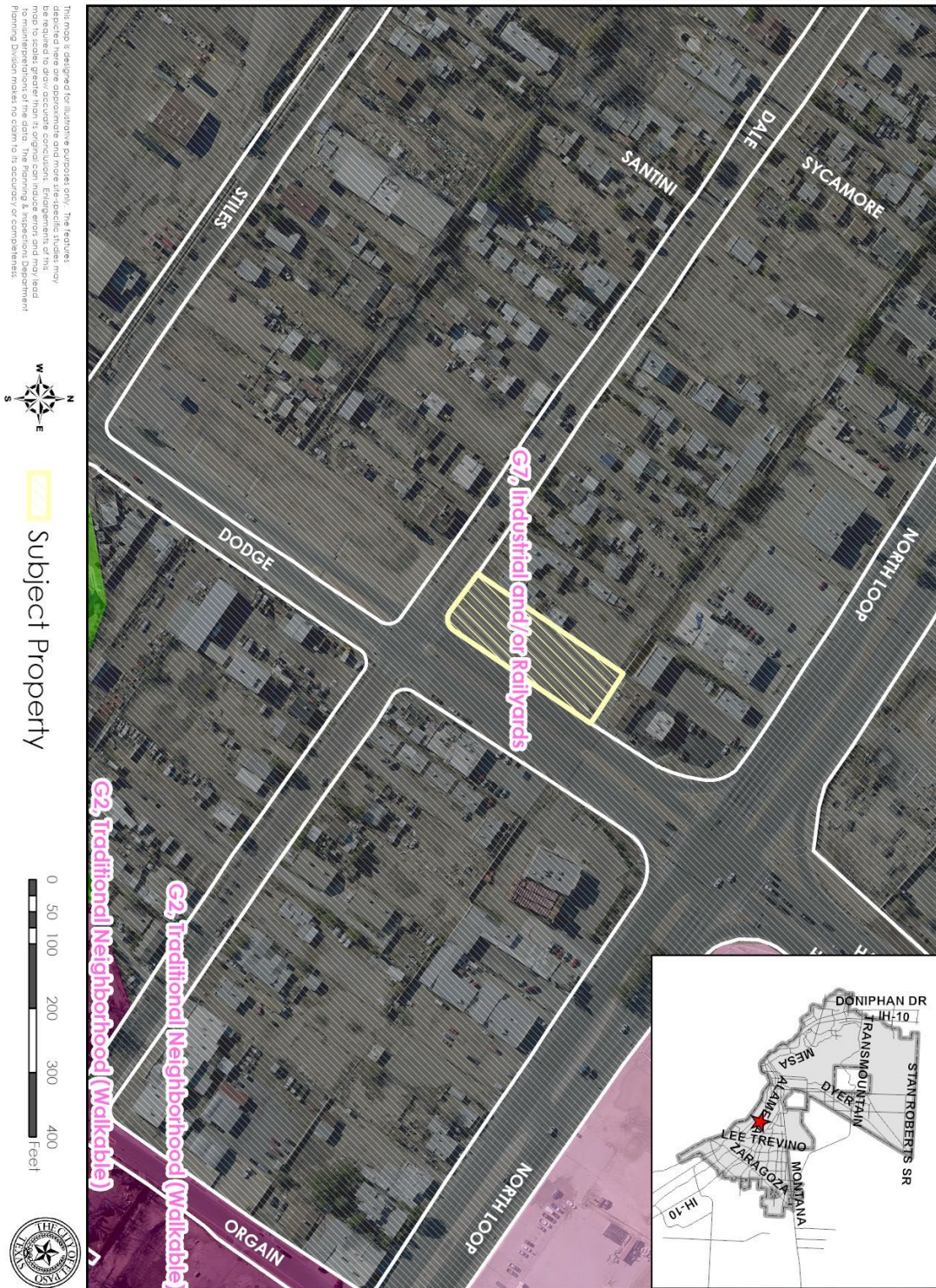
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval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

ATTACHMENTS:

1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Generalized Plot Plan
4. Neighborhood Associations Emails
5. Department Comments

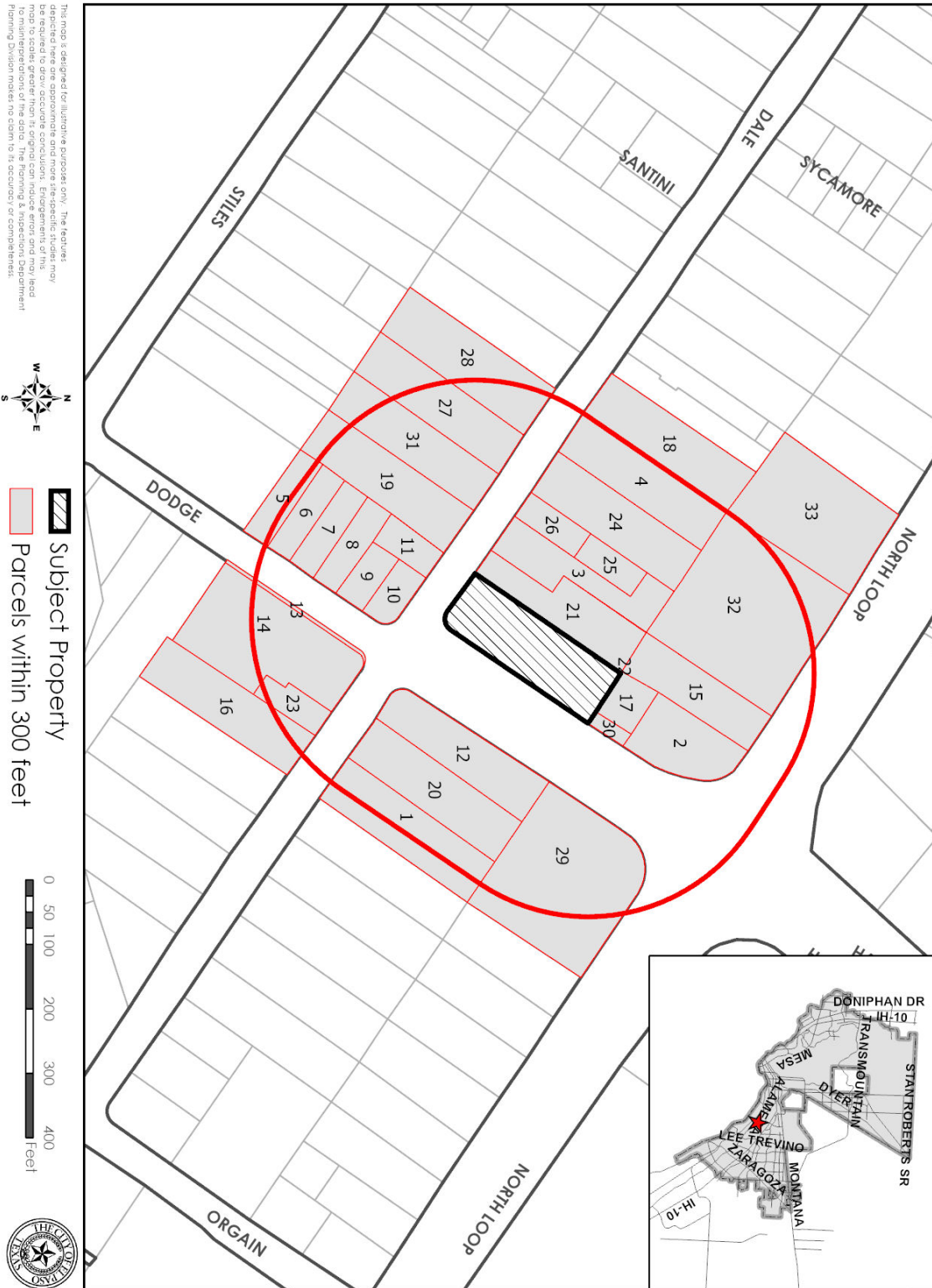
ATTACHMENT 1

PZR21-00031



ATTACHMENT 2

PZR21-00031

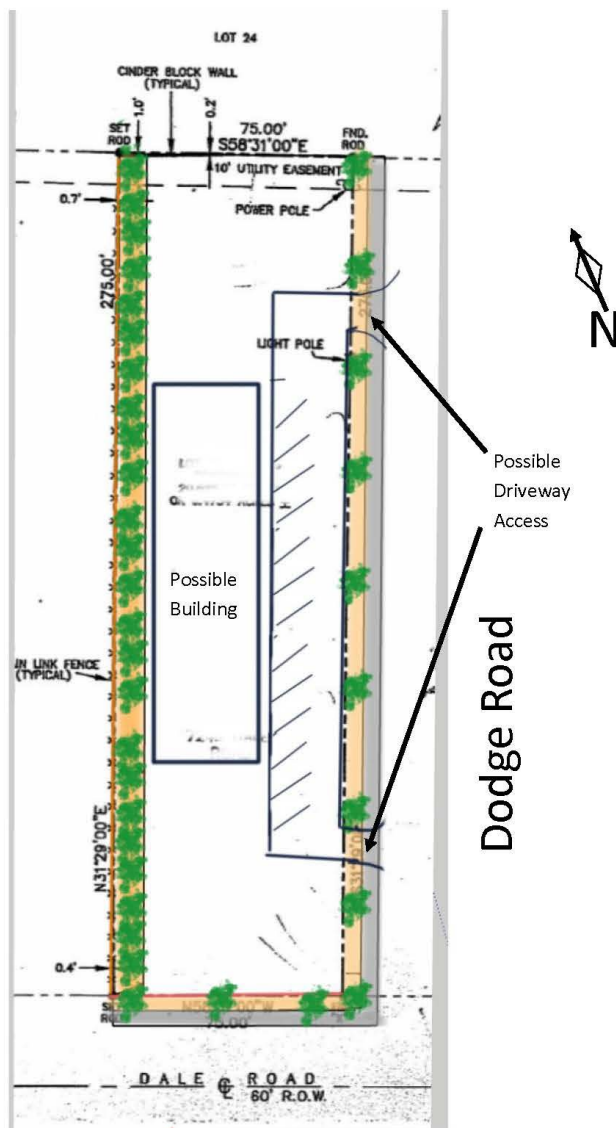


ATTACHMENT 3

Plot Plan

7249 Dale Road

El Paso, Tx



Dale Road

ATTACHMENT 4

Zamora, Luis F.

From: Fabiola Campos-Lopez <corridor20ca@yahoo.com>
Sent: Wednesday, March 2, 2022 11:23 AM
To: eduardoatalamantes@gmail.com; longhorn_1989@hotmail.com; mmcarr008@gmail.com; scott winton
Cc: Garcia, Raul; Zamora, Luis F.
Subject: Re: Application for Zoning Change 7249 Dale Road

You don't often get email from corridor20ca@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use [Phish Alert](#) or forward to SpamReport@elpasotexas.gov.

Mr. Winton,

Hope this communication finds you well.

As going over the permissible uses for zone C1, we noticed that the automobile sales, service, storage, and rental business uses are **not** permissible. This will safeguard the welfare and safety of the adjacent residential area property owners.

The Corridor 20 civic association's mission is to support responsible growth in the Mission Valley area and ensure its neighborhoods will maintain and/or improve their quality of life for the health, safety, and welfare of its residents.

CORRIDOR 20 ca will follow up on this rezoning application for the property with address 7249 Dale. Thank you for the update.

Best Regards.

Fabiola Campos-Lopez, Coordinator
CORRIDOR20ca



On Tuesday, March 1, 2022, 11:05:46 AM MST, scott winton <scottwinton@sbcglobal.net> wrote:

Hello All,

I hope everyone is well.

A notice was previously sent informing you that an application for a zoning changed on the above property had been filed. That zoning request was for a C-4 Zoning designation.

Based upon feedback we received from you, the application has been re-filed with the request modified to a C-1 zoning.

We do not have a user for the property at this time, but the C-1 designation gives more flexibility than the current zoning.

If you have any questions, please call or email.

Thank you for your time.

Scott Winton

915-637-0787

On Tuesday, November 2, 2021, 02:52:16 PM MDT, scott winton <scottwinton@sbcglobal.net> wrote:

Greetings,

Thank you to all who accepted my phone call.

I have attached a notification that an application for a zoning change has been filed.

I hope you will call me with any questions or comments.

The property owner and his family hope to be a positive presence in the community with the planned facilities.

The trucks are generally only parked on weekends and are not required to run continuously for refrigeration.
They hope the office will be used by community members for socializing and bathroom needs.
Please let me know if you are interested, and I will set up a meeting where we can all discuss this application,

Respectfully,

Scott Winton

915-637-0787
Leap Town Planning Services
www.leaptown.org

Zamora, Luis F.

From: Garcia, Raul
Sent: Thursday, March 3, 2022 10:00 AM
To: Zamora, Luis F.
Subject: FW: Application for Zoning Change 7249 Dale Road

Luis,
See comments from neighb assoc, make sure they are included in backup when it goes to CPC. Thanks

From: Sylvia Carreon <longhorn_1989@hotmail.com>
Sent: Thursday, March 3, 2022 9:52 AM
To: scott winton <scottwinton@sbcglobal.net>
Cc: Fabiola Campos-Lopez <corridor20ca@yahoo.com>; villagrane@yahoo.com; Garcia, Raul <GarciaR1@elpasotexas.gov>
Subject: Re: Application for Zoning Change 7249 Dale Road

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GM Scott, as per our ongoing conversations in reference to this location at 7249 Dale Rd., we had agreed that you might go forward in an application to rezone to C-1 which I believe to be acceptable at this time. I spoke with Elva Villagran who is the current Vice president of the Stiles Garden Neighborhood Association and told her that I would include her on this reply. Her cell number for your records 915-780-3221 and request calls after 3 pm. For a current update, Mr. Raul Dominguez, who was the President of Stiles Garden, passed away last month, may he RIP. He was the one who conducted meetings and events. Please keep me undated on all applications in reference to this location and you have my cell number. Thank you

From: scott winton <scottwinton@sbcglobal.net>
Sent: Wednesday, March 2, 2022 11:45 AM
To: longhorn_1989@hotmail.com <longhorn_1989@hotmail.com>
Subject: Fw: Application for Zoning Change 7249 Dale Road

Scott Winton

915-637-0787
Leap Town Planning Group
www.leaptown.org

----- Forwarded Message -----
From: scott winton <scottwinton@sbcglobal.net>

To: corridor20ca@yahoo.com <corridor20ca@yahoo.com>; eduardoatalamantes@gmail.com <eduardoatalamantes@gmail.com>; longhorn_1989@hotmail.com <longhorn_1989@hotmail.com>; mmcarr008@gmail.com <mmcarr008@gmail.com>; scott winton <scottwinton@sbcglobal.net>
Cc: Raul (DSD) Garcia <garciar1@elpasotexas.gov>; Luis F. Zamora <zamoraf@elpasotexas.gov>
Sent: Tuesday, March 1, 2022, 11:05:41 AM MST
Subject: Re: Application for Zoning Change 7249 Dale Road

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I hope everyone is well.

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Thank you for your time.

Scott Winton

915-637-0787

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They hope the office will be used by community members for socializing and bathroom needs.

Please let me know if you are interested, and I will set up a meeting where we can all discuss this application,

Respectfully,

Scott Winton

915-637-0787

Leap Town Planning Services

www.leaptown.org

Zamora, Luis F.

From: Olivares, Bettina
Sent: Wednesday, April 6, 2022 5:48 PM
To: Zamora, Luis F.; Smith, Kevin W.
Cc: District #3; Garcia, Raul
Subject: 4/7 CPC Item 5 Rezoning 7249 Dale - Elva Villagran - Stiles NA

Hello Luis and Kevin,

I just got off the phone with Elva Villagran from Stiles NA. She has questions regarding the below item and is in opposition and wanted more details. Can someone please give her a call before tomorrow's item? I did encourage her to call in to give input on item and how she could do so, if that's what she wanted.

PUBLIC HEARING Rezoning Application:

5. PZRZ21-00031:	Lot 27, Block 6, Stiles Gardens, City of El Paso, El Paso Co
Location:	7249 Dale Rd.
Existing Zoning:	A-2 (Apartment)
Request:	Rezone from A-2 (Apartment) to C-1 (Commercial)
Existing Use:	Vacant
Proposed Use:	Light Retail, Office, or Mixture of Permitted Uses
Property Owner:	Manuel Garza
Representative:	Scott Winton
District:	3
Staff Contact:	Luis Zamora, (915) 212-1552, ZamoraLF@elpasotexas.gov

Bettina Olivares

Legislative Aide
Office of Cassandra Hernandez
Council Representative | District 3
City of El Paso | O: 915.212.0003

** Email was followed up by a call to Mrs. Villagran by Staff on April 6, 2022.*

PETITION

To: City Commissioners, City Hall, 300 N. Campbell, El Paso, TX.

The Stiles Garden Neighborhood Association and the residents oppose to the request of Manuel Garza build a light retail, office or Mixture of permitted uses at 7249 Dale Rd. Case No: PZRZ21-00031 from A-2 (Apartment) to C-1 (Commercial). Lot 27, Block 6. We oppose this due to uncertain what owner will bring as a business or mixtures permitted uses. We oppose this due to safety issues, having citizens living nearby, and well being of our community.

Print Name	Address	Phone Number	Signature
1 Paola Perez	7312 Dale Rd	915 274-5603	Paola Perez
2 Maria Llanos	7310 Dale Rd	915-771-8935	Maria E. Llanos
3 Gloria Mendoza	7245 Dale Rd	915 600 8312	cons
4 Eduardo Molina	7245 Dale	915 328-0129	Eduardo Molina
5 Alberto Molina	7243 Dale	915 227-1879	Alberto Molina
6 Virginia Ledezma	3241 Santa Fe	915-778-5710	Virginia Ledezma
7 Sergio Romero	322 Santos	915-243-9620	Sergio Romero
8 Juan M. Mungia	7229 Dale Rd	915 803 8454	Juan M. Mungia
9 Teresa Martinez	7127936	915 772 3581	Teresa Martinez
10 Alex Thompson	408 Sycamore	415 355 9582	Alex Thompson
11 Jennifer G. Llanos	409 Sycamore	779-5088	Jennifer G. Llanos
12 Ricardo Flores	7248 Dale RD	915 841-9752	Ricardo Flores
13 Emma Rodriguez	7307 RD	915 779 6532	Emma Rodriguez
14 Leticia Olvera	7306 Dale Rd	915 408-5907	Leticia Olvera
15 Esperanza Martinez	7313 Dale Rd	915 778-3929	Esperanza Martinez
16 Gustavo Reveles	7320 North Loop	772-2664	Gustavo Reveles
17	306 Dodge	214-1772	Pera E. Calzadilla
18			
19			
20			

ATTACHMENT 5

Planning and Inspections Department - Planning Division

Recommend approval of the rezoning request with the following conditions:

1. That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.
2. *A Detailed Site Development Plan shall be reviewed and approved per City Code prior to issuance of building permits.*
3. *The following uses are not permitted:*
 - a. *Motor Vehicle Repair, Minor*
 - b. *Automotive Service Station*

Planning and Inspections Department – Plan Review & Landscaping Division

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Land Development

No comments received.

Fire Department

Recommend approval.

Police Department

No comments received.

Environmental Services

No comments received.

Streets and Maintenance Department

TIA not required for this application.

Sun Metro

No comments received.

El Paso Water Utilities

We have reviewed the request described above and provide the following comments:

Water:

There is an existing 6-inch diameter water main extending along Dale Rd. fronting the subject property. This main is located approximately 19-feet south of the northern right-of-way line of Dale Rd. This water main is available for service.

There is an existing 8-inch diameter water main extending along Dodge Rd. approximately 15-feet west of the eastern right-of-way line Dodge Rd. This water main is available for service.

There is an existing 48-inch diameter water main extending along Dale Rd. fronting the subject property. This main is located approximately 7-feet north of the southern right-of-way line of Dale Rd. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

Previous water pressure readings from fire hydrant # 680 located at the southwest corner of the intersection of Dale Rd. and Dodge Rd., have yielded a static pressure of 100 pounds per square inch, a residual pressure of 80 pounds per square inch, and a discharge flow of 1384 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 Dale Rd. fronting the subject property. This main is located approximately 20-feet north of the southern right-of-way line of Dale Rd. This sanitary sewer main is available for service.

There is an existing 12-inch diameter sanitary sewer main extending along Dodge Rd. fronting the subject property. This main is located approximately 30-feet east of the western right-of-way line of Dodge Rd. 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.

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 pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.

Texas Department of Transportation

No comments received.

El Paso County Water Improvement District

No comments received.



Legislation Text

File #: 22-658, 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, 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 Tract 3A, Nellie D. Mundy Survey No. 240, an addition to the City of El Paso, El Paso County, Texas from R-3 (Residential) to A-4 (Apartment), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: State Highway Spur 16 and Isela Rubalcava Ave.

Applicant: Westonlane, LLC, PZRZ22-00002

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

AGENDA DATE: June 7, 2022
PUBLIC HEARING DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Philip F. Etiwe, (915) 212-1553
David Samaniego, (915) 212-1608

DISTRICT(S) AFFECTED: District 1

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

SUBGOAL: 3.2 Set one standard for infrastructure across the city

SUBJECT:

An Ordinance changing the zoning of a portion of Tract 3A, Nellie D. Mundy Survey No. 240, an addition to the City of El Paso, El Paso County, Texas from R-3 (Residential) to A-4 (Apartment), and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code.

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

Subject Property: State Highway Spur 16 and Isela Rubalcava Ave.
Applicant: Westonlane, LLC, PZRZ22-00002

BACKGROUND / DISCUSSION:

The applicant is requesting to rezone from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development. City Plan Commission recommended 7-0 to approve the proposed rezoning on March 24, 2022. As of May 31, 2022, the Planning Division has received three (3) emails of opposition, but no communication in support 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

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

DEPARTMENT HEAD:

Philip E. Etiwe – Planning and Inspections Director

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 3A, NELLIE D. MUNDY SURVEY NO. 240, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, EL PASO COUNTY PLAT RECORDS FROM R-3 (RESIDENTIAL) TO A-4 (APARTMENT), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

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

Pursuant to Section 20.04.360 of the El Paso City Code, that the zoning of *a portion of Tract 3A, Nellie D. Mundy Survey No. 240, located in the City of El Paso, El Paso County, Texas*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-3 (Residential)** to **A-4 (Apartment)**, as defined in Section 20.06.020, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the change in intensity generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

1. "That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy."

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 _____, 2022.

THE CITY OF EL PASO:

ATTEST:

Oscar Leoser
Mayor

Laura D. Prine
City Clerk

APPROVED AS TO FORM:

Wendi N. Vineyard
Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:

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

ORDINANCE NO. _____

Zoning Case No: PZRZ22-00002

Exhibit "A"



PRECISION LAND SURVEYORS

10441 VALLE DE ORO DR.

El Paso, Texas 79927

Ph# (915) 222-5227

Being a portion of Tract 3A,
Nellie D. Mundy Survey No. 240,
El Paso County, Texas
December 13, 2021;

METES AND BOUNDS DESCRIPTION

Description of a parcel of land being a portion of Tract 3A, Nellie D. Mundy Survey No. 240, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

Commencing for reference found nail with shiner at the intersection of Isela Rubalcava Street centerline with the east right of way of Spur 16, and having State Plain Coordinates (Northing= 10,708,752.01 feet and Easting= 354,692.58 feet), thence, South 32°36'05" West a distance of 40.08 feet to a found chiseled "X" at the east right of way of Spur 16, the south right of way of Isela Rubalcava Street as dedicated by instrument No. 20110035784 with the El Paso County Real Property Records and the **"TRUE POINT OF BEGINNING"**.

Thence along south right of way of Isela Rubalcava Street, **South 86°48'26" East** a distance of **461.43 feet** to a point at the east boundary line of Lot 67, Block 15, La Puesta Del Sol Unit Four, recorded by Instrument No. 20190091736 with the El Paso County Real Property Records, from which a found nail on rock wall bears North 02°04'48" East a distance of 1.32 feet;

Thence leaving said right of way, **South 03°20'13" West** a distance of **754.81 feet** to a set nail on rock wall at the northeast corner of Lot 50, Block 15, La Puesta Del Sol Unit Four, from which a found nail on rock wall at the northwest corner of Lot 51 bears South 03°13'07" West a distance of 1.00 feet;

Thence along the north boundary of Puesta Del Sol Unit Four, **North 86°46'53" West** a distance of **664.30 feet** to a found 1/2" rebar with cap "B&A" at the northwest corner of Lot 40, Block 15, La Puesta Del Sol Unit Four and the east line of Lot 19, El Canutillo Acreage Lots, recorded in Vol. 9, Pg. 44, El Paso County Plat Records;

Thence along said east line, **North 03°20'13" East** a distance of **392.98 feet** to a set 1/2" rebar with cap "6085" at the east right of way of Spur 16 as dedicated by Instrument No. 20120020347 with the El Paso County Real Property Records;

Thence along said right of way, **North 32°36'05" East** a distance of **415.01 feet** to **"TRUE POINT OF BEGINNING"** and containing in all **464,646 square feet or 10.6668 acres** of land more or less.

Note: All bearings and coordinates are reference to the Texas State Coordinate System, Central Zone, NAD 1983 Datum, as derived using GPS methods via RTK network establish by Western Data, El Paso Island. all distances expressed in U.S. survey feet scaled to surface.

Jesus D. Ibarra, RPLS No.6085
December 16, 2021



ALTA/NSPS LAND TITLE SURVEY

BEING A PORTION OF TRACT 3A, NELLIE D MUNDY SURVEY 240, AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS, EL PASO COUNTY PLAT RECORDS

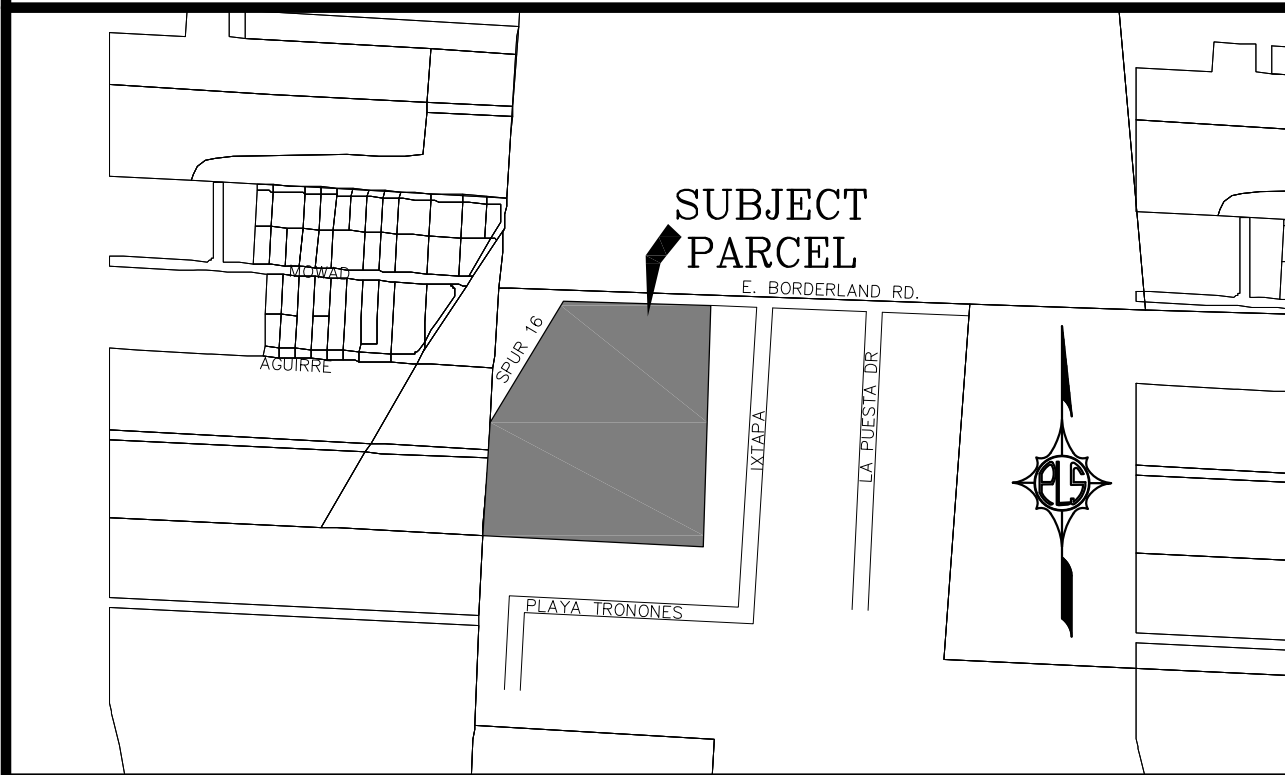
TOTAL CONTAINING: 10.6668 ACRES

DECEMBER 15, 2021

NOTES:

1. BEARING BASIS: U.S. STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL 4203, NAD 1983 DATUM, AS DERIVED USING GPS METHODS VIA RTK NETWORK ESTABLISH BY WESTERN DATA, EL PASO ISLAND. ALL DISTANCES EXPRESSED IN U.S. SURVEY FEET SCALED TO SURFACE. COMBINED SCALE FACTOR: 0.99982726, CONVERGENCE ANGLE: -31°3'28".
2. ROTATION OF 3°10'34" EAST FROM RECORD FOR PARCEL DESCRIBED BY INSTRUMENT NO. 20170035423, EL PASO COUNTY, REAL PROPERTY RECORDS OF EL PASO COUNTY, TEXAS, AND LOCATED BY FOUND CONTROL MONUMENTS SHOWN HEREIN.
3. ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 4802120125B, DATED 09/04/1991, THIS PROPERTY IS IN FLOOD HAZARD ZONE A "NO BASE FLOOD ELEVATIONS DETERMINED" AND ZONE X "AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN".
4. UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATED BY ON SITE EVIDENCE AND RECORD INFORMATION.
5. CITY ZONING IS R-3, RESIDENTIAL DISTRICT. (AS ESTABLISHED IN CHAPTER 20.08)
6. REFERENCE FIRST AMERICAN TITLE GUARANTY COMPANY FOR TITLE INSURANCE OF NO. 211793-COM, EFFECTIVE DATE OF OCTOBER 27, 2021. SCHEDULE B EXCEPTIONS FROM COVERAGE ARE AS FOLLOWS:
 1. RESTRICTIVE COVENANTS RECORDED IN/UNDER VOLUME 1742, PAGE 959 AND AMENDED UNDER CLERK'S FILE NO. 20060097145; AND UNDER CLERK'S FILE NO. 20070072035, 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. (APPLIES; NOT A SURVEY MATTER)
 - 10.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 TIQUA 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 TIQUA 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. (APPLIES; NOT A SURVEY MATTER)
- 10.I. RESERVATION OF ALL MINERALS TO THE STATE OF TEXAS IN VOLUME 727, PAGE 353, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.J. TERMS, RESTRICTIONS AND OTHER CONDITIONS SET OUT IN CONTRACT FILED IN VOLUME 1742, PAGE 959, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS AND AMENDED UNDER CLERK'S FILE NO. 20060097145, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.K. TERMS AND CONDITIONS SET OUT IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND PROPERTY DEVELOPMENT AGREEMENT DATED JULY 23, 2007 AND RECORDED UNDER CLERK'S FILE NO. 20070072035, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; NOT A SURVEY MATTER)
- 10.I. EASEMENT TO THE CITY OF EL PASO FOR THE USE AND BENEFIT OF ITS PUBLIC SERVICE BOARD (EL PASO WATER UTILITIES) RECORDED UNDER CLERK'S FILE NO. 20080013918, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; PLOTTED HEREIN)
- 10.M. EASEMENT TO EL PASO ELECTRIC COMPANY IN OLD BOOK VOLUME 533, PAGE 323, REAL PROPERTY RECORDS, EL PASO COUNTY, TEXAS. (APPLIES; BLANKET EASEMENT)

LOCATION MAP SCALE: 1" = 600'



State Highway Spur 16 and Isela Rubalcava Avenue



City Plan Commission — March 24, 2022- **REVISED**

CASE NUMBER: PZRZ22-00002
CASE MANAGER: David Samaniego, (915) 212-1608, SamaniegoDC@elpasotexas.gov
PROPERTY OWNER: Westonlane, LLC
REPRESENTATIVE: Gallinar Planning & Development, LLC
LOCATION: Southeast corner of State Highway Spur 16 and Isela Rubalcava Ave. (District 1)
PROPERTY AREA: 10.7 acres
REQUEST: Rezone from R-3 (Residential) to A-4 (Apartment)
RELATED APPLICATIONS: None
PUBLIC INPUT: None received as of March 17, 2022

SUMMARY OF REQUEST: The applicant is requesting to rezone the subject property from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development.

SUMMARY OF STAFF RECOMMENDATION: Staff recommendation is **APPROVAL** of the rezoning request subject to the following condition:

1. "That a 10' landscaped buffer with high-profile native or naturalized trees of at least two-inch (2") caliper and ten feet (10') in height shall be placed at fifteen feet (15') on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy."

The recommendation is based on the compatibility of the proposed zoning district with the surrounding residential districts in the immediate area. The proposed rezoning is consistent with Plan El Paso, the City's adopted Comprehensive Plan.

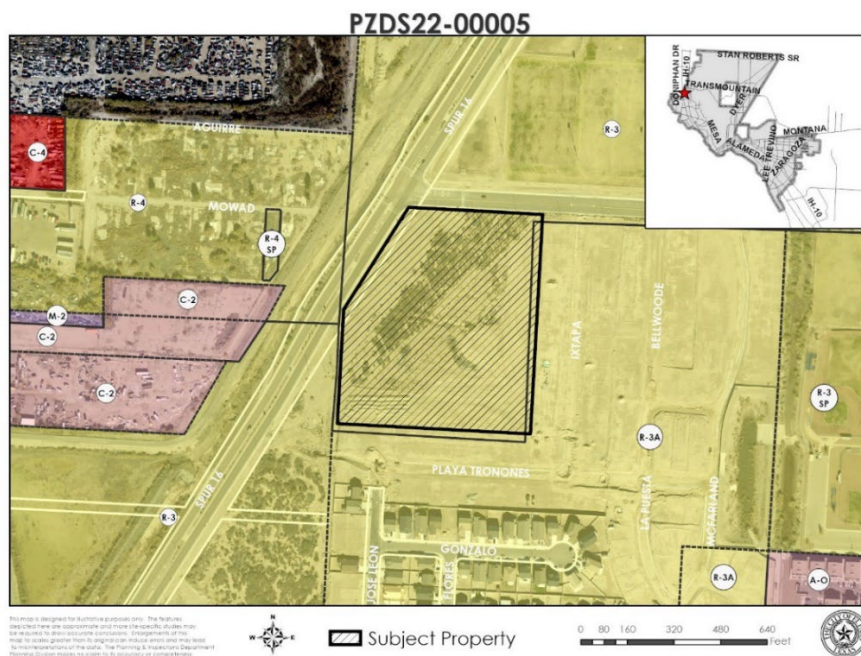


Figure A. Subject Property & Immediate Surroundings

DESCRIPTION OF REQUEST: The applicant proposes to rezone approximately 10.72 acres of land from R-3 (Residential) to A-4 (Apartment) to allow for a multifamily residential development. The property is located at the southeastern intersection of State Highway Spur 16 and Isela Rubalcava Avenue within the Northwest Planning area. The conceptual site plan for the subject property shows a multifamily residential development containing 276 apartment units and a pond site abutting the Spur 16 freeway.

PREVIOUS CASE HISTORY: N/A

COMPATIBILITY WITH NEIGHBORHOOD CHARACTER: The proposed zoning district and multifamily residential development meet the intent of the G-4, Suburban (Walkable) land use designation of *Plan El Paso* within the Northwest Planning area. The proposed development proposes multifamily housing options to an area containing predominately single-family residential development, creating a mix of housing options within the area. The immediate area also includes Canutillo High School and El Paso Community College - both campuses which are located less than a half mile from the subject property. Canutillo High School is 0.44 miles away. The nearest park is the Westside Sports Complex – located across the street (0.01 miles) from the subject property along Isela Rubalcava Avenue. Properties to the north are zoned R-3 (Residential) and the Westside Sports Complex City Park; to the east and south are zoned R-3A (Residential) and single-family residential development; and to the west is zoned R-3 (Residential) and the State Highway Spur 16.

COMPLIANCE WITH PLAN EL PASO/REZONING POLICY – When evaluating whether a proposed rezoning is in accordance with <i>Plan El Paso</i>, consider the following factors:	
Criteria	Does the Request Comply?
<p>Future Land Use Map: Proposed zone change is compatible with the Future Land Use designation for the property:</p> <p><u>G-4, Suburban (Walkable):</u> This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.</p>	<p>Yes, the G-4, Suburban (Walkable) land use designation is compatible with the proposed A-4 (Apartment) zone district and the abutting residential districts. The A-4 designation will permit increased residential density in an area containing mostly single-family residential development. In addition, the immediate area contains Canutillo High School and the El Paso Community College– both campuses are located less than a half mile from the proposed development. The proposed zone district and development meets the intent of the G-4 designation in supplementing the limited housing options in the immediate area.</p>
<p>Compatibility with Surroundings: The proposed zoning district is compatible with those surrounding the site:</p> <p><u>A-4 (Apartment) District:</u> The purpose of these districts is to promote and preserve a diversity of residential dwelling types at the highest densities within the city and to provide for the integration of compatible business and professional office uses to complement the areas. It is intended that the district regulations allow for concentrations of population through the use of multi-story facilities. The regulations of the districts will permit site diversification</p>	<p>Yes, the proposed zoning district is compatible with the surrounding residential zone districts, providing different housing options. The properties to the east and south are zoned R-3A (Residential) and feature single-family residential development. As the proposed multifamily development abuts single-family housing, staff is recommending a 10-foot landscaped buffer along the property lines abutting the residential zone districts.</p>

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:	
for high-density residential development in which adequate public facilities are available for present and future needs.	
Preferred Development Locations: Located along an arterial (or greater street classification) or the intersection of two collectors (or greater street classification). The site for proposed rezoning is not located mid-block, resulting in it being the only property on the block with an alternative zoning district, density, use, and/or land use.	Yes, the development is accessed from State Highway Spur 16, which is classified as a freeway on the City of El Paso's Major Thoroughfare Plan (MTP).
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.	The proposed development is not located within any historic districts or other special designation areas.
Potential Adverse Effects: 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 proposed multifamily development will bring a mix of housing options to the abutting single-family residential development. In addition, staff is recommending a 10-foot landscaped buffer along the property lines abutting residential zone districts.
Natural Environment: Anticipated effects on the natural environment.	The 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 there has not been any rezonings in the immediate area within the last ten years.
Socioeconomic & Physical Conditions: Any changed social, economic, or physical conditions that make the existing zoning no longer suitable for the property.	The existing R-3 (Residential) zone designation does not permit multifamily development. The proposed rezoning to A-4 (Apartment) allows for increased density and new housing stock for an area served by a high school and community college campus. The immediate area contains mostly single-family residential development.

ADEQUACY OF PUBLIC FACILITIES, SERVICES AND INFRASTRUCTURE: Primary access is proposed from State Highway Spur 16, which is classified as a freeway on the City of El Paso's Major Thoroughfare Plan (MTP), and Isela Rubalcava Avenue, a local street. Both streets are appropriate to serve the proposed residential development. In addition, the subject property is

unplatted and will need to be subdivided to ensure that the property, abutting rights-of-way, and required easements are compliant with the City's Subdivision standards.

PUBLIC COMMENT: The subject property lies within the Upper Valley Neighborhood Association. Notices were mailed to property owners within 300 feet of the subject property on March 9, 2022. As of March 17, 2022, Planning has not received any communications in support 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 (CPC) has the authority to advise City Council on Zoning matters. In evaluating the request, the CPC may take any of the following actions:

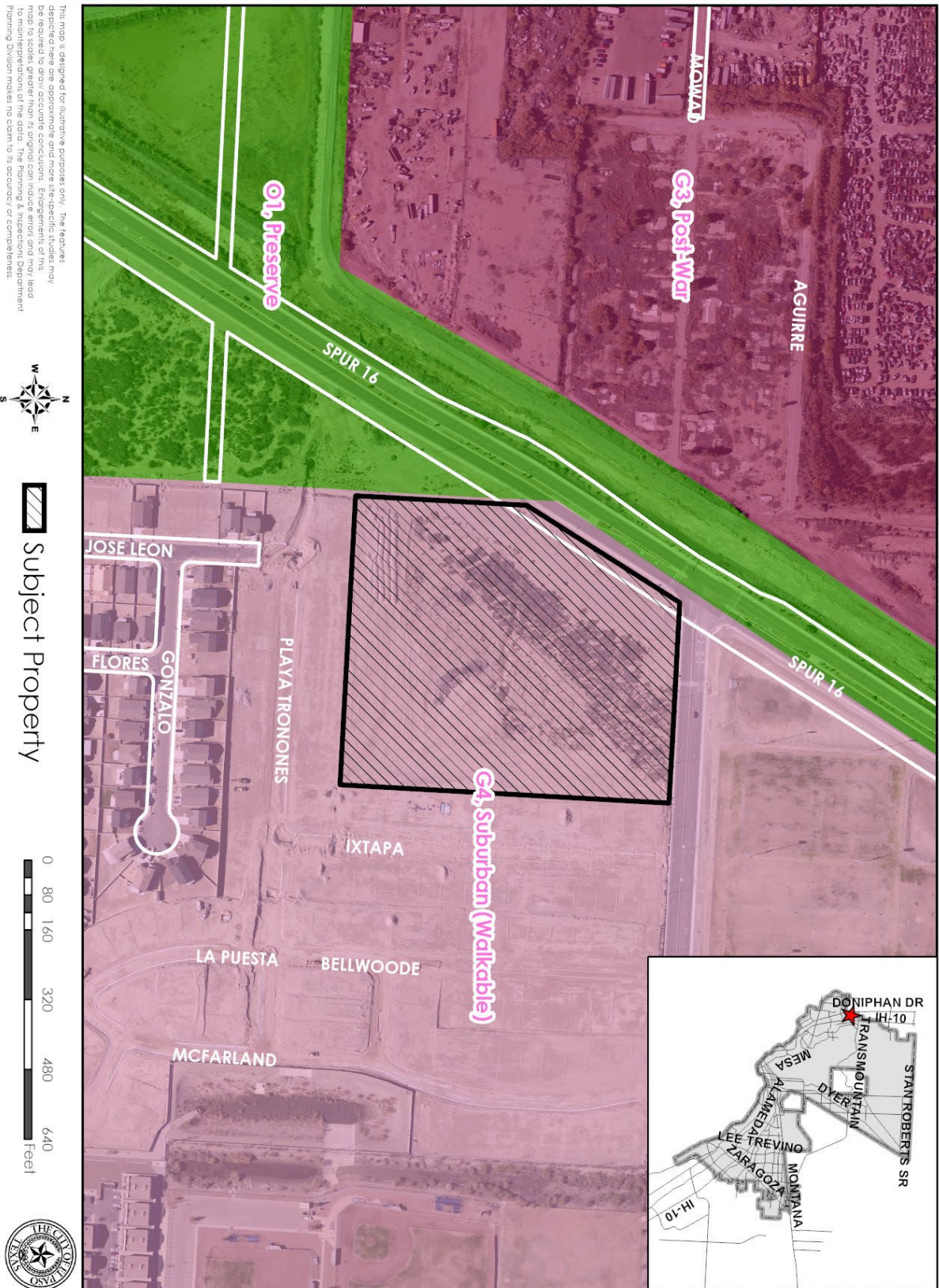
1. **Recommend Approval** of the rezoning request, finding that the request is in conformance with the review criteria of *Plan El Paso* as reflected in the Staff Report, or that the request is in conformance with other criteria that the CPC identifies from the Comprehensive Plan.
2. **Recommend Approval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

ATTACHMENTS:

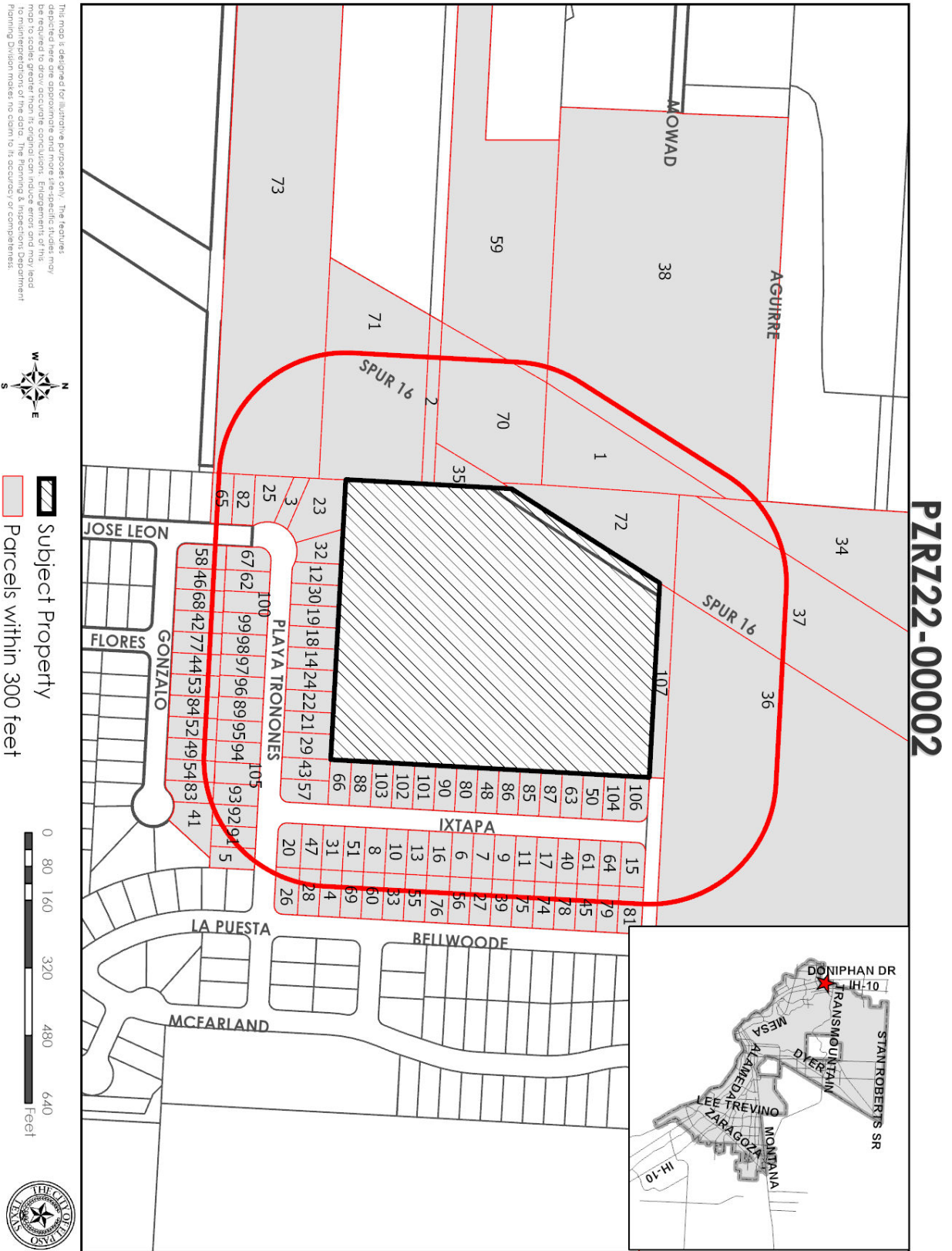
1. Future Land Use Map
2. Neighborhood Notification Boundary Map
3. Conceptual Plan
4. Department Comments
5. Letters and Emails of Opposition

ATTACHMENT 1

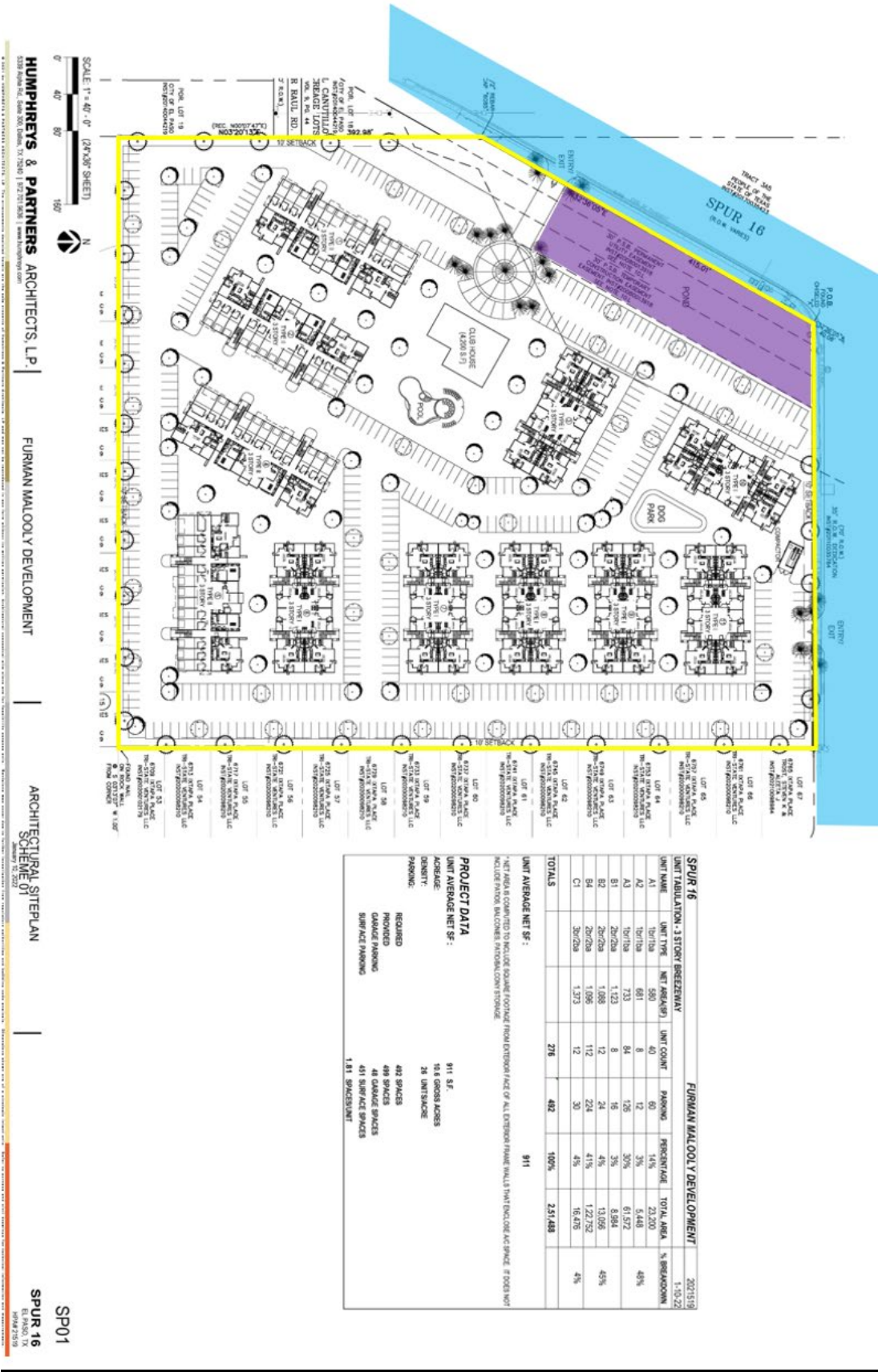
PZR22-00002



ATTACHMENT 2



ATTACHMENT 3



ATTACHMENT 4

Planning and Inspections Department – Planning

1. Provide written, sealed metes and bounds, accompanied by survey - dated within the past year.
3. Coordinate driveway access from Spur 16 with TxDOT.
4. Staff will recommend a 10' landscape buffer along all property boundaries abutting single-family development.
5. For informational purposes, please note the following standards for multifamily uses as listed within the A-4 (Apartment) zone district as per Appendix B – Table of Density and Dimensional Standards:
 - a) Minimum floor area of 300 sf per dwelling unit.
 - b) Perimeter designed to ensure compatibility with adjacent development thru the use of setbacks, screening walls or landscaping; minimum setback of 10 feet between any structure and adjoining ROW

Planning and Inspections Department – Plan Review

The generalized site plan is not being reviewed for conformance due to conceptual nature. No objections to proposed rezoning. At the time of submittal for building permit, the project will need to comply with all applicable provisions of the ICC, TAS and Municipal Code.

Planning and Inspections Department – Landscaping Division

Recommend approval – no objections to the proposed rezoning.

Planning and Inspections Department – Land Development

New developments and redevelopments are required to maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding as per Chapter 19.19.010, Sections A-2 & A-5. On-site stormwater ponding is required for all redevelopment where there is an increase in impermeable surfaces.

Note: Onsite water ponding will be reviewed during the platting stage.

Streets and Maintenance Department

The request to defer the Traffic Impact Analysis (TIA) to the platting phase is approved for Zoning Application PZRZ22-00002.

Fire Department

Recommend approval – no adverse comments.

Sun Metro

Sun Metro has no objections.

El Paso Water

We have reviewed the subdivision and provide the following comments:

The property is located within the City of El Paso Westside Impact Service Fee Area. Impact fees will be assessed at the time of plat and collected by EPWATER prior to the

City of El Paso issuing a Building Permit in accordance with the City of El Paso's Ordinance # 017113 and the EPWATER-PSB Rules and Regulation No. 16.

Water:

There is an existing 8-inch diameter water main extending along Isela Rubalcava Ave., located approximately 14-feet south of the north right-of-way line. This main is available for service and extension.

Previous water pressure from fire hydrant #10127, located on the northeast corner of Isela Rubalcava Ave and the entrance to the Westside Sports Complex, has yielded a static pressure of 86 (psi), a residual pressure of 66 (psi), and a discharge of 1,034 (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 Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sewer:

There is an existing 8-inch diameter sanitary sewer main extending along Isela Rubalcava Ave., located approximately 15-feet north of the south right-of-way line. This main is available for service and extension.

There is an existing 36-inch diameter sanitary sewer main extending along a 30-foot easement on the northwestern portion of the property. No direct service connections are allowed to this main as per the El Paso Water – Public Service Board (EPWater-PSB) Rules and Regulations.

General:

Water mains are to be extended to create a looped system. EPWater-PSB requests that site be graded so that sanitary sewer may be provided by gravity. All water and sanitary sewer main extension costs are the responsibility of the Owner/Developer.

Spur 16 is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and sanitary sewer work to be performed within Spur 16 right-of-way requires written permission from TxDOT.

The subject subdivision will be located within an Intermediate Pressure Zone. Private water pressure regulating devices will be required at the discharge side of each water meter. The Developer shall include in the sale of contract documents that the lot/home buyer shall acquire ownership of the above-described water pressure regulating devices to be located at the discharge side of the water meters. Additionally, the lot/home buyer shall be responsible for the operation and maintenance of the above-described privately-owned water pressure regulating devices.

No building, reservoir, structure, parking stalls or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easement without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs, buildings, curbs or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any building, sign or structure. All easements dedicated for public water and sanitary sewer facilities shall comply with the EPWU-PSB Easement Policy. The PSB easements shall be improved to allow the operation of EPWU

maintenance vehicles. EPWU-PSB requires access to the proposed water, sanitary sewer facilities, appurtenances, and meters within the easement 24 hours a day, seven (7) days a week.

EPWater requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWater – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

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 pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding. The code also encourages the use of nonstructural storm water management such as the preservation of greenspace, water harvesting, and other conservation efforts, to the maximum extent practicable, per Chapter 19.19, Section 19.19.010, and Subparagraph A-2 & A-5.
- The developer shall be responsible for the additional stormwater runoff generated by this development, and must ensure that the historic runoff volume, peak and duration are maintained.

Texas Department of Transportation

Have the requestor submit a formal driveway request to ELP_Access@txdot.gov and we will provide them an application packet and permit form. Additionally, please see our comment below

1. missing distance between proposed driveway and existing driveways/side streets

911

The 911 District has no comments/concerns regarding this rezoning.

El Paso County Water Improvement District

The attached item is not within the boundaries of EPCWID1.

Police Department

No comments received.

ATTACHMENT 5

RESPONSE TO CITY PLAN COMMISSION PUBLIC NOTICE (PZRZ22-00002)

Dear City Council Planning Commission,

Date: 22 Mar 2022

This letter is in response to the request to change the zoning from R-3 (Residential) to A-4 (Apartments) to allow for a multifamily development.

As a resident of El Paso with address 6661 Jose Leon Dr, El Paso, Texas 79932, property location (82) on the planning and inspection sheet, I **disapprove** with the request to re-zone the property located at Spur 16 and Rubacalva Ave.

The reasoning for my disapproval for re-zoning are below:

- Homes in the area located within the radius of (PZRZ22-0002) zoning **have not been occupied**, and this decision should not be made until all individuals have been contacted.
- A statistical fact is a 7 times higher problem interaction regarding apartment dwellers, which can contribute to a direct impact to maintain Law and Order.
- Personal privacy for existing homeowners will be directly impacted.
- Valuation for homes located within the re-zoning consideration will be impacted negatively by this re-zoning.

Additionally, I cannot attend the City Planning Commission decision meeting on March 24, 2022 at 130pm, and request that this letter be read on my behalf by my District City Council Member Peter Svarzbein to the board.

Cordially,

Antonio Ruiz, M.S.
SGM, USA
Instructor, Command Leadership
Sergeants Major Academy
Fort Bliss, TX 79918
Office: 1-915-744-1754
Cell: 1-785-307-4647
Email: Antonio.r.ruiz.mil@army.mil

From: [juan ontiveros](#)
To: [Samaniego, David C.](#)
Subject: Response to Case PZRZ22-00002 - Re-zoning from R-3 to A-4
Date: Tuesday, March 22, 2022 6:24:08 PM

You don't often get email from jua_ontiv@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

Dear City Council Planning Commission,

This email is in response to the request to change the zoning from R-3 (Residential) to A-4 (Apartments) to allow for a multifamily development.

As a resident of El Paso with address 6657 Jose Leon Dr, El Paso, Texas 79932, property location (65) on the planning and inspection sheet, I DISAPPROVE with the request to re-zone the property located at Spur 16 and Rubalcava Ave.

- About less than 30% of homes in the area, located within the radius of (PZRZ22-0002) zoning, **have not been occupied**, and this decision should not be made until all individuals have been contacted.
- Valuation of my home will be negatively impacted. I would of never considered purchasing a home 3 years ago, knowing a multi unit complex would be built feet away from my property.
- Traffic will significantly increase. As it is, there is already an issue with the soccer complex not having enough parking spaces that people park on Isela Rubalcava Rd and the surrounding neighborhoods.
- Crime rate will increase as a high population of residents will be living on a small radius and the privacy of home owners located right behind this proposed apartment complex will be affected.

Unfortunately, I would not be able to attend the scheduled meeting on 3/24/22 @ 1:30 as I work from 8 A.M to 5 P.M, Monday through Friday. I am a very unhappy resident and find this very suspicious, due to the timing of this proposed re-zoning (where more than half of these homes that will be impacted are currently not occupied and will not be able to have a say on this proposal) and the time of day this hearing will occur (when majority of people are working and cannot take the time to voice their concerns).

Cordially,

Juan Ontiveros
Cell: 915-229-9569

From: [Aleeta Trost](#)
To: [Samaniego, David C.](#)
Subject: Objection to the Zoning Change at Spur16/Isela/ Rubalcava Ave.
Date: Wednesday, March 23, 2022 1:38:30 PM

You don't often get email from ajtrost88@gmail.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the City of El Paso. Do not click links or open attachments unless you recognize the sender and know the content is safe. If suspicious, use **Phish Alert** or forward to SpamReport@elpasotexas.gov.

To Whom It May Concern:

My wife and I are current home owners on the property (6765 Ixtapa Place)behind the area you are talking about re-zoning. We were the first home built on this block.

Of course we say NO very loudly, when we bought this lot and had our home built by Carefree on September 1, 2020.

We were told by Carefree at that time, that all the property behind was city owned and was used as a waterway or something to that effect and NOTHING would be built behind us!!!

So. of course, that was ONE of the MAIN reasons we bought our home to only have One Neighbor!!! WE definitely DO NOT WANT APARTMENTS BEHIND US OR OTHER HOMES!

Please consider all of us who just bought homes here and what we want and need. Not the almighty dollar! We do not want back door neighbors!

Thank you for your thoughtful decisions on how this will affect our way of life in this area,

Steve & Aleeta Trost
6765 Ixtapa Place

Sent from [Mail](#) for Windows



State Highway Spur 16 and Isela Rubalcava Rezoning

PZRZ22-00002

Strategic Goal 3.

Promote the Visual Image of
El Paso



PZRZ22-00002

Aerial



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

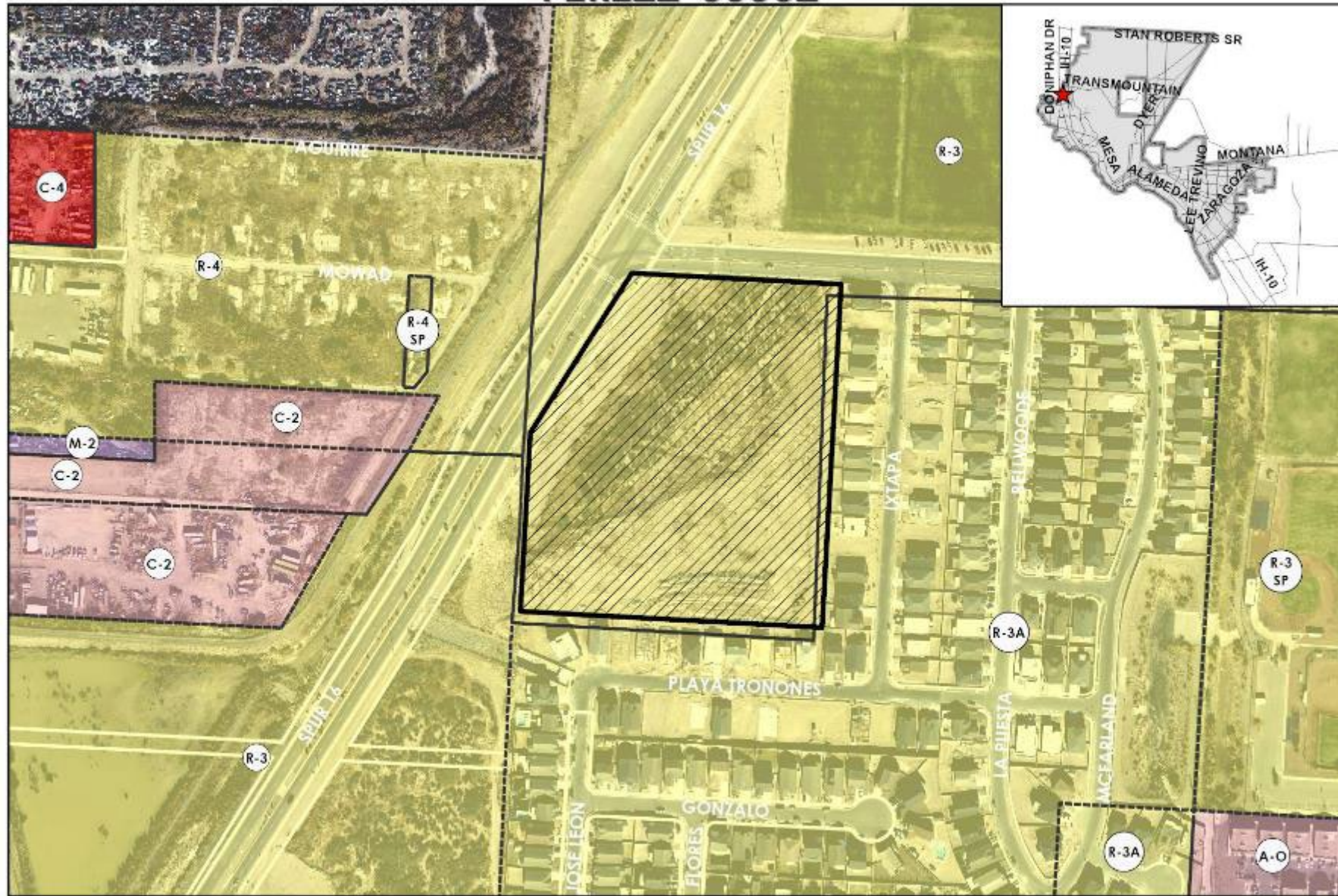


 Subject Property

0 80 160 320 480 640 Feet



Existing Zoning



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

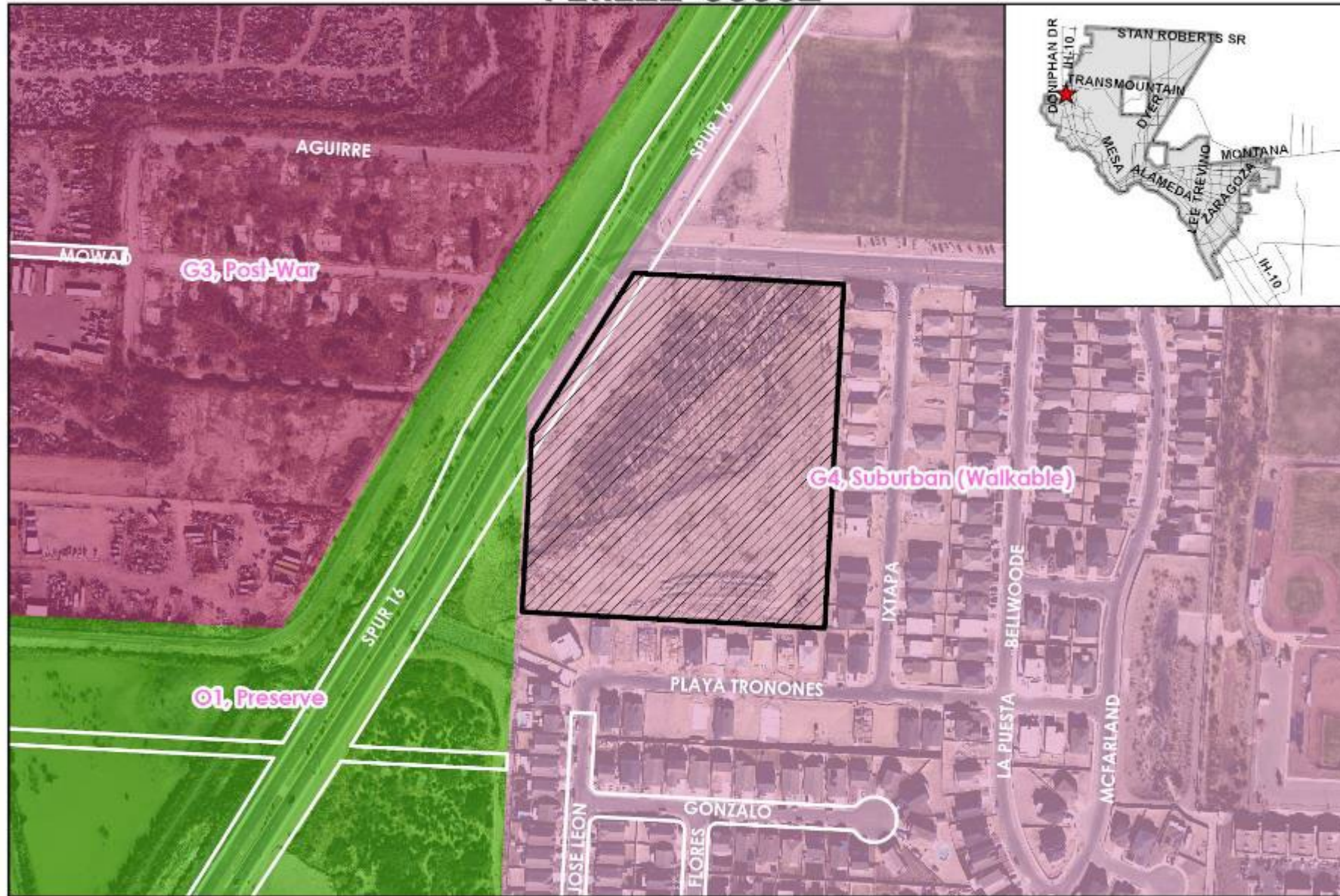


 Subject Property

0 80 160 320 480 640 Feet



PZRZ22-00002



Future Land Use

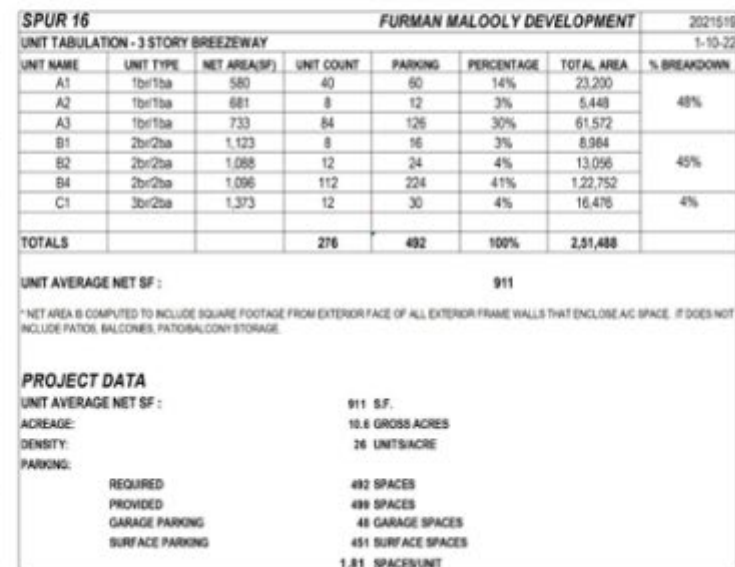
The map is designed for illustrative purposes only. The features depicted here are approximate and more site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than its original can cause errors and may lead to misinterpretations of the data. The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



 Subject Property

0 80 160 320 480 640 Feet







Subject Property

Surrounding Development



W



N



S



E



Public Input

- Notices were mailed to property owners within 300 feet on March 17, 2022.
- As of March 24, 2022, the Planning Division has received three (3) emails of opposition, but no communications in support to the request.



Recommendation

Staff recommends approval of the rezoning request, subject to the following condition:

- “That a 10’ landscaped buffer with high-profile native or naturalized trees of at least two-inch (2”) caliper and ten feet (10’) in height shall be placed at fifteen feet (15’) on center along the property lines adjacent to residential or apartment zone districts or uses. The landscaped buffer shall be irrigated and maintained by the property owner at all times and shall be installed prior to the issuance of any certificates of occupancy.”



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 #: 22-670, 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 2

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

AGENDA LANGUAGE:

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

An Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to Figueroa Holdings, LLC (Figueroa), in accordance with Section 34.05 (h) of the Tax Code. This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in Ordinance Number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018 for the following described real property: Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

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

AGENDA DATE: June 7, 2022

PUBLIC HEARING DATE: June 22, 2022

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.

Approve an Ordinance authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to Figueroa Holdings, LLC (Figueroa), in accordance with Section 34.05 (h) of the Tax Code. This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in ordinance number 0188480, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018 for the following described real property: Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

BACKGROUND / DISCUSSION:

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

By Sheriff's Sale conducted on June 6, 1945, the below described property was struck off to the City of El Paso, (the "City") Trustee, pursuant to a delinquent tax foreclosure decree of the **41st Judicial District Court**, El Paso County, Texas. On September, 18, 2018 the sum of THIRTEEN THOUSAND and 00/00 Dollars (\$13,000.00) was been tendered by **Figueroa Holdings, LLC** of El Paso, Texas ("**Figueroa**") for the purchase of said property pursuant to Section 34.05 (h)(2), Texas Tax Code Ann. (Vernon, 1996).

PRIOR COUNCIL ACTION:

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

Council has previously considered closely related items.

AMOUNT AND SOURCE OF FUNDING:

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

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Tax Office
SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD: 

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

AN ORDINANCE authorizing the City Manager to execute a quitclaim (tax resale) deed conveying all right, title and interest in real property described as Lots Twenty-nine (29) and Thirty (30) in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas, to **Figueroa Holdings, LLC (Figueroa)**, in accordance with Section 34.05 (h) of the Tax Code.

Whereas, by Sheriff's Sale conducted on June 6, 1945, the below described property was struck off to the City of El Paso, (the “**City**”) Trustee, pursuant to a delinquent tax foreclosure decree of the **41st Judicial District Court**, El Paso County, Texas; and

Whereas, on September, 18, 2018 the sum of THIRTEEN THOUSAND and 00/00 Dollars (\$13,000.00) was been tendered by **Figueroa Holdings, LLC** of El Paso, Texas (“**Figueroa**”) for the purchase of said property pursuant to Section 34.05 (h)(2), Texas Tax Code Ann. (Vernon, 1996); and

Whereas, This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC, so named in that instrument, dated September 14, 2018, and recorded in ordinance number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property’s legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018; and

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

That the City Manager is hereby authorized to execute a Corrected Quitclaim (Tax Resale) Deed conveying to **Figueroa Holdings, LLC**, all of the right, title, and interest of the City of El Paso, and all other taxing units interested in the tax foreclosure judgment in the following described real property:

Lot Twenty-nine (29) and a portion of lot Thirty (30), (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

(Signatures Begin on Following Page)

PASSED AND APPROVED THIS ____ day of _____, 20 ____.

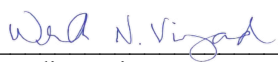
CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:

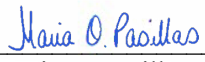
Laura Prine
City Clerk

APPROVED AS TO FORM:



Wendi N. Vineyard
Assistant City Attorney

APPROVED AS TO CONTENT:



Maria O. Pasillas, RTA
Tax Assessor-Collector

ORDINANCE NO. _____

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.

CORRECTED TAX RESALE DEED

STATE OF TEXAS

X

X

**KNOW ALL MEN BY THESE
PRESENTS**

COUNTY OF EL PASO

X

That **The City of El Paso, Trustee**, acting through its City Manager, hereunto duly authorized by resolution and order of the governing body of said City, which is duly recorded in its official Minutes, hereinafter called grantor, for and in consideration of the sum of **\$13,000.00** cash in hand paid by

**Figueroa Holdings, LLC
708 Dulce Tierra Dr.
El Paso, TX 79912**

hereinafter called grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents does quitclaim unto said grantee(s) all of the right, title and interest of grantor and all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. 56046**; in the district court of said county, said property being located in El Paso County, Texas, and described as follows:

Lot Twenty-nine (29) and a portion of Lot Thirty (30) (30 ft. on street, 116.6 ft. on the North, 44 ft. on the East, and 115 ft. on the South) 4255 sq. ft., in Block Two (2), Orchard Park Addition to the City of El Paso, El Paso County, Texas.

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said grantee(s), their heirs and assigns forever, so that neither the grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

Taxes for the present year are to be paid by grantee(s) herein.

This deed is given expressly subject to recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

THIS SALE IS BEING CONDUCTED PURSUANT TO STATUTORY OR JUDICIAL REQUIREMENTS. BIDDERS WILL BID ON THE RIGHTS, TITLE, AND INTERESTS, IF ANY, IN THE REAL PROPERTY OFFERED.

THE PROPERTY IS SOLD AS IS, WHERE IS, AND WITHOUT ANY WARRANTY, EITHER EXPRESS OR IMPLIED. NEITHER THE COUNTY NOR THE SHERIFF'S DEPARTMENT WARRANTS OR MAKES ANY REPRESENTATIONS ABOUT THE PROPERTY'S TITLE, CONDITION, HABITABILITY, MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE. BUYERS ASSUME ALL RISKS.

IN SOME SITUATIONS, A LOT OF FIVE ACRES OR LESS IS PRESUMED TO BE INTENDED FOR RESIDENTIAL USE. HOWEVER, IF THE PROPERTY LACKS WATER OR WASTEWATER SERVICE, THE PROPERTY MAY NOT QUALIFY FOR RESIDENTIAL USE. A POTENTIAL BUYER WHO WOULD LIKE MORE INFORMATION SHOULD MAKE ADDITIONAL INQUIRIES OR CONSULT WITH PRIVATE COUNSEL.

ESTA VENTA SE LLEVA ACABO DE CONFORMIDAD CON LOS REQUISITOS JUDICIALES O ESTABLECIDOS POR LA LEY. EL CONDADO DE EL PASO Y EL DEPARTAMENTO DEL SHERIFF SOLO ACTUAN COMO VÍA DE INFORMACIÓN. LOS INTERESADOS HARAN OFERTAS SOBRE LOS DERECHOS, TÍTULO, E INTERESES, SI ES QUE LOS HAY, EN EL INMUEBLE OFRECIDO.

LA PROPIEDAD SE VENDE COMO ESTA, DONDE ESTA, Y SIN GARANTÍA ALGUNA, YA SEA EXPRESA O IMPLÍCITA. NI EL CONDADO NI EL DEPARTAMENTO DEL SHERIFF GARANTIZA O HACE ALGUNA REPRESENTACIÓN ACERCA DEL TÍTULO DE LA PROPIEDAD, SU CONDICIÓN, HABITABILIDAD, COMERCIALIZACIÓN, O SU ADECUACIÓN PARA ALGÚN PROPÓSITO EN PARTICULAR. LOS COMPRADORES ASUMEN TODOS LOS RIESGOS.

EN ALGUNAS SITUACIONES SE ASUME QUE UN LOTE DE 5 ACRES O MENOS ES PARA USO RESIDENCIAL. SIN EMBARGO, SI LA PROPIEDAD CARECE DE AGUA O SERVICIO DE DESAGÜE, LA PROPIEDAD NO CALIFICA PARA USO RESIDENCIAL. EL POSIBLE COMPRADOR QUE QUIERA MÁS INFORMACIÓN DEBERÁ HACER MÁS INDAGACIONES O CONSULTAR CON UN ABOGADO PRIVADO.

This Deed is executed as a Corrected Tax Resale Deed, given and accepted in place of that deed executed by the City Manager, to Figueroa Holdings, LLC., so named in that instrument, dated September 14, 2018, and recorded in ordinance number 018848, in accordance with Section 34.05 (h) of the Tax Code. Said prior deed contained a clerical error in the property's legal description. This Deed corrects the error and confirms the deed described above, and it shall be effective as of and retroactive to September 14, 2018.

IN TESTIMONY WHEREOF The City of El Paso, Trustee has caused these presents to be executed this _____ day of _____, 20_____.

CITY OF EL PASO, TRUSTEE:

BY: _____

Printed Name: Tomás González

Title: City Manager

STATE OF TEXAS **X**

COUNTY OF EL PASO **X**

This instrument was acknowledged before me on this _____ day of _____, 20_____, by Tomás González, City Manager, of the City of El Paso.

Notary Public, State of Texas

Commission Expires: _____

After recording return to:

Figueroa Holdings, LLC
708 Dulce Tierra Dr.
El Paso, TX 79912



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-773, 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, Yvette Hernandez, (915) 212-1860

AGENDA LANGUAGE:

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

Discussion and action on the proposed programs and projects for inclusion as part of the Community Progress Bond.

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

DEPARTMENT: Capital Improvement Department

AGENDA DATE: June 22, 2022

CONTACT PERSON(S) NAME AND PHONE NUMBER: Yvette Hernandez P.E., City Engineer, 212-1860

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: Goal 3 -Promote the Visual Image of the City,

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

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

Goal 8- Nurture and Promote a Healthy, Sustainable Community

SUBJECT:

Discussion and action on the proposed programs and projects for inclusion as part of the Community Progress Bond.

BACKGROUND / DISCUSSION:

On December 2, 2021, Mayor and Council adopted an updated Strategic Plan. As part of this action, five additional strategic goals were included to be part of an overall 30 strategic goals to be implemented by 2030. One of the new strategic goals identified within the Strategic Plan is:

“Develop a bond package focused on addressing identified community priorities and needs aligned with targeted areas of investment.”

To implement this goal, a proposed strategy and timeline to accomplish this was brought forward on January 2022. Finally, on April 26, 2022, the results of the public engagement and program recommendations based on these findings were presented and accepted by City Council.

PRIOR COUNCIL ACTION:

Adoption of an updated Strategic Plan, December 2, 2021.

AMOUNT AND SOURCE OF FUNDING:

N/A

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

DEPARTMENT HEAD:

Gvette Hernandez

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



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-691, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

Districts

Capital Improvement Department, Joaquin Rodriguez, (915) 212-328-8731

AGENDA LANGUAGE:

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

Discussion and action on the final draft of "Onward Alameda" Corridor Plan for Alameda Avenue (SH-20) from downtown to the east side city limit.

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

AGENDA DATE: June 22, 2022

PUBLIC HEARING DATE: N/A

CONTACT PERSON(S) NAME AND PHONE NUMBER: Joaquin Rodriguez, 915-328-8731

DISTRICT(S) AFFECTED: 8, 3, 7, 6, 2

STRATEGIC GOAL: Goal 3 – Promote the Visual Image of El Paso

SUBGOAL: 3.2 - Set one standard for infrastructure across the city

SUBJECT:

DISCUSSION and ACTION on final draft of "Onward Alameda" Corridor Plan for Alameda Avenue (SH-20) from downtown to the east side city limit.

BACKGROUND / DISCUSSION:

The Onward Alameda Corridor Plan seeks to gather big-picture input from the citizens of El Paso and establish a long-term vision for the future of the Alameda Corridor area and how it should evolve in the coming years. A master plan establishes priorities for public-sector action while at the same time providing direction for complementary private-sector decisions. The plan and its guidelines serve as a tool to evaluate new development proposals, direct capital improvements, and guide public policy in a manner that realizes the vision and reflects community values and needs.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ☒ YES ☐ NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT: N/A

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

DEPARTMENT HEAD:

Yvette Hernandez

(Yvette Hernandez, P.E.)

RESOLUTION

WHEREAS, Goal 1.1 of the Strategic Plan for the City of El Paso (“City”) is to stabilize and expand the City’s tax base through development and redevelopment of targeted corridors; and

WHEREAS, Alameda Avenue has been identified as a targeted City corridor based on criteria related to environmental justice, health and safety, mobility and transportation, and economic opportunity; and

WHEREAS, historically, Alameda Avenue has served as a major thoroughfare for the City and is part of the “Broadway of America,” a nearly 3,000-mile route connecting the east coast and the west coast of the United States; and

WHEREAS, the City conducted a public outreach and engagement campaign consisting of both in-person and virtual activities along the Alameda Avenue corridor, including a virtual public orientation, a virtual and in-person weeklong charrette, an online interactive public comment mapping tool, a project website and a story map; and

WHEREAS, at a work session meeting on March 28, 2022, the El Paso City Council reviewed the “Onward Alameda Plan” and provided input into its final draft; and

WHEREAS, the El Paso City Plan Commission, at its regular public meeting on May 5, 2022, unanimously recommended the adoption of the “Onward Alameda Plan”.

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

1. That the “Onward Alameda Plan” as attached hereto be adopted as the corridor masterplan for the Alameda Avenue corridor;
2. That the City Manager, or his designee, be authorized to begin implementation of the “Onward Alameda Plan” in a manner generally consistent with the recommended strategies and policies contained within the Plan and generally consistent with the recommended implementation matrix;
3. That the adoption of the “Onward Alameda Plan” shall not commit the City of El Paso to specific funding levels or implementation strategies, but shall provide guidance for the City’s vision for the future growth of the Alameda Avenue corridor.

(Signatures on the following page)

APPROVED this _____ day of _____, 2022.

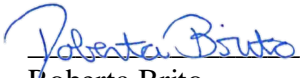
THE CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:

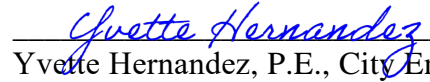
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



Yvette Hernandez, P.E., City Engineer
Capital Improvement Department



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-699, 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, Tracey Jerome, (915) 212-1783

AGENDA LANGUAGE:

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

Discussion and action on a Resolution to establish City of El Paso Women's Commission comprised of members from across the community, inclusive of all, not a select or limited group, focused on Women's equality and protecting their rights. [POSTPONED FROM 06-07-2022]

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

AGENDA DATE:
PUBLIC HEARING DATE:

CONTACT PERSON(S) NAME AND PHONE NUMBER:

DISTRICT(S) AFFECTED:

STRATEGIC GOAL:

SUBGOAL:

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.

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?

PRIOR COUNCIL ACTION:

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

AMOUNT AND SOURCE OF FUNDING:

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

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? ___ YES ___ NO

PRIMARY DEPARTMENT:
SECONDARY DEPARTMENT:

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

DEPARTMENT HEAD:



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

RESOLUTION

WHEREAS, the City of El Paso seeks to improve the quality of life and protect the rights of women in El Paso; and

WHEREAS, advancing gender equity and justice, increasing access to education and health, and supporting women's full participation in government are key factors in reducing poverty, increasing the well-being of women and creating fair, safe and secure communities; and

WHEREAS, the City of El Paso desires to identify and address inequities that women face; and

WHEREAS, the City of El Paso, in order to better recognize the rights and meet the needs of women, desires to provide greater cooperation, communication, and coordination of functions and services on a citywide basis.

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

That the Women's Commission is hereby established to serve as an advisory body to the City Council concerning the needs and issues of women in the El Paso Region and shall recommend legislative initiatives, policies, programs, studies and projects designed to alleviate inequities that may confront women in social, health, education, economic, vocational pursuits and to help eliminate discrimination on the basis of sex in all phases of American society that are within the purview of City Council.

1. Membership

- a. The Women's Commission shall consist of nine members, one appointed by each member of City Council.
- b. Each member of the Commission must be:
 - i. Eighteen years or older and reside in the City of El Paso;
 - ii. Must reside in the district for which the member has been nominated;
 - iii. Appointed based on their in-depth knowledge, interest, and experience in issues affecting women in the non-profit sector, business, socio-economic, education, childcare, legal rights, healthcare, housing, domestic and sexual violence and pay equity; and
 - iv. Not be involved in litigation against the City of El Paso.
- c. For the purposes of this Commission, a member is required to fulfill the requirements of board membership as prescribed by the City charter:
 - i. The member must have been a resident of the City of El Paso at least six months prior to their appointment; and
 - ii. Not be in any financial obligation to the City of El Paso.

- d. A random number draw will determine the roles of Board Chair and Vice-Chair.
 - i. An individual may serve no more than one two-year term in the role of Board Chair or Vice-Chair.

2. Terms

- a. Every member shall serve a two (2) year term that will begin in September and continue into August for two calendar years. An individual may serve no more than two (2) two-year terms on the Commission.
- b. Vacancies that occur due to reasons other than an expiration of a term are allowed to be filled by the appointing Member of City Council for the remainder of the unexpired term, as it applies to their own appointment slot. If appointed to fulfill an unexpired term, an individual may also serve two full two-year terms on the Commission.
- c. Each member will be eligible to serve no more than two (2) terms.
- d. The first terms of the Women's Commission are to begin in September 2022 and will be filled every two years thereafter as prescribed by section 2(a) of this resolution.
- e. At the time the term of office of any member expires, the member shall continue to serve until his successor is appointed and qualified, or until thirty (30) days have passed following the expiration of the term, whichever event occurs first. Any holding over past the thirty (30) day period is prohibited, and after that time a vacancy shall exist.

3. Quorum

- a. Quorum will be achieved when a majority of all members appointed at a given time are present; provided that number is not less than three.

4. Duties

- a. The Women's Commission shall act as an advisory body to the City Council, and shall;
 - i. Advise the City Council on issues impacting the Women of the City, which are within the purview of the El Paso City Council;
 - ii. Advise the City Council on practices that ensure equality in City programs, services, policies and practices for all persons; and
 - iii. Perform other duties as assigned by City Council.
- b.
 - i. The City Manager will designate a City department to provide administrative and technical support and to serve as the recording secretary to the Board.

- c. The first order of business for the newly created Women's Commission is to vote on the acceptance of an annual Women's Commission Strategic Document provided by the City of El Paso to be used as a guide for the operations of that year's Board.
- i. The Women's Commission Strategic Document will also provide the rules and regulations that will govern the Board.
 - ii. The rules and regulations from the Strategic Document will be consistent with the Charter of the City of El Paso, its ordinances, or the overall missions of the Women's Commission to improve the quality of life and protect the rights of women in El Paso and being a resource to the City Council and City Manager.
- d. At the end of each Board term, or at least annually, the Women's Commission shall submit an annual report on their activities for the year and present this report at a regular City Council meeting.
5. Effective Date. This resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of El Paso.

PASSED AND APPROVED this _____ day of _____, 2022.


THE CITY OF EL PASO:

Oscar Leeser, Mayor

ATTEST:

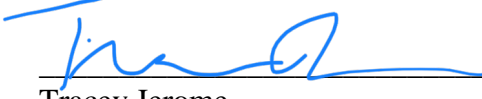
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Karla Munoz
Assistant City Attorney

APPROVED AS TO CONTENT:



Tracey Jerome
Senior Deputy City Manager



Legislation Text

File #: 22-736, 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, Robert Cortinas, (915) 212-1067

AGENDA LANGUAGE:

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

Discussion and action on the Resolution that the City reviews and approves the issuance of the Unlimited Tax Bonds, Series 2022 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.

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

DEPARTMENT: City Manager's Office

AGENDA DATE: June 22, 2022

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Robert Cortinas, Chief Financial Officer (915) 212-1067

DISTRICT(S) AFFECTED: All Districts

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

SUBGOAL: 6.5

SUBJECT:

Discussion and action on the resolution that the City reviews and approves the issuance of the Unlimited Tax Bonds, Series 2022 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.

BACKGROUND/ DISCUSSION:

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. 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 terms 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.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING: N/A

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

DEPARTMENT HEAD:



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

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 terms 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 2022 Bonds Utility by M.U.D. No. 6 (the "Series 2022 Bonds"); and

WHEREAS, the City reviewed the proposed issuance of Series 2022 Bonds by M.U.D. No. 6 and desires to approve the issuance of the bonds.

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

That the City reviewed and approves the issuance of the Unlimited Tax Bonds, Series 2022, in the estimated amount of \$5,380,000, 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.

APPROVED this _____ day of _____, 20____.

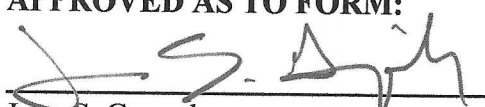
CITY OF EL PASO:

ATTEST:

Oscar Leeser, Mayor

Laura Prine, City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Robert Cortinas,
Chief Financial Officer

PRELIMINARY OFFICIAL STATEMENT DATED JULY 5, 2022

THE DELIVERY OF THE BONDS IS SUBJECT TO THE OPINION OF BOND COUNSEL AS TO THE VALIDITY OF THE BONDS AND TO THE EFFECT THAT INTEREST ON THE BONDS IS EXCLUDABLE FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES UNDER STATUTES, REGULATIONS, COURT DECISIONS, AND PUBLISHED RULINGS EXISTING ON THE DATE THEREOF, SUBJECT TO THE MATTERS DESCRIBED UNDER "TAX EXEMPTION" HEREIN.

THE DISTRICT EXPECTS TO DESIGNATE THE BONDS AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR FINANCIAL INSTITUTIONS

NEW ISSUE - Book Entry Only

\$5,380,000

PASEO DEL ESTE MUNICIPAL UTILITY DISTRICT NO. 6

(A political subdivision of the State of Texas located within El Paso County)

UNLIMITED TAX BONDS, SERIES 2022

Dated: August 1, 2022

Due: August 15, as shown below

Principal of the Bonds will be payable at stated maturity or redemption upon presentation of the Bonds at the principal payment office of the paying agent/registrar, initially BOKF, N.A., (the "Paying Agent/Registrar") in Dallas, Texas. Interest on the Bonds will accrue from the date of delivery of the Bonds (expected to be August 16, 2022), and is payable on February 15, 2023 and on each August 15 and February 15 thereafter until the earlier of maturity or redemption. The Bonds will be issued only in fully registered form in denominations of \$5,000 each or integral multiples thereof. Interest will be calculated on the basis of a 360 day year of twelve 30 day months. The Bonds are subject to redemption prior to maturity as shown below.

The Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the Bonds. Beneficial owners of the Bonds will not receive physical certificates representing the Bonds, but will receive a credit balance on the books of the nominees of such beneficial owners. So long as Cede & Co. is the registered owner of the Bonds, the principal of and interest on the Bonds will be paid by the Paying Agent/Registrar directly to DTC, which will, in turn, remit such principal and interest to its participants for subsequent disbursement to the beneficial owners of the Bonds as described herein. See "BOOK-ENTRY-ONLY SYSTEM."

MATURITIES, PRINCIPAL AMOUNTS, INTEREST RATES AND INITIAL REOFFERING YIELDS

Due Aug. 15	Principal Amount ^(a)	Interest Rate	Initial Reoffering Yield ^(b)	CUSIP Number ^(d)	Due Aug. 15	Principal Amount ^(a)	Interest Rate	Initial Reoffering Yield ^(b)	CUSIP Number ^(d)
2023	\$ 145,000				2036	200,000			
2024	150,000				2037	210,000			
2025	160,000				2038	210,000			
2026	160,000				2039	210,000			
2027	165,000				2040	220,000			
2028	170,000				2041	225,000			
2029	170,000				2042	225,000			
2030	175,000				2043	230,000			
2031	180,000				2044	235,000			
2032	180,000				2045	240,000			
2033	185,000				2046	245,000			
2034	190,000				2047	705,000			
2035	195,000								

(a) The Initial Purchasers may designate one or more maturities as term bonds. See accompanying "OFFICIAL NOTICE OF SALE" and "OFFICIAL BID FORM."

(b) Initial reoffering yield represents the initial offering yield to the public which has been established by the Initial Purchaser (as herein defined) for offers to the public and which may be subsequently changed by the Initial Purchaser and is the sole responsibility of the Initial Purchaser.

(c) Bonds maturing on or after August 15, 20[] are subject to redemption prior to maturity at the option of the District, in whole or, from time to time in part, on August 15, 20[], or on any date thereafter, at a price equal to the par value thereof plus accrued interest from the most recent interest payment date to the date fixed for redemption. See "THE BONDS – Redemption Provisions."

(d) CUSIP Numbers have been assigned to the Bonds by CUSIP Global Services and are included solely for the convenience of the purchasers of the Bonds. Neither the District nor the Initial Purchaser shall be responsible for the selection or correctness of the CUSIP Numbers set forth herein.

INSURANCE. . . Application has been made to municipal bond insurance companies for the qualification of the Bonds for municipal bond insurance. If qualified, such insurance will be available at the option and expense of the Initial Purchaser.

The Bonds, when issued, will constitute valid and legally binding obligations of Paseo del Este Municipal Utility District No. 6 (the "District") and will be payable from the proceeds of an annual ad valorem tax, without legal limitation as to rate or amount, levied against all taxable property located within the District. The Bonds are obligations solely of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any entity other than the District. Investment in the Bonds is subject to special considerations described herein. See "RISK FACTORS."

The Bonds are offered by the Initial Purchaser subject to prior sale, when, as and if issued by the District and accepted by the Initial Purchaser, subject, among other things, to the approval of the Bonds by the Attorney General of Texas and the approval of certain legal matters by McCall, Parkhurst & Horton L.L.P., Austin, Texas, Bond Counsel. Certain legal matters will be passed upon for the District by Winstead PC, Dallas, Texas as Disclosure Counsel. Delivery of the Bonds through the facilities of DTC is expected on or about August 16, 2022.

BIDS DUE: July 14, 2022 at 8:00 A.M., Mountain Daylight Time in El Paso, Texas

BID AWARD: July 14, 2022 at 2:00 P.M., Mountain Daylight Time in El Paso, Texas

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The cover page hereof, this page, the appendices included herein and any addenda, supplement or amendment hereto, are part of the Official Statement.

USE OF INFORMATION IN OFFICIAL STATEMENT

No dealer, broker, salesman or other person has been authorized to give any information or to make any representations other than those contained in this Official Statement, and, if given or made, such other information or representation must not be relied upon as having been authorized by the District.

This Official Statement is not to be used in an offer to sell or the solicitation of an offer to buy in any state in which such offer or solicitation is not authorized or in which the person making such offer or solicitation is not qualified to do so or to any person to whom it is unlawful to make such offer or solicitation.

All of the summaries of the statutes, resolutions, contracts, audited financial statements, engineering and other related reports set forth in this Official Statement are made subject to all of the provisions of such documents. These summaries do not purport to be complete statements of such provisions, and reference is made to such documents, copies of which are available from Gordon Davis Johnson & Shane P.C., the District's General Counsel, 4695 North Mesa Street, El Paso, Texas 79912 upon payment of duplication costs.

This Official Statement contains, in part, estimates, assumptions and matters of opinion which are not intended as statements of fact, and no representation is made as to the correctness of such estimates, assumptions or matters of opinion, or as to the likelihood that they will be realized. Any information and expressions of opinion herein contained are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the District or other matters described herein since the date hereof. However, the District has agreed to keep this Official Statement current by amendment or sticker to reflect material changes in the affairs of the District and, to the extent that information actually comes to its attention, the other matters described in this Official Statement until delivery of the Bonds to the Initial Purchaser and thereafter only as specified in "PREPARATION OF OFFICIAL STATEMENT-Updating the Official Statement."

OFFICIAL STATEMENT SUMMARY

The following information is qualified in its entirety by the detailed information appearing elsewhere in this Official Statement.

THE FINANCING

<i>The Issuer</i>	Paseo del Este Municipal Utility District No. 6 (the “District”), a political subdivision of the State of Texas, is located in El Paso County, Texas. See “THE DISTRICT.”
<i>The Issue</i>	The District’s \$5,380,000 Unlimited Tax Bonds, Series 2022 (the “Bonds”) are issued pursuant to a resolution (the “Bond Resolution”) of the District’s Board of Directors. The Bonds will be issued as fully registered bonds in denominations of \$5,000 each or integral multiples thereof, maturing on August 15 in each of the years and in the amounts set forth on the cover hereof. Interest on the Bonds accrues from the date of initial delivery of the Bonds (expected to be August 16, 2022), and is payable on February 15, 2023 and on each August 15 and February 15 thereafter until the earlier of maturity or prior redemption.
<i>Redemption</i>	The Bonds maturing on and after August 15, 20[___], are subject to redemption, in whole or in part, at the option of the District, prior to their maturity dates, on August 15, 20[___], or on any date thereafter. Upon redemption, the Bonds will be payable at a price of par plus accrued interest to the date of redemption. See “THE BONDS - Redemption Provisions.”
<i>Source of Payment</i>	The Bonds are payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District (see “TAX PROCEDURES”). The Bonds are obligations of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any other political subdivision or agency other than the District. See “THE BONDS - Source of and Security for Payment.”
<i>Use of Proceeds</i>	Proceeds from sale of the Bonds will be used to reimburse the Developer (as hereinafter defined) for funds advanced on behalf of the District for the District’s pro rata share of costs relating to facilities constructed by or on behalf of Paseo del Este Municipal Utility District No. 1 (the “Master District”) being a portion of costs of certain regional water and sanitary sewer facilities serving the District and the other “Participant Districts” as hereafter defined, including engineering costs (the “Regional Facilities”), and the cost of certain internal water, wastewater and drainage facilities serving the District (the “Internal Facilities”). Bond proceeds will also be used to pay interest to the Developer (hereinafter defined) on funds expended for the foregoing, including engineering costs, to pay 24 months of capitalized interest on the Bonds, and to pay certain costs associated with the issuance of the Bonds. See “THE SYSTEM - Use and Distribution of Bond Proceeds.”
<i>Payment Record</i>	The District has previously issued its \$6,950,000 Unlimited Tax Bonds, Series 2021 (the “Series 2021 Bonds”), of which \$6,950,000 remains outstanding. The District has not defaulted in payments of principal of or interest on the Series 2021 Bonds, which included approximately 24 months of capitalized interest.
<i>Qualified Tax-Exempt Obligations</i>	The District expects to designate the Bonds as “qualified tax-exempt obligations for financial institutions.” See “TAX EXEMPTION - Qualified Tax Exempt Obligations for Financial Institutions.”
<i>Ratings</i>	No application for a rating on the Bonds has been made.
<i>Bond Insurance</i>	Application has been made to municipal bond insurance companies for the qualification of the Bonds for municipal bond insurance. If qualified, such insurance will be available at the option and expense of the Initial Purchaser.
<i>General Counsel</i>	Gordon Davis Johnson & Shane P.C., El Paso, Texas.
<i>Bond Counsel</i>	McCall, Parkhurst & Horton L.L.P., Austin, Texas.
<i>Disclosure Counsel</i>	Winstead PC, Dallas, Texas.
<i>Financial Advisor</i>	Hilltop Securities, Inc., El Paso, Texas and Dallas, Texas.

<i>Engineer</i>	TRE & Associates, LLC, Austin, Texas and El Paso, Texas.
<i>Risk Factors</i>	The purchase and ownership of the Bonds are subject to special risk factors, including certain risk factors related to the current pandemic associated with the COVID-19 pandemic, and all prospective purchasers are urged to examine carefully the entire Official Statement for a discussion of investment risks, including particularly the section captioned “RISK FACTORS.”

THE DISTRICT

<i>Description</i>	The District was created by division of Paseo del Este Municipal Utility District (the “Original District”) pursuant to a division order adopted by the Original District on July 8, 2003, and operates pursuant to Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the “Act”) and Chapters 49 and 54, Texas Water Code. Prior to division, Paseo del Este Municipal Utility District was created as a Conservation and Reclamation District on May 29, 1997 by the Act. The District presently contains approximately 383.317 acres of land located in the Southeast portion of El Paso County approximately 15 miles east of the central area of the City of El Paso, Texas (the “City”), including the approximately 17.66 acres that were annexed by the District in March of 2022. The District is located north of Interstate Highway 10 and east of Loop 375. Eastlake Boulevard provides access to the District. From Interstate Highway 10, exit Eastlake Boulevard and proceed north approximately 1.8 miles to the intersection of Peyton Drive and Eastlake Boulevard, then south along Peyton Drive. The District lies within the exclusive extraterritorial jurisdiction of the City. See “AERIAL PHOTOGRAPH” herein.
<i>Master District Contract</i>	The District and nine other districts in the Paseo del Este development in eastern El Paso County known as Paseo del Este Municipal Utility District Nos. 2, 3, 4, 5, 7, 8, 9, 10 and 11 (those ten districts and the Master District being collectively referred to as the “Participant Districts” and individually as “Participant District No. –”) have each entered into a “Master District Contract” with the Master District to coordinate the development of the water, sanitary sewer and drainage facilities to serve the area within all eleven Participant Districts. Under the Master District Contract, the Master District will acquire, construct, own and operate the Regional Facilities to serve the area within all eleven Participant Districts; each Participant District will acquire, construct and own its Internal Facilities serving only area within it and lease the Internal Facilities to the Master District for operation; and the Master District will provide retail water and wastewater service to all retail customers in all of the Participant Districts.
<i>Status of Development</i>	<p>The Participant Districts are being developed primarily for single family residential, commercial and industrial purposes, and are within the Paseo del Este development (“Paseo del Este”). Paseo del Este is being developed primarily by Hunt Communities Group, Inc. (“Hunt”) and certain affiliates thereof, and B&G/Sunrise Joint Venture (“B&G”) and is planned to include approximately 4,300 acres of land. The land in Paseo del Este was purchased from the Texas General Land Office by Hunt and affiliates thereof and B&G in varying positions in a series of transactions between 1998 and 2020. As of April 5, 2022, approximately 8,465 single family residential lots have been developed within Paseo del Este, and approximately 7,498 homes are completed or are in various stages of construction in Paseo del Este, including approximately 796 lots and 671 homes which are completed or are in various stages of construction within the District.</p> <p>The development within the District includes Socorro Independent School District Mission Ridge Elementary, Peyton Estates Unit 3, Peyton Estates Unit 4, Emerald Heights Unit 2, Peyton Estates Unit 6 and Emerald Heights Unit 1. Peyton Estates Unit 4 has 2.24 acres of commercial development, Emerald Heights Unit 1 has 16.19 acres of commercial development, and Peyton Estates Unit 6 has 2.3 acres of commercial development.</p> <p>There are 115.911 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. See “RISK FACTORS – Undeveloped Acreage” and “THE DISTRICT – Status of Development.”</p>
<i>The Developer</i>	Major water, sewer and drainage facilities and streets to serve land within the District have been developed by Hunt Peyton Estates, LLC, an affiliate of Hunt. The activities of Hunt and its affiliates include development, construction, consulting and advisory. Water, sewer and drainage facilities to serve specific sections within the District have been acquired or constructed by Hunt Peyton Estates, LLC, referred to herein as the “Developer.” See “THE DEVELOPER.”

SELECTED FINANCIAL INFORMATION

Tax Year 2022 Certified Assessed Valuation	\$ 146,662,200 ^(a)
District Debt:	
Gross Debt Outstanding (after the issuance of the Bonds) ("Gross Debt Outstanding")	\$ 12,330,000
Estimated Overlapping Debt	<u>6,426,302 ^(b)</u>
Gross Debt Outstanding and Estimated Overlapping Debt	\$ 18,756,302
Ratio of Gross Debt Outstanding to Tax Year 2022 Certified Assessed Valuation	8.41%
Ratio of Gross Debt Outstanding and Estimated Overlapping Debt to Tax Year 2022 Certified Assessed Valuation	12.79%
Debt Service Funds Available, as of April 14, 2022 ^(c)	\$ 368,065.01
Capital Projects Funds Available, as of April 14, 2022.	\$ 304,231.27
Operating Funds Available, as of April 14, 2022	\$ 402,113.49
Tax Year 2021 Tax Rates:	
Debt Service	\$ 0.0714
Contract	0.2900
Maintenance and Operations	<u>0.3886</u>
Total	\$ 0.7500 /\$100 A.V.
Average Annual Debt Service Requirements (2022 - 2047) of the Bonds ("Average Requirement")	\$ 714,367
Tax rate required to pay Average Requirement based upon Tax Year 2022	
Certified Assessed Valuation at a 98% collection rate	0.4970 /\$100 A.V.
Status of Water Connections as of April 5, 2022:	
Single-family residential - completed and occupied	470
Single-family residential - completed and vacant	8
Single-family residential - under construction - builder	193
Other (Irrigation and commercial connections)	<u>6</u>
Total Connections	677

- (a) As certified by the El Paso Central Appraisal District (the "Appraisal District"). Represents the assessed taxable valuation within the District as of January 1, 2022. See "TAX PROCEDURES."
- (b) See "ESTIMATED OVERLAPPING DEBT STATEMENT" herein.
- (c) See "PRO-FORMA DEBT SERVICE REQUIREMENTS."

PRELIMINARY OFFICIAL STATEMENT

\$5,380,000

PASEO DEL ESTE MUNICIPAL UTILITY DISTRICT NO. 6

(A political subdivision of the State of Texas located within El Paso County)

UNLIMITED TAX BONDS, SERIES 2022

This Official Statement provides certain information in connection with the issuance by Paseo del Este Municipal Utility District No. 6 (the “District”) of its \$5,380,000 Unlimited Tax Bonds, Series 2022 (the “Bonds”).

The Bonds are issued pursuant to the Texas Constitution, Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the “Act”) and Chapters 49 and 54 of the Texas Water Code, as amended, a resolution authorizing the issuance of the Bonds (the “Bond Resolution”) adopted by the Board of Directors of the District (the “Board”), and an order of the Texas Commission on Environmental Quality (the “TCEQ”).

This Official Statement includes descriptions, among others, of the Bonds and the Bond Resolution, and certain other information about the District and the Developer of land within the District. All descriptions of documents contained herein are only summaries and are qualified in their entirety by reference to each document. Copies of documents may be obtained from Gordon Davis Johnson & Shane P.C., the District’s General Counsel, 4695 North Mesa Street, El Paso, Texas 79912 upon payment of the costs of duplication therefor.

RISK FACTORS

General

The Bonds, which are obligations of the District and not obligations of the State of Texas, El Paso County, the City of El Paso, or any other political entity other than the District, will be secured by a continuing, direct, annual ad valorem tax levied, without legal limitation as to rate or amount, on all taxable property within the District. The ultimate security for payment of the principal of and interest on the Bonds depends on the ability of the District to collect from the property owners within the District all taxes levied against the property or, in the event of foreclosure, on the value of the taxable property with respect to taxes levied by the District and by other taxing authorities. See “THE BONDS - Source of and Security for Payment.” The collection by the District of delinquent taxes owed to it and the enforcement by the Registered Owners of the District's obligation to collect sufficient taxes may be a costly and lengthy process. Furthermore, the District cannot and does not make any representations that continued development of taxable property within the District will accumulate or maintain taxable values sufficient to justify continued payment of taxes by property owners or that there will be a market for the property in the District or that owners of the property in the District will have the ability to pay taxes. See “Registered Owners' Remedies and Bankruptcy Limitations” below.

Infectious Disease Outbreak (COVID-19)

In March 2020, the World Health Organization and the President of the United States separately declared the outbreak of a respiratory disease caused by a novel coronavirus (“COVID-19”) to be a public health emergency. On March 13, 2020, the Governor of Texas (the “Governor”) declared a state of disaster for all counties in the State of Texas (the “State”) because of the effects of COVID-19. Subsequently, in response to a rise in COVID-19 infections in the State and pursuant to the Chapter 418 of the Texas Government Code, the Governor issued a number of executive orders intended to help limit the spread of COVID-19 and mitigate injury and the loss of life, including limitations imposed on business operations, social gatherings, and other activities.

Over the ensuing year, COVID-19 negatively affected commerce, travel and businesses locally and globally, and negatively affected economic growth worldwide and within the State. Following the widespread release and distribution of various COVID-19 vaccines in 2021 and a decrease in active COVID-19 cases generally in the United States, state governments (including Texas) have started to lift business and social limitations associated with COVID-19. Beginning in March 2021, the Governor issued various executive orders, which, among other things, rescinded and superseded prior executive orders and provide that there are currently no COVID-19 related operating limits for any business or other establishment except in counties with an “area with high hospitalizations” where a county judge may impose COVID-19 related mitigation strategies. The Governor retains the right to impose additional restrictions on activities if needed to mitigate the effects of COVID-19. Additional information regarding executive orders issued by the Governor is accessible on the website of the Governor at <https://gov.texas.gov/>. Neither the information on, nor accessed through, such website of the Governor is incorporated by reference into this Offering Memorandum.

The District has not experienced any decrease in property values, unusual tax delinquencies, or interruptions to service as a result of COVID-19; however the District cannot predict the long-term economic effect of COVID-19 or a similar virus should there be a reversal of economic activity and re-imposition of restrictions.

Factors Affecting Taxable Values and Tax Payments

Economic Factors and Interest Rates: A substantial percentage of the taxable value of the District results from the current market value of single-family residences, undeveloped land and developed lots which are currently being marketed by the Developer (as defined herein) to builders for the construction of primary residences. The market value of such homes and lots is related to general economic conditions affecting the demand for residences. Demand for lots of this type and the construction of residential dwellings thereon can be significantly affected by factors such as interest rates, credit availability (see “Credit Markets and Liquidity in the Financial Markets” below), construction costs, energy availability and the prosperity and demographic characteristics of the urban center toward which the marketing of lots is directed. Decreased levels of construction activity would tend to restrict the growth of property values in the District or could adversely impact such values. See “THE DISTRICT - Status of Development.”

Future development and construction in the District are highly dependent on the availability of financing. Lenders generally have become more selective in making real estate loans throughout the nation, including in Texas. Because of the numerous and changing factors affecting the availability of funds, the District is unable to assess the future availability of such funds to potential home builders and home purchasers.

Credit Markets and Liquidity in the Financial Markets: Interest rates and the availability of mortgage and development funding have a direct impact on the construction activity, particularly short-term interest rates at which Developer are able to obtain financing for development costs. Interest rate levels may affect the ability of a landowner with undeveloped property to undertake and complete construction activities within the District. Because of the numerous and changing factors affecting the availability of funds, the District is unable to assess the future availability of such funds for continued construction within the District. In addition, since the District is located approximately 15 miles east of the central downtown business district of the City of El Paso, the success of development within the District and growth of District taxable property values are, to a great extent, a function of the El Paso metropolitan and regional economies and national credit and financial markets. A downturn in the economic conditions in the El Paso area and/or decline in the nation’s real estate and financial markets could continue to adversely affect development and home-building plans in the District and restrain the growth of the District’s property tax base.

Competition: The demand for and construction of single-family homes in the District, which is 15 miles east from downtown El Paso, could be affected by competition from other residential developments, including other residential developments located in the northwestern, northeastern and far eastern portion of the El Paso area market. In addition to competition for new home sales from other developments, there are numerous previously-owned homes in the area of the District. Such homes could represent additional competition for new homes proposed to be sold within the District.

The competitive position of the builders in the sale of single-family residential homes within the District is affected by most of the factors discussed in this section. Such a competitive position directly affects the growth and maintenance of taxable values in the District and tax revenues to be received by the District. The District can give no assurance that building and marketing programs in the District by the Developer will be implemented or, if implemented, will be successful.

Landowner Obligation to the District: There are no commitments from or obligations of any developer or any landowner to the District to proceed at any particular rate or according to any specified plan with the construction of improvements in the District, and there is no restriction on any landowner's right to sell its land. Failure to develop undeveloped land or construct taxable improvements on developed lots or developed tracts of land would restrict the rate of growth of taxable values in the District. The District cannot and does not make any representations that over the life of the Bonds, taxable property within the District will increase or maintain its taxable value. See “Undeveloped Acreage” below.

Dependence on Principal Taxpayers: The ability of any principal taxpayer to make full and timely payments of taxes levied against its property by the District and similar taxing authorities will directly affect the District's ability to meet its debt service obligations. If, for any reason, any one or more principal taxpayers do not pay taxes due or do not pay in a timely manner, the District may need to levy additional taxes or use other funds available for debt service purposes. However, the District has not covenanted in the Bond Resolution, nor is it required by Texas law, to maintain any particular balance in its Debt Service Fund or any other funds to allow for any such delinquencies. Therefore, failure by one or more principal taxpayers to pay their taxes on a timely basis in amounts in excess of the District's available funds could have a material adverse effect upon the District's ability to pay debt service on the Bonds on a current basis. See “TAX DATA – Principal Taxpayers.”

Impact on District Tax Rates: Assuming no further development, the value of the land and improvements currently within the District will be the major determinant of the ability or willingness of District property owners to pay their taxes. The 2022 certified assessed valuation of the District (see “SELECTED FINANCIAL INFORMATION”) is \$146,662,200. After issuance of the Bonds, the projected maximum annual debt service requirement will be \$740,201 (2037) and the projected average annual debt service requirement will be \$714,367 (2022-2047). Assuming no increase or decrease from the 2022 assessed valuation and no use of funds other than tax collections, a tax rate of \$0.5150 per \$100 assessed valuation at a 98% collection rate would be necessary to pay the projected maximum annual debt service requirement of \$740,201 and a tax rate of \$0.4970 per \$100 assessed valuation at a 98% collection rate would be necessary to pay the projected average annual debt service requirement of \$714,367 (see “SELECTED FINANCIAL INFORMATION”). Such calculated rates may be higher than tax rates presently being levied in utility districts in the general vicinity of the District. Although calculations have been made regarding average and maximum tax rates necessary to pay the debt service on the Bonds based upon the 2022 Assessed Valuation, the District can make no representations regarding the future level of assessed valuation within the District. Increases in the tax rate may be required in the event the District's assessed valuation does not continue to increase or in the event major taxpayers do not pay their District taxes timely. Increases in taxable values depend primarily on the continuing construction and sale of homes and other taxable improvements within the District. See “TAX PROCEDURES,” “FINANCIAL STATEMENT,” and “TAX DATA – Projected Tax Adequacy for Debt Service.”

Undeveloped Acreage

There are 115.911 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. The District can make no assurances as to whether or when such remaining acreage will be developed. See “THE DISTRICT – Status of Development.”

District Operations and Contract Tax

The Master District Contract between the District and the Master District provides that, as partial consideration for the District allowing the Master District to provide retail water and wastewater service to retail customers inside the District's boundaries, the Master District will pay the District's administrative expenses to manage the District pursuant to a budget process outlined below. The Master District Contracts between the other Participant Districts and the Master Districts have similar provisions regarding those other Participant Districts. The Master District Contract provides that the District will submit annually a budget for its administrative expenses to the Master District for review and approval by the Master District. Once approved, all such expenses will be paid by the Master District. The District's budget must be approved by the Master District if it is no more than 10% higher than the average of the annual budgets of the Participant Districts Nos. 2-11. To date, the District's annual budgets have all been approved by the Master District.

The Master District Contract also provides that the Master District will pay its own operation and administrative expenses and the approved administrative expenses of the Participant Districts from the revenues from the Master District's water and wastewater system. If the Master District's water and wastewater system revenues are insufficient to pay all of those costs, the resulting deficit will be paid by all Participant Districts (including the Master District) from the proceeds of an annual ad valorem contract tax levied by each Participant District on all taxable property within its boundaries in an amount sufficient to pay each Participant District's pro rata share of the deficit. A Participant District's pro rata share of the deficit each year is determined by multiplying the deficit by a fraction, the numerator of which is the Participant District's taxable assessed valuation for the year and the denominator of which is the total of the taxable assessed valuations in all the Participant Districts (including the Master District). See “THE SYSTEM - The Master District Contract.”

For the 2021 fiscal year, the District paid its pro rata share of the Master District's budgeted operating deficit from the \$0.29/\$100 assessed value contract tax levied by the District on September 9, 2021.

Future Debt

At an election held May 8, 2010, the District authorized the issuance of up to \$28,250,000 of unlimited tax debt. The District reserves in the Bond Resolution the right to issue the remaining \$15,920,000 principal amount of unlimited tax debt authorized but unissued after the issuance of the Bonds for the purpose of acquiring or constructing water, sanitary sewer and drainage facilities and the District may issue additional bonds which may be voted hereafter. The District may also issue revenue bonds and refunding bonds. See “THE BONDS - Issuance of Additional Debt” and “THE SYSTEM – Future Debt.” The issuance of such future obligations may dilute and adversely affect the investment security of the Bonds. The District does not employ any formula with regard to assessed valuations or tax collections or otherwise to limit the amount of bonds which may be issued. Any bonds issued by the District, however, must be approved by the Board of the District, the Attorney General of Texas and, with respect to bonds for water, sewer and drainage improvements, the TCEQ. After sale of the Bonds and reimbursement to the Developers of a portion of the proceeds therefrom, the District will still owe not less than approximately \$0 to the Developers for the costs of facilities for which the Developers have not yet been reimbursed. The District expects to sell additional bonds to reimburse the Developer for such costs. See “THE SYSTEM – Future Debt” “THE BONDS – Issuance of Additional Debt,” and “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED.”

Environmental Regulation

Wastewater treatment and water supply facilities are subject to stringent and complex environmental laws and regulations. The Master District currently receives wholesale water and wastewater services from the El Paso Water Utilities Public Service Board (“EPWU”) for the areas within the Participant Districts. Facilities must comply with environmental laws at the federal, state, and local levels. These laws and regulations can restrict or prohibit certain activities that affect the environment in many ways such as:

- Requiring permits for construction and operation of water supply wells and wastewater treatment facilities;
- Restricting the manner in which wastes are released into the air, water, or soils;
- Restricting or regulating the use of wetlands or other property;
- Requiring action to prevent or mitigate pollution;
- Imposing substantial liabilities for pollution resulting from facility operations.

Compliance with environmental laws and regulations can increase the cost of planning, designing, constructing and operating water production and wastewater treatment facilities. Sanctions against a municipal utility district or other type of district (“Utility Districts”) for failure to comply with environmental laws and regulations may include a variety of civil and criminal enforcement measures, including assessment of monetary penalties, imposition of remedial requirements, and injunctive relief as to future compliance of and the ability to operate the Utility District’s water supply, wastewater treatment, and drainage facilities. Environmental laws and regulations can also impact an area’s ability to grow and develop. It should be noted that changes in environmental laws and regulations occur frequently, and any changes that result in more stringent and costly requirements could materially impact the District.

Tax Collection Limitations

The District’s ability to make debt service payments may be adversely affected by its inability to collect ad valorem taxes. Under Texas law, the levy of ad valorem taxes by the District constitutes a lien in favor of the District on a parity with the liens of all other state and local taxing authorities on the property against which taxes are levied, and such lien may be enforced by foreclosure. The District’s ability to collect ad valorem taxes through such foreclosure may be impaired by (i) cumbersome, time-consuming and expensive collection procedures, (ii) a bankruptcy court’s stay of tax collection procedures against a taxpayer, or (iii) market conditions affecting the marketability of taxable property within the District and limiting the proceeds from a foreclosure sale of such property. While the District has a lien on taxable property within the District for taxes levied against such property, such lien can be foreclosed only in a judicial proceeding. The costs of collecting any such taxpayer’s delinquencies could substantially reduce the net proceeds to the District from a tax foreclosure sale. Finally, a bankruptcy court with jurisdiction over bankruptcy proceedings initiated by or against a taxpayer within the District pursuant to the Federal Bankruptcy Code could stay any attempt by the District to collect delinquent ad valorem taxes against such taxpayer. In addition to the automatic stay against collection of delinquent taxes afforded a taxpayer during the pendency of a bankruptcy, a bankruptcy could affect payment of taxes in two other ways: first, a debtor’s confirmation plan may allow a debtor to make installment payments on delinquent taxes for up to six years; and, second, a debtor may challenge, and a bankruptcy court may reduce, the amount of any taxes assessed against the debtor, including taxes that have already been paid. See “TAX PROCEDURES - District’s Rights in the Event of Tax Delinquencies.”

Registered Owners' Remedies and Bankruptcy Limitations

If the District defaults in the payment of principal, interest, or redemption price on the Bonds when due, or if it fails to make payments into any fund or funds created in the Bond Resolution, or defaults in the observation or performance of any other covenants, conditions, or obligations set forth in the Bond Resolution, the Registered Owners have the statutory right of a writ of mandamus issued by a court of competent jurisdiction requiring the District and its officials to observe and perform the covenants, obligations, or conditions prescribed in the Bond Resolution. Except for mandamus, the Bond Resolution does not specifically provide for remedies to protect and enforce the interests of the Registered Owners. There is no acceleration of maturity of the Bonds in the event of default and, consequently, the remedy of mandamus may have to be relied upon from year to year. Further, there is no trust indenture or trustee, and all legal actions to enforce such remedies would have to be undertaken at the initiative of, and be financed by, the Registered Owners. Statutory language authorizing local governments such as the District to sue and be sued does not waive the local government’s sovereign immunity from suits for money damages, so that in the absence of other waivers of such immunity by the Texas Legislature, a default by the District in its covenants in the Bond Resolution may not be reduced to a judgment for money damages. If such a judgment against the District were obtained, it could not be enforced by direct levy and execution against the District’s property. Further, the Registered Owners cannot themselves foreclose on property within the District or sell property within the District to enforce the tax lien on taxable property to pay the principal of and interest on the Bonds. The enforceability of the rights and remedies of the Registered Owners may further be limited by a State of Texas statute reasonably required to attain an important public purpose or by laws relating to bankruptcy, reorganization or other similar laws of general application affecting the rights of creditors of political subdivisions, such as the District.

The enforceability of the rights and remedies of Registered Owners may be limited by laws relating to bankruptcy, reorganization or other similar laws of general application affecting the rights of creditors of political subdivisions such as the District. Texas law requires municipal utility districts such as the District to obtain the approval of the TCEQ as a condition to seeking relief under Chapter 9 of the Federal Bankruptcy Code.

If a petitioning district were allowed to proceed voluntarily under Chapter 9 of the Federal Bankruptcy Code, it could file a plan for an adjustment of its debts. If such a plan were confirmed by the bankruptcy court, it could, among other things, affect Registered Owners by reducing or eliminating the amount of indebtedness, deferring or rearranging the debt service schedule, reducing or eliminating the interest rate, modifying or abrogating the collateral or security arrangements, substituting (in whole or in part) other securities, and otherwise compromising and modifying the rights and remedies of the Registered Owners' claims against a district.

A district such as the District may not be forced into bankruptcy involuntarily.

Continuing Compliance with Certain Covenants

The Bond Resolution contains covenants by the District intended to preserve the exclusion from gross income of interest on the Bonds. Failure by the District to comply with such covenants in the Bond Resolution on a continuous basis prior to maturity of the Bonds could result in interest on the Bonds becoming taxable retroactively to the date of original issuance. See "TAX EXEMPTION—Opinion."

Marketability

The District has no agreement with the Initial Purchaser (as defined herein) regarding the reoffering yields or prices of the Bonds and has no control over trading of the Bonds in the secondary market. Moreover, there is no assurance that a secondary market will be made in the Bonds. If there is a secondary market, the difference between the bid and asked price of the Bonds may be greater than the difference between the bid and asked price of bonds of comparable maturity and quality issued by more traditional issuers as such bonds are generally bought, sold or traded in the secondary market. Additionally, there are no assurances that if a secondary market for the Bonds were to develop, that any such secondary market would not be disrupted by events including, but not limited to, the current pandemic associated with the COVID-19 virus. See "RISK FACTORS – Infectious Disease Outbreak (COVID-19)."

The failure by the District to comply with its agreement to provide the information and notices required by Rule 15c(2)-12 of the Securities and Exchange Commission ("Rule 15c(2)-12") could possibly inhibit the sale of the Bonds in the secondary market. See "CONTINUING DISCLOSURE OF INFORMATION."

The Effect of FIRREA on Tax Collections of the District

The Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA") contains certain provisions which affect the time for protesting property valuations, the fixing of tax liens and the collection of penalties and interest on delinquent taxes on real property owned by the Federal Deposit Insurance Corporation ("FDIC") when the FDIC is acting as the conservator or receiver of an insolvent financial institution.

Under FIRREA, real property held by the FDIC is still subject to ad valorem taxation, but such act states that (i) no real property of the FDIC shall be subject to foreclosure or sale without the consent of the FDIC and no involuntary liens shall attach to such property, (ii) the FDIC shall not be liable for any penalties, interest, or fines, including those arising from the failure to pay any real or personal property tax when due, and (iii) notwithstanding failure of a person to challenge an appraisal in accordance with state law, such value shall be determined as of the period for which such tax is imposed.

To the extent that the FDIC attempts to enforce the same, these provisions may affect the timeliness of collection of taxes on property, if any, owned by the FDIC in the District and may prevent the collection of penalties and interest on such taxes or may affect the valuation of such property.

Changes in Tax Legislation

Certain tax legislation, whether currently proposed or proposed in the future, may directly or indirectly reduce or eliminate the benefit of the exclusion of interest on the Bonds from gross income for federal income tax purposes. Any proposed legislation, whether or not enacted, may also affect the value and liquidity of the Bonds. Prospective purchasers of the Bonds should consult with their own tax advisors with respect to any proposed, pending or future legislation.

THE BONDS

General

Following is a description of some of the terms and conditions of the Bonds, which description is qualified in its entirety by reference to the Bond Resolution of the Board authorizing the issuance and sale of the Bonds. The Bond Resolution authorizes the issuance and sale of the Bonds and prescribes the terms, conditions, and provisions for the payment of the principal of and interest on the Bonds by the District.

The Bonds will be dated August 1, 2022, and will accrue interest from the date of initial delivery of the Bonds (expected to be August 16, 2022). Interest is payable on each February 15 and August 15 commencing February 15, 2023, until the earlier of maturity or prior redemption. The Bonds mature on August 15 in the amounts and years shown on the cover page of this Official Statement. Interest calculations are based on a 360-day year comprised of twelve 30-day months. The Bonds will be issued only in fully registered form in denominations of \$5,000 each or integral multiples thereof.

Authority for Issuance

At a bond election held within the District on May 8, 2010, the voters of the District authorized the issuance of a total of \$28,250,000 principal amount of unlimited tax bonds for water, wastewater and drainage facilities. See “Issuance of Additional Debt” and “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED” below. The Bonds are the second issuance of debt by the District. The TCEQ has authorized the District to sell the Bonds for the purposes described in “THE SYSTEM - Use and Distribution of Bond Proceeds.”

The Bonds are issued by the District pursuant to the terms and provisions of the Bond Resolution, an Order of the TCEQ, Article XVI, Section 59 of the Texas Constitution, the Act and Chapters 49 and 54 of the Texas Water Code, as amended.

Source of and Security for Payment

While the Bonds or any part of the principal thereof or interest thereon remain outstanding and unpaid, the District covenants in the Bond Resolution to levy an annual ad valorem tax, without legal limitation as to rate or amount, upon all taxable property in the District sufficient to pay the principal of and interest on the Bonds, with full allowance being made for delinquencies and costs of collection.

The Bonds are obligations of the District and are not the obligations of the State of Texas, El Paso County, the City of El Paso or any entity other than the District.

Record Date

The record date for the interest payable on the Bonds on any interest payment date means the close of business on the last day of the preceding month whether or not a business day

Funds

In the Bond Resolution, the Debt Service Fund is created, and the proceeds from all taxes levied, assessed and collected for and on account of the Bonds authorized by the Bond Resolution shall be deposited, as collected, in such fund.

Proceeds from sale of the Bonds, including interest earnings thereon, shall be deposited into the Capital Projects Fund, to pay the costs of acquiring or constructing Internal Facilities or the District’s pro rata share of capacity in Regional Facilities, for paying the District’s pro rata share of creation and administrative costs of all Participant Districts and for paying the costs of issuing the Bonds. See “THE SYSTEM - Use and Distribution of Bond Proceeds” for a more complete description of the use of Bond proceeds.

No Arbitrage

The District will certify as of the date the Bonds are delivered and paid for that, based upon all facts and estimates now known or reasonably expected to be in existence on the date the Bonds are delivered and paid for, the District reasonably expects that the proceeds of the Bonds will not be used in a manner that would cause the Bonds, or any portion of the Bonds, to be “arbitrage bonds” under the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. Furthermore, all officers, employees, and agents of the District have been authorized and directed to provide certifications of facts and estimates that are material to the reasonable expectations of the District as of the date the Bonds are delivered and paid for. In particular, all or any officers of the District are authorized to certify to the facts and circumstances and reasonable expectations of the District on the date the Bonds are delivered and paid for regarding the amount and use of the proceeds of the Bonds. Moreover, the District covenants

in the Bond Resolution that it shall make such use of the proceeds of the Bonds, regulate investment of proceeds of the Bonds, and take such other and further actions and follow such procedures, including, without limitation, calculating the yield on the Bonds, as may be required so that the Bonds shall not become “arbitrage bonds” under the Code and the regulations prescribed from time to time thereunder.

Redemption Provisions

Optional Redemption: The District reserves the right, at its option, to redeem Bonds having stated maturities on and after August 15, 20[___], in whole or in part in principal amounts of \$5,000 or any integral multiple thereof, on August 15, 20[___], or any date thereafter, at the par value thereof plus accrued thereon to the date fixed for redemption.

If fewer than all of the Bonds are redeemed at any time, the particular maturities of Bonds to be redeemed shall be selected by the District. If less than all the Bonds of any maturity are redeemed at any time, the particular Bonds within a maturity to be redeemed shall be selected by the Paying Agent/Registrar by lot or other customary method of selection (or by DTC in accordance with its procedures while the Bonds are in book-entry-only form).

Mandatory Sinking Fund Redemption: In the event the Bonds are structured as "term" bonds, such term bonds will be subject to mandatory sinking fund redemption in accordance with the applicable provisions of the Bond Resolution and will be described in the final Official Statement.

Notice of Redemption: Notice of any optional redemption identifying the Bonds to be redeemed in whole or in part shall be given by the Paying Agent/Registrar at least thirty (30) days prior to the date fixed for optional redemption by sending written notice by first class mail to the Registered Owner of each Bond to be redeemed in whole or in part at the address shown on the register. Such notices shall state the redemption date, the redemption price, and the place at which the Bonds are to be surrendered for payment and, if fewer than all the Bonds outstanding within any one maturity are to be redeemed, the numbers of the Bonds or the portions thereof to be redeemed. Any notice given shall be conclusively presumed to have been duly given, whether or not the Registered Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Paying Agent/Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest to the date fixed for redemption. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem the same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Registered Owners to collect interest that would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

Paying Agent/Registrar

The Board has appointed BOKF, N.A., Dallas, Texas, as the initial Paying Agent/Registrar (the “Paying Agent/Registrar”) for the Bonds. The principal of and interest on the Bonds shall be paid to DTC, which will make distribution of the amounts so paid to the beneficial owners of the Bonds. See “BOOK-ENTRY-ONLY SYSTEM.”

Registration and Transfer

So long as any Bonds remain outstanding, the Paying Agent/Registrar shall keep the register at its principal payment office and, subject to such reasonable regulations as it may prescribe, the Paying Agent/Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of the Bond Resolution. While the Bonds are in the Book-Entry-Only System, the Bonds will be registered in the name of Cede & Co. and will not be transferred. See “BOOK-ENTRY-ONLY SYSTEM.”

Replacement of Paying Agent/Registrar

Provision is made in the Bond Resolution for replacement of the Paying Agent/Registrar. If the Paying Agent/Registrar is replaced by the District, the new paying agent/registrar shall act in the same capacity as the previous Paying Agent/Registrar. Any paying agent/registrar selected by the District shall be a national or state banking institution, a corporation organized and doing business under the laws of the United States of America or of any State, authorized under such laws to exercise trust powers, and subject to supervision or examination by federal or state authority, to act as Paying Agent/Registrar for the Bonds.

Issuance of Additional Debt

The District may issue additional bonds, with the approval of the TCEQ in the case of bonds issued for water, sewer and drainage purposes, necessary to provide and maintain improvements and facilities consistent with the purposes for which the District was created. After issuance of the Bonds, the District will have \$15,920,000 of unlimited tax bonds authorized but unissued for water,

sanitary sewer and drainage purposes. The Bond Resolution imposes no limitation on the amount of additional parity bonds which may be authorized for issuance by the District's voters or the amount of bonds ultimately issued by the District. See "THE SYSTEM - Future Debt" and "UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED."

The District is empowered, among other things, to purchase, construct, operate and maintain all works, improvements, facilities and plants necessary for the supply and distribution of water; the collection, transportation, and treatment of wastewater; and the control and diversion of storm water. The District may issue bonds and other forms of indebtedness to purchase or construct such facilities or acquire contract rights therefor. The District is also empowered to establish, operate, and maintain fire-fighting facilities, independently or with one or more conservation and reclamation districts after approval by the City of El Paso, the TCEQ and the voters of the District.

Annexation by the City of El Paso

The District lies wholly within the extraterritorial jurisdiction of the City of El Paso (the "City"), and may be annexed by the City in accordance with existing Texas law. Under prior Texas law, a municipality could annex and dissolve a municipal utility district located within its extraterritorial jurisdiction without consent of the district or its residents. Under House Bill 347 approved during the 86th Regular Legislative Session ("HB 347"), (a) a municipality may annex a district with a population of less than 200 residents only if: (i) the municipality obtains consent to annex the area through a petition signed by more than 50% of the registered voters of the district, and (ii) if the registered voters in the area to be annexed do not own more than 50% of the land in the area, a petition has been signed by more than 50% of the landowners consenting to the annexation; and (b) a municipality may annex a district with a population of 200 residents or more only if: (i) such annexation has been approved by a majority of those voting in an election held for that purpose within the area to be annexed, and (ii) if the registered voters in the area to be annexed do not own more than 50% of the land in the area, a petition has been signed by more than 50% of the landowners consenting to the annexation. Notwithstanding the foregoing, a municipality may annex an area if each owner of land in the area requests the annexation. As of April 5, 2022, the District had an estimated population of 1,786, thus triggering the voter approval and/or landowner consent requirements discussed in clause (b) above. The described election and petition process does not apply, however, during the term of a strategic partnership agreement between a municipality and a district specifying the procedures for annexation of all or a portion of the District. At present, the District and the City have not entered into (and do not currently have plans to enter into) any such strategic partnership agreement.

If the District is annexed, the City must assume the District's assets and obligations (including the Bonds) and dissolve the District within ninety (90) days. Annexation of territory by the City and dissolution of the District is a policy-making matter within the discretion of the Mayor and City Council of the City, subject to HB 347, and therefore, the District makes no representation that the City will ever annex the District and assume its debt, nor does the District make any representation concerning the ability of the City to pay debt service on the District's bonds if annexation were to occur.

Remedies in Event of Default

Other than a writ of mandamus, the Bond Resolution does not provide a specific remedy for a default. If the District defaults, a Registered Owner could petition for a writ of mandamus issued by a court of competent jurisdiction compelling and requiring the District and the District's officials to observe and perform the covenants, obligations or conditions prescribed in the Bond Resolution. Such remedy might need to be enforced on a periodic basis. Based on recent Texas court decisions, it is unclear whether §49.066, Texas Water Code, effectively waives governmental immunity of a municipal utility district for suits for money damages. Even if a judgment against the District for money damages could be obtained, it could not be enforced by direct levy and execution against the District's property. Further, the Registered Owners cannot themselves foreclose on property within the District or sell property within the District to enforce the tax lien on taxable property to pay the principal of and interest on the Bonds. The enforcement of a claim for payment on the Bonds would be subject to the applicable provisions of the federal bankruptcy laws, any other similar laws affecting the rights of creditors of political subdivisions, and general principles of equity which permit the exercise of judicial discretion. Certain traditional legal remedies also may not be available. See "RISK FACTORS - Registered Owners' Remedies and Bankruptcy Limitations."

Legal Investment and Eligibility to Secure Public Funds in Texas

Pursuant to Section 49.186, Texas Water Code, the Bonds, whether rated or unrated, are (a) legal investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, and trustees and (b) legal investments for the public funds of cities, towns, villages, school districts, and other political subdivisions or public agencies of the State. The Bonds are also eligible under the Public Funds Collateral Act, Chapter 2257, Texas Government Code, to secure deposits of public funds of the State or any political subdivision or public agency of the State and are lawful and sufficient security for those deposits to the extent of their market value. Most political subdivisions in the State are required to adopt investment guidelines under the Public Funds Investment Act, Chapter 2256, Texas Government Code, and such political subdivisions may impose other, more stringent requirements in order for the Bonds to be legal investments for such entity's funds or to be eligible to serve as collateral for their funds.

No representation is made that the Bonds will be suitable for or acceptable to financial or public entities for investment purposes. No representation is made concerning other laws, rules, regulations, or investment criteria which might apply to or which might be utilized by any of such persons or entities to limit the acceptability or suitability of the Bonds for any of the foregoing purposes. Prospective purchasers are urged to carefully evaluate the investment quality of the Bonds as to the suitability or acceptability of the Bonds for investment or collateral purposes.

Defeasance

The Bond Resolution provides that the District may discharge its obligations to the Registered Owners of any or all of the Bonds to pay principal, interest and redemption price thereon in any manner permitted by law. Under current Texas law, such discharge may be accomplished either (i) by depositing with the Comptroller of Public Accounts of the State of Texas a sum of money equal to the principal of, premium, if any, and all interest to accrue on the Bonds to maturity or redemption or (ii) by depositing with any place of payment (paying agent) of the Bonds or other obligations of the District payable from revenues or from ad valorem taxes or both, or with a commercial bank or trust company designated in the proceedings authorizing such discharge, amounts sufficient to provide for the payment and/or redemption of the Bonds; provided that such deposits may be invested and reinvested only in (a) direct obligations of the United States of America, (b) noncallable obligations of an agency or instrumentality of the United States, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the governing body of the District adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and (c) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the governing body of the District adopts or approves the proceedings authorizing the issuance of refunding bonds, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, and which mature and/or bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment and/or redemption of the Bonds.

Upon such deposit as described above, such bonds shall no longer be regarded as outstanding or unpaid. After firm banking and financial arrangements for the discharge and final payment or redemption of the Bonds have been made as described above, all rights of the District to initiate proceedings to call the Bonds for redemption or take any other action amending the terms of the Bonds are extinguished; provided, however, that the right to call the Bonds for redemption is not extinguished if the District: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the owners of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

There is no assurance that the current law will not be changed in the future in a manner which would permit investments other than those described above to be made with amounts deposited to defease the Bonds.

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BOOK-ENTRY-ONLY SYSTEM

This section describes how ownership of the Bonds is to be transferred and how the principal of and interest on the Bonds are to be paid to and credited by The Depository Trust Company, New York, New York, ("DTC") while the Bonds are registered in its nominee name. The information in this section concerning DTC and the Book-Entry-Only System has been provided by DTC for use in disclosure documents such as this Official Statement. The District and the Financial Advisor believe the source of such information to be reliable, but neither of the District nor the Financial Advisor takes any responsibility for the accuracy or completeness thereof.

The District cannot and does not give any assurance that (1) DTC will distribute payments of debt service on the Bonds, or redemption or other notices, to DTC Participants, (2) DTC Participants or others will distribute debt service payments paid to DTC or its nominee (as the registered owner of the Bonds), or redemption or other notices, to the Beneficial Owners, or that they will do so on a timely basis, or (3) DTC will serve and act in the manner described in this Official Statement. The current rules applicable to DTC are on file with the Securities and Exchange Commission, and the current procedures of DTC to be followed in dealing with DTC Participants are on file with DTC.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate will be issued for each maturity of the Bonds, in the aggregate principal amount of such maturity, and will be deposited with DTC.

DTC, the world's largest depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 2.2 million issues of U.S. and non-U.S. equity, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC, in turn, is owned by a number of Direct Participants of DTC and Members of the National Securities Clearing Corporation, Fixed Income Clearing Corporation, and Emerging Markets Clearing Corporation (NSCC, FICC, and EMCC, also subsidiaries of DTCC), as well as by the New York Stock Exchange, Inc., the American Stock Exchange LLC, and the National Association of Securities Dealers, Inc. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating: "AA+." The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Paying Agent/Registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Bonds within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

The District may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered to DTC.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the District as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal, interest and redemption payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the District or the Paying Agent/Registrar, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent/Registrar, or the District, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of principal, interest and redemption payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the District or the Paying Agent/Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the District or the Paying Agent/Registrar. Under such circumstances, in the event that a successor depository is not obtained, printed certificates for the Bonds are required to be printed and delivered

Use of Certain Terms in Other Sections of this Official Statement. In reading this Official Statement it should be understood that while the Bonds are in the Book-Entry-Only System, references in other sections of this Official Statement to registered owners should be read to include the person for which the Participant acquires an interest in the Bonds, but (i) all rights of ownership must be exercised through DTC and the Book-Entry-Only System, and (ii) except as described above, notices that are to be given to registered owners under the Bond Resolution will be given only to DTC.

Information concerning DTC and the Book-Entry-Only System has been obtained from DTC and is not guaranteed as to accuracy or completeness by, and is not to be construed as a representation by, the District or the Financial Advisor.

BOND INSURANCE

Application for municipal bond insurance has been made by the District. Upon the determination of which entity, if any, will provide such insurance, information relating to the issuer of the municipal bond insurance policy applicable to the Bonds will be set forth in the final Official Statement. The purchase of such insurance, if available and the payment of all associated costs will be at the option and expense of the Initial Purchaser. If bond insurance is purchased, purchasers of the Bonds should be aware of the following:

Bond Insurance Risks

The District has applied for a bond insurance policy to guarantee the scheduled payment of principal and interest on the Bonds. The District has yet to determine whether an insurance policy will be purchased with respect to the Bonds. If an insurance policy is purchased, the following are risk factors relating to bond insurance.

In the event of default of the payment of principal or interest with respect to the Bonds when all or some becomes due, any owner of the Bond shall have a claim under the applicable Bond Insurance Policy (the "Policy") for such payments. The payment of principal and interest in connection with mandatory or optional prepayment of the Bonds by the District which is recovered by the District from the Bond owner as a voidable preference under applicable bankruptcy law is covered by the Policy, however, such payments will be made by the insurer at such time and in such amounts as would have been due absent such prepayment by the District unless the bond insurer chooses to pay such amounts at an earlier date.

Under no circumstances does default of payment of principal and interest obligate acceleration of the obligations of the bond insurer without their consent, so long as the bond insurer performs its obligations under the applicable Policy. In the event the bond insurer is unable to make payment of principal and interest as such payments become due under the Policy, the Bonds are payable solely from the revenues pledged in the Bond Resolution. In the event the bond insurer becomes obligated to make payments with respect to the Bonds, no assurance is given that such event will not adversely affect the market price of the Bonds or the marketability (liquidity) for the Bonds.

In the event bond insurance is purchased, the long-term rating on the Bonds, if any, will be dependent in part on the financial strength of the bond insurer and its claims paying ability. The bond insurer's financial strength and claims paying ability are predicated upon a number of factors which could change over time. No assurance is given that the long-term ratings of the bond insurer or of the Bonds, if any, insured by the bond insurer will not be subject to downgrade and such event could adversely affect the market price of the Bonds or the marketability (liquidity) for the Bonds.

The obligations of the bond insurer are general obligations of the bond insurer and in an event of default by the bond insurer the remedies may be limited by applicable bankruptcy law. Neither the District nor the Financial Advisor have made an independent investigation into the claims paying ability of any potential bond insurer and no assurance or representation regarding the financial strength or projected financial strength of any potential bond insurer is given.

THE DISTRICT

General

Paseo del Este Municipal Utility District No. 6 (the "District") is a conservation and reclamation district created by division of Paseo del Este Municipal Utility District pursuant to a division order adopted by the Original District on July 8, 2003, and operates pursuant to the Act and Chapters 49 and 54, Texas Water Code. Prior to division, Paseo del Este Municipal Utility District was created as a Conservation and Reclamation District by the Act. The District is located wholly within the extraterritorial jurisdiction of the City of El Paso, Texas (the "City").

The District is empowered, among other things, to purchase, construct, operate and maintain all works, improvements, facilities and plants, and contract rights therefore, necessary for the supply and distribution of water; the collection, transportation, and treatment of wastewater; and the control and diversion of storm water. The District may issue bonds and other forms of indebtedness to purchase or construct such facilities or contract rights therefor. The District is also empowered to establish, operate, and maintain fire-fighting facilities, independently or with one or more conservation and reclamation districts after approval by the City, the TCEQ and the voters of the District.

The TCEQ exercises continuing supervisory jurisdiction over the District. The District is required to observe certain requirements of the City which limit the purposes for which the District may sell bonds to the acquisition, construction, and improvement of waterworks, wastewater, and drainage facilities or contract rights therefor, and the refunding of outstanding debt obligations; place restrictions on the terms and provisions and conditions on the sale of the District's bonds so long as such restraints and conditions do not render the bonds unmarketable; require approval by the City of District construction plans; and permit connections only to platted lots and reserves which have been approved by the City. Construction and operation of the District's drainage system are subject to the regulatory jurisdiction of additional government agencies. See "THE SYSTEM."

The District presently contains approximately 383.317 acres of land located in the Southeast portion of El Paso County approximately 15 miles east of the central area of the City of El Paso, Texas (the "City"), including the approximately 17.66 acres that were annexed by the District in March of 2022. The District is located north of Interstate Highway 10 and east of Loop 375. Eastlake Boulevard provides access to the District. From Interstate Highway 10, exit Eastlake Boulevard and proceed north approximately 1.8 miles to the intersection of Peyton Drive and Eastlake Boulevard, then south along Peyton Drive. See "AERIAL PHOTOGRAPH" herein.

Validation of Creation of Participant Districts

The creation of the Original District and its division into Participant District Nos. 1-9 has been validated by a final judgment of the County Court-at-Law of El Paso County, Texas. Likewise, creation of Participant District Nos. 10 and 11 has been validated by a final judgment of the District Court of El Paso County, Texas. Each of the Participant Districts, including the District, has held a confirmation, bond, refunding bond, maintenance tax and contract tax election. All such election propositions have been approved by voters of the Participant Districts, including the District.

Status of Development

The District is being developed primarily for single family residential purposes, and is within the Paseo del Este development ("Paseo del Este"). Paseo del Este is being developed primarily by Hunt Communities ("Hunt"), and B&G/Sunrise Joint Venture ("B&G") and is planned to include approximately 4,300 acres of land. The land in Paseo del Este was purchased from the Texas General Land Office by Hunt and affiliates thereof and B&G in varying positions in a series of transactions between 1998 and 2020. As of April 5, 2022 approximately 8,465 single family residential lots have been developed within Paseo del Este, and approximately 7,498 homes are completed or are in various stages of construction in Paseo del Este, including approximately 796 lots and 671 homes which are completed or are in various stages of construction within the District.

The development within the District includes Socorro Independent School District Mission Ridge Elementary, Peyton Estates Unit 3, Peyton Estates Unit 4, Emerald Heights Unit 2, Emerald Heights Unit 1, Peyton Estates Unit 6 and Emerald Heights Unit 1. Peyton Estates Unit 4 has 2.24 acres of commercial development, Emerald Heights Unit 1 has 16.19 acres of commercial development, and Peyton Estates Unit 6 has 2.3 acres of commercial development.

There are 115.911 acres of developable land within the District that have not yet been furnished with water, sanitary sewer and storm drainage facilities. See “RISK FACTORS – Undeveloped Acreage” and “THE DISTRICT – Status of Development.”

Community Facilities

Community facilities are located in the general vicinity of the District. Neighborhood shopping facilities, including supermarkets, pharmacies, cleaners, restaurants, banking facilities and other retail and service establishments are located within five miles of the District along areas adjacent to Loop 375. Fire protection for residents of the District is provided by the El Paso County Emergency Services District No. 1. Police protection is provided by the El Paso County Sheriff. Medical care for District residents is available from various facilities in the City of El Paso within 15 miles of the District. The land within the District is located within the boundaries of Socorro Independent School District, and children within the District attend elementary and middle schools of Socorro Independent School District located within two (2) miles of the District.

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MANAGEMENT

Board of Directors

The District is governed by the Board of Directors, consisting of five directors, which has control over and management supervision of all affairs of the District. None of the Directors listed below reside within the District; however, each Director owns a small parcel of land in the District. Directors are elected by the voters within the District for four-year staggered terms. Director elections are held in May in odd numbered years. The Directors and Officers of the District are listed below:

Name	Title	Term Expires
Lorraine Huit	President	2025
Sheldon Wheeler	Vice-President	2025
Bob Peterson	Secretary	2023
Oscar Rico	Assistant Secretary	2023
Jerry Romero	Assistant Secretary	2023

While the District does not employ any full time employees, it has contracted for certain services as follows:

Tax Assessor/Collector

Land and improvements within the District are appraised for ad valorem taxation purposes by the El Paso Central Appraisal District. The District's Tax Assessor/Collector is agreed upon by virtue of the interlocal agreement between the City of El Paso and the District and the District has appointed the City of El Paso Tax Assessor/Collector to serve in this capacity for the District.

Operations

The District contracts with Inframark, LLC for maintenance and operation of the District's System. Inframark, LLC also serves as the operator of the Master District's System.

Bookkeeper

The District has engaged Municipal Accounts & Consulting, L.P., to serve as the District's bookkeeper.

Engineer

The consulting engineer for the District is TRE & Associates, LLC. (the "Engineer").

General Counsel

The District engages Gordon Davis Johnson & Shane P.C., El Paso, Texas, as General Counsel. The fees payable to General Counsel are not contingent upon the issuance sale and delivery of the Bonds.

Bond Counsel

The District has engaged McCall, Parkhurst & Horton, Austin, Texas as Bond Counsel. The fees payable to Bond Counsel are contingent upon the issuance, sale and delivery of the Bonds.

Disclosure Counsel

The District has engaged Winstead PC, Dallas, Texas, as Disclosure Counsel. The fees payable to Disclosure Counsel are contingent upon the sale, issuance and delivery of the Bonds.

Financial Advisor

Hilltop Securities, Inc., El Paso, Texas and Dallas, Texas (the "Financial Advisor") serves as financial advisor to the District. The fee to be paid the Financial Advisor is contingent upon sale and delivery of the Bonds.

Auditor

The District's financial statements for the fiscal year ending September 30, 2021 have been audited by West, Davis & Company, LLP.

THE DEVELOPER

Role of a Developer

In general, the activities of a landowner or developer in a district such as the District include designing the project, defining a marketing program and setting building schedules; securing necessary governmental approvals and permits for development; arranging for the construction of roads and the installation of utilities; and selling or leasing improved tracts or commercial reserves to other Developer or third parties. In most instances, a landowner or developer will be required by the TCEQ to pay thirty percent (30%) of the cost of placing the water distribution, wastewater collection, and storm drainage facilities in a district, exclusive of water supply and storage and wastewater treatment plants of which the district incurs one hundred percent (100%) of the cost. While a developer is required by the TCEQ to pave streets, a developer is under no obligation to a district to undertake development activities according to any particular plan or schedule. Furthermore, there is no restriction on a developer's right to sell any or all of the land which the developer owns within a district. In addition, the developer is ordinarily the major taxpayer within the district during the early stages of development. The relative success or failure of a developer to perform in the above-described capacities may affect the ability of a district to collect sufficient taxes to pay debt service and retire bonds.

Neither the Developer (as hereinafter defined) nor any of its affiliates, is obligated to pay principal of or interest on the Bonds. See "RISK FACTORS - Factors Affecting Taxable Values and Tax Payments." Furthermore, neither the Developer nor any of its affiliates has any binding commitment to the District to carry out any plan of development, and the furnishing of information relating to the proposed development by the Developer should not be interpreted as such a commitment. Prospective purchasers are encouraged to inspect the District in order to acquaint themselves with the nature of development that has occurred or is occurring within the boundaries of the District.

The Developer

Water, sewer and drainage facilities to serve specific sections within the District have been acquired or constructed by Hunt Peyton Estates, LLC, referred to herein as the "Developer." Major water, sewer and drainage facilities and streets to serve land within the District are being developed by Hunt Peyton Estates, LLC, an affiliate of Hunt. The activities of Hunt and its affiliates include investment management, mortgage banking, direct lending, loan servicing, asset management, property management, development, construction, consulting and advisory.

Land within the District is a portion of the development known as Paseo del Este. The Master District and the Participant Districts have been formed to include approximately 4,300 acres of land in and adjacent to the District. See "THE DISTRICT - Status of Development."

The Developer is not responsible for, liable for, and has made no commitment for payment of the Bonds or other obligations of the District. The Developer may sell or otherwise dispose of its property within the District, or any other assets, at any time. See "RISK FACTORS - Factors Affecting Taxable Values and Tax Payments - Landowner Obligation to the District".

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Developer Reimbursement Agreements

Each Participant District, including the District, has entered into reimbursement agreements with the Developer of the Regional Facilities serving all Participant Districts pursuant to which the Participant District agrees to reimburse the Developer for the Participant District's pro rata share of the costs of the Regional Facilities based on the Participant District's total ultimate estimated connections as compared to the total connections in all eleven Participant Districts. In addition, such reimbursement agreements contemplate the Participant District will reimburse the Developer for the Participant District's pro rata share of (i) the Developer costs for creation of all eleven Participant Districts and (ii) the administrative and operation advances to all eleven Participant Districts by the Developer, with each Participant District's pro rata share of such expenses based on the ratio of 1 to 11. Finally, each Participant District, including the District, has entered into reimbursement agreements with the Developer of the Internal Facilities serving the specific Participant District pursuant to which the Participant District agrees to reimburse the Developer for the Internal Facilities serving only the specific Participant District. Before such Internal Facilities are purchased by a Participant District, the developer leases them to the Master District for its use in serving the retail customers within the Participant District. After purchase of such Internal Facilities by a Participant District, the Master District will continue to lease the Internal Facilities from the Participant District.

THE SYSTEM

Regulation

According to the Engineer, the District's water supply and distribution, wastewater collection, and storm drainage facilities (collectively, the "System") have been designed in accordance with accepted engineering practices and the then current requirements of various entities having regulatory or supervisory jurisdiction over the construction and operation of such facilities. The construction of the System was required to be accomplished in accordance with the standards and specifications of the District, the TCEQ and EPWU and is subject to inspection by each such entity. Operation of the System is conducted by the Master District; however, EPWU operates the water treatment and storage and sewer treatment facilities providing wholesale service to the Master District. The regulations and requirements of entities exercising regulatory jurisdiction over the System are subject to further development and revision which, in turn, could require additional expenditures by the District in order to achieve compliance. In particular, additional or revised requirements in the future in connection with any permit held by the EPWU for the wastewater treatment plant from which the District receives service could result in the need to construct additional facilities in the future.

The Master District Contract

The District and the remaining Participant Districts have each entered into a "Master District Contract" with the Master District to coordinate the development of the water, sanitary sewer and drainage facilities to serve the area within all eleven Participant Districts. Under the Master District Contract, the Master District will acquire, construct, own and operate the Regional Facilities to serve the area within all eleven Participant Districts; each Participant District will acquire, construct and own its Internal Facilities serving only area within it and lease the Internal Facilities to the Master District for operation; and the Master District will provide retail water and wastewater service to all retail customers in all of the Participant Districts.

Master District Facilities

Source of Water Supply: The District receives its water supply pursuant to the Paseo del Este Wholesale Potable Water Supply and Wastewater Treatment and Transportation Contract (the "Water Supply and Wastewater Agreement") between the Master District and EPWU. Pursuant to terms of the Water Supply and Wastewater Agreement, which expires in 2063, EPWU is obligated to provide wholesale water to meet the needs of the area served by the Master District, including land within the boundaries of the District. EPWU currently supplies water to the Master District facilities from its existing three million gallon elevated storage tank and 12.3 MGD booster pump station. The major components of the EPWU's system serving the Master District's water supply system will serve the anticipated 16,995 equivalent single-family connections and contractually up to 20,000 equivalent single-family connections committed to the Master District, of which 1,730 are allocated to the District. As of April 5, 2022, the Master District is serving approximately 8,574 active water connections, of which 677 are within the District. According to the Engineer, the District's currently allocated water supply capacity (1,730 equivalent single family connections) is sufficient to serve the District at ultimate build-out.

In order to fully provide water supply to all of the Participant Districts in Paseo del Este, the Master District Facilities will need to be expanded from time to time to meet the demand for such facilities.

Source of Wastewater Treatment: The District is provided wastewater treatment capacity by EPWU through the Water Supply and Wastewater Agreement. Pursuant to the terms of the Water Supply and Wastewater Agreement, EPWU is obligated to provide

wholesale wastewater service to meet the needs of the area served by the Master District, including land within the boundaries of the District. The agreement expires in 2063. Wastewater flows are routed to EPWU's Bustamante plant, which has a current permitted capacity of 39 MGD. Current wastewater treatment capacity can serve the anticipated 16,995 equivalent single-family connections and contractually up to 20,000 equivalent single-family connections committed to the Master District. As of April 5, 2022, the Master District is serving approximately 8,465 active wastewater connections, of which 671 are within the District. The Master District currently receives wholesale water and wastewater services from the EPWU for the areas within Participant Districts. According to the Engineer, the District's currently allocated wastewater treatment capacity (1,730 single family equivalent connections) is sufficient to serve the District at ultimate build-out.

Distribution and Wastewater Collection: Water distribution facilities consist of waterlines ranging in size from 8-inch to 16-inch, generally located within the rights-of-way. These water distribution facilities supply water from the EPWU to each Participant District's internal facilities.

The current wastewater collection facilities include sanitary sewer lines ranging in size from 8-inch to 27-inch generally located within the rights-of-way of collector roads. These collection lines collect wastewater from each Participant District and transport it to an EPWU wastewater interceptor.

Drainage: The Master District will provide the Participant Districts with drainage facilities when it is determined that the facilities benefit two or more Participant Districts. These Regional Facilities will be capable of handling a 100-year storm event and will include storm sewers, drainage channels and retention ponds.

Internal Water Distribution, Wastewater Collection and Storm Drainage Facilities

Internal water distribution, wastewater collection and storm drainage facilities ("Internal Facilities") have been constructed by the District with funds advanced by the Developer to serve all development, which are a single family residential subdivisions containing approximately 796 single family lots and encompassing 359.384 acres of developable land.

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Use and Distribution of Bond Proceeds

The estimated use and distribution of Bond proceeds is shown below. Of proceeds to be received from sale of the Bonds, \$3,750,058 is estimated for construction costs, and \$1,629,942 is estimated for non-construction costs. The actual amounts to be reimbursed by the District and the non-construction costs, including Developer Interest, will be finalized after sale of the Bonds and review by an independent auditor.

<u>Construction Costs</u>	<u>District's Share</u>
A. Developer Contribution Items	
1. Emerald Heights Unit Two Grading Improvements.....	\$ 320,776
2. Emerald Heights Unit Two Water, Wastewater & Drainage Improvements..	956,184
3. Peyton Estates Unit Three Water, Wastewater and Drainage Improvements	360,153
4. Peyton Estates Unit Six Water, Wastewater Drainage.....	1,371,555
5. Peyton Pass Commercial Water, Wastewater & Drainage Improvements....	144,046
6. District Facilities Engineering.....	363,731
Total Developer Contribution Items	\$ 3,516,444
B. District Items	
7. Peyton Estates Unit 4 Water, Wastewater, Drainage and Regional Water and Wastewater Improvements.....	\$ 33,470
8. Emerald Park Unit Four Water, Wastewater, and Drainage and Regional Wastewater Improvements.....	38,587
9. Hillside Park at Mission Ridge Unit One Drainage, Water & Wastewater and Regional Water and Wastewater Improvements.....	79,831
10. Hillside Park at Mission Ridge Unit Two Drainage, Water & Wastewater and Regional Water and Wastewater Improvements.....	44,698
11. Mission Ridge Towne Center Unit 1- 16" Regional Water Line Improvements	23,813
12. Regional Facilities Engineering.....	13,215
Total District Items	\$ 233,615
TOTAL CONSTRUCTION COSTS (70% of BIR)	\$ 3,750,058
<u>Non-Construction Costs</u>	
A. Administrative Advances.....	\$ 208,159
B. Legal Fees	95,550
C. Fiscal Fees (1.25%)	67,250
D. Interest	
1. Capitalized Interest (2 Years at 4.5%) ^(a)	484,200
2. Developer Interest.....	481,188
E. Bond Discount (3%).....	161,400
F. Bond Issuance Expenses.....	53,365
G. Bond Application Report Costs.....	60,000
H. Attorney General Fee (0.10%).....	5,380
I. TCEQ Bond Issuance Fee (0.25%).....	13,450
TOTAL NON-CONSTRUCTION COSTS	\$ 1,629,942
TOTAL BOND ISSUE REQUIREMENT	\$ 5,380,000

(a) TCEQ approved maximum amount of 24 months capitalized interest.

In the event approved estimated amounts exceed actual costs, the difference comprises a surplus which may be expended for uses in accordance with the rules of the TCEQ. In the event actual costs exceed previously approved estimated amounts and contingencies, additional TCEQ approval and the issuance of additional bonds may be required.

Future Debt

In addition to the costs of facilities being financed with proceeds from sale of the Bonds, the Developer has financed the engineering and construction of certain other Internal (District) Facilities and Regional Facilities. After reimbursement from sale of the Bonds, the Developer will have expended approximately \$111,000 (as of May 13, 2022) for design, construction and acquisition of the District's share of Regional Facilities not yet reimbursed and \$5,036,000 (as of May 13, 2022) for District Facilities not yet reimbursed. It is anticipated that proceeds from future issues of District bonds will be used, in part, to reimburse the Developer for the District's pro rata share of the costs of the Regional Facilities and all of the costs of the District Facilities and future costs of developing currently undeveloped land, to the extent allowed by the TCEQ.

UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED

<u>Date of</u> <u>Authorization</u>	<u>Purpose</u>	<u>Amount</u> <u>Authorized</u>	<u>Issued</u> <u>to Date</u>	<u>Amount</u> <u>Unissued</u>
5/8/2010	Water, Sanitary Sewer and Drainage	\$28,250,000	\$12,330,000*	\$15,920,000

* Includes the Bonds.

FINANCIAL STATEMENT

Tax Year 2022 Certified Assessed Valuation	\$146,662,200 ^(a)
District Debt:	
Currently Outstanding Bonds	\$ 6,950,000
The Bonds	<u>\$ 5,380,000</u>
Gross Debt Outstanding (after issuance of the Bonds)	\$12,330,000
Ratio of Gross Debt Outstanding to 2022 Certified Assessed Valuation	8.41%

Approximate Area of District – 383.317 acres

(a) As certified by the El Paso Central Appraisal District (the "Appraisal District"). Represents the assessed valuation within the District as of January 1, 2022. See "TAX PROCEDURES."

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Cash and Investment Balances (as of April 14, 2022)

Operating Fund	Cash and Temporary Investments	\$402,113.49
Capital Projects	Cash and Temporary Investments	\$304,231.27
Debt Service Fund	Cash and Temporary Investments	\$368,065.01

See "SELECTED FINANCIAL INFORMATION."

ESTIMATED OVERLAPPING DEBT STATEMENT

Expenditures of the various taxing entities within the territory of the District are paid out of ad valorem taxes levied by such entities on properties within the District. Such entities are independent of the District and may incur borrowings to finance their expenditures. This statement of direct and estimated overlapping ad valorem tax bonds ("Tax Debt") was developed from information contained in the "Texas Municipal Reports" published by the Municipal Advisory Council of Texas. Except for the amounts relating to the District, the District has not independently verified the accuracy or completeness of such information, and no person should rely upon such information as being accurate or complete. Furthermore, certain of the entities listed may have issued additional bonds since the date hereof, and such entities may have programs requiring the issuance of substantial amounts of additional bonds, the amount of which cannot be determined. The following table reflects the estimated share of the overlapping Tax Debt of the District.

Taxing Jurisdiction	Outstanding Bonds	As of	Overlapping	
			Percent	Amount
El Paso County	\$ 130,968,290	4/30/2022	0.19%	\$ 248,840
El Paso County Hospital District	318,330,000	4/30/2022	0.19%	604,827
Socorro Independent School District	796,090,783	4/30/2022	0.70%	5,572,635
Total Estimated Overlapping Debt.....				\$ 6,426,302
The District.....				\$ 12,330,000 ^(a)
Total Direct and Estimated Overlapping Debt.....				\$ 18,756,302
Ratio of Total Direct and Estimated Overlapping Debt to 2022 Certified Assessed Valuation.....				12.79%

(a) Includes the Bonds.

Overlapping Tax Rates for 2021

Taxing Jurisdiction	2021 Tax Rate per \$100 Assessed Valuation
The District	\$ 0.750000
El Paso County	0.470181
El Paso County Emergency Services District No. 1	0.100000
El Paso Community College District	0.134760
Socorro Independent School District	1.275454
University Medical Center	0.258145
Total Overlapping Tax Rate	\$ 2.988540

TAX DATA

Tax Collections

The following statement of tax collections sets forth in condensed form the historical tax collection experience of the District. This summary has been prepared for inclusion herein, based upon information from District records. Reference is made to these records for further and more complete information.

Tax Year	Assessed Valuation	Tax Rate	Tax Levy	Current Collections		Total Collections		Fiscal Year Ending
				Amount	Percent	Amount	Percent	
2018	\$ 2,211,429	\$ 0.7500	\$ 16,586	\$ 17,989	108.46%	\$ 17,989	108.46%	9/30/2019
2019	2,713,580	0.7500	20,352	22,477	110.44%	22,477	110.44%	9/30/2020
2020	13,234,201	0.7500	99,257	102,420	103.19%	102,420	103.19%	9/30/2021
2021	72,477,459	0.7500	543,581	548,765	100.95%	548,765	100.95%	9/30/2022 (a)
2022	146,662,200	0.7500	1,099,967	N/A	0.00%	N/A	0.00%	9/30/2023

(a) Tax Collections billed on October 1. Collections are as of April 30, 2022.

Taxes are due October 1 and become delinquent if not paid before February 1 of the year following the year in which imposed. No split payments are allowed and no discounts are allowed.

Tax Rate Distribution

	2021	2020	2019	2018	2017
Debt Service	\$0.0714	\$0.0000	\$0.0000	\$0.0000	\$0.0000
Contract ^(a)	0.2900	0.2900	0.2900	0.2700	0.3600
Maintenance and Operations	0.3886	0.4600	0.4600	0.4800	0.3900
Total	\$0.7500	\$0.7500	\$0.7500	\$0.7500	\$0.7500

(a) See “RISK FACTORS – District Operations and Contract Tax” and “– Contract Tax” below.

Tax Rate Limitations

Debt Service: Unlimited (no legal limit as to rate or amount). Maintenance and Operations: \$1.00 per \$100 Assessed Valuation.

Debt Service Tax

The Board covenants in the Bond Resolution to levy and assess, for each year that all or any part of the Bonds remain outstanding and unpaid, a tax adequate to provide funds to pay the principal of and interest on the Bonds. In connection with the approval of the Bonds, the TCEQ has approved an initial debt service rate of at most \$0.68 per \$100 assessed valuation.

Contract Tax

Under the Master District Contract, each Participant District has agreed to levy and collect a tax (the “Contract Tax”) to make payments to the Master District for (i) the Participant District’s pro rata share of any operating deficits incurred by the Master District and (ii) the debt service on any bonds issued by the Master District for Regional Facilities payable from the Contract Tax (“Master District Bonds”), with the Participant District’s pro rata share based on the Participant District’s total taxable assessed valuation as compared to the total taxable assessed valuation in all eleven Participant Districts. However, the Master District Contract contemplates that the Master District would not issue Master District Bonds for purposes of reimbursing the Developer for the initial construction of the Regional Facilities. Thus, for the foreseeable future, the District contemplates levying a Contract Tax only for its pro rata share of the operating deficits of the Master District. The District has approved a total tax rate of \$0.7500 per \$100 of Assessed Valuation for Tax year 2021, as follows: \$0.0714 for debt service tax, \$0.2900 for contract tax and \$0.3886 for maintenance and operations tax.

Maintenance Tax

The Board of Directors of the District has the statutory authority to levy and collect an annual ad valorem tax for maintenance of the District's improvements, if such maintenance tax is authorized by vote of the District's electors. On May 8, 2010, the Board was authorized to levy such a maintenance tax in an amount not to exceed \$1.00 per \$100 of assessed valuation. For the 2021 tax year, the Board has levied a maintenance tax in the amount of \$0.3886 per \$100 assessed valuation. Such tax is in addition to taxes which the District is authorized to levy for paying principal and interest on the District's bonds.

Tax Exemptions

As discussed in the section titled "TAX PROCEDURES" herein, certain property in the District may be exempt from taxation by the District. The District does not exempt any percentage of the market value of any residential homesteads from taxation.

Additional Penalties

The District has contracted with a delinquent tax attorney to collect delinquent taxes. Pursuant to the contract and in accordance with the Texas Property Tax Code, the District recovers certain costs, expenses and fees associated with tax collection suits, including reasonable attorney's fees in the amount of twenty percent (20%) of the total amount of taxes, penalties, and interest due to the District.

Principal Taxpayers

The following list of principal taxpayers is based upon the 2021 tax roll, which reflects ownership at January 1, 2021.

Name of Taxpayer	Nature of Property	2022 Taxable Assessed Valuation	% of Taxable Assessed Valuation
Tri-State Ventures LLC	Real Estate	\$ 3,652,711	2.49%
Bowling Construction LLC	Construction	1,811,938	1.24%
Edward Homes of El Paso LLC	Real Estate	1,014,269	0.69%
Palo Verde Homes	Real Estate	701,045	0.48%
Culler Home LLC	Real Estate	662,449	0.45%
Desert View Construction Inc	Construction	624,629	0.43%
El Dorado Homes	Real Estate	597,350	0.41%
Hunt Communities Holding LP	Developer	535,527	0.37%
River Oaks Properties LTD	Real Estate	499,489	0.34%
JRDRN Investments LLC	Real Estate	463,599	0.32%
		<u>\$ 10,563,006</u>	<u>7.20%</u>

Summary of Assessed Valuation

The following summary of the Assessed Valuation is provided by the District's Tax Assessor/Collector based on information contained in the 2018-2022 tax rolls of the District. Differences in totals may vary slightly from other information herein due to differences in dates of data.

	2022	2021	2020	2019	2018
Land and Improvements	\$ 198,179,683	\$ 112,768,688	\$ 14,895,290	\$ 4,370,029	\$ 4,262,674
Personal Property	71,128	17,807	15,957	20,153	32,154
Exemptions	(51,588,611) ⁽¹⁾	(40,309,036)	(1,677,046)	(1,676,602)	(2,083,399)
Total Assessed Valuation	<u>\$ 146,662,200</u>	<u>\$ 72,477,459</u>	<u>\$ 13,234,201</u>	<u>\$ 2,713,580</u>	<u>\$ 2,211,429</u>

(1) Exempt property value of \$45,391,424 is related to Mission Ridge Elementary School located within the District.

Projected Tax Adequacy for Debt Service

Assuming (i) a tax collection rate similar to the collection rate of the District in years past, (ii) no increase or decrease in assessed valuation over the 2022 Certified Assessed Valuation, (iii) no use of available funds, and (iv) utilization of a tax rate necessary to pay the District's projected average annual debt service requirements on the Bonds, the District expects that sufficient funds will be generated to pay both the Average Annual Debt Service and Maximum Annual Debt Service shown below.

Average Annual Debt Service (2022-2047).....	\$ 714,367
Maximum Annual Debt Service (2037).....	\$ 740,201

TAX PROCEDURES

Authority to Levy Taxes

The Board is authorized to levy an annual ad valorem tax, without legal limitation as to rate or amount, on all taxable property within the District in an amount sufficient to pay the principal of and interest on the Bonds, and any additional bonds payable from taxes which the District may hereafter issue (see "RISK FACTORS - Future Debt") and to pay the expenses of assessing and collecting such taxes. The District agrees in the Bond Resolution to levy such a tax from year to year as described more fully herein under "THE BONDS - Source of and Security for Payment." Under Texas law, the Board may also levy and collect an annual ad valorem tax for the operation and maintenance of the District and its water and wastewater system and for the payment of certain contractual obligations. See "TAX DATA."

Property Tax Code and County-Wide Appraisal District

The Texas Property Tax Code (the "Property Tax Code") specifies the taxing procedures of all political subdivisions of the State of Texas, including the District. The District must also follow tax procedures found in the Texas Water Code. These statutory provisions are complex and are not fully summarized here.

The Property Tax Code requires, among other matters, county-wide appraisal and equalization of taxable property values and establishes in each county of the State of Texas an appraisal district with the responsibility for recording and appraising property for all taxing units within a county and an appraisal review board with responsibility for reviewing and equalizing the values established by the appraisal district. The Appraisal District has the responsibility for appraising property for all taxing units within El Paso County, including the District. Such appraisal values are subject to review and change by the El Paso County Appraisal Review Board (the "Appraisal Review Board").

Property Subject to Taxation by the District

General: Except for certain exemptions provided by Texas law, all real property, tangible personal property held or used for the production of income, mobile homes, and certain categories of intangible personal property with a tax situs in the District are subject to taxation by the District; however, no effort is expected to be made by the Appraisal District to include on a tax roll tangible or intangible personal property not devoted to commercial or industrial use. Principal categories of exempt property include, but are not limited to: property owned by the State of Texas or its political subdivisions if the property is used for public purposes; property exempt from ad valorem taxation by federal law; income producing tangible personal property or mineral interest with a taxable value of less than \$500; certain property used for the control of air, water or land pollution; solar and wind powered energy devices; certain non-profit cemeteries, farm products owned by the producer; and certain property owned by qualified charitable, religious, veterans, youth development, fraternal organizations, designated historical sites, travel trailers, and most individually owned automobiles. Goods, wares, ores and merchandise (other than oil, gas, or petroleum products) that are acquired in or imported into the state and forwarded out of state within 175 days thereafter are also exempt. Article VIII, Section 1-a of the Texas Constitution grants a \$3,000 homestead exemption for all homesteads taxed by counties for farm-to-market roads and flood control purposes. Property owned by a disabled veteran or by the spouse of certain children of a deceased disabled veteran or a veteran who died while on active duty is partially exempt to between \$5,000 and \$12,000 of assessed value depending upon the disability rating of the veteran. A veteran who receives a disability rating of 100% is entitled to an exemption for the full value of the veteran's residence homestead. Additionally, subject to certain conditions, the surviving spouse or a disabled veteran who is entitled to an exemption for the full value of the veteran's residence homestead is also entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied. The surviving spouse of a member of the armed services who was killed in action is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead where certain condition are met and, subject to certain conditions, an exemption up to the same amount may be transferred to a subsequent residence homestead of the surviving spouse.

The surviving spouse of a first responder who was killed or fatally injured in the line of duty is, subject to certain conditions, entitled to an exemption of the total appraised value of the surviving spouse's residence homestead, and, subject to certain conditions, an exemption up to the same amount may be transferred to a subsequent residence homestead of the surviving spouse. Also partially exempt are residence homesteads of certain persons who are disabled or at least 65 years old, not less than \$3,000 of appraised value or such higher amount as the Board or the District's voters may approve. Subject to certain conditions, the surviving spouse of a person 65 or older is entitled to an exemption for the same property in an amount equal to that which the deceased spouse was qualified. The District's tax assessor is authorized by statute to disregard exemptions for the disabled and elderly if granting the exemption would impair the District's obligation to pay tax-supported debt incurred prior to adoption of the exemption by the District. The District's tax assessor/collector is authorized by statute to disregard such exemptions for the elderly and disabled if granting the exemptions would impair the District's obligation to pay tax supported debt incurred prior to adoption of the exemptions by the District. See "TAX DATA."

Residential Homestead Exemptions: The Property Tax Code authorizes the governing body of each political subdivision in the State of Texas to exempt up to twenty percent (20%) (not less than \$5,000) of the appraised value of residential homesteads from ad valorem taxation. Where ad valorem taxes have previously been pledged for the payment of debt, the governing body of a political subdivision may continue to levy and collect taxes against the exempt value of the homesteads until the debt is discharged, if the cessation of the levy would impair the obligations of the contract by which the debt was created. The adoption of a homestead exemption may be considered each year, but must be adopted before July 1. The District has not adopted a general residential homestead exemption. See "TAX DATA."

Freeport Goods Exemption: Freeport goods are goods, wares, merchandise, other tangible personal property and ores, other than oil, natural gas and other petroleum products, which have been acquired or brought into the state for assembling, storing, manufacturing, repair, maintenance, processing or fabricating purposes, or used to repair or maintain aircraft of a certified air carrier, and shipped out of the state within one hundred seventy-five (175) days. Freeport goods are exempt from taxation by the District.

Goods-in-Transit Exemptions: A "Goods-in-Transit Exemption" may apply to certain tangible personal property that is acquired in or imported into Texas for assembling, storing, manufacturing or fabrication purposes which is destined to be forwarded to another location in Texas not later than 175 days after acquisition or importation, so long as the location where said goods are detained is not directly or indirectly owned by the owner of the goods. The District has not taken action to allow taxation of goods-in-transit, and accordingly, the exemption is available within the District. However, the District may determine in the future to take action to tax exempt goods-in-transit personal property. A taxpayer may not claim both a Freeport Goods Exemption and a Goods-in-Transit Exemption on the same property.

Tax Abatement

El Paso County may designate all or part of the area within the District as a reinvestment zone. Thereafter, El Paso County, Socorro Independent School District, the District, and, if the District is annexed and dissolved, the City of El Paso, at the option and discretion of each entity, may enter into tax abatement agreements with owners of property within the zone. Prior to entering into a tax abatement agreement, each entity must adopt guidelines and criteria for establishing tax abatement, which each entity will follow in granting tax abatement to owners of property. The tax abatement agreements may exempt from ad valorem taxation by each of the applicable taxing jurisdictions, including the District, for a period of up to ten (10) years, all or any part of any increase in the assessed valuation of property covered by the agreement over its assessed valuation in the year in which the agreement is executed, on the condition that the property owner make specified improvements or repairs to the property in conformity with the terms of the tax abatement. Each taxing jurisdiction has discretion to determine terms for its tax abatement agreements without regard to the terms approved by the other taxing jurisdictions.

Valuation of Property for Taxation

Generally, property in the District must be appraised by the Appraisal District at market value as of January 1 of each year. Once an appraisal roll is prepared and finally approved by the Appraisal Review Board, it is used by the District in establishing its tax rolls and tax rate. Generally, assessments under the Property Tax Code are to be based on one hundred percent (100%) of market value, as such is defined in the Property Tax Code. In determining market value, either the replacement cost or the income or the market data method of valuation may be used, whichever is appropriate. Nevertheless, certain land may be appraised at less than market value under the Property Tax Code. Increases in the appraised value of residence homesteads are limited by the Texas Constitution to 10 percent annually regardless of the market value of the property.

The Property Tax Code permits land designated for agricultural use, open space or timberland to be appraised at its value based on the land's capacity to produce agricultural or timber products rather than at its market value. Substantially all of the undeveloped land in the District is valued based on agricultural use. The Property Tax Code permits under certain circumstances that residential real property inventory held by a person in the trade or business be valued at the price all such property would bring if sold as a unit

to a purchaser who would continue the business. Provisions of the Property Tax Code are complex and are not fully summarized here. Landowners wishing to avail themselves of the agricultural use, open space or timberland designation or residential real property inventory designation must apply for the designation and the appraiser is required by the Property Tax Code to act on each claimant's right to the designation individually. A claimant may waive the special valuation as to taxation by some political subdivisions while claiming it as to another. If a claimant receives the agricultural use designation and later loses it by changing the use of the property or selling it to an unqualified owner, the District can collect taxes based on the new use, including taxes for the previous three (3) years for agricultural use and taxes for the previous five (5) years for open space land and timberland.

The Property Tax Code requires the Appraisal District to implement a plan for periodic reappraisal of property to update appraisal values. The plan must provide for appraisal of all real property in the Appraisal District at least once every three (3) years. It is not known what frequency of reappraisal will be utilized by the Appraisal District or whether reappraisals will be conducted on a zone or county-wide basis. The District, however, at its expense has the right to obtain from the Appraisal District a current estimate of appraised values within the District or an estimate of any new property or improvements within the District. While such current estimate of appraised values may serve to indicate the rate and extent of growth of taxable values within the District, it cannot be used for establishing a tax rate within the District until such time as the Appraisal District chooses formally to include such values on its appraisal roll.

District and Taxpayer Remedies

Under certain circumstances taxpayers and taxing units (such as the District) may appeal the orders of the Appraisal Review Board by filing a timely petition for review in State district court. In such event, the value of the property in question will be determined by the court or by a jury if requested by any party. Additionally, taxing units may bring suit against the Appraisal District to compel compliance with the Property Tax Code. The Property Tax Code also establishes a procedure for notice to property owners of reappraisals reflecting increased property value, appraisals which are higher than renditions, and appraisals of property not previously on an appraisal roll.

Rollback of Operation and Maintenance Tax Rate

During the 86th Regular Legislative Session, Senate Bill 2 ("SB 2") was passed and signed by the Governor, with an effective date (as to those provisions discussed herein) of January 1, 2020, and the provisions described herein are effective beginning with the 2020 tax year. See "SELECTED FINANCIAL INFORMATION" for a description of the District's current total tax rate. Debt service and contract tax rates cannot be reduced by a rollback election held within any of the districts described below.

SB 2 classifies municipal utility districts differently based on their current operation and maintenance tax rate or on the percentage of projected build-out that a district has completed. Districts that have adopted an operation and maintenance tax rate for the current year that is 2.5 cents or less per \$100 of taxable value are classified herein as "Special Taxing Units." Districts that have financed, completed, and issued bonds to pay for all land, improvements and facilities necessary to serve at least 95% of the projected build-out of the district are classified as "Developed Districts." Districts that do not meet either of the classifications previously discussed can be classified herein as "Developing Districts." The impact each classification has on the ability of a district to increase its maintenance and operations tax rate pursuant to SB 2 is described for each classification below.

Special Taxing Units

Special Taxing Units that adopt a total tax rate that would impose more than 1.08 times the amount of the total tax imposed by such district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, are required to hold an election within the district to determine whether to approve the adopted total tax rate. If the adopted total tax rate is not approved at the election, the total tax rate for a Special Taxing Unit is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.08 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, subject to certain homestead exemptions.

Developed Districts

Developed Districts that adopt a total tax rate that would impose more than 1.035 times the amount of the total tax imposed by the district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, plus any unused increment rates, as calculated and described in Section 26.013 of the Tax Code, are required to hold an election within the district to determine whether to approve the adopted total tax rate. If the adopted total tax rate is not approved at the election, the total tax rate for a Developed District is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.035 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence

homestead in the district in that year, subject to certain homestead exemptions, plus any unused increment rates. In addition, if any part of a Developed District lies within an area declared for disaster by the Governor of Texas or President of the United States, alternative procedures and rate limitations may apply for a temporary period. If a district qualifies as both a Special Taxing Unit and a Developed District, the district will be subject to the operation and maintenance tax threshold applicable to Special Taxing Units.

Developing Districts

Districts that do not meet the classification of a Special Taxing Unit or a Developed District can be classified as Developing Districts. The qualified voters of these districts, upon the Developing District's adoption of a total tax rate that would impose more than 1.08 times the amount of the total tax imposed by such district in the preceding tax year on a residence homestead appraised at the average appraised value of a residence homestead in the district, subject to certain homestead exemptions, are authorized to petition for an election to reduce the operation and maintenance tax rate. If an election is called and passes, the total tax rate for Developing Districts is the current year's debt service and contract tax rate plus the operation and maintenance tax rate that would impose 1.08 times the amount of operation and maintenance tax imposed by the district in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in the district in that year, subject to certain homestead exemptions.

The District

A determination as to a district's status as a Special Taxing Unit, Developed District or Developing District will be made by the Board of Directors on an annual basis. With respect to the District's 2021 tax rate, the District has been classified as a Developing District. With respect to the District's 2022 tax rate, the District currently anticipates that it will be classified as a Developing District. The District cannot give any assurances as to what its classification will be at any point in time or whether the District's future tax rates will result in a total tax rate that will reclassify the District into a new classification and new election calculation.

Levy and Collection of Taxes

The District is responsible for the levy and, unless it elects to transfer such functions to another governmental entity, collection of its taxes. By September 1 of each year, or as soon thereafter as practicable, the rate of taxation is set by the Board of Directors based upon: a) the valuation of property within the District as of the preceding January 1, and b) the amount required to be raised for debt service, maintenance purposes and authorized contractual obligations. Taxes are due October 1, or when billed, whichever comes later, and become delinquent if not paid before February 1 of the year following the year in which imposed. A delinquent tax incurs a penalty of six percent (6%) of the amount of the tax for the first calendar month it is delinquent, plus one percent (1%) for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. If the tax is not paid by July 1 of the year in which it becomes delinquent, the tax incurs a total penalty of twelve percent (12%) regardless of the number of months the tax has been delinquent and incurs an additional penalty for collection costs of an amount established by the District and a delinquent tax attorney. For those taxes billed at a later date and that become delinquent on or after June 1, they will also incur an additional penalty for collection costs of an amount established by the District and a delinquent tax attorney. The delinquent tax accrues interest at a rate of one percent (1%) for each month or portion of a month it remains unpaid. The Property Tax Code makes provisions for the split payment of taxes, discounts for early payment and the postponement of the delinquency date of taxes under certain circumstances which, at the option of the District, may be rejected.

The District's tax collector is required to enter into an installment payment agreement with any person who is delinquent on the payment of tax on a residence homestead for payment of tax, penalties and interest, if the person requests an installment agreement and has not entered into an installment agreement with the collector in the preceding 24 months. The installment agreement must provide for payments to be made in monthly installments and must extend for a period of at least 12 months and no more than 36 months. Additionally, the owner of a residential homestead property who is (i) sixty-five (65) years of age or older, (ii) disabled, or (iii) a disabled veteran, is entitled by law to pay current taxes on a residential homestead in installments without penalty or to defer the payment of taxes during the time of ownership. In the instance of tax deferral, a tax lien remains on the property and interest continue to accrue during the period of deferral.

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District's Rights in the Event of Tax Delinquencies

Taxes levied by the District are a personal obligation of the owner of the property as of January 1 of the year for which the tax is imposed. On January 1 of each year, a tax lien attaches to property to secure the payment of all state and local taxes, penalties, and interest ultimately imposed for the year on the property. The lien exists in favor of the State of Texas and each local taxing unit, including the District, having power to tax the property. The District's tax lien is on a parity with tax liens of such other taxing units (see "ESTIMATED OVERLAPPING DEBT STATEMENT - Overlapping Tax Rates for 2021"). A tax lien on real property takes priority over the claim of most creditors and other holders of liens on the property encumbered by the tax lien, whether or not the debt or lien existed before the attachment of the tax lien; however, whether a lien of the United States is on a parity with or takes priority over a tax lien of the District is determined by applicable federal law. Personal property under certain circumstances is subject to seizure and sale for the payment of delinquent taxes, penalty, and interest.

At any time after taxes on property become delinquent, the District may file suit to foreclose the lien securing payment of the tax, to enforce personal liability for the tax, or both. In filing a suit to foreclose a tax lien on real property, the District must join other taxing units that have claims for delinquent taxes against all or part of the same property. Collection of delinquent taxes may be adversely affected by the cost of suit and sale, by the amount of taxes owed to other taxing units, by the effects of market conditions on the foreclosure sale price, by taxpayer redemption rights (a taxpayer may redeem property within six (6) months for commercial property and two (2) years for residential and all other types of property after the purchaser's deed issued at the foreclosure sale is filed in the county records) or by bankruptcy proceedings which restrict the collection of taxpayer debts. The District's ability to foreclose its tax lien or collect penalties or interest on delinquent taxes may be limited on property owned by a financial institution which is under receivership or conservatorship by the FDIC. See "RISK FACTORS – The Effect of FIRREA on Tax Collections of the District."

GENERAL FUND OPERATIONS

General

The Bonds are payable from the levy of an ad valorem tax, without legal limitation as to rate or amount, upon all taxable property in the District. Surplus revenues, if any, of the District's general fund are not pledged to the payment of the Bonds but are available for any lawful purpose including payment of debt service on the Bonds, at the discretion and upon action of the Board. It is not expected that significant net revenue, if any, will be available for payment of debt service on the Bonds.

Contract Tax

Under the Master District Contract, each Participant District has agreed to levy and collect the Contract Tax to make payments to the Master District for (i) the Participant District's pro rata share of any operating deficits incurred by the Master District and (ii) the debt service on any Master District Bonds, with the Participant District's pro rata share based on the Participant District's total taxable assessed valuation as compared to the total taxable assessed valuation in all eleven Participant Districts. However, the Master District Contract contemplates that the Master District would not issue Master District Bonds for purposes of reimbursing the Developer for the initial construction of the Regional Facilities. Thus, for the foreseeable future, the District contemplates levying a Contract Tax only for its pro rata share of the operating deficits of the Master District. The District approved the following tax rates at its August 2021 board meeting, and levied such rates as final at its September 9, 2021 Board meeting: \$0.7500 per \$100 of Assessed Valuation for Tax Year 2021, as follows: \$0.0714 for debt service tax, \$0.2900 for contract tax and \$0.3886 for maintenance tax.

District Operation and Maintenance Expense

Because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to incur significant operating expenses; rather it expects to mainly incur administrative expenses. The Master District Contract provides that the Master District will pay each Participant District's ordinary administrative expenses, including the District's, if approved by the Master District as part of an annual budget. The Master District Contract provides an annual budget process where each Participant District submits its budget for approval by the Master District. So long as a Participant District's expenses are no more than ten percent higher than the average of the budgets for Participant Districts Nos. 2-11, the budget must be approved by the Master District. In addition, the District may levy its own maintenance tax to pay such expenses. However, because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to have any revenues from water and sanitary sewer operations to pay its operation and expenses.

No Water and Sanitary Sewer Revenues

Because the Master District provides retail water and sanitary sewer service to all customers in the area within all eleven Participant Districts, including the District, the District does not expect to have any revenues from water and sanitary sewer operations to pay its operation and maintenance expenses.

Operating Statement

The following statement sets forth in condensed form the historical results of operation of the District's General Fund. Accounting principles customarily employed in the determination of net revenues have been observed and in all instances exclude depreciation. Such summary is based upon information obtained from the District's audited financial statements and the District's bookkeeping records. Reference is made to such statements and records for further and more complete information.

Fiscal Year Ended September 30,		
	2021	2020
Revenues:		
Transfer From Master District	\$ 70,432	\$ 62,760
Property Taxes	62,913	13,786
Contract Taxes	39,662	8,691
Interest	113	489
Total Revenues	<u>\$ 173,120</u>	<u>\$ 85,726</u>
Expenditures:		
Tax Transfer to Master District	\$ 39,662	\$ 8,691
Legal Fees	18,440	13,271
Audit Fees	4,000	-
Accounting Fees	20,554	21,945
Engineering Fees	4,988	4,795
Management Fees	9,287	8,918
Director Salaries and Payroll Taxes	7,589	8,720
Insurance	1,358	1,365
Tax Assessor/Collector	1,722	307
Printing and Office Supplies	850	394
Postage and Delivery	239	236
Legal Notices	1,040	1,457
Travel	365	1,352
Total Expenditures	<u>\$ 110,094</u>	<u>\$ 71,451</u>
Transfer (to) Other Funds	<u>-</u>	<u>-</u>
Change in Net Position	<u>\$ 63,026</u>	<u>\$ 14,275</u>
Fund Balance/Net Position - Beginning	<u>74,879</u>	<u>60,604</u>
Fund Balance/Net Position - Ending	<u><u>\$ 137,905</u></u>	<u><u>\$ 74,879</u></u>

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PRO-FORMA DEBT SERVICE REQUIREMENTS ⁽¹⁾

Fiscal Year Ending, 30-Sep	Outstanding Debt Service	The Bonds			Total Debt Service
		Principal	Interest	Total	
2022	\$ 139,393	\$ -	\$ -	\$ -	\$ 139,393
2023	349,533	145,000	242,100	387,100	736,633
2024	350,258	150,000	235,575	385,575	735,833
2025	350,864	160,000	228,825	388,825	739,689
2026	356,351	160,000	221,625	381,625	737,976
2027	356,601	165,000	214,425	379,425	736,026
2028	361,733	170,000	207,000	377,000	738,733
2029	366,626	170,000	199,350	369,350	735,976
2030	371,283	175,000	191,700	366,700	737,983
2031	375,701	180,000	183,825	363,825	739,526
2032	379,883	180,000	175,725	355,725	735,608
2033	383,826	185,000	167,625	352,625	736,451
2034	387,533	190,000	159,300	349,300	736,833
2035	391,001	195,000	150,750	345,750	736,751
2036	394,233	200,000	141,975	341,975	736,208
2037	397,226	210,000	132,975	342,975	740,201
2038	404,983	210,000	123,525	333,525	738,508
2039	412,383	210,000	114,075	324,075	736,458
2040	414,008	220,000	104,625	324,625	738,633
2041	420,383	225,000	94,725	319,725	740,108
2042	426,383	225,000	84,600	309,600	735,983
2043	432,008	230,000	74,475	304,475	736,483
2044	437,258	235,000	64,125	299,125	736,383
2045	441,930	240,000	53,550	293,550	735,480
2046	451,220	245,000	42,750	287,750	738,970
2047	-	705,000	31,725	736,725	736,725
Total	<u>\$ 9,552,596</u>	<u>\$ 5,380,000</u>	<u>\$ 3,640,950</u>	<u>\$ 9,020,950</u>	<u>\$ 18,573,546</u>
Average Annual Debt Service (2022-2047).					
					\$ 714,367
Maximum Annual Debt Service (2037).					
					\$ 740,201

(1) Preliminary, subject to change. Interest on the Bonds calculated at a rate of 4.50% for purposes of illustration only.

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LEGAL MATTERS

Legal Proceedings

Issuance of the Bonds is subject to the approving legal opinion of the Attorney General of Texas to the effect that the Bonds are valid and binding obligations of the District payable from the proceeds of an annual ad valorem tax levied, without legal limit as to rate or amount, upon all taxable property within the District. Issuance of the Bonds is also subject to the legal opinion of McCall, Parkhurst & Horton L.L.P. ("Bond Counsel"), based upon examination of a transcript of the proceedings incident to authorization and issuance of the Bonds, to the effect that the Bonds are valid and binding obligations of the District payable from the sources and enforceable in accordance with the terms and conditions described therein, except to the extent that the enforceability thereof may be affected by governmental immunity, bankruptcy, insolvency, reorganization, moratorium, or other similar laws affecting creditors' rights or the exercise of judicial discretion in accordance with general principles of equity. Bond Counsel's legal opinion will also address the matters described below under "TAX EXEMPTION". Such opinions will express no opinion with respect to the sufficiency of the security for or the marketability of the Bonds. In connection with the issuance of the Bonds, Bond Counsel has been engaged by, and only represents, the District.

The legal fees to be paid Bond Counsel for services rendered in connection with the issuance of the Bonds are based upon a percentage of Bonds actually issued, sold and delivered, and therefore, such fees are contingent upon the sale and delivery of the Bonds.

The various legal opinions to be delivered concurrently with the delivery of the Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. In rendering a legal opinion, the attorney does not become an insurer or guarantor of the expression of professional judgment, of the transaction opined upon, or of the future performance of the parties to the transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

Bond Counsel has reviewed the information appearing in this Official Statement under "THE BONDS," "THE DISTRICT – General" (excluding the last paragraph thereof), "MANAGEMENT – Bond Counsel," "TAX PROCEDURES," "LEGAL MATTERS – Legal Proceedings" (insofar as such section relates to the legal opinion of Bond Counsel), and "TAX EXEMPTION" (insofar as such section relates to the legal opinion of Bond Counsel) and "CONTINUING DISCLOSURE OF INFORMATION" (except under the subheading "Compliance with Prior Undertakings") solely to determine if such information, insofar as it relates to matters of law, is true and correct, and whether such information fairly summarizes the provisions of the documents referred to therein. Bond Counsel has not, however, independently verified any of the factual information contained in this Official Statement nor has it conducted an investigation of the affairs of the District for the purpose of passing upon the accuracy or completeness of this Official Statement. No person is entitled to rely upon Bond Counsel's limited participation as an assumption of responsibility for or an expression of opinion of any kind with regard to the accuracy or completeness of any information contained herein.

No Material Adverse Change

The obligations of the Initial Purchaser to take and pay for the Bonds, and of the District to deliver the Bonds, are subject to the condition that, up to the time of delivery of and receipt of payment for the Bonds, there shall have been no material adverse change in the financial condition of the District from that set forth or contemplated in the Preliminary Official Statement as amended or supplemented through the date of sale.

No-Litigation Certificate

The District will furnish the Initial Purchaser a certificate, executed by both the President and Secretary of the Board, and dated as of the date of delivery of the Bonds, to the effect that no litigation of any nature is pending, or to its knowledge threatened, either in state or federal courts, contesting or attacking the Bonds; restraining or enjoining the levy, assessment and collection of ad valorem taxes to pay the interest or the principal of the Bonds; in any manner questioning the authority or proceedings for the issuance, execution or delivery of the Bonds; or affecting the validity of the Bonds or the title of the present officers of the District.

TAX EXEMPTION

Opinion

On the date of initial delivery of the Bonds, Bond Counsel will render its opinion that, in accordance with statutes, regulations, published rulings and court decisions existing on the date thereof (“Existing Law”), (1) interest on the Bonds for federal income tax purposes will be excludable from the “gross income” of the holders thereof and (2) the Bonds will not be treated as “specified private activity bonds” the interest on which would be included as an alternative minimum tax preference item under section 57(a)(5) of the Internal Revenue Code of 1986 (the “Code”). Except as stated above, Bond Counsel to the District will express no opinion as to any other federal, state or local tax consequences of the purchase, ownership or disposition of the Bonds. See “APPENDIX B – Form of Bond Counsel’s Opinion.”

In rendering its opinion, Bond Counsel to the District will rely upon (a) the District's federal tax certificate and (b) covenants of the District with respect to arbitrage, the application of the proceeds to be received from the issuance and sale of the Bonds and certain other matters. Failure of the District to comply with these representations or covenants could cause the interest on the Bonds to become includable in gross income retroactively to the date of issuance of the Bonds.

The Code and the regulations promulgated thereunder contain a number of requirements that must be satisfied subsequent to the issuance of the Bonds in order for interest on the Bonds to be, and to remain, excludable from gross income for federal income tax purposes. Failure to comply with such requirements may cause interest on the Bonds to be included in gross income retroactively to the date of issuance of the Bonds. The opinion of Bond Counsel is conditioned on compliance by the District with the covenants and the requirements described in the preceding paragraph, and Bond Counsel has not been retained to monitor compliance with these requirements subsequent to the issuance of the Bonds.

Bond Counsel's opinion represents its legal judgment based upon its review of Existing Law and the reliance on the aforementioned information, representations and covenants. Bond Counsel's opinion is not a guarantee of a result. The Existing Law is subject to change by the Congress and to subsequent judicial and administrative interpretation by the courts and the Department of the Treasury. There can be no assurance that such Existing Law or the interpretation thereof will not be changed in a manner which would adversely affect the tax treatment of the purchase, ownership or disposition of the Bonds.

A ruling was not sought from the Internal Revenue Service by the District with respect to the Bonds or the facilities financed or refinanced with the proceeds of the Bonds. Bond Counsel’s opinion represents its legal judgment based upon its review of Existing Law and the representations of the District that it deems relevant to render such opinion and is not a guarantee of a result. No assurances can be given as to whether the Internal Revenue Service will commence an audit of the Bonds, or as to whether the Internal Revenue Service would agree with the opinion of Bond Counsel. If an audit is commenced, under current procedures the Internal Revenue Service is likely to treat the District as the taxpayer and the Bondholders may have no right to participate in such procedure. No additional interest will be paid upon any determination of taxability.

Federal Income Tax Accounting Treatment of Original Issue Discount

The initial public offering price to be paid for one or more maturities of the Bonds may be less than the principal amount thereof or one or more periods for the payment of interest on the Bonds may not be equal to the accrual period or be in excess of one year (the “Original Issue Discount Bonds”). In such event, the difference between (i) the “stated redemption price at maturity” of each Original Issue Discount Bond, and (ii) the initial offering price to the public of such Original Issue Discount Bond would constitute original issue discount. The “stated redemption price at maturity” means the sum of all payments to be made on the Bonds less the amount of all periodic interest payments. Periodic interest payments are payments which are made during equal accrual periods (or during any unequal period if it is the initial or final period) and which are made during accrual periods which do not exceed one year.

Under Existing Law, any owner who has purchased such Original Issue Discount Bond in the initial public offering is entitled to exclude from gross income (as defined in section 61 of the Code) an amount of income with respect to such Original Issue Discount Bond equal to that portion of the amount of such original issue discount allocable to the accrual period. For a discussion of certain collateral federal tax consequences, see discussion set forth below.

In the event of the redemption, sale or other taxable disposition of such Original Issue Discount Bond prior to stated maturity, however, the amount realized by such owner in excess of the basis of such Original Issue Discount Bond in the hands of such owner (adjusted upward by the portion of the original issue discount allocable to the period for which such Original Issue Discount Bond was held by such initial owner) is includable in gross income.

Under Existing Law, the original issue discount on each Original Issue Discount Bond is accrued daily to the stated maturity thereof (in amounts calculated as described below for each six-month period ending on the date before the semiannual anniversary dates of the date of the Bonds and ratably within each such six-month period) and the accrued amount is added to an initial owner's basis for such Original Issue Discount Bond for purposes of determining the amount of gain or loss recognized by such owner upon the redemption, sale or other disposition thereof. The amount to be added to basis for each accrual period is equal to (a) the sum of the issue price and the amount of original issue discount accrued in prior periods multiplied by the yield to stated maturity (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period) less (b) the amounts payable as current interest during such accrual period on such Original Issue Discount Bond.

The federal income tax consequences of the purchase, ownership, redemption, sale or other disposition of Original Issue Discount Bonds which are not purchased in the initial offering at the initial offering price may be determined according to rules which differ from those described above. All owners of Original Issue Discount Bonds should consult their own tax advisors with respect to the determination for federal, state and local income tax purposes of the treatment of interest accrued upon redemption, sale or other disposition of such Original Issue Discount Bonds and with respect to the federal, state, local and foreign tax consequences of the purchase, ownership, redemption, sale or other disposition of such Original Issue Discount Bonds.

Collateral Federal Income Tax Consequences

The following discussion is a summary of certain collateral federal income tax consequences resulting from the purchase, ownership or disposition of the Bonds. This discussion is based on Existing Law, which is subject to change or modification, retroactively.

The following discussion is applicable to investors, other than those who are subject to special provisions of the Code, such as financial institutions, property and casualty insurance companies, life insurance companies, individual recipients of Social Security or Railroad Retirement benefits, individuals allowed an earned income credit, certain S corporations with Subchapter C earnings and profits, foreign corporations subject to the branch profits tax, taxpayers qualifying for the health insurance premium assistance credit, and taxpayers who may be deemed to have incurred or continued indebtedness to purchase tax-exempt obligations.

THE DISCUSSION CONTAINED HEREIN MAY NOT BE EXHAUSTIVE. INVESTORS, INCLUDING THOSE WHO ARE SUBJECT TO SPECIAL PROVISIONS OF THE CODE, SHOULD CONSULT THEIR OWN TAX ADVISORS AS TO THE TAX TREATMENT WHICH MAY BE ANTICIPATED TO RESULT FROM THE PURCHASE, OWNERSHIP AND DISPOSITION OF TAX-EXEMPT OBLIGATIONS BEFORE DETERMINING WHETHER TO PURCHASE THE Bonds.

Under section 6012 of the Code, holders of tax-exempt obligations, such as the Bonds, may be required to disclose interest received or accrued during each taxable year on their returns of federal income taxation.

Section 1276 of the Code provides for ordinary income tax treatment of gain recognized upon the disposition of a tax-exempt obligation, such as the Bonds, if such obligation was acquired at a "market discount" and if the fixed maturity of such obligation is equal to, or exceeds, one year from the date of issue. Such treatment applies to "market discount Bonds" to the extent such gain does not exceed the accrued market discount of such Bonds; although for this purpose, a de minimis amount of market discount is ignored. A "market discount bond" is one which is acquired by the holder at a purchase price which is less than the stated redemption price at maturity or, in the case of a bond issued at an original issue discount, the "revised issue price" (i.e., the issue price plus accrued original issue discount). The "accrued market discount" is the amount which bears the same ratio to the market discount as the number of days during which the holder holds the obligation bears to the number of days between the acquisition date and the final maturity date.

State, Local and Foreign Taxes

Investors should consult their own tax advisors concerning the tax implications of the purchase, ownership or disposition of the Bonds under applicable state or local laws. Foreign investors should also consult their own tax advisors regarding the tax consequences unique to investors who are not United States persons.

Information Reporting and Backup Withholding

Subject to certain exceptions, information reports describing interest income, including original issue discount, with respect to the Bonds will be sent to each registered holder and to the IRS. Payments of interest and principal may be subject to backup withholding under section 3406 of the Code if a recipient of the payments fails to furnish to the payor such owner's social security number or other taxpayer identification number ("TIN"), furnishes an incorrect TIN, or otherwise fails to establish an exemption from the backup withholding tax. Any amounts so withheld would be allowed as a credit against the recipient's federal income tax. Special rules apply to partnerships, estates and trusts, and in certain circumstances, and in respect of Non-U.S. Holders, certifications as to foreign status and other matters may be required to be provided by partners and beneficiaries thereof.

Future and Proposed Legislation

Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the Federal or state level, may adversely affect the tax-exempt status of interest on the Bonds under Federal or state law and could affect the market price or marketability of the Bonds. Any such proposal could limit the value of certain deductions and exclusions, including the exclusion for tax-exempt interest. The likelihood of any such proposal being enacted cannot be predicted. Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

Qualified Tax-Exempt Obligations for Financial Institutions

Section 265(a) of the Code provides, in pertinent part, that interest paid or incurred by a taxpayer, including a “financial institution,” on indebtedness incurred or continued to purchase or carry tax-exempt obligations is not deductible in determining the taxpayer’s taxable income. Section 265(b) of the Code provides an exception to the disallowance of such deduction for any interest expense paid or incurred on indebtedness of a taxpayer that is a “financial institution” allocable to tax-exempt obligations, other than “private activity bonds,” that are designated by a “qualified small issuer” as “qualified tax-exempt obligations.” A “qualified small issuer” is any governmental issuer (together with any “on-behalf of” and “subordinate” issuers) who issues no more than \$10,000,000 of tax-exempt obligations during the calendar year. Section 265(b)(5) of the Code defines the term “financial institution” as any “bank” described in section 585(a)(2) of the Code, or any person accepting deposits from the public in the ordinary course of such person’s trade or business that is subject to federal or state supervision as a financial institution. Notwithstanding the exception to the disallowance of the deduction of interest on indebtedness related to “qualified tax-exempt obligations” provided by section 265(b) of the Code, section 291 of the Code provides that the allowable deduction to a “bank”, as defined in section 585(a)(2) of the Code, for interest on indebtedness incurred or continued to purchase “qualified tax-exempt obligations” shall be reduced by twenty-percent (20%) as a “financial institution preference item.”

The District expects to designate the Bonds as “qualified tax-exempt obligations” within the meaning of section 265(b) of the Code. In furtherance of that designation, the District will covenant to take such action that would assure, or to refrain from such action that would adversely affect, the treatment of the Bonds as “qualified tax-exempt obligations”. **Potential purchasers should be aware that if the issue price to the public exceeds \$10,000,000, there is a reasonable basis to conclude that the payment of a de minimis amount of premium in excess of \$10,000,000 is disregarded; however the Internal Revenue Service could take a contrary view. If the Internal Revenue Service takes the position that the amount of such premium is not disregarded, then such obligations might fail to satisfy the \$10,000,000 limitation and the Bonds would not be “qualified tax-exempt obligations.”**

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SALE AND DISTRIBUTION OF THE BONDS

Award of the Bonds

After requesting competitive bids for the Bonds, the District accepted the bid resulting in the lowest net interest cost, which bid was tendered by _____ (the “Initial Purchaser”) bearing the interest rates shown on the cover page hereof, at a price of _____% of the principal amount thereof which resulted in a net effective interest rate of _____% as calculated pursuant to Chapter 1204 of the Texas Government Code, as amended.

Prices and Marketability

The delivery of the Bonds is conditioned upon the receipt by the District of a certificate executed and delivered by the Initial Purchaser on or before the date of delivery of the Bonds stating the prices at which the Bonds have been offered for sale to the public. For this purpose, the term “public” shall not include any person who is a bond house, broker, or similar person acting in the capacity of initial purchaser or wholesaler. Otherwise, the District has no understanding with the Initial Purchaser regarding the reoffering yields or prices of the Bonds. Information concerning reoffering yields or prices is the responsibility of the Initial Purchaser.

The prices and other terms with respect to the offering and sale of the Bonds may be changed at any time by the Initial Purchaser after the Bonds are released for sale, and the Bonds may be offered and sold at prices other than the initial offering prices, including sales to dealers who may sell the Bonds into investment accounts. In connection with the offering of the Bonds, the Initial Purchaser may over-allot or effect transactions that stabilize or maintain the market prices of the Bonds at levels above those that might otherwise prevail in the open market. Such stabilizing, if commenced, may be discontinued at any time.

The District has no control over trading of the Bonds in the secondary market. Moreover, there is no guarantee that a secondary market will be made in the Bonds. In such a secondary market, the difference between the bid and asked price of utility district bonds may be greater than the difference between the bid and asked price of bonds of comparable maturity and quality issued by more traditional municipal entities, as bonds of such entities are more generally bought, sold, or traded in the secondary market. Additionally, there are no assurances that if a secondary market for the Bonds were to develop, that any such secondary market would not be disrupted by events including, but not limited to, the current pandemic associated with the COVID-19 virus. See “RISK FACTORS – Infectious Disease Outbreak (COVID-19).”

Securities Laws

No registration statement relating to the offer and sale of the Bonds has been filed with the United States Securities and Exchange Commission under the Securities Act of 1933, as amended, in reliance upon the exemptions provided thereunder. The Bonds have not been registered or qualified under the Securities Act of Texas in reliance upon various exemptions contained therein; nor have the Bonds been registered or qualified under the securities laws of any other jurisdiction. The District assumes no responsibility for registration or qualification of the Bonds under the securities laws of any other jurisdiction in which the Bonds may be offered, sold or otherwise transferred. This disclaimer of responsibility for registration or qualification for sale or other disposition of the Bonds shall not be construed as an interpretation of any kind with regard to the availability of any exemption from securities registration or qualification provisions in such other jurisdiction.

Ratings and Bond Insurance

No application for a rating on the Bonds has been made.

Application has been made to municipal bond insurance companies for the qualification of the Bonds for municipal bond insurance. If qualified, such insurance will be available at the option and expense of the Initial Purchaser.

PREPARATION OF OFFICIAL STATEMENT

Sources and Compilation of Information

The financial data and other information contained in this Official Statement has been obtained primarily from the District's records, the Developer, the Engineer, the Tax Assessor/Collector, the Appraisal District and information from certain other sources. All of these sources are believed to be reliable, but no guarantee is made by the District as to the accuracy or completeness of the information derived from sources other than the District, and its inclusion herein is not to be construed as a representation on the part of the District except as described below under “Certification of Official Statement.” Furthermore, there is no guarantee that any of the assumptions or estimates contained herein will be realized. The summaries of the agreements, reports, statutes,

resolutions, engineering and other related information set forth in this Official Statement are included herein subject to all of the provisions of such documents. These summaries do not purport to be complete statements of such provisions, and reference is made to such documents for further information.

Financial Advisor

Hilltop Securities, Inc., (“HilltopSecurities”) is employed as the Financial Advisor to the District to render certain professional services, including advising the District on a plan of financing and preparing the Official Statement. In its capacity as Financial Advisor, HilltopSecurities has compiled and edited this Official Statement. In addition to compiling and editing, the Financial Advisor has obtained the information set forth herein under the caption indicated from the following sources:

“THE DISTRICT” – the Developer; TRE & Associates, LLC (“Engineer”), and records of the District (“Records”); “THE DEVELOPER” - Developer; “THE SYSTEM” - Engineer; “UNLIMITED TAX BONDS AUTHORIZED BUT UNISSUED” - Records; “FINANCIAL STATEMENT” - District records; “ESTIMATED OVERLAPPING DEBT STATEMENT” - Municipal Advisory Council of Texas and Financial Advisor; “TAX DATA” - City of El Paso Tax Assessor/Collector; “MANAGEMENT” - District General Counsel; “PRO-FORMA DEBT SERVICE REQUIREMENTS” - Financial Advisor; “THE BONDS,” “LEGAL MATTERS,” and “TAX EXEMPTION” - McCall, Parkhurst & Horton, L.L.P.

The Financial Advisor has provided the following sentence for inclusion in this official statement. The Financial Advisor has reviewed the information in this official statement in accordance with, and as part of, its responsibilities to the District and, as applicable, to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Financial Advisor does not guarantee the accuracy or completeness of such information.

Consultants

In approving this Official Statement the District has relied upon the following consultants.

Engineer: The information contained in this Official Statement relating to engineering matters and to the description of the System and in particular that information included in the sections entitled “THE DISTRICT” and “THE SYSTEM” has been provided by TRE & Associates, LLC, Consulting Engineers, and has been included herein in reliance upon the authority of said firm as experts in the field of civil engineering.

Appraisal District: The information contained in this Official Statement relating to the assessed valuations has been provided by the El Paso Central Appraisal District and has been included herein in reliance upon the authority of such entity as experts in assessing the values of property in El Paso County, including the District.

Tax Assessor/Collector: The information contained in this Official Statement relating to the historical breakdown of the Assessed Valuations, principal taxpayers, and certain other historical data concerning tax rates and tax collections has been provided by the El Paso Central Appraisal District and the City of El Paso Tax Assessor/Collector and is included herein in reliance upon their respective authority as experts in assessing and collecting taxes.

Auditor: The District’s financial statements for the fiscal year ending September 30, 2021 have been audited by West, Davis & Company, LLP. See “APPENDIX A” for a copy of the District’s September 30, 2021, audited financial statements.

Updating the Official Statement

If, subsequent to the date of the Official Statement, the District learns, through the ordinary course of business and without undertaking any investigation or examination for such purposes, or is notified by the Initial Purchaser, of any adverse event which causes the Official Statement to be materially misleading, and unless the Initial Purchaser elects to terminate its obligation to purchase the Bonds, the District will promptly prepare and supply to the Initial Purchaser an appropriate amendment or supplement to the Official Statement satisfactory to the Initial Purchaser; provided, however, that the obligation of the District to so amend or supplement the Official Statement will terminate when the District delivers the Bonds to the Initial Purchaser, unless the Initial Purchaser notifies the District on or before such date that less than all of the Bonds have been sold to ultimate customers, in which case the District's obligations hereunder will extend for an additional period of time as required by law (but not more than 90 days after the date the District delivers the Bonds).

Certification of Official Statement

The District, acting through its Board of Directors in its official capacity, hereby certifies, as of the date hereof, that the information, statements, and descriptions or any addenda, supplement and amendment thereto pertaining to the District and its affairs contained herein, to the best of its knowledge and belief, contain no untrue statement of a material fact and do not omit to state any material fact necessary to make the statements herein, in light of the circumstances under which they are made, not misleading. With respect to information included in this Official Statement other than that relating to the District, the District has no reason to believe that such information contains any untrue statement of a material fact or omits to state any material fact necessary to make the statements herein, in the light of the circumstances under which they are made, not misleading; however, the Board has made no independent investigation as to the accuracy or completeness of the information derived from sources other than the District. In rendering such certificate, the official executing this certificate may state that he has relied in part on his examination of records of the District relating to matters within his own area of responsibility, and his discussions with, or certificates or correspondence signed by, certain other officials, employees, consultants and representatives of the District.

Official Statement “Deemed Final”

For purposes of compliance with Rule 15c2-12, this document, as the same may be supplemental or corrected by the District from time-to-time, may be treated as an official statement with respect to the Bonds described herein “deemed final” by the District as of the date hereof (or of any such supplement or correction).

The Official Statement, when further supplemented by adding information specifying the interest rates and certain other information relating to the Bonds, shall constitute a “final official statement” of the District with respect to the Bonds as that term is defined in Rule 15c2-12.

CONTINUING DISCLOSURE OF INFORMATION

The District in the Bond Resolution made the following agreement for the benefit of the holders and beneficial owners of the Bonds. The District is required to observe the agreement for so long as it remains obligated to advance funds to pay the Bonds. Under the agreement, the District has agreed to provide or cause to be provided certain updated financial information and operating data annually, and timely notice of specified material events, to the Municipal Securities Rulemaking Board (“MSRB”) or to any successor to its functions as a repository through its Electronic Municipal Market Access (“EMMA”) system.

Annual Reports

The District will provide certain financial information and operating data annually to the MSRB. The financial information and operating data which will be provided with respect to the District will be the District’s audited financial statements and supplemental schedules as found in “APPENDIX A - District Audited Financial Statements for Fiscal Year Ended September 30, 2021.” The District will update and provide this information within six months after the end of each of its fiscal years. The District will provide the updated information to the MSRB or any successor to its functions as a repository through the EMMA system. Any information concerning the District so provided shall be prepared in accordance with generally accepted auditing standards or other such principles as the District may be required to employ from time to time pursuant to state law or regulation, and audited if the audit report is completed within the period during which it must be provided. If the audit report of the District is not complete within such period, then the District shall provide unaudited financial statements for the applicable fiscal year to the MSRB within such six month period, and audited financial statements when the audit report becomes available.

The District's current fiscal year end is September 30. Accordingly, it must provide updated information by March 31 in each year, unless the District changes its fiscal year. If the District changes its fiscal year, it will notify the MSRB of the change.

Notice of Certain Events

The District will provide timely notices of certain events to the MSRB, but in no event will such notices be provided to the MSRB in excess of ten business days after the occurrence of an event. The District will provide notice of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of Beneficial Owners of the Bonds, if material; (8) bond calls, if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the District or other obligated person within the meaning of Rule 15c2-

12; (13) consummation of a merger, consolidation, or acquisition involving the District or other obligated person within the meaning of the Rule or the sale of all or substantially all of the assets of the District or other obligated person within the meaning of the Rule, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of an definitive agreement relating to any such actions, other than pursuant to its terms, if material; (14) appointment of a successor or additional trustee or the change of name of a trustee, if material; (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For these purposes, any event described in clause (12) of the immediately preceding paragraph is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer of the District in a proceeding under the United States Bankruptcy Court or in any other proceeding under state or federal law in which a court of governmental authority has assumed jurisdiction over substantially all of the assets or business of the District, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the District in possession but subject to the supervision and orders of a court of governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the District.

For the purposes of the events described in clauses (15) and (16) of the preceding paragraph, the term “Financial Obligation” is defined in the Bond Resolution to mean (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, and existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “Financial Obligation” shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule. The Bond Resolution further provides that the District intends the words in such clauses (15) and (16) in the preceding paragraph and in the definition of Financial Obligation to have the meanings ascribed to them in SEC Release No. 34-83885 dated August 29, 2018.

The District will provide notice of the aforementioned events to the MSRB in a timely manner (but not in excess of ten business days after the occurrence of the event). The District will also provide timely notice of any failure by the District to provide annual financial information in accordance with its agreement described above under “Annual Reports.”

Availability of Information from MSRB

The District has agreed to provide the foregoing information only to the MSRB. The MSRB makes the information available to the public without charge through its EMMA internet portal at www.emma.msrb.org.

Limitations and Amendments

The District has agreed to update information and to provide notices of material events only as described above. The District has not agreed to provide other information that may be relevant or material to a complete presentation of its financial results of operations, condition, or prospects or agreed to update any information that is provided, except as described above. The District makes no representation or warranty concerning such information or concerning its usefulness to a decision to invest in or sell Bonds at any future date. The District disclaims any contractual or tort liability for damages resulting in whole or in part from any breach of its continuing disclosure agreement or from any statement made pursuant to its agreement, although holders or beneficial owners of Bonds may seek a writ of mandamus to compel the District to comply with its agreement.

The District may amend its continuing disclosure agreement from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the District, but only if the agreement, as amended, would have permitted an initial purchaser to purchase or sell Bonds in the offering made hereby in compliance with Rule 15c2-12, taking into account any amendments or interpretations of Rule 15c2-12 to the date of such amendment, as well as such changed circumstances, and either the holders of a majority in aggregate principal amount of the outstanding Bonds consent to the amendment or any person unaffiliated with the District (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The District may also amend or repeal the agreement in the Bond Resolution if the SEC amends or repeals the applicable provisions of Rule 15c2-12 or a court of final jurisdiction determines that such provisions are invalid or unenforceable, but only to the extent that its right to do so would not prevent the Initial Purchaser from lawfully purchasing the Bonds in the offering described herein.

If the District so amends the agreement, it has agreed to include with any financial information or operating data next provided in accordance with its agreement described above under “Annual Reports” an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information and operating data so provided.

Compliance with Prior Undertakings

In 2021, the District entered into an agreement to provide annual financial information consisting of its audits and supplemental schedules pursuant to Section (d)(2) of Rule 15c2-12, beginning with such information for the fiscal year ended September 30, 2021. The District has complied in all material respects with such agreement.

MISCELLANEOUS

All estimates, statements and assumptions in this Official Statement and the Appendix hereto have been made on the basis of the best information available and are believed to be reliable and accurate. Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact, and no representation is made that any such statements will be realized.

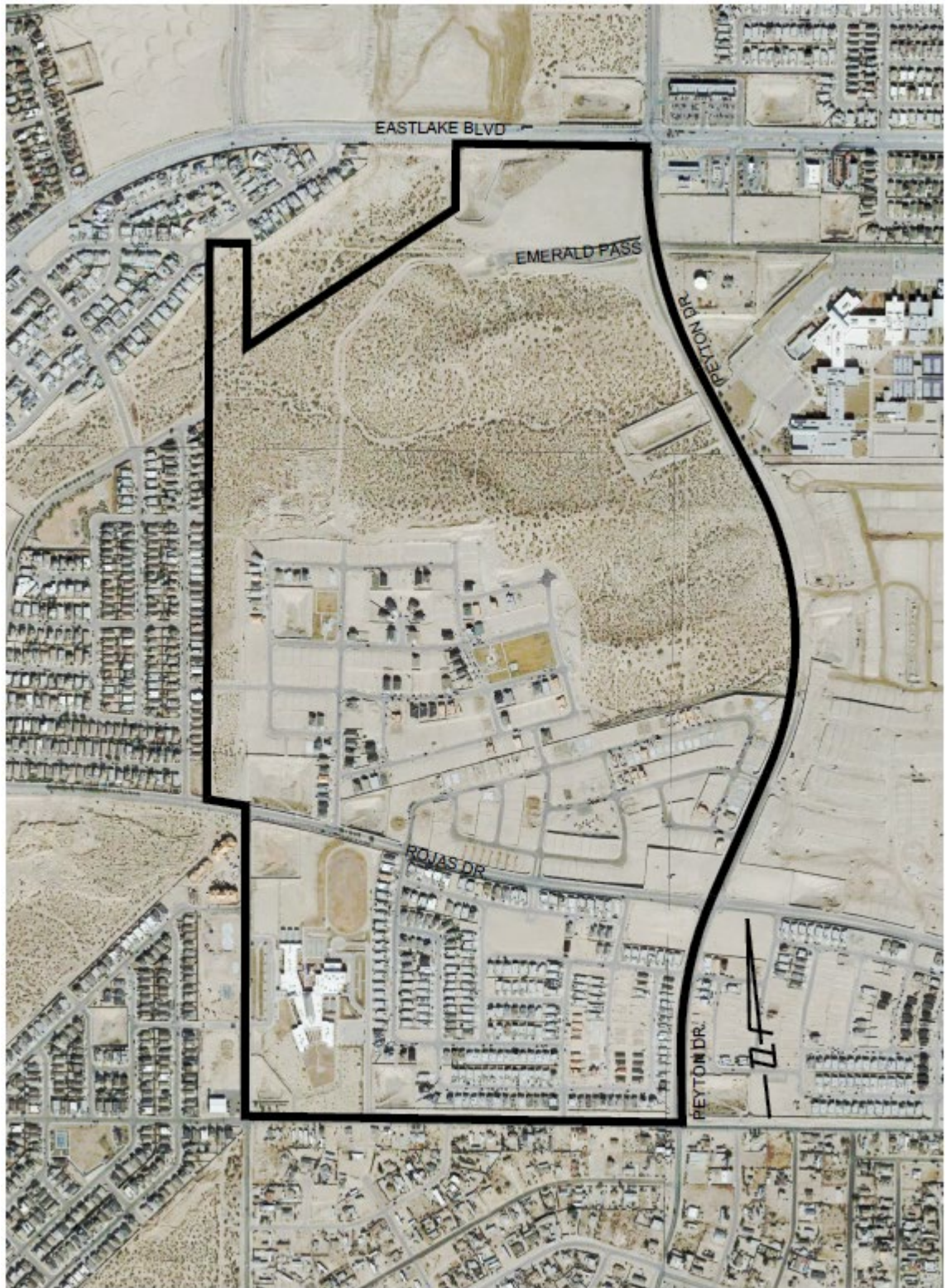
This Official Statement was approved by the Board of Directors of Paseo del Este Municipal Utility District No. 6, as of the date shown on the cover page.

/s/ _____
President, Board of Directors
Paseo del Este Municipal Utility District No. 6

ATTEST:

/s/ _____
Secretary, Board of Directors
Paseo del Este Municipal Utility District No. 6

AERIAL PHOTOGRAPH
(Approximate boundaries)



PHOTOGRAPHS

The following photographs were taken in the District on May 16, 2022, solely to illustrate the type of improvements which have been constructed in the District. The District cannot predict if any additional improvements will be constructed in the future.





APPENDIX A

District Audited Financial Statements for the fiscal year ended September 30, 2021

APPENDIX B

Form of Bond Counsel's Opinion



Contact:

Maria Fernanda Urbina

Managing Director

221 North Kansas

Suite 600

El Paso, TX 79901

Telephone: 915.351.7228

maria.urbina@hilltopsecurities.com

City Summary

Paseo del Este Municipal Utility District No. 6

Introduction

- On December 2, 2002, the City of El Paso approved a resolution consenting to the creation of Paseo Del Este Municipal Utility Districts No. 1-9 in the City of El Paso's Extraterritorial Jurisdiction for the purpose of providing water and wastewater facilities for the land within those Districts.
- Paseo Del Este MUD No. 6, a political subdivision of the State of Texas, is located in El Paso County (the "District No. 6"), was created by division of Paseo del Este Municipal Utility District (the "Original District") pursuant to a division order adopted by the Original District on July 8, 2003, and operates pursuant to Chapter 443, Acts of the Texas Legislature, Regular Session, 1997 (the "Act") and Chapters 49 and 54, Texas Water Code.
- The District No. 6 and nine other districts in the Paseo del Este development in eastern El Paso County known as Paseo del Este MUD Nos. 2, 3, 4, 5, 7, 8, 9, 10, and 11 have entered into a contract with the Master District (MUD No. 1) to coordinate the development of water, wastewater, and drainage facilities to serve the area within all the Paseo del Este Districts.
- The District No. 6 presently contains approximately 383.317 acres of land located in the Southeast portion of El Paso County approximately 15 miles east of the central area of the City of El Paso, Texas, including the approximately 17.66 acres that were annexed by the District in March of 2022. At ultimate development, the District is projected to serve 1,730 Equivalent Single Family Connections.

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Project Summary

- District No. 6, a political subdivision of the State of Texas, is located in El Paso County.
 - Bonds will be payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District No. 6. The Bonds are obligations of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any political subdivision or agency other than the District No. 6.
 - The District has previously issued its \$6,950,000 Unlimited Tax Bonds, Series 2021, of which \$6,950,000 remains outstanding.
 - As of April 5, 2022, District No. 6 had a total of 677 connections and according to an El Paso Central Appraisal District certificate, has an estimated taxable assessed value of \$146,662,200.

Financing Summary

- District No. 6, a political subdivision of the State of Texas, is located in El Paso County.
 - Expected total annual debt service for the proposed bond of \$5,380,000 is approximately \$346,960 for the life of the District's debt.
 - The District's Overall Tax Rate should not exceed \$0.75/\$100 for Tax Year 2022.
 - Bonds will be payable from an annual ad valorem tax, without legal limitation as to rate or amount, levied upon all taxable property within the District No. 6. The Bonds are obligations of the District and are not obligations of the State of Texas, El Paso County, the City of El Paso or any political subdivision or agency other than the District No. 6.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-744, 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 Strategic Communications, Laura Cruz-Acosta, (915) 212-1071

AGENDA LANGUAGE:

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

Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

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

DEPARTMENT: Office of Strategic Communications

AGENDA DATE: June 22, 2022

PUBLIC HEARING DATE: N/A

CONTACT PERSON NAME AND PHONE NUMBER: Laura Cruz-Acosta, (915) 212-1071

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:

Presentation of, and discussion and action on, the recommendations of the Ad Hoc Charter Advisory Committee.

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?

A Resolution creating the 2022 Ad Hoc Charter Advisory Committee was approved by City Council on January 18, 2022. The Committee reviewed recommendations submitted by City Council and considered public input regarding potential amendments to the City Charter.

PRIOR COUNCIL ACTION:

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

The Ad Hoc Charter Advisory Committee was previously convened in 2018 and 2015 for Charter various amendment elections.

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.

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

DEPARTMENT HEAD:

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



Legislation Text

File #: 22-692, Version: 1

CITY OF EL PASO, TEXAS
LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

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

District 3

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

Purchasing and Strategic Sourcing, Claudia Garcia, (915) 212-1218

AGENDA LANGUAGE:

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

Discussion and action on Sunglow and Lockheed Median Improvements Solicitation 2021-1339 Landscape Maintenance Agreement between the City of El Paso ("City") and the Texas Department of Transportation to maintain specified landscape improvements on the Lockheed Drive/Sunglow Way Median Improvement project, located next to US 62/180 (Montana Avenue).

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

AGENDA DATE: June 7, 2022
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
Claudia A. Garcia, Interim Director of Purchasing & Strategic Sourcing, (915) 212-
1218

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: No. 7 – Enhance and Sustain El Paso's Infrastructure Network
SUBGOAL: 7.2 – Improve competitiveness through infrastructure improvements impacting the
quality of life

SUBJECT:

Discussion and action on Sunglow and Lockheed Median Improvements solicitation 2021-1339 Landscape
Maintenance Agreement between the City of El Paso ("City") and the Texas Department of Transportation to
maintain specified landscape improvements on the Lockheed Drive/Sunglow Way Median Improvement project,
located next to US 62/180 (Montana Avenue).

BACKGROUND / DISCUSSION:

This project consists of the maintenance improvements on median improvements along Sunglow Way
and Lockheed Drive including landscape and hardscape amenities, 3-inch caliper trees, shrubs, ground
cover plants, building rock, gabion baskets, 6-inch curb, a new irrigation system, and gutter and rolled curb.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

Amount: \$1,322,001.21
Funding Source: 2013 Street Infrastructure Certificates of Obligation and Airport Capital
Account: 190-4740-28900-580270-PCP19ST014
Account: 562-3010-62335-580220-PAP00981

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? _X_ YES ___ NO

PRIMARY DEPARTMENT: Capital Improvement
SECONDARY DEPARTMENT: Purchasing & Strategic Sourcing

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

DEPARTMENT HEAD:

Gvette Hernandez CID Grant Funded Programs Director
For Sam Rodriguez, Chief Operations and Transportation Officer, Aviation Director and City Engineer

RESOLUTION

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

That the City Manager be authorized to sign a Landscape Maintenance Agreement between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation, whereby the City agrees to maintain certain landscape improvements on the Lockheed Drive/Sunglow Way Median Improvement project, located on US 62/180 (Montana Avenue).

APPROVED this _____ day of _____, 2022.

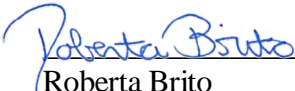
THE CITY OF EL PASO:

Oscar Leeson
Mayor

ATTEST:


Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Roberta Brito
Assistant City Attorney

APPROVED AS TO CONTENT:



For Samuel Rodriguez, P.E., City Engineer
Capital Improvement Department

THE STATE OF TEXAS

THE COUNTY OF TRAVIS

This AGREEMENT made this _____ day of _____, 20____, by and between the Texas Department of Transportation, hereinafter referred to as the "State," and the City of El Paso, El Paso County, Texas, acting by and through its duly authorized officers, hereinafter called the "City".

WITNESSETH

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and

WHEREAS, the State and the City have entered into a Municipal Maintenance Agreement dated March 21, 2006, **the provisions of which are incorporated herein by reference**, and wherein the City has agreed to retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the department; and

WHEREAS, the State has existing and proposed landscape improvements, such as, but not limited to, the installation of tree, shrub, and turf plantings, irrigation systems, and other aesthetic elements for areas within the right of way of state highway routes within the City as shown on Attachment "A"; and

WHEREAS, the State will allow such landscape improvements, provided that the City agrees to be responsible for all required maintenance of the landscape improvements.

AGREEMENT

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, it is agreed as follows:

Contract Period

This Agreement becomes effective upon the date of final execution by the State, and shall remain in effect until terminated or modified as hereinafter provided.

Coverage

This agreement prescribes the responsibilities of the State and the City relating to the maintenance of the Lockheed Dr./Sunglow Way Median Improvements project which is located on US 62/180 (Montana Ave.) non- controlled access state highway, as defined in the Municipal Maintenance Agreement. The maintenance is further described in Attachment A, the location map for this project, and limited to the portions along US 62/180 (Montana Ave.) from RM 26-0.64 to RM 26+0.44.

Amendment

The parties agree that this agreement may be amended. Such amendments, to be effective, must be in writing and signed by both parties.

State's Responsibilities

The State's responsibilities are as defined in Attachment "A".

City's Responsibilities

The City may install landscape elements including but not limited to trees, shrubs, grasses, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. Any installations shall be performed in accordance with Texas Department of Transportation specifications and standards, and must be approved by the State in writing prior to any work being performed.

The City shall maintain all landscape elements within the limits of the right of way including all median and island areas but excluding paved areas intended for vehicular travel. Landscape maintenance shall include but not be limited to plant maintenance, plant replacement, mowing and trimming, hardscape element maintenance, and irrigation system operation and maintenance. The City will be responsible for all utility costs associated with maintaining landscape elements. All landscape elements must be maintained in a functional and aesthetically pleasing condition.

TERMINATION

It is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

Should the City terminate this agreement, as prescribed here above, the City shall, at the option of the State, reimburse any reasonable costs incurred by the State.

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of El Paso on the _____ day of _____, year _____, and the Texas Department of Transportation, on the _____ day of _____, year _____.

ATTEST:

CITY OF _____

By _____
(Title of Signing Official)

Approved as to Content:

For Gvette Hernandez
Sam Rodriguez
City Engineer

Approved as to Form:

Roberta Brito
Roberta Brito
Assistant City Attorney

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, and the established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By _____
District Engineer

El Paso
District

Attachment A

Scope of Work and Plans

Work Responsibilities

The Local Government will maintain the Project in accordance with State standards. The local Government shall maintain the landscape elements and irrigation system within the project limits of the right-of-way on the south side of US 62/180 (Montana Ave.), north of Sunglow Way, from approximately 150-ft west of the intersection of Sunglow Way and Avalon Dr. to the end of the median at the intersection of Sunglow Way and Cessna Dr. and on the north side of Montana Ave., south of Lockheed Dr. from the intersection of Lockheed Dr. and Sikorsky St. to the end of the median at Lockheed Dr. Refer to attached plans for exact locations and project limits.

A. Local Government agrees to:

1. Furnish the State in writing overall clearance with all appropriate regulatory agencies prior to beginning maintenance activities.
2. Verify location of all utilities within project area. Utility considerations shall include, but are not limited to, the following: gas, water, electricity, fiber optics, telephone, signals, lighting, CTMS, sanitary sewer, etc.
3. Furnish the State any revisions or modifications mutually agreed upon between the Local Government and the State.
4. Furnish all labor, equipment, materials, and incidentals to provide for maintenance activities that shall include, but are not limited to, the following:

Hardscape Landscape and Plant Maintenance

For the work of plant maintenance, all reasonable means shall be employed to preserve the plants and vegetative material existing within the project limits in a healthy and vigorous growing condition. This maintenance activity shall include, but is not limited to, the following:

- A. Provide vegetative watering for plant material and pay monthly water bill.
- B. Plant bed and basin maintenance including shaping, weed control and mulch layer.
- C. Plant repair, removal, and replacement within the next scheduled work period following notification to begin replacement.
- D. Insect, disease, and animal control.
- E. Fertilize as needed during the appropriate season.
- F. Mow and trim grass, shrubs, trees, etc.
- G. Herbicide treatments as directed.
- H. Maintain and remove tree supports (staking, guying, bracing) and dispose as directed.
- I. Prune plant material and trees to comply with visibility requirements.
- J. Perform litter pick up as needed. Dispose of bagged litter the same day it is collected and dispose in accordance with federal, state, and local regulations

Irrigation System Operation and Maintenance

Permanent irrigation system operation and maintenance shall include, but not be limited to:

- A. Monitor and adjust water schedules as needed during the seasons.

- B. Repair leaks and properly maintain the operation of the irrigation system to ensure adequate moisture to the plant material.
 - C. Maintenance and repairs of the system shall be under the supervision of a person possessing an irrigator's license issued by the TCEQ.
 - D. Replacement of stolen or broken parts shall be of the same type and manufacturer as originally installed. Substitute parts may be allowed with the approval of the State prior to replacement.
 - E. Maintain power to controllers to include battery replacement and adjust programs as necessary.
 - F. Perform regular inspections to ensure full functionality of the irrigation system.
 - G. Bear the cost of water consumption and electricity.
5. Provide inspection of all maintenance work performed to ensure that the work is accomplished in accordance with the approved plans and specifications.
6. Submit for approval a traffic control plan and provide, erect and maintain barricades, signs and traffic handling devices necessary to protect the safety of the traveling public. All placements of barricades, signs and traffic handling devices must conform to the Texas Manual on Uniform Traffic Control Devices, and shall be approved by the State prior to placement.
- Contact: Eduardo Perales, P.E.
Director of Transportation Ops.
Office: (915) 790-4488
Fax: (915) 790-4330
Eduardo.Perales@txdot.gov
13301 Gateway Blvd. West
El Paso, Texas 79928-5410
7. Furnish all labor, equipment, material and incidentals as may be required to repair or replace structures or surfaces damaged by Local Government or its agent(s) (contractor) during any maintenance phase of the project to the satisfaction of the State.

B. State agrees to:

- 1. Allow Local Government and its agent(s) or contractor(s) to utilize the right-of-way for all aspects of the Project described in this Agreement.
- 2. Coordinate with Local Government plans of the Project, with limits of maintenance defined, attached hereto and made a part of this Agreement.
- 3. Coordinate with Local Government landscape maintenance operations consistent with District policy and the Roadside Vegetation Management Manual.
- 4. Perform review and inspections, as appropriate, of the project.
- 5. Coordinate with Local Government in determining the requirements for barricades, signs and traffic handling devices necessary to protect the safety of the traveling public for the project.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-764, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

District 3

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

AGENDA LANGUAGE:

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

Discussion and action that the City Council approves a deductive change order in the amount of \$273,689.01 to Jordan Foster Construction, LLC for the 2018-1613R Hawkins Boulevard Reconstruction Contract. The City Manager, or designee, is authorized to execute any documents and contract amendments needed to carry out this action.

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

DEPARTMENT: Capital Improvement

AGENDA DATE: June 22, 2022

CONTACT PERSON/PHONE: Yvette Hernandez, P.E., City Engineer, (915) 212-1860

DISTRICT(S) AFFECTED: 3

STRATEGIC GOAL: No. 7 – Enhance and Sustain El Paso's Infrastructure Network

SUBJECT:

That the City Council approves a deductive change order in the amount of \$273,689.01 to Jordan Foster Construction, LLC for the 2018-1613R Hawkins Boulevard Reconstruction Contract. The City Manager, or designee, is authorized to execute any documents and contract amendments needed to carry out this action.

BACKGROUND / DISCUSSION:

This change order is to reduce the Guaranteed Maximum Price by \$273,689.01 as being the remaining balance of contingencies.

PRIOR COUNCIL ACTION:

On December 18, 2017- City Council approved funding for the 2018 Capital Plan, including reconstruction of Hawkins Boulevard.

On March 5, 2019- City Council approved Design-Build services to Jordan Foster Construction.

On November 26, 2020 – City Council approved the Guaranteed Maximum Price to Jordan Foster Construction.

On March 31, 2020 – City Council approved Authorization and Reimbursement Agreement between the City of El Paso and Union Pacific Railroad Company.

AMOUNT AND SOURCE OF FUNDING:

Amount: -\$273,689.01

Funding Source: 2018 Capital Plan, 2019 Capital Plan

HAVE ALL AFFECTED DEPARTMENTS BEEN NOTIFIED? X YES NO

PRIMARY DEPARTMENT: Capital Improvement Department

SECONDARY DEPARTMENT: Streets and Maintenance

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

DEPARTMENT HEAD:

Assistant Director Capital Improvement

Gerry DeMuro/for

Yvette Hernandez, P.E., City Engineer

Contract Change Order Coversheet /Checklist
City of El Paso Capital Improvements Department

Project Name: Hawkins BLVD Street Improvements Date Received: 4/13/2022

Solicitation Number: 2018-1613R Contractor: Jordan Foster Construction

Change Order Number: 4 Date CO was Identified: 3.11.2022

Funding Type: QOL ☐ General Fund ☒ TXDOT ☐ CDBG ☐ FTA ☐ FAA ☐

Contingency: Original Budget: \$ 9,602,323.27 Current Remainin Budget: \$ - PO No.(s): CEP35-19-219

Identified by: DOR ☐ Contractor ☐ User Dept. ☐ CID ☒ Other: ✓

Impacts: Cost ☒ Time* ☐ (Check all that Apply)* Identify Schedule activity impacted, **attach** frag-net justifying time.

No change order shall be approved unless work is ordered in writing by the Owner Designated Rep

If written Order provided prior to formal execution of CO **attach** copy of the written directive, and justification, as why the direction was necessary prior to a formal agreement. Attach concurrence of representative havin authority to execute change order(s) for the city of El Paso, Contract Specific by Resolution. If formal RFP was provided to contractor **attach** copy. If E-mail was direction provided to contractor **attach** copy.

N/A, CO is needed to release contingency to CID.

Change order Type Check One:

Mandatory ☒

Discretionary ☒

(Mandatory Violets Written code/standard, or will not function for intended purpose) If mandatory **attach** attach justification, Direction from DOR and /or code/ standards references that the CO corrects, or Documentation from User Department Head explaining why the change is required.

Differing site condition: ☐

User requested change**: ☐

Designer Directive (ASI): ☐

Value Engineering Change: ☐

Engineering Change/Construction Deficiency: ☒

Substitution Contractor Initiated: ☐

Error and Omission: ☐

Quantity Adjustment: ☒

Revision of GMP to reflect shared savings

im not sure what to call this

** Identify Funding source PCP18ST010 Grandt Fundend Projects **attach** concurrence of Grant Funded program Director.

Justification:

This Change Order is required to do final adjustments to the GMP Value

Method Utilized for implementing change

(Reference general conditions 2.5.2) Check all that apply

.1 Unit Bid Prices Previously Approved ☐ (Attach Copy of suporting documents)

.2 An Agreed upon Lump Sum ☒ Attach record of Negotiations, and cost Analysis

.3 Actual Cost (Force Account Change) ☐ (Attach Detailed record as per 2.2.5.2.3)

Independent Cost Estimate prepared Yes ☐ No ☒ Validated, Vender Quotes, Published Data, Previously agreed Cost, Other (attach documentation of cost analysis).

Cost/Price/Time Analysis

Attach Copy of analyst justifvina cost and quantities

Contractors proposed cos -\$273,689.01

Final Negotiated amount: -\$273,689.01

Time:Requested_____,j

Contract Change Reference: Reference Plan /Spec change, Describe Change (Attach additional sheets if necessary)

Narrative Description of Change SOW

Reduction of GMP Per:

ARTICLE 9 - CONTRACT PRICE

§ 9.05 The Guaranteed Maximum Price ("GMP")

§ B. It is the intent of the parties that the GMP will be increased or decreased by any additive or deductive Change Orders that change the scope of the Work with commensurate changes to the Design Fee and Cost of Work in accordance with Article 6.

Initial GMP: \$9,602,323.27

Total Change Orders 1 through 3: \$154,503.49

Remainig Contingency balance: \$195,496.51

Remaining Railroad Contractor balance: \$78,192.50

Total GMP Reduction: \$273,689.01

Revised GMP: \$9,328,634.26

Existing Drawing Reference:

NA

Existing Specification Reference:

N/A

New Drawings/Specifications Reference:

NA

Elizabeth B Reyes/Division Manager
User Department Concurrence (If required)

Request by Project /Construction Manager:

Recommended for Approval by City Engineer:

Elizabeth B. Reyes, P.E.

Manuel Aguilar

Michael J. Vonasek

Michael J. Vonasek, P.E.
Assistant Director Construction

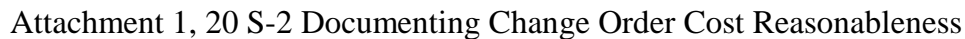
Print name

Elizabeth B Reyes

Print name

Manuel Aguilar

Date: 5/20/2022



Elizabeth B. Reyes, P.E.

CITY OF EL PASO CONSTRUCTION CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.:	4	DATE:	3.11.2022	<input type="checkbox"/>	SCOPE CHANGE
PROJECT:	Hawkins BLVD Street Improvements	SOLICITATION NO.	2018-1613R	<input checked="" type="checkbox"/>	CONSTRUCTION CHANGE
Original Contract Amount:	\$ 9,602,323.27	Contract Time to Substantial Completion	325		
Net Change by previous Change Orders:	\$ -	Total days added due to Change Orders and CQN's	131		
Net Change by previous Construction Quantity Notices:	\$ -	Total days added for this Change Order	0		
Amount of this Construction Change Order:	\$ (273,689.01)	New Contract Time to Substantial Completion:	456		
New Amended Contract Amount:	\$9,328,634.26	Current Substantial Completion Due Date	7/5/2021		
Change Order Percentage:	-3%				

CONTRACTOR NAME: Jordan Foster Construction

Please provide a detailed scope of work of the change order (see back for reason/justification):

Reduction of GMP Per:

ARTICLE 9 - CONTRACT PRICE

§ 9.05 The Guaranteed Maximum Price ("GMP")

§ B. It is the intent of the parties that the GMP will be increased or decreased by any additive or deductive Change Orders that change the scope of the Work with commensurate changes to the Design Fee and Cost of Work in accordance with Article 6.

Initial GMP: \$9,602,323.27

Total Change Orders 1 through 3: \$154,503.49

Remainig Contingency balance: \$195,496.51

Remaining Railroad Contractor balance: \$78,192.50

Total GMP Reduction: \$273,689.01

Revised GMP: \$9,328,634.26

*Unless specifically noted this Change Order addresses all compensation for time and money, including all direct and indirect cost, associated with the above Scope of Work.

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME:

0

TOTAL CHANGE ORDER AMOUNT:

\$ (273,689.01)

CONTRACTOR

I, _____, of _____ agree and accept the terms and conditions of this change order.

Signature: _____

Date: _____

CITY OF EL PASO (OWNER)

I, Sam Rodriguez, P.E., of the City of El Paso hereby authorize and direct the Contractor to proceed with additional work as described in this form.

Signature: _____

Date: _____

Sam Rodriguez, P.E., City Engineer

CITY OF EL PASO CONSTRUCTION CHANGE ORDER- Pg. 2

CONSTRUCTION CHANGE ORDER NO.:	<u>4</u>	DATE:	<u>3.11.2022</u>	<input type="checkbox"/>	SCOPE CHANGE
PROJECT:	<u>Hawkins BLVD Street Improvements</u>	SOLICITATION NO.	<u>2018-1613R</u>	<input checked="" type="checkbox"/>	CONSTRUCTION CHANGE
Project Number	<u>PCP18ST010</u>	Project Number	<u>PCP18ST010</u>	PURCHASE ORDER #	<u>CEP35-19-219</u>
Class	<u>38290</u>	Class	<u>4743</u>		
Department	<u>190</u>	Department	<u>4743</u>		
Fund	<u>4743</u>	Fund	<u>190</u>		
Account	<u>580270</u>	Account	<u>38290</u>		

CONTRACTOR NAME: Jordan Foster Construction

PROVIDE REASON/JUSTIFICATION FOR CHANGE ORDER:

This Change Order is required to do final adjustments to the GMP Value

*The PM reviewed all applications for payment and all executed change orders to review final balance of the GMP

CONSECUTIVE CALENDAR DAYS ADDED TO COMPLETION TIME: 0 TOTAL CHANGE ORDER AMOUNT: \$ (273,689.01)

Project Manager recommends approval: Manuel Aguilar 5.6.2022

Engineering Division Manager recommends approval: Elizabeth B. Reyes, P.E. 5/18/2022

Financing Department approval: _____
(If Required)

REQUEST FOR PO INCREASE/DECREASE FOR CHANGE ORDER

CONSTRUCTION CHANGE ORDER NO.:		4	DATE:	3.11.2022	INCREASE
PROJECT:		Hawkins BLVD Street Improvements	SOLICITATION NO.	2018-1613R	DECREASE

Project Number _____
 Class _____
 Department _____
 Fund _____
 Account _____

PURCHASE ORDER # _____

CONTRACTOR NAME: Jordan Foster Construction

AS A RESULT OF THIS CHANGE ORDER, PLEASE MAKE THE FOLLOWING ADJUSTMENT TO THE PUCHASE ORDER:

LINE	ADDED AMOUNT
------	--------------

2-1	-273689.01
-----	------------

TOTAL NET CHANGE TO
PURCHASE ORDER

-273689.01

(should match cost below)

Additional funding/direction:

TOTAL CHANGE ORDER AMOUNT: -\$273,689.01

Project Manager Manuel Aguilar 5.6.2022

Engineering Division Manager recommends approval: Elizabeth B. Reyes, P.E. 5/18/2022

Contract Compliance

CITY CLERK DEPT
2019 NOV 19 AM 10:50

RESOLUTION

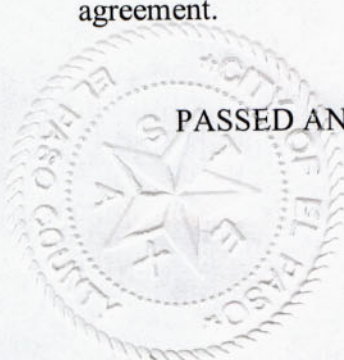
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager is authorized to sign the Guaranteed Maximum Price Amendment to the Standard Form of Agreement by and between the City of El Paso and Jordan Foster Construction ("Design-Builder") for the project known as "Hawkins Boulevard Reconstruction 2018-1613", to accept and incorporate the Design-Builder's Guaranteed Maximum Price Proposal and establishing the Guaranteed Maximum Price ("GMP") for the project in the amount of Nine Million Six Hundred Two Thousand Three Hundred Twenty Three and 27/100 dollars (\$9,602,323.27); and

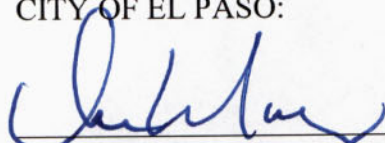
That the City Manager or Designee be authorized to approve contract changes which are necessary for proper execution of the work and carrying out the intent of the project, which are in accordance with applicable law and do not make changes to the prices and are within the appropriate budget; and

That the City Manager be authorized to establish the funding sources and make any necessary budget transfers and execute any and all documents necessary for execution of this agreement.

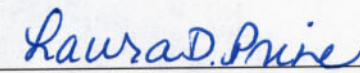
PASSED AND APPROVED this 26th day of NOV., 2019.



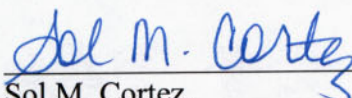
CITY OF EL PASO:


Dee Margo, Mayor

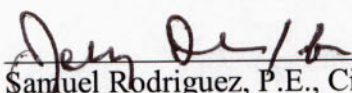
ATTEST:


Laura D. Prine,
City Clerk

APPROVED AS TO FORM:


Sol M. Cortez,
Senior Assistant City Attorney

APPROVED AS TO CONTENT:


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

15.1

CITY CLERK DEPT
2019 NOV 19 AM 10:50

**GUARANTEED MAXIMUM PRICE AMENDMENT
TO THE
STANDARD FORM OF AGREEMENT
BETWEEN OWNER AND DESIGN-BUILDER**

This Guaranteed Maximum Price Amendment to the Standard Form of Agreement between Owner and Design-Builder (the "Amendment") is entered into by and between the City of El Paso (the "City" or "Owner") and Jordan Foster Construction, LLC. ("Design-Builder") for the construction of Hawkins Boulevard Reconstruction 2018-1613R. This Amendment amends the one certain Standard Form of Agreement Between the Owner and Design-Builder (the "Agreement") entered into by and between the City and Jordan Foster Construction, LLC, dated September 27, 2019, and establishes a Guaranteed Maximum Price ("GMP") for construction and time for completion of construction as set forth below:

RECITALS

WHEREAS, the City and Design-Builder entered into the Agreement dated as of March 5, 2019, for the construction of the Hawkins Boulevard Reconstruction 2018-1613R; and

WHEREAS, unless clearly provided otherwise herein, all terms and phrases used herein shall have the same meaning as the terms and phrases used in the Agreement; and

WHEREAS, Section 9.05 of the Agreement contemplates the delivery of a Design-Builder's GMP Proposal to the City; and

WHEREAS, Section 9.05 of the Agreement requires that said proposal contain certain representations and documentation; and

WHEREAS, Section 9.05 of the Agreement provides that in the event the City timely accepts the Design-Builder GMP Proposal, this Amendment shall be executed; and

WHEREAS, Design-Builder has delivered a Design-Builder GMP Proposal to the City; and

WHEREAS, the City desires to accept the Design-Builder's GMP Proposal, subject to any amendments or revisions as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Design-Builder agree to modify and amend the Agreement as follows:

1. The City hereby accepts the Design-Builder's GMP Proposal submitted by Design-Builder, dated September 27, 2019, a true and complete copy of which is attached hereto and incorporated herein by reference, marked as Exhibit "1-A".

2. Design-Builder's GMP for the Cost of the Work is Nine Million Six Hundred Two Thousand Three Hundred Twenty Three and 27/100 dollars (\$9,602,323.27) subject to additions and deductions by Change Order as provided in the Contract Documents. As agreed by the City and

Design-Builder, the GMP is an amount that the Cost of the Work shall not exceed, and is based on and detailed in the attached Exhibit "1-A".

3. The Design-Builder's Fee for the Construction of the Work is hereby established in the sum of Three Hundred Thirty Four Thousand Two Hundred Thirty Two and 67/100 Dollars (\$334,232.67), based on the product of 4.33% multiplied by the Cost of the Work, and said sum is included within the above stated GMP.

4. The General Conditions expenses for the construction of the Work are hereby established in the sum of Six Hundred Seventy One Thousand Five Hundred Seven and 25/Dollars (\$671,507.25), and said sum is included in the above stated GMP. Design-Builder acknowledges and agrees that the City shall have no liability for any General Condition expenses beyond payment of the above noted amount and Design-Builder agrees that it shall not be entitled to receive any additional compensation from the City for the General Conditions beyond this amount unless expressly adjusted by a Change Order.

5. The City has established a contingency fund in the sum of Three Hundred Fifty Thousand and No/100 Dollars (\$350,000.00) for this Project. Design-Builder has no right or entitlement to the contingency fund and use of such funds are subject to the prior written approval and issuance of a Change Order by the City. Any contingency funds remaining at the completion of the Project will be credited from the GMP.

6. The Design Builder Construction Contingency in an amount of \$200,000.00 is included in the Guaranteed Maximum Price to allow the Design Builder to accommodate changes in the market place and to complete the project as designed. The Design Builder may use the Design Builder Construction Contingency without the Owner's approval. The Design Builder shall report to the Owner the status of the Design Builder Construction Contingency with each Application for Payment. The Owner will not increase the Design Builder's fee for any funds expended from the Design builder Construction Contingency. The Design Builder Construction Contingency for the project is Two Hundred Thousand Dollars (\$200,000.00).

- The Design Builder Construction Contingency is not available for use by the Design Builder for mistakes of subcontractors or material suppliers, or any warranty work.
- The Design Builder Construction Contingency is not available for use by the Owner for allowance overruns, changes in the Scope of Work, differing or changed site conditions.

At Final Completion of the Project, any unused portion of the Design Builder Construction Contingency remaining in the Guaranteed Maximum Price shall be split 50/50 with the Owner.

7. Pursuant to the terms of the Agreement, The Design-Builder shall achieve Substantial Completion of the entire Work not later than 325 calendar days from the date the Notice to Proceed is issued, subject to and adjustments of this Contract Time as provided in the Contract Documents and Changer Orders modifying and extending this Agreement. It is specifically understood and agreed to by and between Owner and Design-Builder that time is of the essence in the substantial completion of the Work, and that failure to substantially complete the Work within the designated period, or as it may be extended, shall be construed as a breach of this Agreement.

8. Pursuant to the terms of the Agreement, Construction Manager shall achieve Final Completion of the entire Work not later than 30 calendar days from the date of Substantial Completion, subject to and adjustments of this Contract Time as provided in the Contract Documents and Change Orders

modifying and extending this Agreement. It is specifically understood and agreed to by and between Owner and Design-Builder that time is of the essence in the final completion of the Work, and that failure to complete the Work within the designated period, or as it may be extended, shall be construed as a breach of this Agreement.

9. Design-Builder acknowledges and recognizes that the Owner is entitled to full and beneficial occupancy and use of the completed work following expiration of the Contract Time. The Design-Builder further acknowledges and agrees that, if the Design-Builder fails to reach the Substantial Completion and/or Final Completion dates of any portion of the Work within the Contract time, the Owner will sustain actual damages as a result of such failure. The exact amount of such damages will be difficult to ascertain. Therefore, the Owner and Design-Builder agree that, if the Design-Builder shall neglect, fail, or refuse to achieve substantial completion and/or final completion of the Work by the Substantial Completion and/or Final Completion date, subject to proper extension granted by the Owner, then the Design-Builder agrees to pay the Owner as liquidated damages ("Liquidated Damages"), not as a penalty, for the damages that would be suffered by Owner as a result of delay the sum of:

- \$1,260.00 and no/00 dollars for each consecutive calendar day after the date of Substantial Completion in which the Work is not completed.
- \$630.00 and no/00 dollars for each consecutive calendar day after the date of Final Completion in which the Work is not completed.

10. Except as modified herein, the terms and conditions of the Agreement remain unchanged. In the event of a conflict between the terms of this Amendment and those of the Agreement, the City and Design-Builder agree that the terms of this Amendment shall take precedence.

IN WITNESS WHEREOF, the parties have executed this Amendment to be effective as of the 24th day of November 2019.

OWNER:

CITY OF EL PASO, TEXAS

By: [Signature]

Name: Cary S. Westin

Title: Senior Deputy City Manager

Construction Manager:

JORDAN FOSTER CONSTRUCTION, LLC

By: [Signature]

Name: JOHN GOODRICH P.E.

Title: Executive Vice President

Exhibit “1-A” – Construction Manager’s Proposal



TRAFFIC CONTROL

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
300	502 6001	BARRICADES, SIGNS, AND TRAFFIC HANDLING	10.000	MT	\$ 18,957.05	\$ 189,570.50
301	506 6020	CONSTRUCTION EXITS (INSTALL)(TY 1)	1,450.000	SY	\$ 17.66	\$ 25,607.00
302	506 6024	CONSTRUCTION EXITS (REMOVE)	1,450.000	SY	\$ 7.06	\$ 10,237.00
308	508 6001	CONSTRUCTION DETOURS	530.000	SY	\$ 33.55	\$ 17,781.50
582	662 6004	WK ZN PAV MRK NON REMOV (W)4" SLD	6,640.000	LF	\$ 1.44	\$ 9,561.60
584	662 6012	WK ZN PAV MRK NON REMOV (W)8" SLD	640.000	LF	\$ 2.88	\$ 1,843.20
586	662 6014	WK ZN PAV MRK NON REMOV (W)12" SLD	1,280.000	LF	\$ 5.77	\$ 7,385.60
587	662 6016	WK ZN PAV MRK NON REMOV (W)24" SLD	550.000	LF	\$ 10.38	\$ 5,709.00
588	662 6017	WK ZN PAV MRK NON REMOV (ARROW)	16.000	EA	\$ 207.66	\$ 3,322.56
589	662 6029	WZ ZN PAV MRK NON REMOV (WORD)	8.000	EA	\$ 299.96	\$ 2,399.68
888	6185 6003	TMA (STATIONARY)	50.000	DY	\$ 369.18	\$ 18,459.00
880	6001 6002	PORTABLE CHANGEABLE MESSAGE SIGN	4.000	EA	\$ 17,305.23	\$ 69,220.92
SUBTOTAL						\$ 361,097.56

SWPPP

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
304	506 6038	TEMP SEDMT CONT FENCE (INSTALL)	4,145.000	LF	\$ 3.73	\$ 15,460.85
305	506 6039	TEMP SEDMT CONT FENCE (REMOVE)	4,145.000	LF	\$ 1.06	\$ 4,393.70
306	506 6041	BIODEG EROSN CONT LOGS (INSTL) (12")	612.000	LF	\$ 5.35	\$ 3,274.20
307	506 6043	BIODEG EROSN CONT LOGS (REMOVE)	612.000	LF	\$ 2.22	\$ 1,358.64
SUBTOTAL						\$ 24,487.39

REMOVAL ITEMS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
5	100 6002	PREPARING ROW	22.000	STA	\$ 531.94	\$ 11,702.68
10	100 6003	PREPARING ROW(TREE)(5" TO 12" DIA)	4.000	EA	\$ 576.84	\$ 2,307.36
20	100 6008	PREPARING ROW (TREE) (0" TO 6" DIA)	7.000	EA	\$ 346.11	\$ 2,422.77
30	100 6015	REMOVING CONC (SIDEWALKS)	2,752.000	SY	\$ 11.14	\$ 30,657.28
40	104 6017	REMOVING CONC (DRIVEWAYS)	1,844.000	SY	\$ 11.20	\$ 20,652.80
50	104 6024	REMOVING CONC (RETAINING WALLS)	38.000	SY	\$ 34.39	\$ 1,306.82
60	104 6029	REMOVING CONC (CURB OR CURB & GUTTER)	5,713.000	LF	\$ 4.39	\$ 25,080.07
70	104 6032	REMOVING CONC (WHEELCHAIR RAMP)	142.000	SY	\$ 14.68	\$ 2,084.56
80	104 6041	REMOVING CONC (GND BOX W/ APRON)	22.000	EA	\$ 282.65	\$ 6,218.30
90	105 6019	REMOVING STAB BASE AND ASPH PAV (10"-14")	19,867.000	SY	\$ 8.08	\$ 160,525.36
290	496 6030	REMOVE STR (BOLLARD)	14.000	EA	\$ 252.20	\$ 3,530.80
291	496 6032	REMOVE WHEEL STOPS	4.000	EA	\$ 98.92	\$ 395.68
293	496 6040	REMOV STR (ROCKWALL)	120.000	LF	\$ 22.30	\$ 2,676.00
295	496 6041	REMOV STR (LARGE)	1.000	EA	\$ 12,199.77	\$ 12,199.77
296	496 6043	REMOV STR (SMALL FENCE)	190.000	LF	\$ 7.67	\$ 1,457.30
550	644 6076	REMOVE SM RD SN SUP&AM	32.000	EA	\$ 86.53	\$ 2,768.96
560	647 6008	REMOVE AND RESET LRSA	1.000	EA	\$ 4,095.58	\$ 4,095.58
350	550 6003	CHAIN LINK FENCE (REMOVE)	335.000	LF	\$ 11.54	\$ 3,865.90
SUBTOTAL						\$ 293,947.99

ROADWAY ITEMS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
100	110 6001	EXCAVATION (ROADWAY)	3,850.000	CY	\$ 14.13	\$ 54,400.50
120	132 6004	EMBANKMENT (FINAL)(DENS CONT)(TY B)	1,050.000	CY	\$ 19.90	\$ 20,895.00
170	216 6001	PROOF ROLLING	10.000	HR	\$ 88.56	\$ 885.60
180	247 6061	FL BS (CMP IN PLC)(TY A GR 1-2)(6")	21,409.000	SY	\$ 11.47	\$ 245,561.23
200	360 6005	CONC PVMT (CONT REINF - CRCP) (11")	19,112.000	SY	\$ 79.22	\$ 1,514,052.64
227	450 6051	RAIL (HANDRAIL)(TY E)	605.000	LF	\$ 140.95	\$ 85,274.75
231	479 6001	ADJUSTING MANHOLES	10.000	EA	\$ 940.22	\$ 9,402.20
232	479 6005	ADJUSTING MANHOLES (WATER VALVE BOX)	24.000	EA	\$ 412.38	\$ 9,897.12
233	479 6008	ADJUSTING MANHOLES (WATER METER)	8.000	EA	\$ 824.77	\$ 6,598.16
234	479 6012	ADJUSTING MANHOLES (TELEPHONE BOX)	7.000	EA	\$ 1,178.24	\$ 8,247.68
310	529 6008	CONC CURB & GUTTER (TY II)	6,128.000	LF	\$ 14.77	\$ 90,510.56
312	529 6013	CONC CURB (TY C1))	879.000	LF	\$ 19.56	\$ 17,193.24
315	529 6016	CONC CURB (TY F1)	565.000	LF	\$ 86.01	\$ 48,595.65
318	529 6018	CONC CURB (TY F3)	70.000	LF	\$ 145.76	\$ 10,203.20
320	530 6004	DRIVEWAYS (CONC)	1,815.000	SY	\$ 57.56	\$ 104,471.40
330	531 6001	CONC SIDEWALKS (4")	4,143.000	SY	\$ 48.06	\$ 199,112.58
331	531 6004	CURB RAMPS (TY 1)	1.000	EA	\$ 1,210.10	\$ 1,210.10
332	531 6005	CURB RAMPS (TY 2)	3.000	EA	\$ 1,673.32	\$ 5,019.96
333	531 6008	CURB RAMPS (TY 5)	8.000	EA	\$ 1,169.70	\$ 9,357.60
340	531 6010	CURB RAMPS (TY 7)	7.000	EA	\$ 1,175.60	\$ 8,229.20
341	531 6050	CONCRETE SIDEWALKS (STEPS)	10.000	SY	\$ 205.46	\$ 2,054.60
342	536 6002	CONCRETE MEDIAN	600.000	SY	\$ 56.14	\$ 33,684.00
344	6063	SUPERPAVE MIXTURES SP-C SAC-A PG76-22	325.000	TN	\$ 80.00	\$ 26,000.00
3042	6001	BINDING COURSE	256.000	GL	\$ 4.50	\$ 1,152.00
310	6009	PRIME COAT (CSS-IH)	281.000	GL	\$ 4.50	\$ 1,264.50
340	6011	D-GR HMA(SQ) TY-B PG64-22	26.000	TN	\$ 85.00	\$ 2,210.00
432	6044	RIPRAP (CONC)(FLUME)	75.000	LF	\$ 60.00	\$ 4,500.00
5093	6001	RETAINING WALL (SPREAD FOOTING)	320.000	SF	\$ 20.00	\$ 6,400.00
870	5025 6001	RELOCATE BUS STOP SHELTER	2.000	EA	\$ 14,730.56	\$ 29,461.12
875	5031 6001	RELOCATE BUS STOP BENCH	3.000	EA	\$ 1,964.08	\$ 5,892.24
SUBTOTAL						\$ 2,561,736.83

STORM SEWER ITEMS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
202	400 6002	STRUCT EXCAV (BOX)	508.000	CY	\$ 9.53	\$ 4,841.24
204	400 6003	STRUCT EXCAV (PIPE)	3,214.000	CY	\$ 6.02	\$ 19,348.28
206	401 6001	FLOWABLE BACKFILL	6,296.000	CY	\$ 116.26	\$ 731,972.96
210	402 6001	TRENCH EXCAVATION PROTECTION	7,086.000	LF	\$ 3.84	\$ 27,210.24
215	403 6001	TEMPORARY SPL SHORING	255.000	SF	\$ 23.07	\$ 5,882.85
235	462 6010	CONC BOX CULV (6 FT X 3FT)	178.000	LF	\$ 436.30	\$ 77,661.40
240	464 6005	RC PIPE (CL III)(24 IN)	1,084.000	LF	\$ 90.53	\$ 98,134.52
242	464 6006	RC PIPE (CL III)(27 IN)	168.000	LF	\$ 133.73	\$ 22,466.64
244	464 6007	RC PIPE (CL III)(30 IN)	176.000	LF	\$ 147.13	\$ 25,894.88
246	464 6009	RC PIPE (CL III)(42 IN)	102.000	LF	\$ 218.75	\$ 22,312.50
248	464 6010	RC PIPE (CL III)(48 IN)	458.000	LF	\$ 261.03	\$ 119,551.74
250	465 6002	MANH (COMPL)(PRM)(48IN)	3.000	EA	\$ 3,615.83	\$ 10,847.49
255	465 6003	MANH (COMPL)(PRM)(60IN)	1.000	EA	\$ 6,263.11	\$ 6,263.11
260	465 6004	MANH (COMPL)(PRM)(72IN)	2.000	EA	\$ 9,144.37	\$ 18,288.74
270	465 6006	JCTBOX(COMPL)(PJB)(4FTX4FT)	1.000	EA	\$ 4,588.22	\$ 4,588.22
275	465 6009	JCTBOC(COMPL)(PJB)(5FTX5FT)	1.000	EA	\$ 6,267.42	\$ 6,267.42
280	465 6012	JCTBOX(COMPL)(PJB)(8FTX8FT)	2.000	EA	\$ 19,031.29	\$ 38,062.58
285	465 6181	INLET (COMPL)(CURB)(TY 2)(15')	17.000	EA	\$ 8,290.65	\$ 140,941.05
288	496 6002	REMOV STR (INLET)	1.000	EA	\$ 1,384.43	\$ 1,384.43
SUBTOTAL						\$ 1,381,920.29

WATER & SEWER ITEMS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
895	7016 6002	WATER MAIN (PVC) (C-900) (3")	70.000	LF	\$ 40.56	\$ 2,839.20
900	7016 6004	WATER MAIN (PVC) (C-900)(12")	1,900.000	LF	\$ 61.30	\$ 116,470.00
902	7016 6019	ABAND/FILL EXIST WATER PIPE (8")	860.000	LF	\$ 10.57	\$ 9,090.20
905	7016 6029	REMOVE EXIST WATER PIPE (8")	1,040.000	LF	\$ 31.70	\$ 32,968.00
910	7016 6035	WATER SERVICE RPL & RECON (1")	12.000	EA	\$ 2,373.64	\$ 28,483.68
930	7016 6046	FIRE HYDRANT RELOCATE & RECONNECT	4.000	EA	\$ 5,179.80	\$ 20,719.20
935	7016 6090	CASING (STEEL) (24 IN) (OPEN TRENCH)	80.000	LF	\$ 178.30	\$ 14,264.00
940	7017 6005	SANITARY SEWER (8 IN)(PVC) (C-900)	480.000	LF	\$ 47.58	\$ 22,838.40
950	7017 6006	SANITARY SEWER (15 IN)(PVC) (C-900)	2,110.000	LF	\$ 59.21	\$ 124,933.10
960	7017 6008	SANITARY SEWER (16 IN)(PVC)(C 900)	360.000	LF	\$ 76.51	\$ 27,543.60
970	7017 6051	MANHOLE (SAN SEWER)(4' DIA)	16.000	EA	\$ 5,020.59	\$ 80,329.44
975	7017 6055	ADJUSTING MANHOLE (SANITARY SEWER)	12.000	EA	\$ 940.22	\$ 11,282.64
980	7017 6067	SEWER SERVICERECONNECTION (4")	14.000	EA	\$ 700.80	\$ 9,811.20
983	7017 6077	ABANDON SANITARY SEWER (8IN)	480.000	LF	\$ 11.02	\$ 5,289.60
990	7017 6102	ASPHALT PAVEMENT REPAIR FOR UTILITES	1,465.000	SY	\$ 63.69	\$ 93,305.85
995	7017 6114	REMOVE EXIST SAN SWR PIPE	2,470.000	LF	\$ 15.51	\$ 38,309.70
996	7110 6027	VALVE (GATE)(12")	7.000	EA	\$ 2,897.84	\$ 20,284.88
	ParkHill Smith & Cooper Add'l Design Fee 8" to 12" Main		1.000	LS	\$ 2,200.00	\$ 2,200.00
1500	7016 6093	CASING (STEEL) (30 IN) (BORED)	160.000	LF	\$ 461.47	\$ 73,835.20
SUBTOTAL						\$ 734,797.89

ELECTRICAL & TRAFFIC SIGNAL ITEMS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
220	416 6003	DRILL SHAFT (30 IN)	153.000	LF	\$ 374.95	\$ 57,367.35
223	416 6030	DRILL SHAFT (TRF SIG POLE) (24 IN)	24.000	LF	\$ 201.89	\$ 4,845.36
225	416 6032	DRILL SHAFT (TRF SIG POLE) (36 IN)	165.000	LF	\$ 455.70	\$ 75,190.50
360	610 6214	IN RD IL (TY SA) 40T-8 (250W EQ) LED	21.000	EA	\$ 8,071.16	\$ 169,494.36
362	618 6016	CONDT (PVC) (SCH 40) (1")	190.000	LF	\$ 13.84	\$ 2,629.60
370	618 6023	CONDT (PVC) (SCH 40) (2")	4,372.000	LF	\$ 17.31	\$ 75,679.32
380	618 6024	CONDT (PVC) (SCH 40) (2") (BORE)	1,345.000	LF	\$ 36.92	\$ 49,657.40
390	618 6029	CONDT (PVC) (SCH 40) (3")	140.000	LF	\$ 20.77	\$ 2,907.80
400	618 6030	CONDT (PVC) (SCH 40) (3") (BORE)	100.000	LF	\$ 40.38	\$ 4,038.00
402	618 6033	CONDT (PVC) (SCH 40) (4")	1,046.000	LF	\$ 23.07	\$ 24,131.22
404	620 6006	ELEC CONDR (NO.10) INSULATED	570.000	LF	\$ 1.73	\$ 986.10
410	620 6008	ELEC CONDR (NO.8) INSULATED	4,092.000	LF	\$ 3.40	\$ 13,912.80
411	620 6009	ELEC CONDR (NO.6) BARE	76.000	LF	\$ 3.40	\$ 258.40
412	620 6012	ELEC CONDR (NO.4) INSULATED	111.000	LF	\$ 1.44	\$ 159.84
420	620 6010	ELEC CONDR (NO.6) INSULATED ILLUMINATIO	8,184.000	LF	\$ 3.63	\$ 29,707.92
431	621 6001	TRAY CONDR (3 CONDR)(14 AWG)	2,380.000	LF	\$ 2.83	\$ 6,735.40
432	621 6002	TRAY CABLE (3 CONDR)(12 AWG)	2,353.000	LF	\$ 2.94	\$ 6,917.82
434	621 6010	TRAY CABEL (3 CONDR)(20 AWG) OPTICOM	1,171.000	LF	\$ 9.14	\$ 10,702.94
440	624 6003	GROUND BOX (CBX)	20.000	EA	\$ 1,269.05	\$ 25,381.00
460	628 6100	ELC SRV TY C 240/480)100(NS)AL(E)GC(0)	3.000	EA	\$ 9,108.32	\$ 27,324.96
470	628 6300	ELC SRV TY T (120/240)060(NS)GS(N)GC(0)	5.000	EA	\$ 7,908.49	\$ 39,542.45
475	628 6320	ELEC METER PEDESTAL	3.000	EA	\$ 8,306.51	\$ 24,919.53
700	680 6003	INSTALL HWY TRF SIG (SYSTEM)	3.000	EA	\$ 39,219.42	\$ 117,658.26
710	680 6004	REMOVING TRAFFIC SIGNALS	10.000	EA	\$ 2,076.63	\$ 20,766.30
720	682 6001	VEH SIG SEC (12")LED(GRN)	27.000	EA	\$ 432.63	\$ 11,681.01
740	682 6003	VEH SIG SEC (12")LED(YEL)	27.000	EA	\$ 374.95	\$ 10,123.65
760	682 6005	VEH SIG SEC (12")LED(RED)	27.000	EA	\$ 432.63	\$ 11,681.01
765	682 6018	PED SIG SEC (LED)(COUNTDOWN)	16.000	EA	\$ 865.26	\$ 13,844.16
770	682 6023	BACK PLATE (12")(3 SEC)	27.000	EA	\$ 86.53	\$ 2,336.31
790	684 6033	TRF SIG CBL (TY A)(14 AWG)(7 CONDR)	2,125.000	LF	\$ 6.86	\$ 14,577.50
800	684 6047	TRF SIG CBL (TY A)(14 AWG)(21 CONDR)	1,575.000	LF	\$ 9.40	\$ 14,805.00
805	686 6002	INSTALL CITY TRAFFIC SIGNAL POLE MAST ARN	1.000	EA	\$ 7,227.82	\$ 7,227.82



807	686 6005	INSTALL CITY TRAFFIC SIGNAL POLE MAST ARM	1.000	EA	\$ 7,921.18	\$ 7,921.18
810	686 6010	INSTALL CITY TRAFFIC SIGNAL POLE MAST ARM	4.000	EA	\$ 8,562.63	\$ 34,250.52
815	686 6014	INSTALL TXDOT TRAFFIC SIG POLE MAST ARM	1.000	EA	\$ 10,032.42	\$ 10,032.42
820	686 6024	INSTALL TXDOT TRAFFIC SIG POLE MAST ARM	1.000	EA	\$ 10,375.06	\$ 10,375.06
825	686 6069	INSTALL TXDOT TRAFFIC SIG POLE MAST ARM	1.000	EA	\$ 10,789.24	\$ 10,789.24
830	686 6075	INSTALL TXDOT TRAFFIC SIG POLE MAST ARM	2.000	EA	\$ 11,404.15	\$ 22,808.30
832	687 6002	PEDESTRIAN PUSH BUTTON POLE	3.000	EA	\$ 2,884.21	\$ 8,652.63
835	687 6004	INSTALL PEDESTRIAN PUSH SIGNAL POLE	4.000	EA	\$ 3,345.68	\$ 13,382.72
837	688 6001	PED DETECT PUSH BUTTON (APS)	16.000	EA	\$ 1,379.80	\$ 22,076.80
841	690 6027	REMOVAL OF SIGNAL RELATED SIGNS	10.000	EA	\$ 807.58	\$ 8,075.80
842	690 6030	REMOVAL OF PEDESTRIAN PUSH BUTTONS	4.000	EA	\$ 836.42	\$ 3,345.68
843	690 6037	INSTALL OF FND FOR POLE MNT CABINETS	2.000	EA	\$ 2,941.89	\$ 5,883.78
844	690 6038	REMOVAL OF CONTROL CABINET (GRND MNT)	1.000	EA	\$ 5,191.57	\$ 5,191.57
845	690 6045	VIVIDS PROCESSOR	1.000	EA	\$ 9,575.56	\$ 9,575.56
846	690 6066	INSTALL OF LUMINAIRE HEAD	11.000	EA	\$ 778.74	\$ 8,566.14
847	690 6069	FIBER OPTIC INTERCONNECT CABLE	1,958.000	LF	\$ 10.98	\$ 21,498.84
848	690 6137	VIVIDS CABLE (INSTALL)	2,150.000	LF	\$ 4.57	\$ 9,825.50
849	690 6138	VIVIDS CAMERAS (INSTALL)	11.000	EA	\$ 2,941.89	\$ 32,360.79
882	6054 6006	EMERGENCY PREE-4CHANNEL BI DIRECTIONAL	5.000	EA	\$ 1,645.15	\$ 8,225.75
883	6054 6010	EMERGENCY PREE-4CHANNEL DISCRIMINATOR	1.000	EA	\$ 10,263.15	\$ 10,263.15
885	6056 6005	BATTERY BACK UP UNIT	3.000	EA	\$ 4,102.49	\$ 12,307.47
886	6094 6017	PULL BOXES (TY D)	25.000	EA	\$ 1,672.84	\$ 41,821.00
SUBTOTAL						\$ 1,194,420.99

PAVEMENT MARKINGS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
590	666 6036	REFL PAV MRK TY I (W)8"(SLD)(100MIL)	1,355.000	LF	\$ 2.31	\$ 3,130.05
600	666 6042	REFL PAV MRK TY I (W)12"(SLD)(100MIL)	1,325.000	LF	\$ 2.42	\$ 3,206.50
610	666 6048	REFL PAV MRK TY I (W)24"(SLD)(100MIL)	598.000	LF	\$ 4.85	\$ 2,900.30
620	666 6054	REFL PAV MRK TY I (W)(ARROW)(100MIL)	32.000	EA	\$ 80.76	\$ 2,584.32
625	666 6057	REFL PAV MRK TY I (W)(ARROW)(100MIL)	1.000	EA	\$ 98.06	\$ 98.06
630	666 6078	REFL PAV MRK TY I (W)(WORD)(100MIL)	10.000	EA	\$ 80.76	\$ 807.60
640	666 6300	RE PM W/RET REQ TY I (W)4"(BRK)(100MIL)	947.000	LF	\$ 1.44	\$ 1,363.68
650	666 6303	RE PM W/RET REQ TY I (W)4"(SLD)(100MIL)	700.000	LF	\$ 1.44	\$ 1,008.00
660	666 6312	RE PM W/RET REQ TY I (Y)4"(BRK)(100MIL)	458.000	LF	\$ 1.44	\$ 659.52
670	666 6315	RE PM W/RET REQ TY I (Y)4"(SLD)(100MIL)	3,722.000	LF	\$ 1.44	\$ 5,359.68
675	668 6089	PREFAB PAV MRK TY C (W) (RR XING)	4.000	EA	\$ 605.69	\$ 2,422.76
680	672 6007	REFL PAV MRKR TY I-C	525.000	EA	\$ 4.27	\$ 2,241.75
690	672 6009	REFL PAV MRKR TY II-A-A	155.000	EA	\$ 4.27	\$ 661.85
691	678 6001	PAV SURF PREP FOR MRK (4")	5,900.000	LF	\$ 0.12	\$ 708.00
692	678 6004	PAV SURF PREP FOR MRK (8")	1,155.000	LF	\$ 0.23	\$ 265.65
693	678 6006	PAV SURF PREP FOR MRK (12")	1,325.000	LF	\$ 0.75	\$ 993.75
694	678 6008	PAV SURF PREP FOR MRK (24")	598.000	LF	\$ 1.50	\$ 897.00
695	678 6009	PAV SURF PREP FOR MRK (ARROW)	32.000	EA	\$ 51.92	\$ 1,661.44
696	678 6010	PAV SURF PREP FOR MRK (DLB ARROW)	1.000	EA	\$ 86.53	\$ 86.53
697	678 6016	PAV SURF PREP FOR MRK (WORD)	10.000	EA	\$ 51.92	\$ 519.20
698	678 6020	PAV SURF PREP FOR MRK (RR XING)	4.000	EA	\$ 213.43	\$ 853.72
SUBTOTAL						\$ 32,429.36

LANDSCAPING						
Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
125	170 6001	IRRIGATION SYSTEM	1.000	LS	\$ 115,368.21	\$ 115,368.21
130	192 6017	VEGETATION BARRIER	1,225.000	SY	\$ 2.88	\$ 3,528.00
160	192 6044	PLANT MATERIAL (MIN 2 " CAL) (B&B)	49.000	EA	\$ 519.16	\$ 25,438.84
850	1005 6001	LOOSE AGGR FOR GROUND COVER (TYPE I)	102.000	CY	\$ 98.06	\$ 10,002.12
877	5093 6001	STONE MASONRY (ROCKWALL)	225.000	SF	\$ 13.84	\$ 3,114.00
SUBTOTAL						\$ 157,451.17

SIGNAGE						
Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
480	636 6001	ALUMINUM SIGNS (TY A)	225.000	SF	\$ 34.61	\$ 7,787.25
490	644 6001	IN SM RD SN SUP&AM TY10BWG(1)SA(P)	28.000	EA	\$ 1,140.99	\$ 31,947.72
510	644 6007	IN SM RD SN SUP&AM TY10BWG(1)SA(U)	1.000	EA	\$ 1,326.73	\$ 1,326.73
570	658 6016	INSTL DEL ASSM (D-SW)SZ (BRF)GF1 (BI)	60.000	EA	\$ 28.84	\$ 1,730.40
580	658 6048	INSTL OM ASSM (OM-2Z)(FLX)GND	80.000	EA	\$ 69.22	\$ 5,537.60
SUBTOTAL						\$ 48,329.70

OTHER UTILITIES						
Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
998	7159 6008	GAS VALVE BOX ADJUSTMENT	8.000	EA	\$ 1,030.96	\$ 8,247.68
1200		EPE POLE TO BE RELOCATED	5.000	EA	\$ 3,913.29	\$ 19,566.45
1210		COMMUNICATION POLE TO BE RELOCATED	4.000	EA	\$ 3,413.75	\$ 13,655.00
1220		LIGHT POLE TO BE REMOVED	5.000	EA	\$ 1,442.10	\$ 7,210.50
1230		REPLACE WOOD POLE WITH STEEL POWER PO	1.000	EA	\$ 19,612.60	\$ 19,612.60
1240		POWERPOLE CROSSARMS	1.000	EA	\$ 3,345.67	\$ 3,345.67
SUBTOTAL						\$ 71,637.90

MISCELLANEOUS						
Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Bid Total
3000		Railroad Contractor (no markup)	1.000	LS	\$ 185,235.00	\$ 185,235.00
SUBTOTAL						\$ 185,235.00

GENERAL CONDITIONS

Biditem	Client #	Description	Bid Quantity	Unit	Bid Price	Total	EPWU Breakout
945		MOBILIZATION	1	LS	\$ 70,315.25	\$ 53,927.81	\$ 16,387.44
7002		FLAGGING/OFFICERS	10	MT	\$ 1,000.00	\$ 7,669.43	\$ 2,330.57
7003		CLEAN & FINAL	1	LS	\$ 5,600.00	\$ 4,294.88	\$ 1,305.12
9900		SUPERINTENDENT	10	MT	\$ 12,880.00	\$ 98,782.30	\$ 30,017.70
9901		PROJECT MANAGER	5	MT	\$ 14,320.00	\$ 54,913.14	\$ 16,686.86
9902		YARD RENTAL	10	MT	\$ 2,000.00	\$ 15,338.87	\$ 4,661.13
9903		OFFICE TRAILER	10	MT	\$ 1,500.00	\$ 11,504.15	\$ 3,495.85
9918		PROJECT DRAWINGS	8	EA	\$ 250.00	\$ 1,533.89	\$ 466.11
9904		PORTABLE TOILETS	10	MT	\$ 750.00	\$ 5,752.07	\$ 1,747.93
9905		WATER ICE	10	MT	\$ 65.00	\$ 498.51	\$ 151.49
9906		CELL PHONE	10	MT	\$ 600.00	\$ 4,601.66	\$ 1,398.34
9907		FIRST AID SUPPLIES	10	MT	\$ 200.00	\$ 1,533.89	\$ 466.11
9908		FUEL EXPENSE	10	MT	\$ 1,500.00	\$ 11,504.15	\$ 3,495.85
9909		PROJECT ENGINEER	10	MT	\$ 10,576.00	\$ 81,111.93	\$ 24,648.07
9910		GENERAL SUPERINTENDENT	4	MT	\$ 15,500.00	\$ 47,550.49	\$ 14,449.51
9912		SECURITY	10	MT	\$ 1,000.00	\$ 7,669.43	\$ 2,330.57
9913		CONSTRUCTION WATER	10	MT	\$ 3,500.00	\$ 26,843.02	\$ 8,156.98
9915		JOB PHOTOS	10	MT	\$ 400.00	\$ 3,067.77	\$ 932.23
9916		SMALL TOOLS	10	MT	\$ 500.00	\$ 3,834.72	\$ 1,165.28
9917		SURVEY	2	MT	\$ 24,538.00	\$ 37,638.51	\$ 11,437.49
9920		SAFETY COORDINATOR	4	MT	\$ 10,864.00	\$ 33,328.29	\$ 10,127.71
9923		SAFETY PPE	10	MT	\$ 200.00	\$ 1,533.89	\$ 466.11
9925		OFFICE SUPPLIES	10	MT	\$ 75.00	\$ 575.21	\$ 174.79
9930		PTO HOURLY	0	HR	\$ 16.09	\$ -	\$ -
SUBTOTAL						\$ 515,008.00	\$ 156,499.25

Consultant Fees: Under Contract for 30 and 60% Design (See Attached Breakdown)				\$ 526,757.00
Consultant Fees: 60 - 100% and CA				\$ 302,429.00
JFC Design Costs: Under Contract for 30 and 60% Design (See Attached Breakdown)				102,979.28
JFC Design Costs: 60 - 100%				50,495.00
Railroad Permit and Coordination				16,431.00
General Contractor Fee @4.33% on Construction Costs	\$7,718,999.32	4.33%		\$ 334,232.67
Construction Contingency				\$ 200,000.00
Owner Contingency				\$ 350,000.00
GRAND TOTAL				9,602,323.27

Changes made from the GMP Negotiations Meeting on 9/27/2019

Changes due to EPWU Request on 9/25/2019

Last minute design results from PSC for proper surface drainage per email sent 9/26/2019

CID Request per phone discussion on 10/24/2019



Legislation Text

File #: 22-751, 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

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

Community and Human Development, Nickole Rodriguez, (915) 212-1673

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 recommendations, as set forth in Exhibit A and Exhibit B, for the Neighborhood Improvement Program (NIP) Round 5 projects funded under the 2012 Quality of Life (QOL) bond, and Round 4 Project Adjustment/Reallocations.

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

DEPARTMENT: Community + Human Development

AGENDA DATE: June 22, 2022

CONTACT PERSON/PHONE: Nicole Ferrini, Director 915-212-1659, ferrininm@elpasotexas.gov, Nickole Rodriguez, Community Development Program Manager 915-212-1673, rodriguezh@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

STRATEGIC GOAL: 8- Nurture and promote a healthy, sustainable community
4- Enhance El Paso's quality of life through recreation, cultural, and educational environments

SUBJECT:

Discussion and action on a resolution approving recommendation, as set forth in Exhibit A and Exhibit B, for the Neighborhood Improvement Program (NIP) Round 5 projects funded under the 2012 Quality of Life (QOL) bond, and Round 4 Project Adjustment/Reallocations.

BACKGROUND / DISCUSSION:

Neighborhood Improvement Program (NIP) is for recognized neighborhood and civic associations to request small-scale improvement projects on City-owned property or public-right-of-way to provide additional amenities and/or aesthetic appeal.

NIP is funded at \$10 million under the 2012 QOL bond. A total of 4 million is allocated for Round 5 and 25% (\$1,000,000) is set aside to cover engineering cost to include engineering services, design, procurement, and contract compliance. The remaining \$3 million is allocated equally per District and is competitive among associations within the same District for project constructions and contingency cost. Total funding available for this round is \$4,400,500.00 that includes rollover funds from previous rounds.

The follow is the available NIP Round 5 project funds per District:

District	Round 5 Allocation	Round 4 Rollover	Round 5 Available Funds for Project Request*
Dist 1	\$375,000	\$84,415.08	\$459,415.08
Dist 2	\$375,000	\$81,173.00	\$456,173.00
Dist 3	\$375,000	\$7,141.13	\$382,141.13
Dist 4	\$375,000	\$778.46	\$375,778.46
Dist 5	\$375,000	\$116,813.34	\$491,813.34
Dist 6	\$375,000	\$32,026.94	\$407,026.94
Dist 7	\$375,000	\$58,667.26	\$433,667.26
Dist 8	\$375,000	\$19,538.25	\$394,538.25

TOTAL:	\$3,000,000	\$400,553.46	\$3,400,533.46
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** Does not include the \$1M set aside used for engineering costs*

A total of 47 applications were submitted for Round 5. City departments involved in potential implementation of projects reviewed project proposals for feasibility and those deemed feasible were forwarded to the Capital Improvement Department (CID) to develop cost estimates. Proposal review meetings were conducted between the applicant associations and applicable City departments to refine and finalize project scopes.

Each application was evaluated based on a Council-approved scorecard included in the application packet. A review team consisting of staff from Community + Human Development, Parks & Recreation, Capital Improvement, and Streets & Maintenance reviewed and scored the application sections. Recommendations for each District are based on fully funding the top scoring project followed by the next highest scoring proposal(s) that can be significantly completed within remaining funds. A total of 19 projects are being recommended, as set forth in Exhibit A.

Round 4 Project Deletion: Staff is recommending the deletion of the North Stanton Pedestrian pathway approved in the Round 4 allocation in 2019 and applying the funds to the Round 5 allocation. The Upper Mesa Hills Neighborhood Association rejected the project proposal of delineators to form a pedestrian pathway, as set forth in Exhibit B.

PRIOR COUNCIL ACTION:

City Council approved the following resolutions:

- 07/29/2014 – NIP policies and scorecard
- 11/14/2017 – Amended NIP scorecard
- 10/15/2019 – Redistribution of remaining 2012 QOL funds

City Council approved the following rounds of NIP projects under the 2012 QOL Bond funds:

- 06/24/2014 – Round 1 (18 projects)
- 06/23/2015 – Round 2 (15 projects)
- 01/24/2017 – Round 3 (20 projects)
- 11/26/2019 – Round 4 (19 projects)

AMOUNT AND SOURCE OF FUNDING:

\$10,000,000 – 2012 Quality of Life Bond

BOARD / COMMISSION ACTION:

N/A

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

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, Neighborhood Improvement Program (“NIP”) initiates projects requested by recognized neighborhood and civic associations for permanent public improvements that benefit neighborhood residents and the general public at large; and

WHEREAS, in 2012, the citizens of El Paso, Texas approved the 2012 Quality of Life Bonds, which included funding for the NIP; and

WHEREAS, the NIP’s total budget made available from the 2012 Quality of Life Bonds is \$10,000,000.00 to be apportioned equally among El Paso’s eight Representative Districts for eligible public improvement projects and program administration costs; and

WHEREAS, previous allocations (Rounds 1, 2 and 3) were approved and implemented by City Council on June 24, 2014, June 23, 2015 and January 24, 2017, respectively; and

WHEREAS, on November 14, 2017, the NIP scorecard was approved by the City Council;

WHEREAS, on October 15, 2019, the allocation of \$3,000,000 for the fourth round was approved by City Council;

WHEREAS, on _____ 2022, the allocation of \$4,000,000 for the fifth round was approved by City Council;

WHEREAS, City staff has reviewed the applications and provided recommendations for the NIP projects to be approved by City Council in the fifth round of the 2012 Quality of Life Bonds NIP funding.

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

That City Council hereby approves the Neighborhood Improvement Program projects for expenditure of designated NIP funds in the 2012 Quality of Life Bonds, said projects specifically set forth in Exhibits "A" and “B”, attached hereto.

(Signatures begin on following page)

APPROVED this _____ day of _____, 20____.

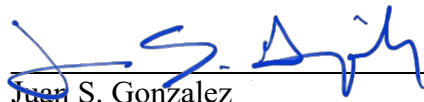
CITY OF EL PASO:

Oscar Leeser
Mayor

ATTEST:

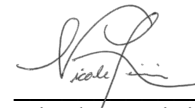
Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Juan S. Gonzalez
Senior City Attorney

APPROVED AS TO CONTENT:



Nicole Ferrini, Director
Community and Human Development

Exhibit A
Neighborhood Improvement Program (NIP) – Round 5 Recommended Projects

District	Neighborhood Association	Project Title	Project Budget	Total Budget (Includes Rollover)
1	Coronado Hills	Broadmoor, Thunderbird, Pinehurst, and Singing Hills - Reflective markers on striping and raised markers	<i>\$84,216.00</i>	
	Rim Area	Upper Tom Lea Park - trash cans, park lights	<i>\$114,048.00</i>	
	Montoya Garden	Little River Park- 3' rock wall and security camera system	<i>\$203,060.00</i>	
	Borderland	Borderland Park-(Partial fund), security camera system	<i>\$58,091.00</i>	
				\$459,415.00
2	Sunrise	Sunrise Park- (9) exercise equipment	<i>\$121,550.00</i>	
	Manhattan Heights	Memorial Park - (2) Park lights	<i>\$46,200.00</i>	
	Normandy	Normandy Park - Park lights	<i>\$39,600.00</i>	
	Chivas Town	Grandview Park-(Partial Fund) (6) 3" Caliper trees, water audit	<i>\$75,000.00</i>	
				\$282,350.00
3	El Paso Lower Valley	Balsam Street- Streetlights	<i>\$148,500.00</i>	
	Stiles Garden	Stiles Park- Canopy and picnic tables	<i>\$172,015.00</i>	
				\$320,515.00
4	Castner Heights	Todd Ware Park- 30x30 metal canopy, (3) picnic tables, concrete slab, irrigation modifications	<i>\$347,715.00</i>	
				\$347,715.00

5	East Cave	East Cave Park- basketball court, (4) tables	<i>\$216,480.00</i>	\$407,880.00
	Coyote Park	Coyote Park- basketball court	<i>\$191,400.00</i>	
6	Ranchos Del Sol	Rancho Del Sol Park- Walking path, (1) bench, (3) trees, Playground Equipment, Playground wood fiber, irrigation modifications	<i>\$290,883.00</i>	\$290,883.00
7	Penrose	Marion Manor Park- (5) tables with canopy, (6) trash cans, playground canopy	<i>\$176,182.00</i>	\$425,153.00
	Lomaland	E. L. Williams Park- (2) canopies over bleachers	<i>\$130,171.00</i>	
	Playa	Playa Drain (Knights to Shawver Park)- (Partial Fund) (60) bollards	<i>\$118,800.00</i>	
8	Washington Delta	Washington Park- exercise equipment with safety surface, sidewalk (900sy), lime stabilization (900sy), irrigation modifications	<i>\$295,374.00</i>	\$349,214.00
	Zach White	Coach Jack D. Quarles Park- Park lights	<i>\$53,840.00</i>	

Exhibit B

Neighborhood Improvement Program (NIP) – Round 4 Project Adjustments/Reallocations

Round 4 NIP

District	Neighborhood Association	Project Title	Budget	Recommendation
1	Upper Mesa Hills	N. Stanton pedestrian path (delineators)	\$67,671	Delete project due to project infeasibility.



El Paso, TX

300 N. Campbell
El Paso, TX

Legislation Text

File #: 22-807, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

DISTRICT, DEPARTMENT, CONTACT INFORMATION:

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

AGENDA LANGUAGE:

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

Purchase, sale, exchange or value of real property located in Northeast El Paso, Texas. Matter No. 21-1004-1393 (551.072)



El Paso, TX

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

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Max Grossman Lawsuit v. City of El Paso; Texas Supreme Court, Case No. 21-1105. Matter No. 17-1001-171.001 (551.071)



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File #: 22-799, Version: 1

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City Attorney's Office, Michael K. Lasley, (915) 212-0033

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Daniel Tovar v. City of El Paso Cause No.:2019DCV1249. Matter No. 19-1005-1751 (551.071)



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Legislation Text

File #: 22-801, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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City Attorney's Office, Donald Davie, (915) 212-0033

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TGS Annual Gas Reliability Infrastructure Program ("GRIP") Application for Annual Interim Rate Adjustment - RRC #00008972. Matter No. 22-1008-189 (551.071)



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File #: 22-822, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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

AGENDA LANGUAGE:

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Discussion regarding the value and purchase/sale of real property managed by the El Paso Water Utilities located in Central/East El Paso, Texas. Matter No. 21-1009-1122 (551.072)



El Paso, TX

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El Paso, TX

Legislation Text

File #: 22-808, Version: 1

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

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Purchase, sale or value of real property located in West El Paso. Matter No. 20-1004-1140 (551.072)



El Paso, TX

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File #: 22-810, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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

AGENDA LANGUAGE:

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Purchase, lease, exchange of real property located near East El Paso, Texas. Matter No. 22-1004-1384
(551.072)



El Paso, TX

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Legislation Text

File #: 22-811, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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

AGENDA LANGUAGE:

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Purchase, lease, exchange of real property located in East El Paso, Texas. Matter No. 22-1004-1370
(551.072)



El Paso, TX

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Legislation Text

File #: 22-806, Version: 1

CITY OF EL PASO, TEXAS LEGISTAR AGENDA ITEM SUMMARY FORM

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

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Economic Incentives for a Technology Firm to be located in the City of El Paso. Matter No. 22-1007-2887
(551.087)