

105

ORDINANCE NO. 016528

AN ORDINANCE DESIGNATING THE FIVE AREAS DESCRIBED AS REDEVELOPMENT DISTRICTS IN THE EL PASO DOWNTOWN 2015 PLAN AS A TAX INCREMENT REINVESTMENT ZONE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE "REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, on October 31, 2006, the City Council (the "Council") of the City of El Paso, Texas (the "City") passed and approved Ordinance No. 016487, incorporating the Downtown 2015 Plan prepared by SMWM into the City's comprehensive plan entitled *The Plan for El Paso*; and

WHEREAS, the City desires to support revitalization activities for the Redevelopment Districts in the Downtown 2015 Plan ("Redevelopment Districts"), to be funded in whole or in part through the creation of a Tax Increment Reinvestment Zone (the "Zone"), as hereinafter more specifically defined and named, and with boundaries as hereinafter provided, pursuant to the provisions of the Tax Increment Financing Act, Chapter 311, Texas Tax Code (as amended, the "Act"); and

WHEREAS, the City desires to encourage community revitalization and infrastructure improvements within the Redevelopment Districts; and

WHEREAS, the proposed public improvements for the area may include construction of streets, sidewalks, drainage, sewer and water utilities, street lights, park development, and other public improvements which may be provided for in one or more development agreements to be considered by the Council at a later date; and

WHEREAS, pursuant to the Act, the City may designate a contiguous geographical area within the City as a Zone if the area satisfies the requirements of certain sections of the Act; and

WHEREAS, on October 17, 2006, the Council adopted a resolution expressing its intent to create the Zone and authorizing the City to (i) deliver notice of said intention to the governing bodies of each taxing unit that levies real property taxes in the Zone (the "Taxing Units"), including in the notice a description of the Zone, the tentative plans for development of the Zone, and the estimated impact of the Zone on property values and tax revenues; (ii) set a date for a public hearing and publish notice thereof; (iii) make presentations to two of the Taxing Units; and (iv) request each of the Taxing Units to appoint a representative to meet with City officials, and to call meetings regarding the Zone; and

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WHEREAS, pursuant to Section 311.003(e) of the Act and the direction of the Council, on October 20, 2006, the City sent said written notice to the governing body of each Taxing Unit of the City's intent to consider establishing a Tax Increment Reinvestment Zone, providing sixty (60) days notice prior to a public hearing, as required by the Act; and

WHEREAS, pursuant to Section 311.003(b) of the Act, the City staff has (i) prepared a Preliminary Reinvestment Zone Financing Plan (the "Preliminary Plan") for the Zone and (ii) distributed a copy of the Preliminary Plan to the governing body of each Taxing Unit; and

WHEREAS, pursuant to Section 311.003(f) of the Act, the City made a formal presentation to the governing body of El Paso County on November 13, 2006 and the governing body of the El Paso Independent School District on November 14, 2006; and

WHEREAS, notice of the public hearing to be held on December 19, 2006, was duly published in *El Paso Times* in its issue dated December 12, 2006, in compliance with Section 311.003(c) of the Act; and

WHEREAS, a public hearing was held on December 19, 2006 in the City Council Chambers, El Paso City Hall to consider the creation of a Zone for the Redevelopment Districts and the respective benefits of the Zone to the City and to property in the Zone; and

WHEREAS, the Council hereby recognizes that there is no guarantee that the value of property in the Zone will increase, that any increases in value are dependent upon many factors which are not within the City's control, and that there is no guarantee of any tax increment, as that term is defined in the Act; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

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

Section 1. Short Title.

This Chapter may be known and cited as the Tax Increment Reinvestment Zone No. 5 Ordinance.

Section 2. Designating the Area as a Reinvestment Zone.

The five areas located in downtown El Paso and described as Redevelopment Districts in the Downtown 2015 Plan portion of *The Plan for El Paso*, with the boundaries as more specifically described in Section 3 below, and officially assigned the name as designated in Section 6 below (which reinvestment zone so described, named and designated is herein referred to as the "Zone"), is hereby designated as a Tax Increment Reinvestment Zone under the Act.

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Section 3. Description of the Boundaries of the Reinvestment Zone.

Attached hereto as Exhibit A, which is incorporated herein by reference for all purposes as if copied herein verbatim, is a narrative description of the boundaries of the Zone created hereby, which consists of approximately 188.42 acres of real property. The five contiguous Redevelopment Districts are depicted at Exhibit B. Each Redevelopment District is depicted separately in Exhibits B-1 through B-5.

Section 4. Creation and Composition of a Board of Directors for the Zone.

There is hereby created a Board of Directors for the Zone (the "Board"), with all the rights, powers and duties as provided by the Act to such Boards or by action of the Council. Pursuant to Section 311.009(a) of the Act, the City declares that the Board shall consist of fifteen (15) members.

Each Taxing Unit shall appoint one (1) member to the Board. The City shall appoint ten (10) members to the Board. All persons appointed must meet the eligibility requirements of Section 311.009(e)(1) of the Act to serve as members of the Board. Board members representing the City shall be appointed by the Mayor with the approval of Council; preference for City appointees shall be given to individuals who possess some or all of the following characteristics:

- (a) Experience in at least one of the following areas: arts, real estate, retail, housing, finance, historic preservation, construction, development, or El Paso history
- (b) Knowledge of downtown El Paso;
- (c) Geographic diversity (through the City of El Paso);
- (d) Cultural diversity
- (e) Moral and ethical character;
- (f) Integrity;
- (g) High performance standards;
- (h) Availability; and
- (i) Strong desire for public service, but not an elected official.

Members of the Board are appointed for terms of two years. Upon expiration of their respective terms of office, replacements to the Board shall be appointed for a two year term, in the same manner as originally appointed.

Section 5. Effective Date and Termination Date of the Zone.

The Zone shall take effect immediately upon the passage of this ordinance, pursuant to Section 311.004(a)(3) of the Act, and continue until its termination date of December 31, 2036 (the "Termination Date"), unless otherwise terminated earlier as a result of payment in full of all project costs, and the interest accrued on those costs, or as authorized or permitted by law.

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Section 6. Assigning a Name to the Zone.

The Zone created hereby is assigned the name of "REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS."

Section 7. Tax Increment Base.

The tax increment base for the Zone is the total appraised value of all real property taxable by the City and located in the Zone, determined as of January 1, 2006, the year in which the Zone was designated as a Tax Increment Reinvestment Zone (the "Tax Increment Base").

Section 8. Establishment of a Tax Increment Fund.

There is hereby created and established in the depository bank of the City, a fund to be called the "REINVESTMENT ZONE NUMBER FIVE, CITY OF EL PASO, TEXAS TAX INCREMENT FUND" (the "Tax Increment Fund"). Money in the Tax Increment Fund, from whatever source, may be disbursed from the Tax Increment Fund, invested, and paid as permitted by the Act or by any agreements entered into pursuant to the Act, or as otherwise authorized by law.

Section 9. Findings.

The City hereby finds and declares that:

- (a) improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the municipality;
- (b) the area within the Zone meets the requirements of Section 311.003(a) of the Act, being that:
 - (1) the Zone is a contiguous geographical area located wholly within the corporate limits of the City;
 - (2) redevelopment within the Zone would not occur solely through private investment in the reasonably foreseeable future; and
- (c) the area within the Zone meets the requirements of Section 311.005 of the Act, being that the Zone area:
 - (1) substantially arrests or impairs the sound growth of the City, retards the provision of housing accommodations, constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:
 - (A) a substantial number of substandard, deteriorated or deteriorating structures;

- (B) faulty lot layout in relation to size, adequacy, accessibility or usefulness;
 - (C) unsanitary or unsafe conditions;
 - (D) the deterioration of site or other improvements; and
 - (E) defective or unusual conditions of title;
- (2) is predominantly open, and because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; and
- (d) the area within the Zone meets the requirements of Section 311.006 of the Act, being that:
- (1) no more than ten percent (10%) of the real property in the Zone, excluding publicly owned property, is used for residential purposes;
 - (2) the total appraised value of the taxable real property in the Zone and in existing reinvestment zones does not exceed fifteen percent (15%) of the total appraised value of taxable real property in the City; and
 - (3) the Zone does not contain more than fifteen percent (15%) of the total appraised value of real property taxable by El Paso County or by the El Paso Independent School District.
- (e) the area within the Zone is "unproductive, underdeveloped, or blighted" within the meaning of article VIII, section 1-g(b) of the Texas Constitution. In making this finding, the Council considered:
- (1) the criteria contained in the Act, especially in Sections 311.005(a)(1) and 311.005(a)(2) of the Act; and
 - (2) that all of the area within the Zone is also within the area previously determined to be eligible to receive Community Development Block Grant ("CDBG") funding as shown on Exhibit C, and taking into account the methodology for determining slums and blight for CDBG funding as adopted by resolution of the City on October 17, 1989; and
 - (3) the amount of substandard structures in the area within the Zone as determined by the Physical Condition Factor ("PCF") given by the El Paso Central Appraisal District, with seventy-three percent (73%) of all structures within the Zone rated as substandard (below PCF of 0.65), as shown on Exhibits D1 through D5; and
 - (4) that 97.5% of the area within the Zone is also within the area previously determined to comprise an Empowerment Zone as shown on Exhibit E (the

exception being 4.63 acres in the Exhibition/Convention/Arena District which is government-owned); and

- (5) the amount of underutilized structures (50% of the total number of structures) and surface parking lots/vacant sites within the Zone as shown on Exhibit F.

Section 10. Incorporation of Recitals.

The Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the Council hereby incorporates such recitals as a part of this Ordinance.

Section 11. Severability.

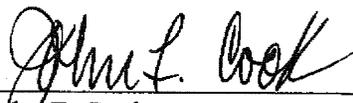
If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 12. Effective Date.

This Ordinance shall be in full force and effect upon the date of its passage.

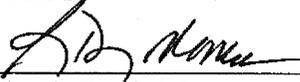
READ, ADOPTED AND APPROVED this 19th day of December 2006.

CITY OF EL PASO



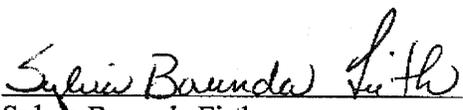
John F. Cook
Mayor

ATTEST:



Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Sylvia Borunda Firth
Senior Assistant City Attorney

APPROVED AS TO CONTENT:



Patricia D. Aduato
Deputy City Manager
Development and Infrastructure Services

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EXHIBITS

- A. Zone Boundary Narrative Description
- B. Downtown Redevelopment Districts
 - B-1 Lifestyle Retail District
 - B-2 Exhibition/Convention/Arena District
 - B-3 Mercado/Residential District
 - B-4 Border Retail District
 - B-5 Residential/Mixed Use District
- C. Community Development Block Grant Depiction
 - D-1 PCF for Lifestyle Retail District
 - D-2 PCF for Exhibition/Convention/Arena District
 - D-3 PCF for Mercado/Residential District
 - D-4 PCF for Border Retail District
 - D-5 PCF for Residential/Mixed Use District
- E. Empowerment Zone Depiction
- F. Underutilized and Surface Parking/Vacant Sites

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EXHIBIT A

Zone Boundary Narrative Description

Beginning at the northernmost portion of the Downtown El Paso Redevelopment Plan TIRZ which is the northeast corner of the proposed eastern extension of E. Mills Avenue and Octavia Street following the east edge of Octavia Street south to northwest corner of the alley between Myrtle Avenue and Magoffin Avenue; then west following the south edge of the alley to N. Ange Street; then south following the east edge of Ange Street to the southern edge of Magoffin Avenue; then west following the southern edge of Magoffin Avenue to the southeast corner of Magoffin Avenue and Saint Vrain Street then south following the eastern edge of Saint Vrain Street; to the northeast corner of Saint Vrain Street and Olive Avenue; then south crossing Olive Avenue to the northeast corner of Parcel 128; then east following the northern edge of E. San Antonio Avenue to the eastern extension S. Hills Street; then south following the eastern edge of S. Hills Street to the northeast corner of the alley between E. San Antonio Avenue and E. Overland Avenue; then east following the north edge of the alley and crossing N. Tays Street to the northeast corner of the alley between E. San Antonio Avenue and E. Overland Avenue; then south across E. Overland Avenue and following the eastern boundary of Parcel 477 (identified as railroad property) continuing south to the southern edge of E. Paisano Drive; then west following the southern edge of E. Paisano Drive to the southeast corner of the alley between S. Mesa Street and S. Stanton Street; then south following the eastern edge of the alley south to the southern edge of E. Eighth Avenue; then west to the southeast corner of E. Eighth Avenue and S. Mesa Street; then south to an extension of the south boundary of Parcel 419, (El Paso CAD # C05099904601900); then west following the southern boundary of Parcel 419, crossing the alley between S. Mesa Street and S. Oregon Street and continuing west on the southern edge of Parcel 416 (El Paso CAD # C05099904603700), Parcel 417 (El Paso CAD # C05099904604300) and Parcel 418 (El Paso CAD # C05099904605000); then continuing west to the western edge of S. Oregon Street; then following the western edge of S. Oregon Street north to the southwest corner of S. Oregon Street and E. Sixth Avenue; then west following the southern edge of E Sixth Avenue to the intersection of a line extending the western edge of the alley between S. Oregon Street and S. El Paso Street; then north on the western edge of the alley between S. Oregon Street and S. El Paso Street to the southern edge of E. Paisano Drive; then following the southern edge of E. Paisano Drive west to the southeast corner of E. Paisano Drive and S Santa Fe Street; then south on the eastern edge of S. Santa Fe Street to the northeast corner of S. Santa Fe Street and E. Father Rahm Avenue; then crossing S. Santa Fe Street to the south corner of Parcel 455 (El Paso CAD # C05099912000100); then following the western boundaries of parcel 455, Parcel 458 (El Paso CAD # C05099913109000), Parcel 457 (El Paso CAD # X47099900002500), Parcel 464 (El Paso CAD # C05099913000100) and Parcel 463 (El Paso CAD # X45099900005101) northwest to the southern edge of W. Paisano Drive; then north crossing to the northern edge of W. Paisano Drive then east following the northern edge of W Paisano Drive to the northwest corner of W. Paisano Drive and S. Leon Street; then north following the western edge of S. Leon Street to the southwest corner of S. Leon Street and W. San Antonio Avenue; then west following the south edge of W. San Antonio Avenue to the southwest corner of W. San Antonio Avenue and S. Durango Street; then north following the west edge of S. Durango Street north and northeast to an intersection of the northernmost corner of Parcel 468 (El Paso CAD # S636999000B2000 the City Civic Center);

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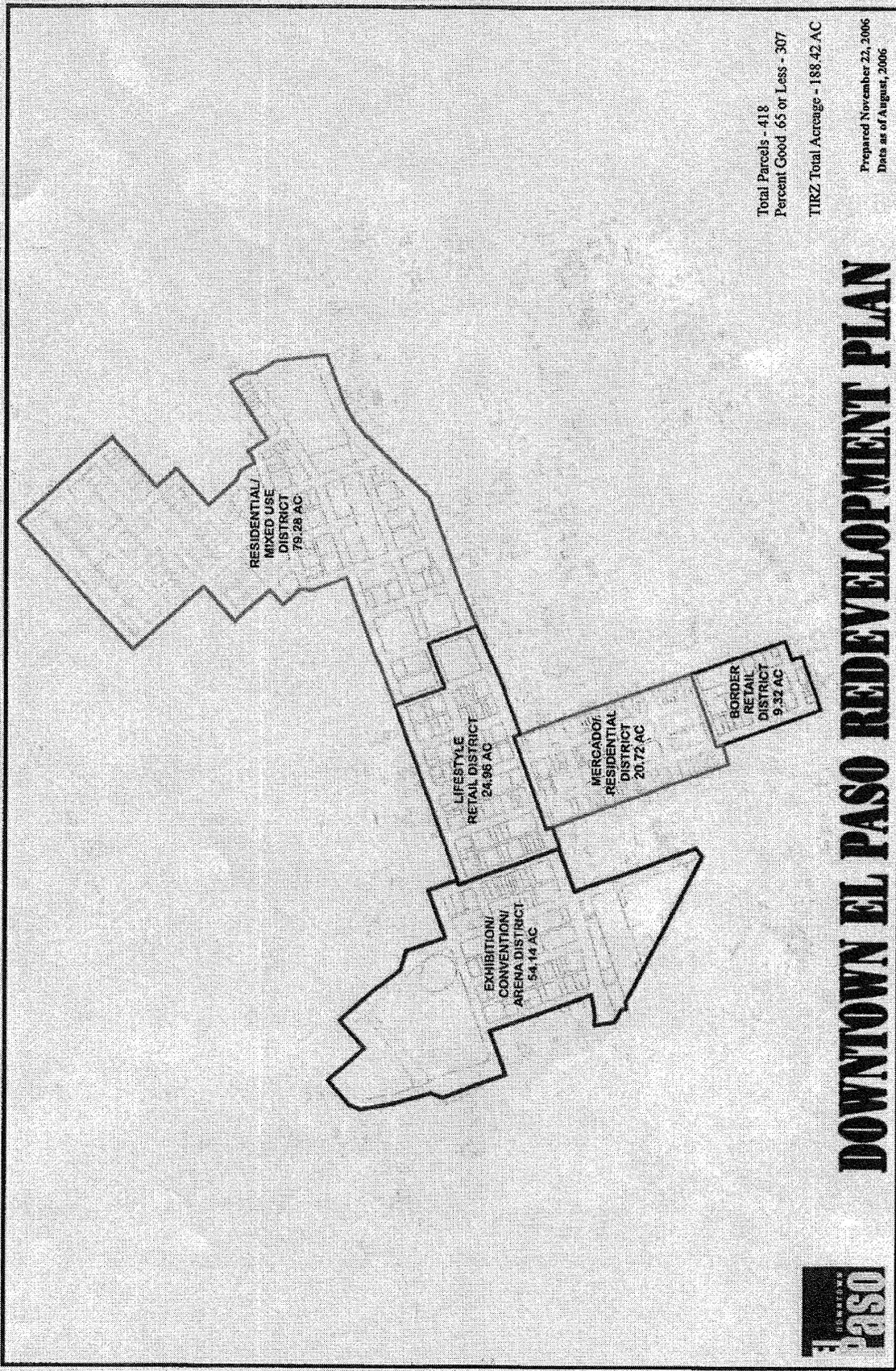
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then following the northeastern boundary of Parcel 468 south and east to N. Santa Fe Street then crossing N. Santa Fe Street to the east edge of N. Santa Fe Street; then following the east edge of N. Santa Fe Street south to the northeast corner of N. Santa Fe Street and W. San Antonio Avenue; then east to the western edge of S. El Paso Street; then south following the east edge of S. El Paso Street to the northeast corner of S. El Paso Street and E. Overland Avenue; then east following the northern edge of E. Overland Avenue to the northwest corner of E. Overland Avenue and S. Ochoa Street; then north following the west edge of N. Ochoa Street to southwest corner of S. Ochoa Street and E. San Antonio Avenue; then crossing E. San Antonio Avenue to the western edge of the alley between N. Ochoa Street and N. Florence Street; then north following the western edge of the alley and crossing Magoffin Avenue to the south edge of Magoffin Avenue; then east to the northwest corner of Magoffin Avenue and N. Ochoa Street; then north following the western edge of N. Ochoa Street to the northwest corner of N. Ochoa Street and Myrtle Avenue; then east following the northern edge of Myrtle Avenue to the northeast corner of N. Virginia Street and Myrtle Avenue; then north following the west edge of N. Virginia Street to the northwest corner of N. Virginia Street and E. Mills Avenue; then east following the northern edge of the proposed E Mills Avenue extension to the point of beginning, containing approximately 188.42 acres.

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Total Parcels - 418
 Percent Good .65 or Less - 307
 TIRZ Total Acreage - 188.42 AC
 Prepared November 22, 2006
 Data as of August, 2006

DOWNTOWN EL PASO REDEVELOPMENT PLAN



Exhibit B

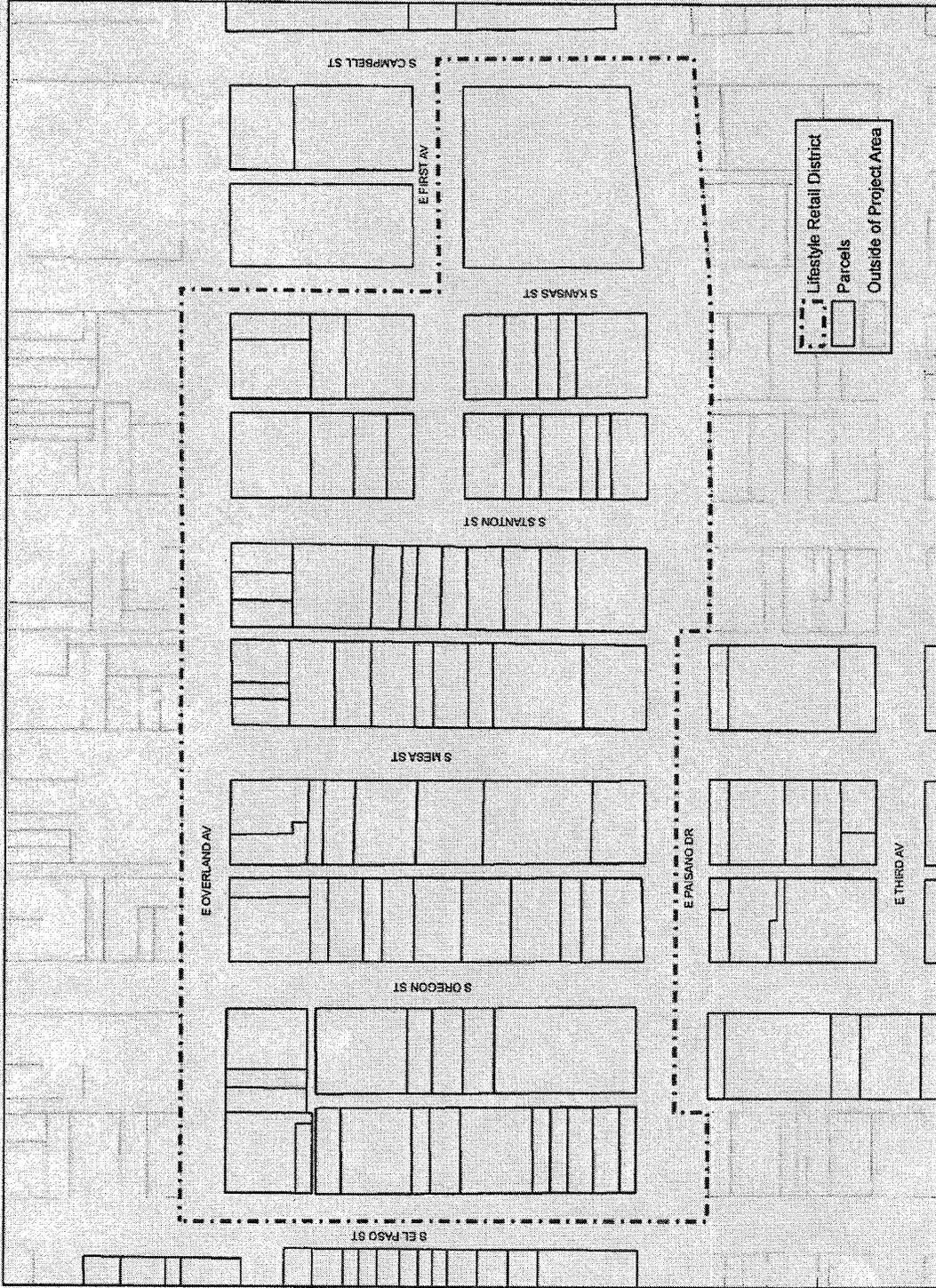
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LIFESTYLE
RETAIL
DISTRICT
24.96 AC

Total Parcels - 84



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DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit B-1

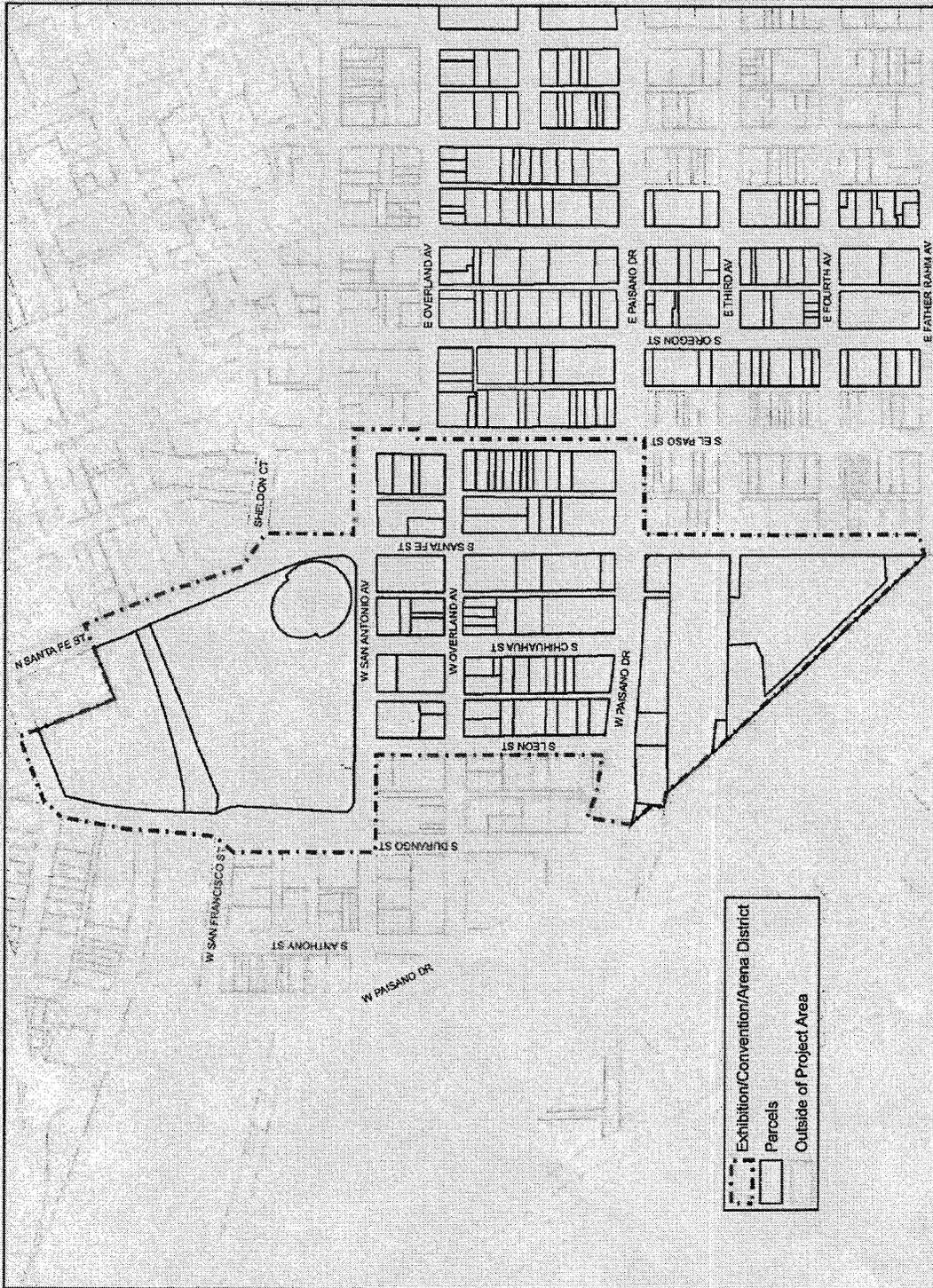
**EXHIBITION/
CONVENTION/
ARENA
DISTRICT**

54.14 AC

Total Parcels - 79



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DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit B-2

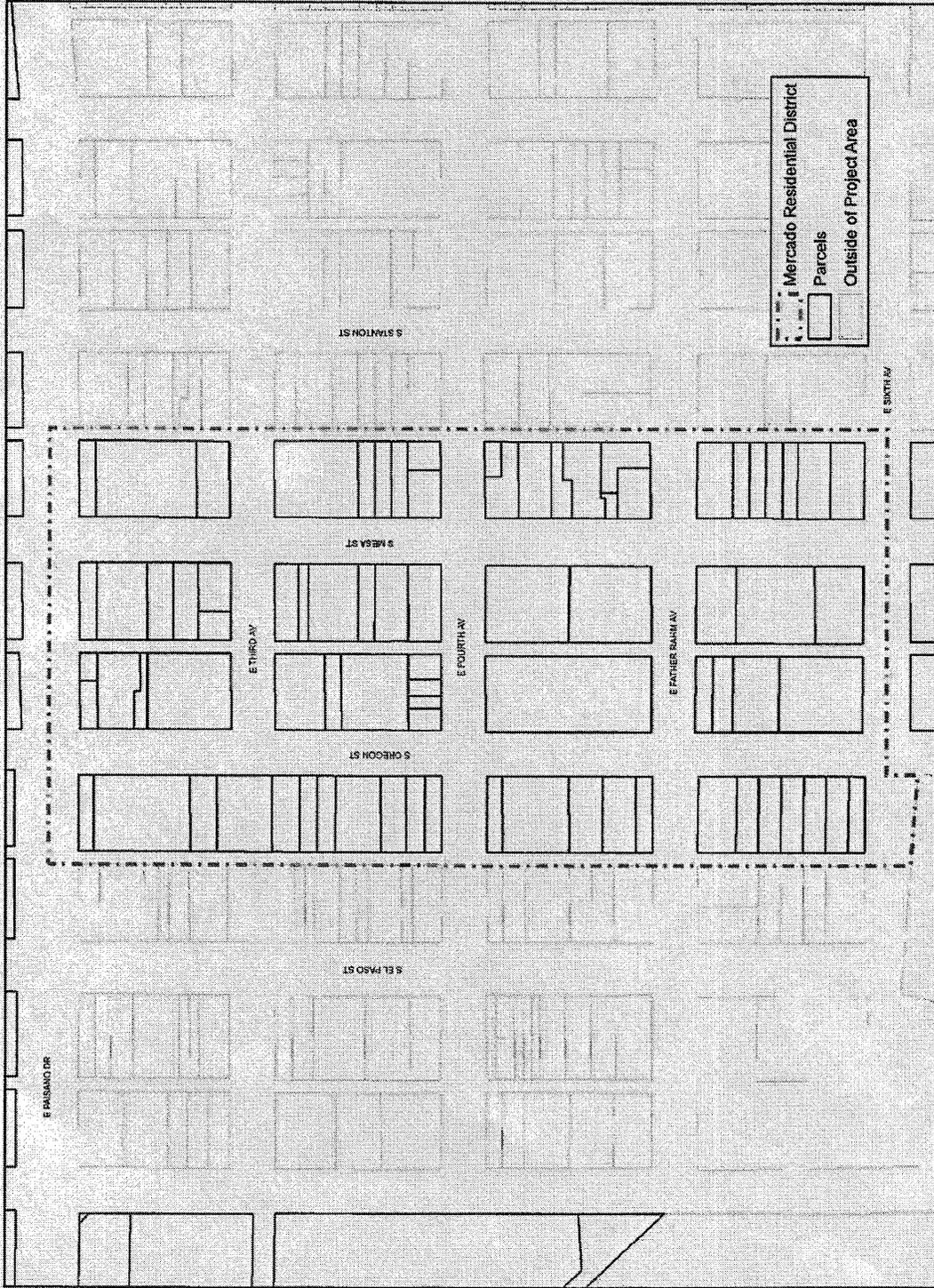
**MERCADO/
RESIDENTIAL
DISTRICT**

20.72 AC

Total Parcels - 81



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DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit B-3

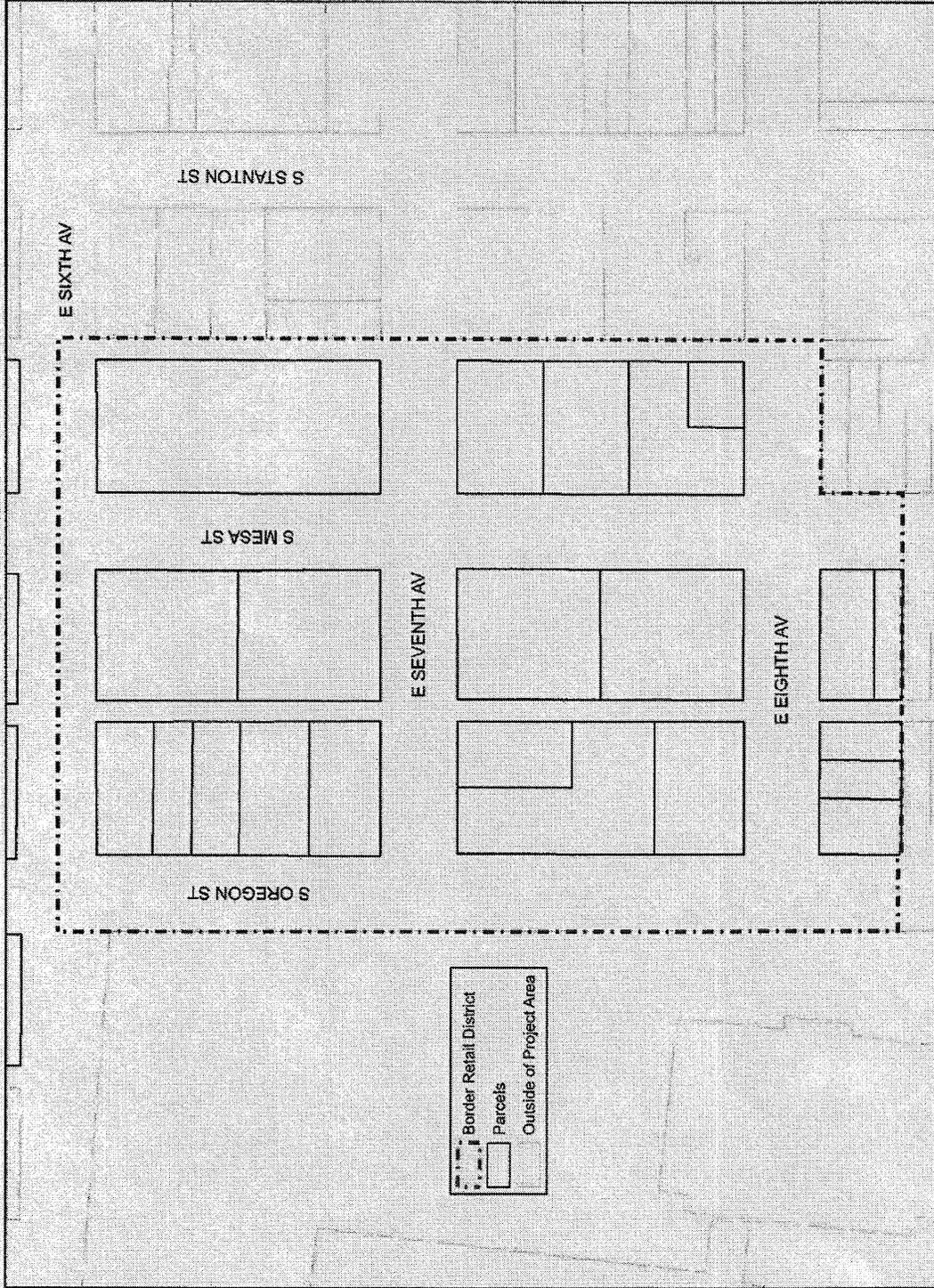
**BORDER
RETAIL
DISTRICT**

9.32 AC

Total Parcels - 22



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DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit B-4

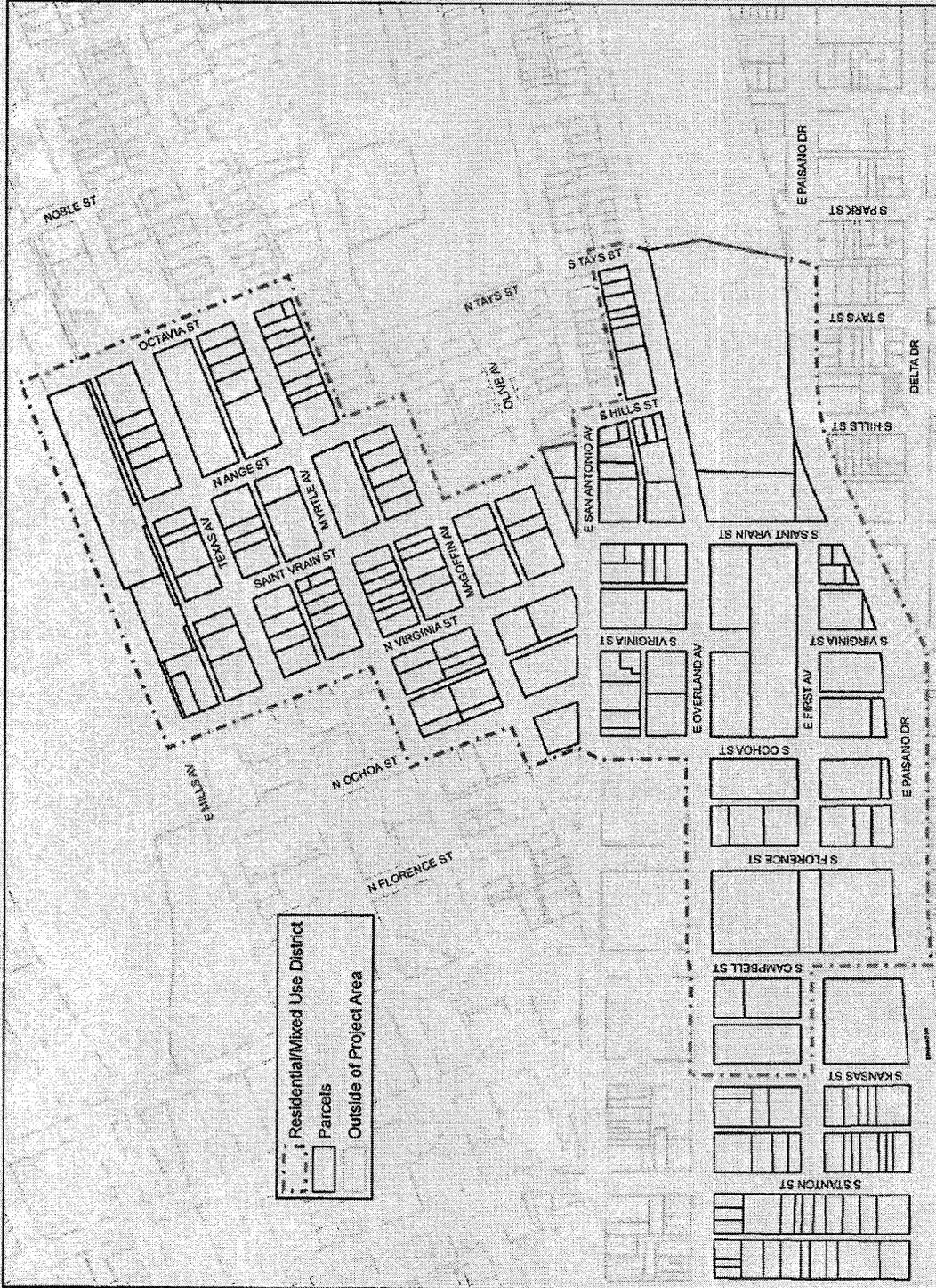
RESIDENTIAL/
MIXED USE
DISTRICT

79.28 AC

Total Parcels - 152

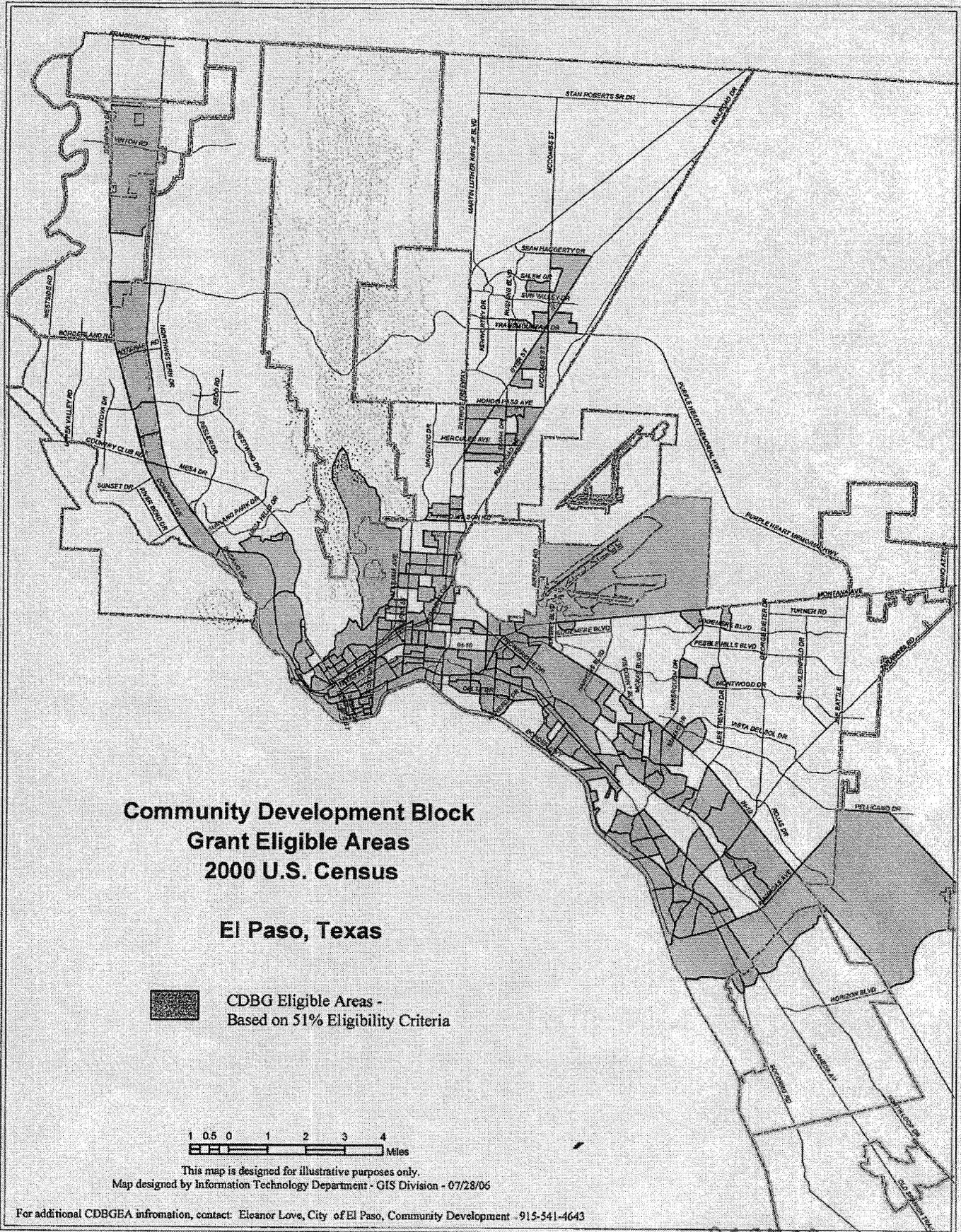


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DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit B-5



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CERTIFICATIONS

In accordance with applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing – The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-Displacement and Relocation Plan – It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug-Free Workplace – It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about -
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and

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- (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- 5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- 6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted -
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- 7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

Anti-Lobbying – To the best of the jurisdiction's knowledge and belief:

- 1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

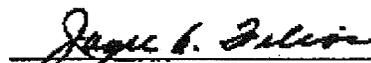
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction – The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with Plan – The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 – It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.

THE CITY OF EL PASO



Joyce A. Wilson, City Manager

June 27, 2006
Date

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Nathalie Prise, Director
Community & Human Development

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SPECIFIC CDBG CERTIFICATIONS

The Entitlement certifies that:

Citizen Participation – It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan – Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570.)

Following a Plan – It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds – It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available;
2. **Overall Benefit.** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2006, 2007 (a period specified by the grantee consisting of one, two or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
3. **Special Assessments.** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

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The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force – It has adopted and is enforcing:

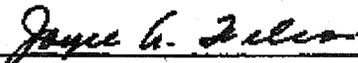
1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Compliance with Anti-Discrimination Laws – The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint – Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, subparts A, B, J, K and R.

Compliance with Laws – It will comply with applicable laws.

THE CITY OF EL PASO



Joyce A. Wilson, City Manager

June 27, 2006
Date

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Nathalie Prise, Director
Community & Human Development

016528

SPECIFIC HOME CERTIFICATIONS

The HOME participating jurisdiction certifies that:

Tenant-Based Rental Assistance – If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs – It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance – Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing.

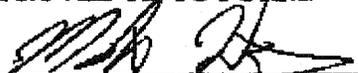
THE CITY OF EL PASO



Joyce A. Wilson, City Manager

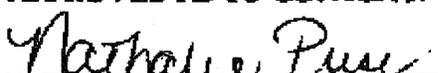
June 27, 2006
Date

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney

APPROVED AS TO CONTENT:



Nathalie Prise, Director
Community & Human Development

016528

ESG CERTIFICATIONS

The Emergency Shelter Grantee certifies that:

Major rehabilitation/conversion – It will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 10 years. If the jurisdiction plans to use funds for purposes less than tenant-based rental assistance, the applicant will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for at least 3 years.

Essential Services – It will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – It will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance.

Matching Funds – It will obtain matching amounts required under §576.71 of this title.

Confidentiality – It will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter.

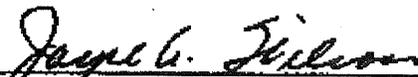
Homeless Persons Involvement – To the maximum extent practicable, it will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, operating facilities, and providing services assisted through this program.

Consolidated Plan – It is following a current HUD-approved Consolidated Plan or CHAS.

Discharge Policy Certification – It has developed and implemented, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

HMIS – It will comply with HUD's standards for participation in a local Homeless Management Information System and the collection and reporting of client-level information.

THE CITY OF EL PASO



Joyce A. Wilson, City Manager

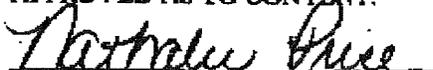
June 27, 2006
Date

APPROVED AS TO FORM:



Matt Watson
Assistant City Attorney
City of El Paso, Texas
FY 2006 Final Annual Action Plan

APPROVED AS TO CONTENT:



Nathalie Price, Director
Community & Human Development

016528

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING AND DRUG-FREE WORKPLACE REQUIREMENTS:

A. Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

B. Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street Address, City, County, State, Zip Code)

#2 Civic Center Plaza

El Paso, Texas 79901-1196

El Paso County

Check if there are workplaces on file that are not identified here.

The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F.

7. Definitions of terms in the Non-procurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

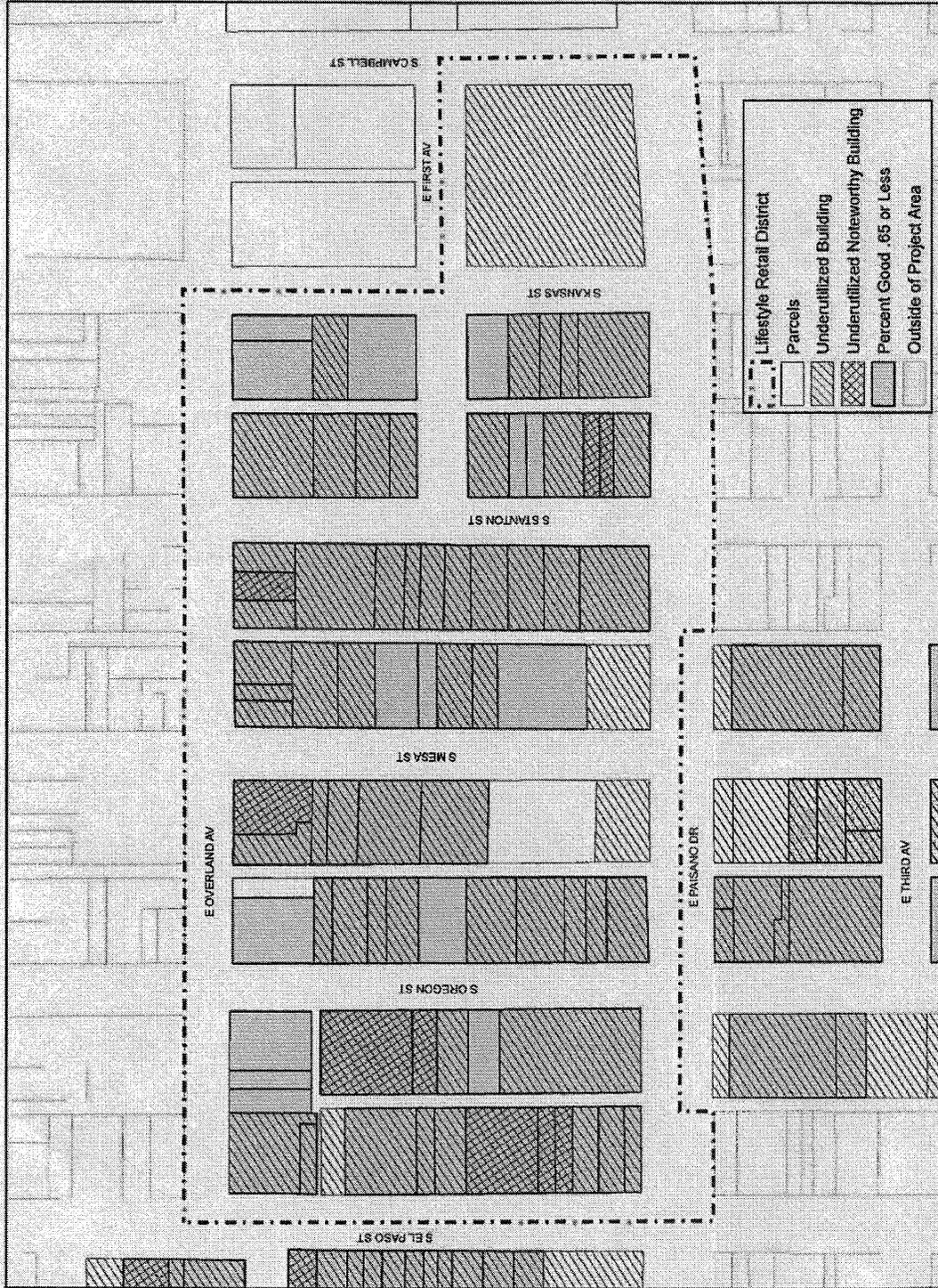
"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces.

016528

**LIFESTYLE
RETAIL
DISTRICT
24.96 AC**

Total Parcels - 84
Percent Good - 65 or Less - 78



DOWNTOWN EL PASO REDEVELOPMENT PLAN

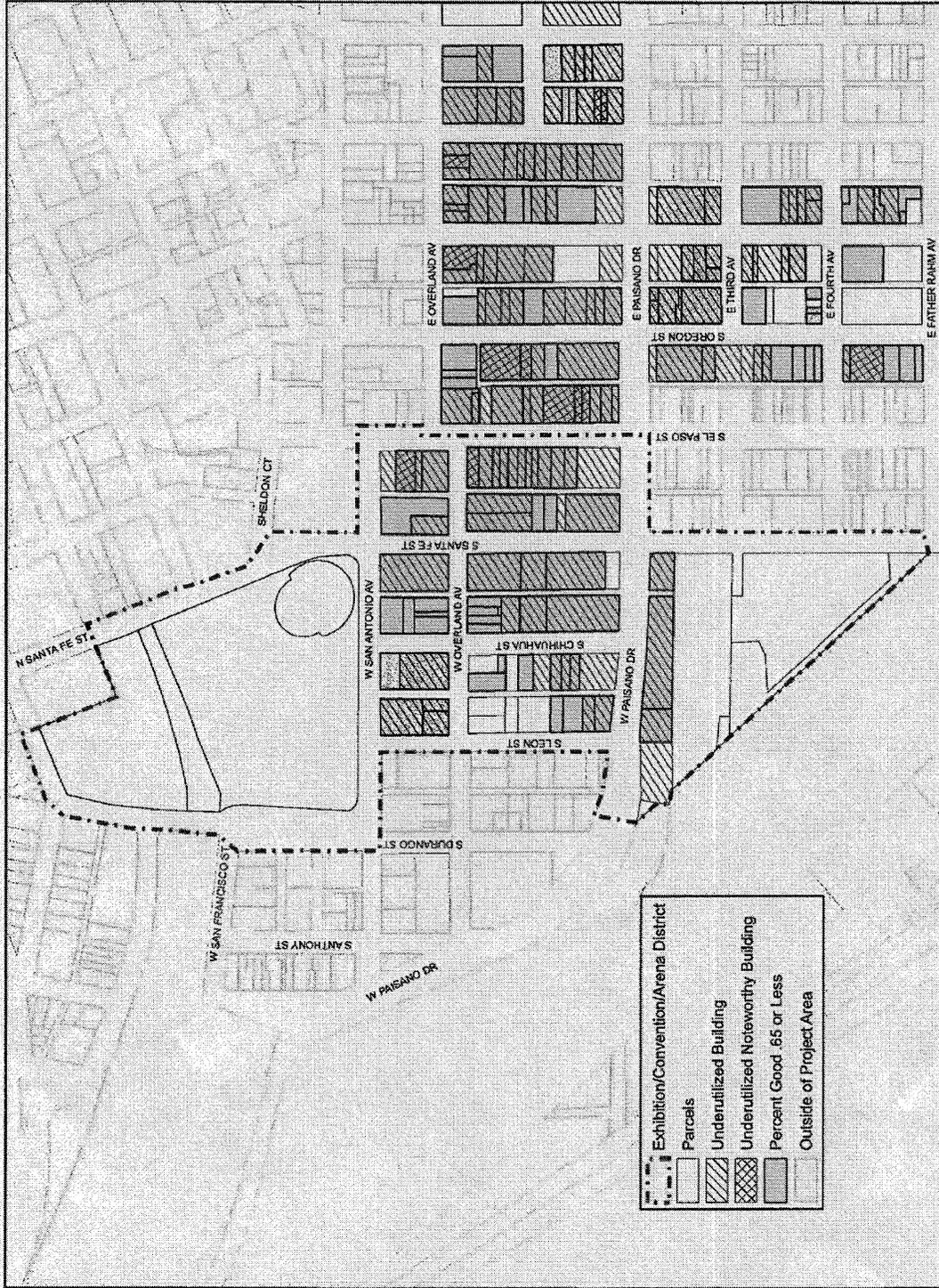
Exhibit D-1

016528

**EXHIBITION/
CONVENTION/
ARENA
DISTRICT**

54.14 AC

Total Parcels - 79
Percent Good .65 or Less - 55



	Exhibition/Convention/Arena District
	Parcels
	Underutilized Building
	Underutilized Noteworthy Building
	Percent Good .65 or Less
	Outside of Project Area

DOWNTOWN EL PASO REDEVELOPMENT PLAN

016528

Exhibit D-2

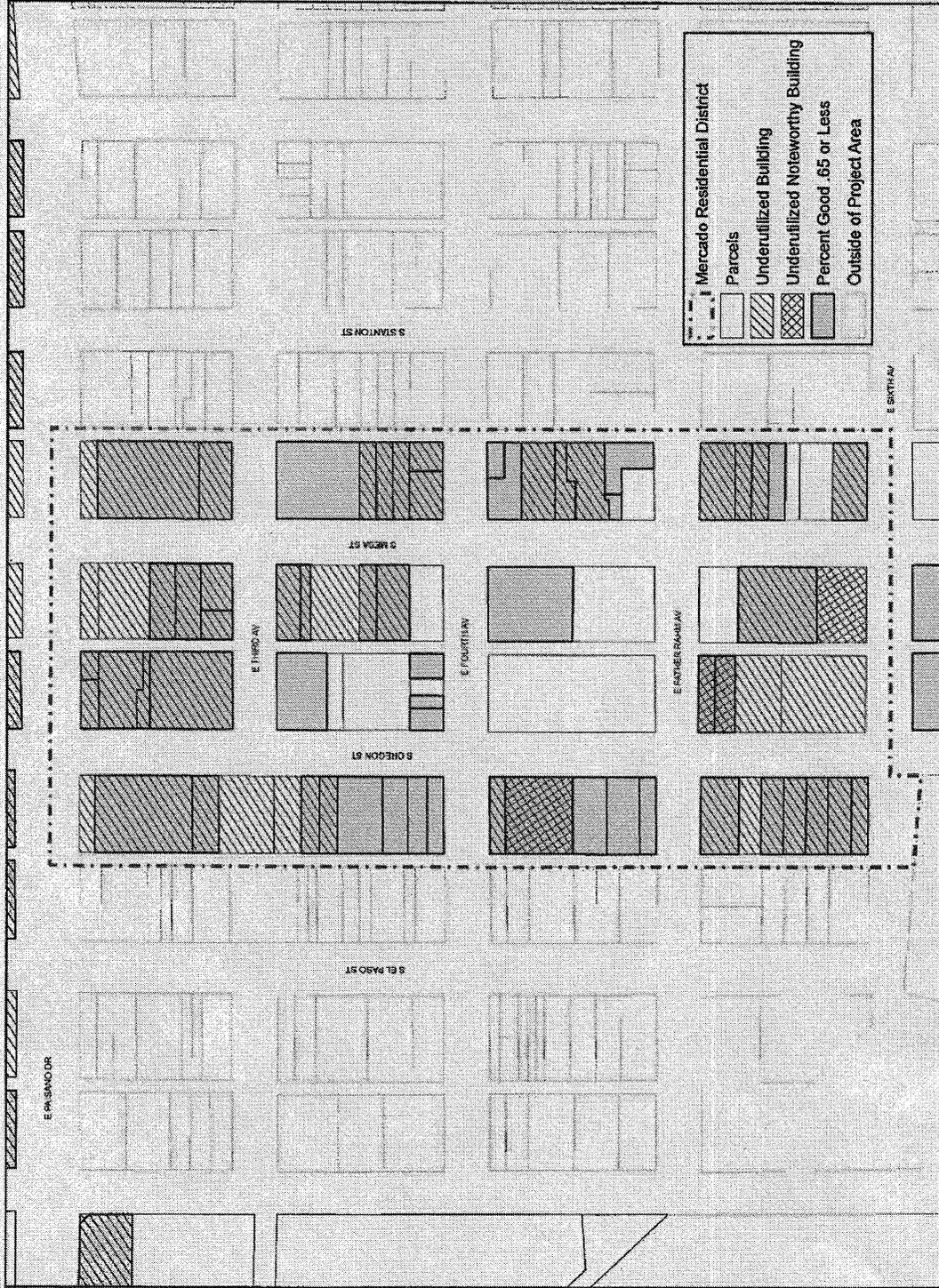
MERCADO/
RESIDENTIAL
DISTRICT

20.72 AC

Total Parcels - 81
Percent Good .65 or Less - 60



016528

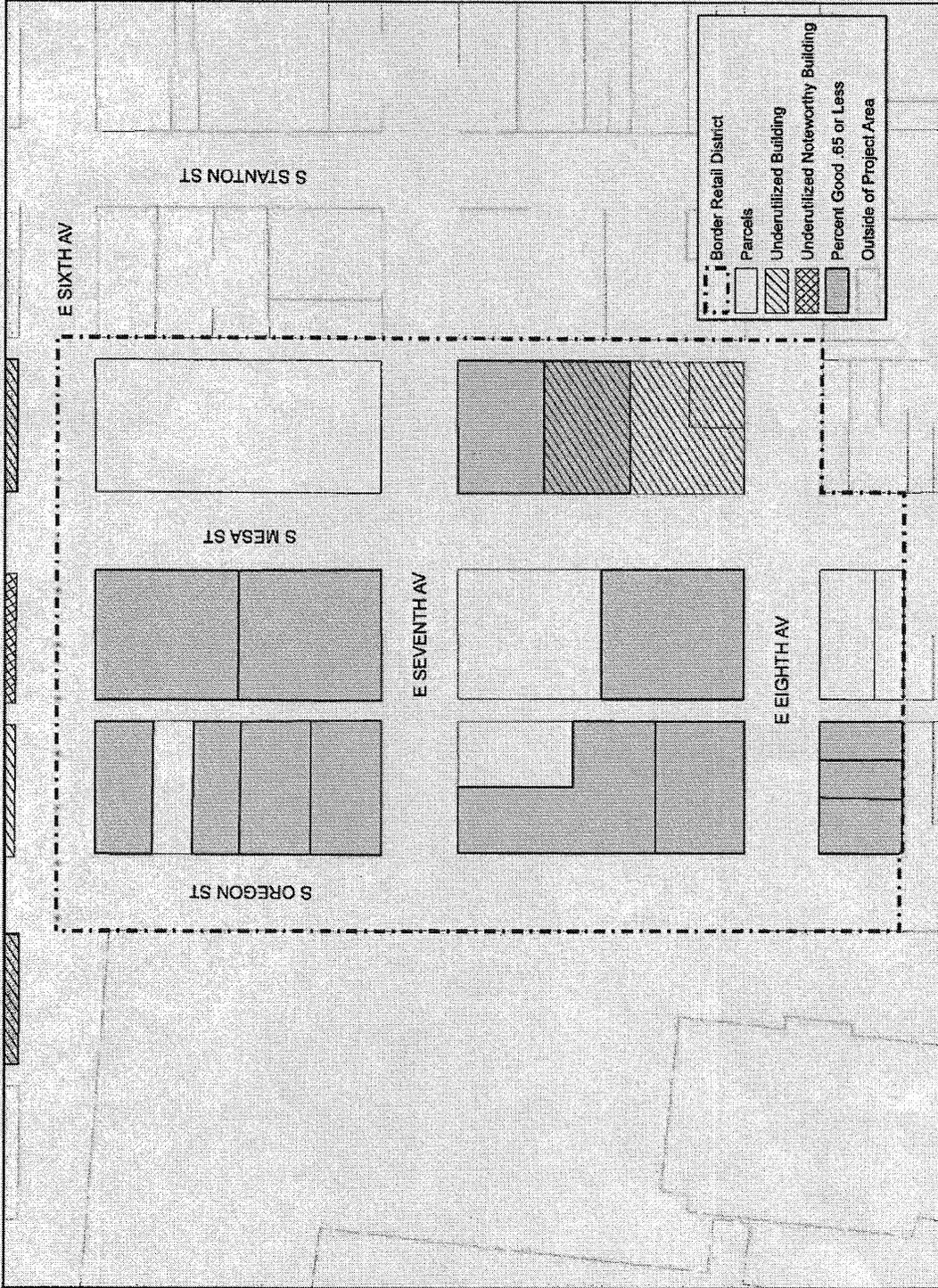


DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit D-3

**BORDER
RETAIL
DISTRICT
9.32 AC**

Total Parcels - 22
Percent Good .65 or Less = 14



DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit D-4

016528

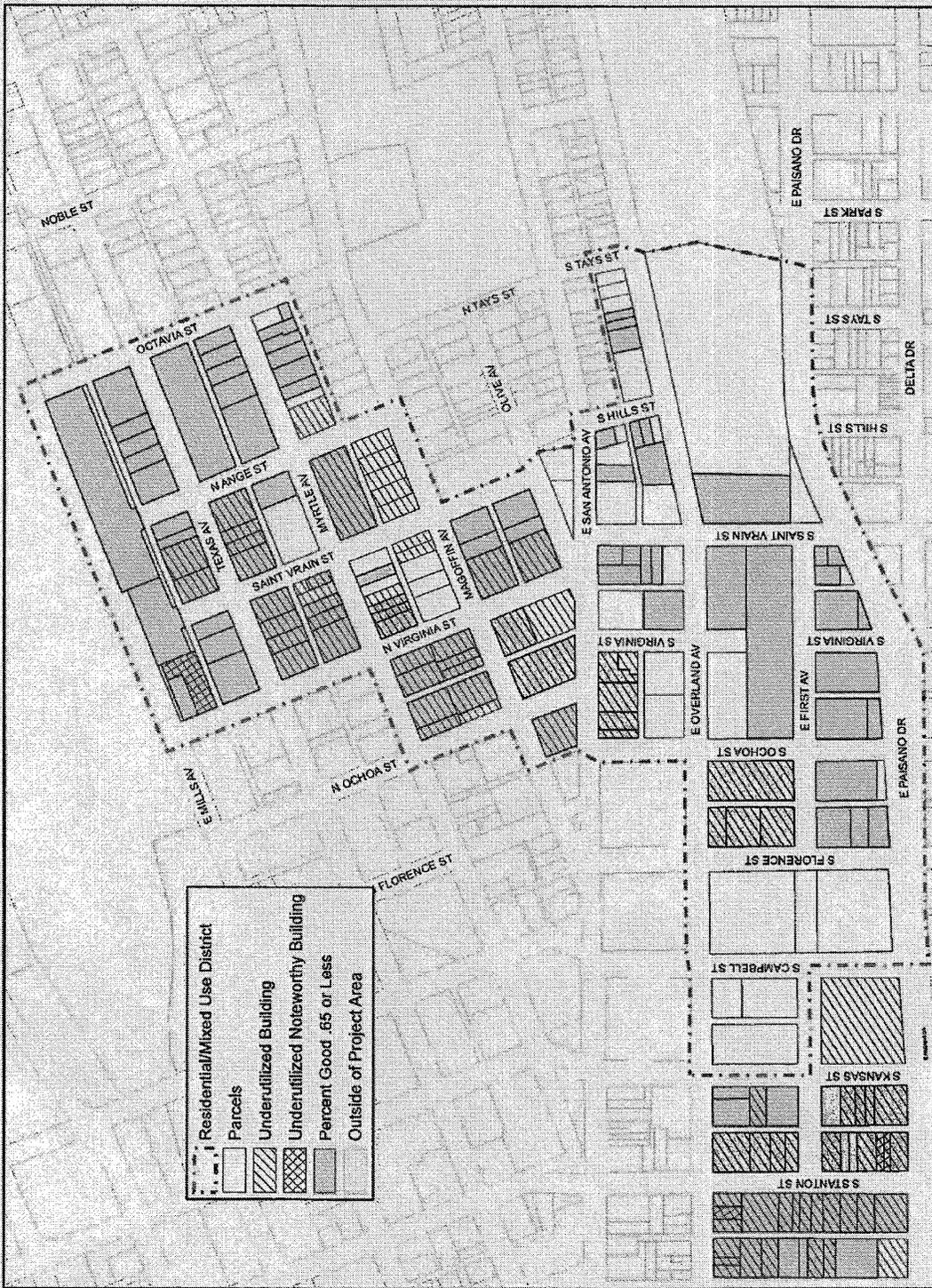
**RESIDENTIAL/
MIXED USE
DISTRICT**

79.28 AC

Total Parcels - 152
Percent Good .65 or Less - 100



82910
016528



DOWNTOWN EL PASO REDEVELOPMENT PLAN

Exhibit D-5

PART

Part III: Certifications

I hereby certify that the portion of the nominated area that I represent meets all Federal eligibility requirements and that to the best of my knowledge and belief:

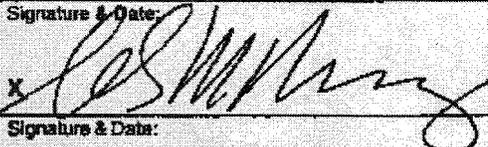
- a. the information in this nomination is true and correct;
- b. each nominating entity has the authority, with respect to the nominated area, to:
 - (1) nominate such area for designation as an Empowerment Zone;
 - (2) make the State, local, or tribal commitments that the Strategic Plan will be implemented; and
 - (3) provide assurances that such commitments will be fulfilled;
- c. the nominating entities shall comply with State, local, and Federal program requirements and have agreed in writing to carry out the Strategic Plan if designated;
- d. the nominating entities will administer the EZ/EC Initiative in a manner that affirmatively furthers fair housing on the basis of race, color, national origin, religion, sex, disability, and familial status (presence of children);
- e. the nominated areas meet each of the eligibility criteria, including special exceptions, set forth in the program regulations:
 - (1) the geographic area satisfies the population requirements;

- (2) the geographic area is one of pervasive poverty, unemployment, and general distress;
- (3) the geographic area meets the size and boundary test; and
- (4) the geographic area meets the poverty rate criteria;
- f. each noncontiguous parcel (except for up to three noncontiguous parcels identified as "developable sites") being nominated meets the poverty rate criteria;
- g. the amount of EZ/EC SSBG funds provided to the State for the area will not be used to supplant other Federal or non-Federal funds;
- h. the nominating entities agree to make all information available as requested by the designating Secretaries to aid in evaluation of progress in implementation of the Strategic Plan and reporting on the use of EZ/EC SSBG funds;
- i. the nominating State or tribal government agrees to distribute the EZ/EC SSBG funds in accordance with the Strategic Plan of the designated Zone; and
- j. no portion of the nominated area is included in an Empowerment Zone or any other area currently nominated for designation as an Empowerment Zone.

Authorized Nominating State, Tribal Governing Body, or Economic Development Corporation Official(s) type or print

Name of Entity: STATE OF TEXAS	Signature & Date:
Name of Authorized Official & Title: GEORGE W. BUSH, GOVERNOR	X
Name of Entity:	Signature & Date:
Name of Authorized Official & Title:	X

Authorized Nominating Local Government(s) and Official(s) type or print

Governmental Unit & State Name: CITY OF EL PASO, TEXAS	Signature & Date:
Name of Authorized Official and Title: CARLOS M. RAMIREZ, P.E., MAYOR	X 
Governmental Unit & State Name:	Signature & Date:
Name of Authorized Official and Title:	X
Governmental Unit & State Name:	Signature & Date:
Name of Authorized Official and Title:	X

Attach separate sheet(s), as necessary, to provide identical information and official signatures for all governments nominating the area. Number the sheets 6a, 6b, etc.

016528

PART III: Certifications

CITY OF EL PASO, TEXAS (Signatures continued)

ATTEST:

Carole Hunter
City Clerk

APPROVED AS TO FORM:

Lee Ann B. Koehler
Lee Ann B. Koehler
Assistant City Attorney

APPROVED AS TO CONTENT:

Deborah G. Hamlyn
Deborah G. Hamlyn, Director
Community and Human Development



016528

Exhibit F

- Legend
-  Underutilized Noteworthy Buildings
Interesting And/Or Historic Character That
May Present A Challenge For Redevelopment
 -  Underutilized Buildings
Many Have Existing Ground Floor Use
 -  Surface Parking Lots/Vacant Sites
 -  Redevelopment District Boundaries