

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

**DEPARTMENT:** Sun Metro  
**AGENDA DATE:** May 24, 2010  
**CONTACT PERSON/PHONE:** Jay Banasiak, Director-Sun Metro, 534-5810  
**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

APPROVE an ordinance terminating the franchise granted by the City of El Paso and accepted by Alta Vista Construction Group, L.L.C. in ordinance No. 016926 for placement of benches at bus stops on City rights of way.

**BACKGROUND / DISCUSSION:**

Alta Vista failed to comply with the terms of the Franchise granted Ordinance No. 016926.

**PRIOR COUNCIL ACTION:**

Yes, City Council previously approved on July 18, 2008

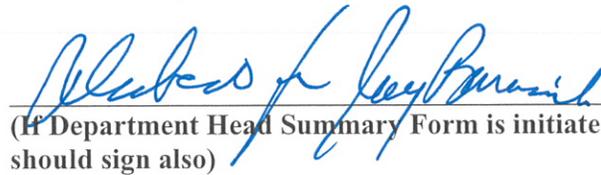
**AMOUNT AND SOURCE OF FUNDING:**

No funding is necessary

**BOARD / COMMISSION ACTION:**

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

**DEPARTMENT HEAD:**

 5/20/11  
(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TERMINATING THE FRANCHISE GRANTED BY THE CITY OF EL PASO AND ACCEPTED BY ALTA VISTA CONSTRUCTION GROUP, L.L.C. IN ORDINANCE NO 016926 FOR PLACEMENT OF BENCHES AT BUS STOPS ON CITY RIGHTS OF WAY**

**WHEREAS**, on July 18, 2008, the City of El Paso (hereinafter "City") granted a non-exclusive franchise to Alta Vista Construction Group, L.L.C. (hereinafter "Alta Vista") to place benches at bus stops on City rights of way pursuant to the El Paso City Code by Ordinance No. 016926 (hereinafter "Franchise");

**WHEREAS**, Alta Vista failed to comply with the terms of the Franchise granted Ordinance No. 016926;

**WHEREAS**, the City notified Alta Vista by letter dated February 24, 2011, received by Alta Vista on March 1, 2011 that it was in default of several terms and conditions set forth in the Franchise, and that it had thirty (30) days to cure all defaults; and

**WHEREAS**, after more than thirty (30) days, Alta Vista has failed to cure all defaults set forth in the Letter, therefore the City desires to terminate the Franchise granted in Ordinance No. 016926, reserving all of the City's rights and privileges, and that Alta Vista's obligations, including but not limited to those stated in section XIII of the Franchise Agreement shall survive.

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

That the Franchise granted by the City of El Paso (hereinafter "City") and accepted by Alta Vista Construction Group, L.L.C. ("Alta Vista") pursuant to Ordinance 016926 for placement of benches at bus stops on City rights of way is hereby terminated, reserving all of the City's rights and privileges,, and that the obligations of Alta Vista, including but not limited to its obligations under Section XIII for the Franchise Agreement, shall survive such termination until performed.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2011.

*Signatures appear on the following page*

CITY OF EL PASO

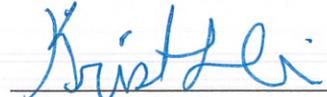
ATTEST:

\_\_\_\_\_  
John F. Cook, Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Kristen L. Choi  
Assistant City Attorney

\_\_\_\_\_  
Jay Banasiak, Director  
Mass Transit Department