

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

**DEPARTMENT:** Department of Transportation

**AGENDA DATE:** 9/27/2011

**CONTACT PERSON NAME AND PHONE NUMBER:** George Acosta, (915) 599-6202

**DISTRICT(S) AFFECTED:** Districts 3 & 6

**SUBJECT:**

That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Expansion of Ysleta/Zaragoza Port of Entry Study ("the Project"), State CSJ #0924-06-301, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project.

**BACKGROUND / DISCUSSION:**

On July 8, 2011, the Transportation Policy Board for the El Paso Metropolitan Planning Organization discussed and acted by motion to eliminate and de-obligate the Expansion of Ysleta/Zaragoza Port of Entry Study from the Transportation Improvement Program.

**PRIOR COUNCIL ACTION:**

City Council approved Local Project Advance Funding Agreement on January 22, 2008.

**AMOUNT AND SOURCE OF FUNDING:**

Project de-obligated.

Total project cost was \$1,000,000.

Estimated city match was \$200,000 programmed in FY2006 C.O.s.

Funding information:

Project Number: PBR08002

Fund: 27263 (FY 2006 C.O.s)

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**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
Daryl W. Cole, Director  
Department of Transportation

*Information copy to appropriate Deputy City Manager*

**RESOLUTION**

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

That the City Manager be authorized to sign a Mutual Termination of Agreement by and between the City of El Paso and State of Texas, acting by and through the Texas Department of Transportation, whereby the parties mutually agree to terminate the Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Expansion of Ysleta/Zaragoza Port of Entry Study ("the Project"), State CSJ #0924-06-301, as well as any other documents that may be necessary to terminate the LPAFA-NonCST and the Project.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**THE CITY OF EL PASO**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Elizabeth M. Ruhmann  
Assistant City Attorney

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Daryl W. Cole, Director  
Department of Transportation

STATE OF TEXAS        )  
                                  )  
COUNTY OF EL PASO    )

**MUTUAL TERMINATION OF AGREEMENT**

**WHEREAS**, on or about February 21, 2008, the STATE OF TEXAS, acting by and through the TEXAS DEPARTMENT OF TRANSPORTATION, hereinafter referred to as “State,” and the CITY OF EL PASO, acting by and through its duly authorized officials, hereinafter referred to as “City,” executed a Local Project Advance Funding Agreement for Non-Construction (LPAFA-NonCST) for the Expansion of Ysleta/Zaragoza Port of Entry Study (“the Project”), with State CSJ #0924-06-301, attached hereto as Exhibit A.

**WHEREAS**, on April 22, 2008, the Project received Federal approval per Federal Project Authorization & Agreement (FPAA), which identified the required local match to supplement the Federal match for the Project, thereby authorizing the City to proceed with the Project development as planned; and

**WHEREAS**, Section 5 of the LPAFA-NonCST, by and through Section 3(a) of the Master Agreement Governing Local Transportation Project Advance Funding Agreements, allows for termination of the LPAFA-NonCST if the agreement is terminated in writing with the mutual consent of the parties; and

**WHEREAS**, on July 8, 2011, the Transportation Policy Board for the El Paso Metropolitan Planning Organization discussed and acted by motion to eliminate and de-obligate the Expansion of Ysleta/Zaragoza Port of Entry Study from the Transportation Improvement Program; and

**WHEREAS**, the City and State agree that it is in the best interest of both parties to terminate the Agreement.

**NOW, THEREFORE,** the City and State agree as follows:

1. City and State mutually consent and agree that the Local Project Advance Funding Agreements for Non-Construction (LPAFA-NonCST) for the Expansion of Ysleta/Zaragoza Port of Entry Study (“the Project”), with State CSJ #0924-06-301, between City and State shall be terminated upon the final approval date of this Mutual Termination of Agreement.

2. City and State agree that no State or Federal funds have been expended on this Project and that the federal portion of the funds obligated for this Project are hereby de-obligated as of the final approval date of this Mutual Termination of Agreement.

3. City and State acknowledge and agree that no funds are owed by the City to the State, or by the State to the City, upon termination of this Agreement.

THEREFORE, the parties have executed this Mutual Termination of Agreement in duplicate originals.

(ALL SIGNATURES FOLLOW ON NEXT PAGE)

**EXPANSION OF YSLETA/ZARAGOZA PORT OF ENTRY STUDY LPAFA-NONCST  
MUTUAL TERMINATION OF AGREEMENT**

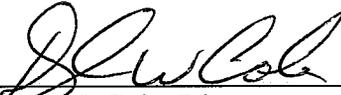
***SIGNATURE PAGE***

**THE CITY OF EL PASO**

\_\_\_\_\_  
Joyce A. Wilson  
City, Manager

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Daryl W. Cole, Director  
El Paso Department of Transportation

**APPROVED AS TO CONTENT:**

  
\_\_\_\_\_  
Elizabeth M. Ruhmann  
Assistant City Attorney

**THE STATE OF TEXAS**

\_\_\_\_\_  
Janice Mullenix  
Director of Contract Services  
Texas Department of Transportation

Date: \_\_\_\_\_