

**CITY OF EL PASO, TEXAS  
REQUEST FOR COUNCIL ACTION (RCA)**

**DEPARTMENT:** City Development  
**AGENDA DATE:** December 17, 2013  
**CONTACT PERSON/PHONE:** Marty Howell, P.E., (915) 541-4925  
**DISTRICT(S) AFFECTED:** All

**SUBJECT:**

Discussion and action on resolution authorizing the Mayor to sign an the First Amendment to an interlocal agreement between the City, the Camino Real Regional Mobility Authority, and the El Paso Metropolitan Planning Organization for the purpose of providing financial assistance in connection with the development of a BikeShare Program.

**BACKGROUND / DISCUSSION:**

On July 9, 2013, the City, the Camino Real Regional Mobility Authority, and the El Paso Metropolitan Planning Organization interlocal agreement for the purpose of providing financial assistance in connection with the development of a BikeShare Program with a budget of \$2,000,000.

Due to changes in availability of federal funding, the scope of the project has been reduced to \$720,000. The modified Bike Share Program Budget is based on the El Paso Metropolitan Planning Organization (MPO) action of November 1, 2013 is as follows:

CAT 12 – STP Funds (TxDOT)	\$320,000
Rider 8 Funds (MPO)	\$276,000
City of El Paso	\$100,000
UTEP	\$24,000
<u>Total Available Funds</u>	<u>\$720,000</u>

**PRIOR COUNCIL ACTION:**

Approved initial agreement effective July 9, 2013.

**AMOUNT AND SOURCE OF FUNDING:**

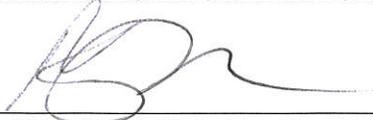
\$100,000 from Environmental Fee special revenue fund

**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

  
\_\_\_\_\_  
(Example: if RCA is initiated by Purchasing, client department should sign also)

CITY CLERK DEPT.  
2013 DEC 10 AM 10:09

**RESOLUTION**

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

That the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an Amendment to the Interlocal Agreement between the City of El Paso (the “City”), the El Paso Metropolitan Planning Organization (“MPO”), and the Camino Real Regional Mobility Authority in order to adjust the scope of the project due to a loss in funding.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2013.

**CITY OF EL PASO**

\_\_\_\_\_  
Oscar Leeser, Mayor

**ATTEST:**

\_\_\_\_\_  
Richarda D. Momsen  
City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Matthew K. Behrens  
Assistant City Attorney

**APPROVED AS TO CONTENT**

\_\_\_\_\_  
Marty Howell,  
Chief Sustainability Officer

# **FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT**

This **FIRST AMENDMENT TO AN INTERLOCAL AGREEMENT** (“Amendment”) is entered into by and between the **CITY OF EL PASO, TEXAS** (“City”), the **EL PASO METROPOLITAN PLANNING ORGANIZATION** (“MPO”), and the **CAMINO REAL REGIONAL MOBILITY AUTHORITY** (“CRRMA”), a political subdivision of the State of Texas (the CRRMA, City, and MPO hereafter collectively referred to as the “Parties”).

## **WITNESSETH:**

**WHEREAS**, the Parties entered into an Interlocal Agreement with an Effective Date of July 15, 2013, (the “Interlocal Agreement”) for the funding and development of a Bike Share Program in El Paso (the “Bike Share Program”), whereby the City and MPO would provide partial funding for the program and the CRRMA would administer such program; and

**WHEREAS**, per the Interlocal Agreement, the original Bike Share Program included a \$2,000,000 total project budget, as approved by the MPO; and

**WHEREAS**, through MPO action of November 1, 2013, the Bike Share Program budget was reduced to \$720,000 and therefore, the Parties now desire to amend the Interlocal Agreement to reflect such change.

**NOW, THEREFORE**, for and on behalf of the general public good and the mutual covenants and agreements herein contained, the undersigned Parties agree as follows:

## **I. FINDINGS**

**Recitals.** The recitals set forth above are incorporated herein for all purposes and are found by the Parties to be true and correct. It is further found and determined that the Parties have authorized and approved this Agreement by their respective entities, and that this Agreement will be in full force and effect when executed by all Parties.

## **II. AMENDMENTS TO THE INTERLOCAL AGREEMENT**

**1. Amendment to EXHIBIT “A”.** The parties hereby agree to delete **EXHIBIT “A”** in its entirety and replace it with **EXHIBIT “A-1”**, which is attached hereto.

**2. Ratification.** Except as expressly amended by this Amendment, the Interlocal Agreement shall remain in full force and effect. No other rights, interests and obligations existing and to exist under the Interlocal Agreement are hereby released, diminished or impaired,

and the Parties hereby reaffirm all covenants, representations, obligations and agreements in the Interlocal Agreement as originally executed.

**CITY OF EL PASO, TEXAS**

By: \_\_\_\_\_  
Oscar Leeser  
Mayor

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

**APPROVED AS TO FORM**

\_\_\_\_\_  
Matthew K. Behrens  
Assistant City Attorney

**APPROVED AS TO CONTENT**

\_\_\_\_\_  
Marty Howell, Director  
Economic Development and Sustainability

**EL PASO METROPOLITAN  
PLANNING ORGANIZATION**

By: \_\_\_\_\_  
Michael Medina  
Interim Executive Director

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

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Eduardo Miranda  
Attorney for MPO

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

**CAMINO REAL REGIONAL  
MOBILITY AUTHORITY**

By: \_\_\_\_\_  
Raymond L. Telles  
Executive Director

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

## EXHIBIT “A-1”

### EL PASO BIKE SHARE PROGRAM PROPOSED SCOPE & BUDGET

The proposed scope of this project includes the development, installation, marketing, operation, and maintenance of a Bike Share Program with stations at various locations in the City of El Paso. The general area of the proposed bike stations could include locations in downtown El Paso, the greater downtown area, UTEP and its surrounding neighborhoods, and other areas agreed to by the stakeholders. Actual locations shall be determined throughout the project process in coordination with project stakeholders. The number of bikes and stations procured through this process shall be determined by the project budget and through coordination with the project vendor and stakeholders. Global Positioning Systems (GPS) may be used to calculate bicycle miles traveled and GPS units may be attached to the bicycles. The CRRMA intends to include a bicycle safety awareness program in the program’s marketing efforts.

Approved Bike Share Program Budget from the El Paso Metropolitan Planning Organization (MPO) action of November 1, 2013:

CAT 12 – STP Funds (TxDOT)	\$320,000
Rider 8 Funds (MPO)	\$276,000
City of El Paso	\$100,000
<u>UTEP</u>	<u>\$24,000</u>
Total Available Funds	\$720,000

The Approved Bike Share Program Budget identified above may be amended from time to time throughout the implementation of the Bike Share Program, without effect on this Agreement.

[END OF EXHIBIT]