

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

**DEPARTMENT:** Engineering Department

**AGENDA DATE:** December 19, 2006

**CONTACT PERSON/PHONE:** Teresa Quezada (541-4771)

**DISTRICT(S) AFFECTED:** 1

**SUBJECT:**

DISCUSSION AND ACTION ON A RESOLUTION THAT the City of El Paso supports voiding Minute Order No. 91219 for the purposes of having the State adopt a new Minute Order which would reduce the City's financial responsibility from a hundred percent match to twenty percent match of Right of Way and eligible utility adjustment costs and accelerate the new roadway construction. The new Minute Order would be subject to any appropriate agreements being prepared between the City of El Paso and TXDOT.

**BACKGROUND / DISCUSSION:**

Minute Orders issued by the Texas Transportation Commission (TTC) are the equivalent of City Council resolutions. Minute Order 91219 was adopted in July 1991 and required the City of El Paso to provide 100% of the right-of-way for Loop 375 Spur from Doniphan to Talbot in the northwest part of the City. In 2005, the City was successful in obtaining federal funds through the MPO to cover the estimated costs for right-of-way acquisition thereby reducing the necessary match to 20%. The City further requested and obtained an Economically Disadvantage Counties (EDC) adjustment reducing the match to 10%. However, the local TXDOT office has objected to this further reduction and has requested the full 20% local match. Given the importance of this project, the connectivity it provides in a growing sector of the City and the need to move expeditiously, Engineering Department recommends this resolution be passed with a 20% cost share as requested by TXDOT to ensure the project can move forward. Without this concession, the project will stall. This resolution will rescind the previous funding agreement and will allow for this new funding arrangement to take place. A funding agreement will be required once the TTC rescinds the original minute order. Total cost is estimated at \$4 million for the ROW acquisition. Under the proposed minute order, the City will pay \$800,000; as it stands it would have been \$400,000 but the project will not move forward.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

\$200,000 programmed through existing bonds.  
\$600,000 programmed through FY06 capital budget approved by Council in January 2006 for TXDOT matches.

**BOARD / COMMISSION ACTION:**

N/A

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

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_  
(Example: If RCA is initiated by Purchasing, client department should sign also)  
*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:** \_\_\_\_\_  
CITY CLERK DEPT.

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**RESOLUTION**

CITY CLERK DEPT.

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**WHEREAS**, on March 12, 1991, the City of El Paso (City) accepted the terms and conditions of Minute Order No. 91219 as it related to the relocation and designation of a portion of state Highway Loop 375 to a new location from State Highway 20, approximately 0.47 miles north of Borderland Road to State Highway 375, approximately 0.13 miles west of Interstate Highway 10, a distance of approximately 1.2 miles; and,

**WHEREAS**, the relocation was necessary because the expansion of State Highway Loop 375 as originally proposed was too difficult and costly due to the narrow right of way and extensive existing development; and,

**WHEREAS**, Minute Order No. 91219 designated the responsibilities of both the State and the City, specifically that the State provide ninety percent of the cost of eligible utility adjustments, designate the section as a State Highway Loop, and provide for relocation assistance; while the City was responsible for one hundred percent of the right of way clear of obstructions and ten percent of the cost eligible utility adjustments, and was responsible to maintain that section in accordance with any existing maintenance agreements; and,

**WHEREAS**, the Texas Transportation Department (TXDOT) wants Minute Order No. 91219 to be voided and a new Minute Order be approved which will provide alternative funding for the right of way acquisitions in order to accelerate the new roadway construction: and,

**WHEREAS**, the new Minute Order would reduce the City's financial responsibility from a hundred percent match to a twenty percent match of Right of Way and eligible utility adjustment costs; and,

**WHEREAS**, the new Minute Order would return Talbot Road to the City' jurisdiction with maintenance in accordance with existing maintenance agreements; and,

**WHEREAS**, the Texas Transportation Department (TXDOT) requested that the City provide a resolution in support of voiding Minute Order No. 91219,

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

That the City of El Paso supports voiding Minute Order No. 91219 for the purposes of having the State adopt a new Minute Order which would reduce the City's financial responsibility from a hundred percent match to a twenty percent match of Right of Way and eligible utility adjustment costs and accelerate the new roadway construction. The new Minute Order would be subject to any appropriate agreements being prepared between the City of El Paso and TXDOT.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

***SIGNATURES ON FOLLOWING PAGE***

CITY CLERK DEPT.

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THE CITY OF EL PASO

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John F. Cook  
Mayor

ATTEST:

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Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

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Lupe Cuellar  
Assistant City Attorney

APPROVED AS TO CONTENT:

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*Patricia D. Aauto*  
Patricia D. Aauto Deputy City Manager  
for Development and Infrastructure Services