

CITY CLERK DEPT.

2015 DEC -3 AM 11:21 CITY OF EL PASO ETHICS REVIEW COMMISSION

COMPLAINT FORM

Please refer to the instructions accompanying this form for assistance in filling out this form and filing it with the City Clerk's Office. A complaint may be filed against a City officer for the officer's acts or omissions, as regulated in Section 2.92.050 of the Ethics Ordinance. A "City officer" is a member of the City Council and the members of most of the boards and commissions of the City. This form cannot be used to file a complaint about a City employee—please refer to the instructions.

1. Name: Jim Tolbert

2. Address: 2701 Frankfort Avenue, El Paso, Texas 79930

3. Telephone number: Day: (915) 525-7364 Evening: (915) 525-7364

4. Name and title of each City officer being complained about:

Tommy Gonzalez, City Manager and Larry Romero, City Representative, District 2

5. General statement of the nature of the complaint and alleged violation of the ethics ordinance, to include whenever possible, the specific section of the Ethics Ordinance allegedly violated.

Tommy Gonzalez and Representative Larry Romero acted in such a manner as to violate a number of provisions outlined in the Standards of Conduct (City of El Paso Municipal Code Standards of Conduct § 2.92.050). Their actions served to undermine the public's trust and confidence.

6. A statement of the facts that constitute the alleged violation and the dates on which or period of time in which the alleged violation occurred (attach additional pages, if necessary).

See attachment.

7. Provide relevant documentation or a list of all documents and other material relevant to the allegation, including the location of any such documents, if known.

See attachment.

Please continue with page 2 and complete the required affidavit. You may appear in person and request the City Clerk's Office to notarize the complaint at the time that you sign and file it.

STATE OF TEXAS)

) -ss:

COUNTY OF EL PASO)

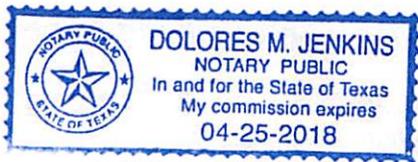
BEFORE ME, the undersigned authority, personally appeared the person whose name is written above on line 1 of this form, being by me duly sworn, deposed as follows:

"I hereby swear or affirm that the information contained in this complaint is either true and correct or I have good reason to believe and do believe that the facts alleged therein constitute a violation of Chapter 2.92 of the El Paso City Code."

[Handwritten Signature]
(SIGNATURE)

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, by

James H. Solbert, on this the *3rd* day of *December*, 20*15*.



Dolores M. Jenkins
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES:

04/25/2018

For City use only: Received on _____ by _____

Forwarded to the City Attorney's Office on _____

Disposition: _____

2015 DEC -3 AM 11:21

CITY CLERK DEPT. 2

Editorial: El Paso can't go back to old ways

El Paso Times Editorial Board 10:34 p.m. MST November 28, 2015

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(Photo: El Paso Times file photo)

When El Pasoans hear of a movement by a government to [terminate its financial adviser \(/story/news/local/el-paso/2015/11/21/romero-touted-former-partner-city-contract/76082552/\)](#) with no transparency, we get a terrible sense of déjà vu. We have lived this before.

According to federal court records, then-County Judge Anthony Cobos led a conspiracy in 2007 to oust First Southwest of Dallas as the county's financial adviser because the father of its El Paso representative didn't donate to Cobos' campaign.

The records said Cobos accepted bribes in exchange for awarding the county's business for financial advice and bond underwriting.

There was no public discussion about the need for a new financial adviser; this was closed-door politics at its best.



EL PASO TIMES

[Romero touted former partner for city contract](#)

[\(http://www.elpasotimes.com/story/news/local/el-paso/2015/11/21/romero-touted-former-partner-city-contract/76082552/\)](http://www.elpasotimes.com/story/news/local/el-paso/2015/11/21/romero-touted-former-partner-city-contract/76082552/)

This was one of multiple examples of corruption unearthed by the FBI. Cobos and numerous co-conspirators went to prison. El Paso's trust in government was shaken.

Since the exposure of the corruption schemes, El Pasoans have a heightened awareness of governance. Political candidates promise that we will not go back to the ways of the past, when cronyism polluted multiple governments in El Paso.

So it's disturbing that an El Paso Times investigation revealed that city Rep. Larry Romero has been working for years to get the city to hire Estrada Hinojosa and Co. of Dallas as its financial adviser.

Former City Manager Joyce Wilson and current City Manager Tommy Gonzalez said Romero never told them that he formerly worked with Noe Hinojosa, the CEO of the Dallas firm.

And Estrada Hinojosa was playing nice with another council member, Emma Acosta, contributing \$1,000 for her summer movies-in-the-park project. The money was solicited by former Commissioner Carlos Aguilar III, who was [identified in court testimony](#) (http://archive.elpasotimes.com/ci_22558319/cobos-now-faces-only-single-count) – but never charged – as a bag man in another one of Cobos' shakedowns.

With no public discussion, and no City Council input, Gonzalez and Chief Financial Officer Mark Sutter in April acceded to Romero's wishes and put the city's financial adviser contract out to bid. The current financial adviser, First Southwest, had more than two years remaining on its contract.



EL PASO TIMES

[Council to consider releasing adviser records](#)

[\(http://www.elpasotimes.com/story/news/local/el-paso/2015/11/25/council-consider-releasing-adviser-records/76391556/\)](http://www.elpasotimes.com/story/news/local/el-paso/2015/11/25/council-consider-releasing-adviser-records/76391556/)

In September, the city administration recommended that First Southwest be terminated and replaced by Estrada Hinojosa. That plan was abandoned by Oct. 1, city officials say, because they suddenly discovered that accusations they'd heard about First Southwest were unfounded.

To be clear, there is no evidence at this point of criminality in the city's attempts to hire Estrada Hinojosa.

But the opaque process and appearance of cronyism are cause for queasiness.

There was no need for the city's approach in this case. If you want to fire a financial adviser, explain why in an open City Council meeting.

And no elected official should be doing business with the likes of Aguilar. Acosta says she has "no idea" why Aguilar was soliciting on her behalf, but she knew the money from Estrada Hinojosa came through him and she should have given it back.

El Paso can't go back to governance practices that harmed our community for decades. Dedicated public servants, a vigilant media, and engaged citizenry and – when necessary – law enforcement must make sure of that.



EL PASO TIMES

Mayor asks review of Romero efforts

[\(http://www.elpasotimes.com/story/news/local/el-paso/2015/11/24/mayor-wants-report-financial-adviser-issue/76345898/\)](http://www.elpasotimes.com/story/news/local/el-paso/2015/11/24/mayor-wants-report-financial-adviser-issue/76345898/)

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[\(/story/opinion/readers/2015/11/29/letters-times-story-exposed-shadiness/76495222/\)](http://story/opinion/readers/2015/11/29/letters-times-story-exposed-shadiness/76495222/)

Nov. 28, 2015, 10:12 p.m.



Rose: Gender divide not so simple

[\(/story/opinion/2015/11/29/rose-gender-divide-simple/76495180/\)](http://story/opinion/2015/11/29/rose-gender-divide-simple/76495180/)

[\(/story/opinion/2015/11/29/rose-gender-divide-simple/76495180/\)](http://story/opinion/2015/11/29/rose-gender-divide-simple/76495180/)

Nov. 28, 2015, 10:08 p.m.



Torres: A success on and off the court

[\(/story/opinion/2015/11/29/torres-](http://story/opinion/2015/11/29/torres-)

Editorial: An awful mess at El Paso City Hall

El Paso Times Editorial Board 8:22 a.m. MST November 22, 2015

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(Photo: Times file photo)

A stench permeates the city of El Paso's efforts to replace its financial adviser ([/story/news/local/el-paso/2015/11/21/romero-touted-former-partner-city-contract/76082552/](http://story/news/local/el-paso/2015/11/21/romero-touted-former-partner-city-contract/76082552/)).

Acting on city Rep. Larry Romero's request to City Manager Tommy Gonzalez, the city in April issued a request for qualifications for a financial adviser, even though the city was only halfway through a five-year contract with First Southwest of Dallas. Gonzalez later said that officials believed First Southwest had mishandled the bond issue to finance a new baseball stadium.

In September, city officials were preparing to fire First Southwest and hire Estrada Hinojosa and Co., also from Dallas. The process was abruptly terminated, supposedly because officials suddenly discovered that the allegations against First Southwest were unfounded.

At no point was City Council, which approved the financial adviser contract in 2012, informed of these actions.

An investigation by the El Paso Times discovered that Romero is a former business partner of Noe Hinojosa, a name partner in the financial advising firm.

In a bid presentation to the Canutillo school board in October 2014, Hinojosa was asked if he planned to open an El Paso office. Hinojosa said he would, and outlined several clients he was pursuing, including the city, citing relationships with Romero and Gonzalez.

"I had an office here about 12 years ago with a gentleman by the name Larry Romero, who about two years ago called me and said, Mr. Hinojosa, I just want to let you know that I ran for City Council," Hinojosa said, according to a recording of the meeting (<https://soundcloud.com/elpasotimes/n-hinojosa-at-cisd-board>) on Canutillo's website.

He said he and Romero tried to get "into the bond business really heavy back then, but things got a little frustrating for me in terms of how we had to go out and get business."

Former City Manager Joyce Wilson said Romero set up a meeting for her with an Estrada Hinojosa representative shortly after he took office in June 2013. She did not know that Romero had a past business relationship with Hinojosa.

She rebuffed the approach, but Romero appears to have had better luck with Gonzalez, who replaced Wilson in 2014.

It is incomprehensible that Gonzalez and Chief Financial Officer Mark Sutter would reopen an existing contract based largely on the request of one city representative who had been lobbying for a particular company. That we now learn Romero had a past business relationship with that company sets off alarm bells.

The City Council must investigate how this sorry spectacle unfolded, and hold city employees accountable.

Romero has been involved in a number of questionable practices in recent months, with the knowledge or assistance of Gonzalez. He directed the repaving ([/story/news/2015/09/29/emails-city-manager-didnt-stop-projects/72998268/](http://story/news/2015/09/29/emails-city-manager-didnt-stop-projects/72998268/)) of streets not on the city's improvement plan. He got the city to ignore numerous policies in placing speed humps ([/story/news/local/el-paso/2015/10/31/speed-humps-near-cathedral-violate-city-policy/74712464/](http://story/news/local/el-paso/2015/10/31/speed-humps-near-cathedral-violate-city-policy/74712464/)) in front of his alma mater, Cathedral High.

But lobbying for a former business partner, without disclosing the relationship, is beyond the pale.

Romero has breached the public trust, and must resign.

Read or Share this story: <http://www.elpasotimes.com/story/opinion/editorials/2015/11/22/editorial-awful-mess-el-paso-city-hall/76181140/>



Romero touted former partner for city contract

REP. LARRY ROMERO PREVIOUSLY WORKED WITH THE HEAD OF A FINANCIAL ADVISORY FIRM HE WAS PROMOTING FOR A CITY CONTRACT.

Cindy Ramirez and Elicia S. Perez, El Paso Times

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Push for a new firm

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Shortly after winning election in 2013, city Rep. Larry Romero began pushing city officials to hire a financial advising firm without disclosing his ties to the company, an El Paso Times investigation revealed.

Former City Manager Joyce Wilson and her staff rebuffed Romero's efforts in 2013 to hire Estrada Hinojosa and Co. of Dallas to be a financial adviser for the city government. The City Council in 2012 had awarded a five-year contract to First Southwest of Dallas, and Estrada Hinojosa had been an unsuccessful bidder.

But acting at the direction of City Manager Tommy Gonzalez, who replaced Wilson in 2014, city officials earlier this year [began the process to replace First Southwest as El Paso's financial adviser](#). Emails obtained by the Times under the Texas Public Information Act show Chief Financial Officer Mark Sutter in September approved a recommendation to award the contract to Estrada Hinojosa and terminate First Southwest.

That effort was halted by Oct. 1, the emails show. The City Council was never made aware that the request for qualifications for a new financial adviser was issued in April, that the city was preparing to terminate its financial adviser, or that the effort was abandoned.

The El Paso Times last week discovered an audio recording in which Noe Hinojosa, the president and chief executive officer of Estrada Hinojosa, told the Canutillo school board that he and Romero were former business associates. Hinojosa revealed his relationship with Romero — and also boasted of his ties to Gonzalez — during an ultimately successful bid presentation to the Canutillo school board in October 2014.

Wilson and Gonzalez told the Times they were never made aware of Romero's ties to Hinojosa.

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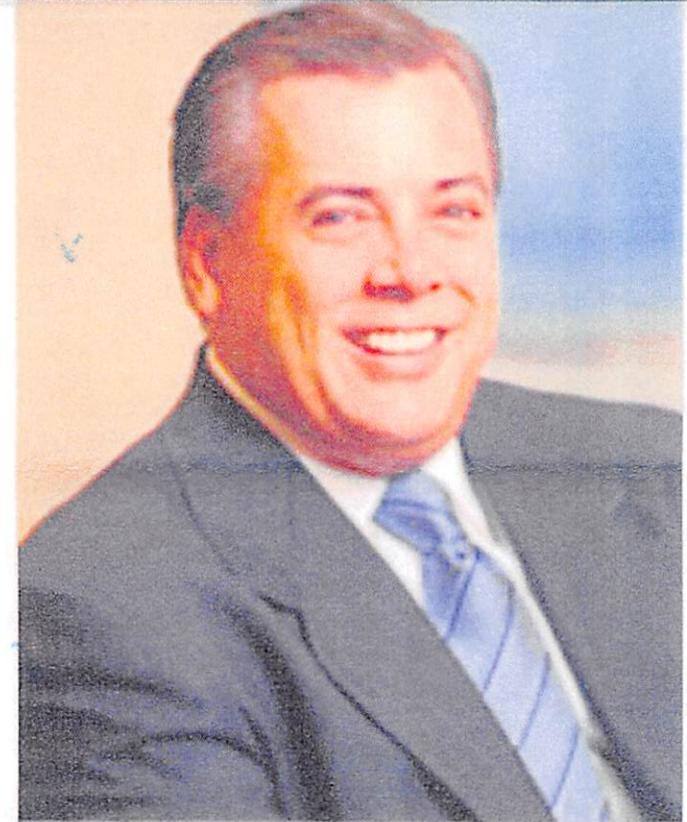


Hinojosa confirmed his past business ties to Romero in an interview with the Times. Romero did not respond to multiple requests for comment.

The Times investigation into the city's attempts to seek a new financial adviser also discovered that Hinojosa had given multiple donations to one of city Rep. Emma Acosta's key projects. The donations were solicited by Carlos Aguilar III, a former county commissioner turned lobbyist who was implicated, though never charged, in a 2006 bribery scheme.

Acosta said she never asked Aguilar to solicit Hinojosa. Aguilar didn't respond to an email requesting comment.

Both Romero and Acosta serve on the City Council's Financial and Audit Oversight Committee.



Estrada Hinojosa and Co. President and CEO Noe Hinojosa
(Photo: Courtesy photo)

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At issue is a lucrative contract for financial advising, which pays a percentage of the city's financial portfolio or amount of bonds sold. The contracts are typically awarded through a competitive process.

The city in 2013 was getting ready to issue more than \$60 million in bonds for the Downtown ballpark, and had \$473 million in bonds for quality of life projects in its portfolio — both of which had been approved in 2012.

According to interviews as well as documents obtained by the Times under the Texas Public Information Act, Estrada Hinojosa had competed for the financial advising contract in 2006-07. First Southwest was awarded the contract. Estrada Hinojosa competed for the contract again in 2012 as the city entered into negotiations to build the Downtown ballpark, but the City Council instead voted to extend First Southwest's contract to September 2017.

Former city Chief Financial Officer Carmen Arrieta Candelaria confirmed that Hinojosa called her soon after the May 2013 elections asking to be considered as the city's financial adviser or co-adviser. She said she told Hinojosa that a contract was already in place and there were no plans to put out a request for qualifications.

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Hinojosa said he had not done business with the city of El Paso since about 2000, and that the contract was an opportunity to get his company's name back out in the community.

"I took it upon myself to tell the story of how well our firm has done and what we can offer if the opportunity arose," Hinojosa said, denying any wrongdoing. "It's a very competitive business."

Wilson said that soon after Romero's election in spring 2013, Romero invited her to a meeting with a representative of Estrada Hinojosa to discuss the contract.

"I advised we had just completed a procurement process which this firm participated in but was not successful," Wilson said. "I advised Mr. Romero that I would not recommend reopening the (bid) process since we were in midst of several bond sales over next 12 to 18 months and we had just issued a new contract."

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Touting relationships

Estrada Hinojosa works in different capacities with various cities, agencies and school districts across the state, including the El Paso Independent School District, the Camino Real Regional Mobility Authority and, previously, the Ysleta Independent School District.

The company last year was awarded the bid to be the financial adviser for the Canutillo Independent School District. During an interview with the board on Oct. 1, 2014, is when Hinojosa touted his relationship with Romero and Gonzalez as he explained how he wanted to expand the company's El Paso presence.

In an [audio recording](#) of that meeting that is posted on the district's website, Hinojosa was asked by a board member if he planned to have a permanent office in El Paso. He said he planned to do so, then outlined a series of governments that he planned to work with, including the city of El Paso.

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Hinojosa said he had an office in El Paso about 12 years ago "with a gentleman named Larry Romero, who about two years ago called me and said, 'Mr. Hinojosa, I just wanted to let you know that I ran for City Council.' And I said, 'Why did you do that?' Because we tried to get into the bond (business) that was really heavy back then but it was a little frustrating for me in terms of how we had to go out and get this and the opportunity to compete comes very seldom."

When Romero ran unsuccessfully for the El Paso Community College Board of Trustees in 2000, an El Paso Times story listed his employers at the time as the El Paso Diablos and a Dallas-based financial adviser.

Romero's [biography on the city's website](#) and his [profile on the LinkedIn social network](#) list jobs he's held going back to 1980, but neither mentions his work with Hinojosa.

Hinojosa also touted his relationship with Gonzalez as he told the Canutillo school board about his expansion plans.

"The city of El Paso, Tommy Gonzalez, the new city manager, someone who I've known literally eight years. We have worked very closely in the past, in his past, in my past. So I'm very hopeful."

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In an interview with the Times, Hinojosa said he has had an "arms-length" relationship with Gonzalez, having served as an underwriter in several cities where Gonzalez has previously worked, including Dallas and Irving.

Gonzalez said he has had relationships with numerous financial advisory firms while serving in Texas municipal governments, including Estrada Hinojosa and First Southwest.

"Throughout my career I have worked with many financial advisers and underwriters. I first recall meeting Mr. Hinojosa in the '90s, when the city I was working in heard a presentation from his firm," the city manager said.

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Although the city's financial adviser contract with First Southwest runs into 2017, the city in April posted a request for qualifications for a financial adviser, records show. Sutter, the city's chief financial officer, said he posted the bid solicitation after City Council members expressed dissatisfaction with First Southwest during a July 2014 budget hearing.

But video of the meeting shows that Romero was the only one to raise the subject.

"This is more directed toward Mr. Gonzalez," Romero said. "I had mentioned to you before (but) just as a reminder — my own personal opinion — but I would like to see the city go out to see if we can look again at our financial adviser and the companies we use for the bond underwriting in the next couple of months," Romero said.

Gonzalez asked Romero if he meant to search for bond underwriting or financial advising, to which Romero replied "advising."

"I'm sure the city manager and I talked about his comments ... but I don't remember any other direction from the city manager," Sutter said. "That's something that now we (city staff) are more particular about — how we take direction."

"I'm sure the city manager and I talked about his comments ... but I don't remember any other direction from the city manager," Sutter said. "That's something that now we (city staff) are more particular about — how we take direction."

Gonzalez said other council members, whom he didn't name, expressed concerns over the way First Southwest handled the sale of bonds for the new Triple-A baseball stadium in 2013.

"Several council members had shared their displeasure on how the ballpark financing issues had been handled," he said. "Pursuant to that public dialogue, I did concur that the RFQ go forward."

Four companies responded with bids for the financial adviser contract, including First Southwest and Estrada Hinojosa, according to records obtained under the Public Information Act.

On Sept. 1, city Purchasing Agent Haydee Pena sent an email to Assistant City Attorney Sol Cortez saying Estrada Hinojosa had won the financial adviser bid.

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*is very aware that council was
satisfied with the actions that had
in place regarding the ballpark
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advisers.*"

MARK SUTTER, CHIEF FINANCIAL OFFICER

"The RFQ is priority for Dr. Sutter and would like a quick turnaround. Please let us know by when you could have the agreement drafted. In addition, we will also need to terminate the current contract," Pena wrote in the email, which was obtained by the Times through an open records request.

On Sept. 22, Pena wrote that Cortez had said she was reviewing to see if the city was compliant with recent changes in state law.

However, on Oct. 1, Sutter sent an email saying: "This procurement process is on hold for now."

Sutter and Gonzalez said they learned in September that concerns raised about First Southwest's performance on the ballpark bonds were unfounded.

"I was very aware that council was not satisfied with the actions that had taken place regarding the ballpark financing. However, what I did not know were the details surrounding the direction given to the financial advisers," Gonzalez said. "When our city attorney shared that information, I directed staff to withdraw the RFQ."

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"I was very aware that council was not satisfied with the actions that had taken place regarding the ballpark financing. However, what I did not know were the details surrounding the direction given to the financial advisers," Gonzalez said. "When our city attorney shared that information, I directed staff to withdraw the RFQ."

Officials with First Southwest declined to comment.

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Estrada Hinojosa donations

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Emails obtained by the Times show that Romero was not the only council member with an Estrada Hinojosa connection.

The company has given two \$500 contributions to city Rep. Emma Acosta's "Movies Under the Stars" series, which shows films in the summer at different parks in her district.

The contributions were the result of an email to Hinojosa from Aguilar, a longtime controversial figure in El Paso politics.

"Hello Noe," Aguilar's June 3, 2014, email says. "Attached you will find a request to sponsor 'Movies in the Park,' a summer event here in El Paso that is spearheaded by Representative Emma Acosta. Please contact me with any questions you may have. Your prompt response to this is truly appreciated."

On July 1, 2014, Hinojosa responded, "(W)e will be happy and honored to help with this cause."

Estrada Hinojosa made a \$500 contribution in July 2014 and another \$500 contribution in February.

"I have always disclosed all sponsorships on a regular City Council agenda for purposes of transparency."

Acosta said she had "no idea" why Aguilar solicited Hinojosa to donate to one of her signature projects.

"I've known Carlos Aguilar since he was a trustee at the community college, then he was a commissioner ... you know these people," Acosta said. "He's not a personal friend of mine, but you know them."

When asked why she accepted a contribution from a company interested in obtaining a city contract, Acosta said, "I was not aware, until recently, that the Hinojosa firm had submitted a proposal for services to the city."

CITY REP. EMMA ACOSTA

She added that a number of firms with city contracts are sponsors of her summer film series.

"I have always disclosed all sponsorships on a regular City Council agenda for purposes of transparency." Acosta said. "We send out hundreds of letters. over 200 letters every

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spring to get contributions,"

Aguilar was a two-term county commissioner and became a lobbyist after being voted out of office in 2002.

Aguilar was identified in federal court testimony in 2012 as an intermediary of former County Judge Anthony Cobos in an effort to extract payments for Cobos' support on projects.

Ruben "Sonny" Garcia, who pleaded guilty to corruption charges, testified in the trial of co-defendant Cirilo "Chilo" Madrid. Garcia said Aguilar and Cobos pushed him for money in exchange for Cobos' support of awarding Garcia's company, LKG, a contract to run a federally funded children's mental-health program.

Aguilar was not charged in the case.

Romero nominated Aguilar for the City Plan Commission earlier this year, but withdrew the nomination in the wake of a public outcry.

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Lobbying efforts

City Rep. Claudia Ordaz said she first became aware of Estrada Hinojosa's interest in the financial adviser contract after receiving an odd text message in November 2014.

Gonzalez was organizing a trip to Dallas for Ordaz and city Reps. Dr. Michiel Noe and Ann Morgan Lilly. He sent a text message setting the date for Dec. 17.

Hinojosa responded to the text exchange: "This is Noe Hinojosa. Hope all is well. I don't think I'm supposed to be getting these texts yet."

The city manager said he misfired the text message to Hinojosa, whose first name is the same as city Rep. Noe's last name.

Gonzalez said he took council members to visit projects he was responsible for during his work in Irving, and for meetings with companies interested in coming to El Paso. He said Hinojosa was not part of the trip.

"Why on earth would the city be interested in hiring this new firm when First Southwest has been doing a good job?"

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CITY REP. CLAUDIA ORDAZ

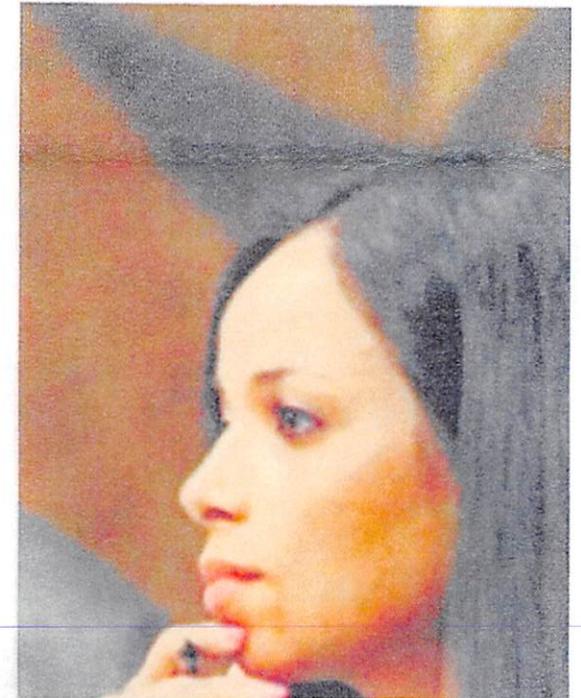
Ordaz said she learned after receiving the text that Estrada Hinojosa was interested in taking over as the city's financial adviser.

"Why on earth would the city be interested in hiring this new firm when First Southwest has been doing a good job?" Ordaz said.

"The city manager said he didn't know about this, that he had only met Noe Hinojosa for the first time last year during a TxDOT visit to El Paso," Ordaz said.

The Texas Transportation Commission met in El Paso in October 2014. Ordaz and other city officials, including the city manager, attended an event during the commissioners' meeting, she said.

Gonzalez said he doesn't recall saying that he met Hinojosa for the first time in 2014.



Hinojosa for the first time in 2014.

In February, Ordaz and other elected officials and city leaders attended El Paso Days in Austin. She said Hinojosa approached her at the closing reception in Austin and insisted his firm should be the city's new financial advisers.

"He was really aggressive and he was driving it home that he should get the contract," Ordaz said. "I told him I hadn't seen any wrongdoing with First Southwest."

Elida S. Perez may be reached at 546-6137; eperez@elpasotimes.com; @ElidaSPerezEPT on Twitter.

Cindy Ramirez may be reached at 546-6151; cramirez@elpasotimes.com; @EPTCindyRamirez on Twitter.



El Paso city Rep. Claudia Ordaz said she doesn't think the city should be interested in hiring First Southwest. The firm has been doing a good job.

(Photo: Rudy Gutierrez/El Paso Times)

CITY CLERK DEPT.
2015 DEC -3 AM 11:26

Speed humps near Cathedral violate city policy

THE HUMPS IN FRONT OF CATHEDRAL HIGH WERE INSTALLED BY THE CITY AGAINST THE RECOMMENDATION OF ITS TOP STREET OFFICIAL.

Cindy Ramirez, El Paso Times



Numerous city policies violated

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The city of El Paso installed speed humps in front of Cathedral High School this year in violation of numerous city policies and against the recommendation of its top street official, according to documents obtained by the El Paso Times.

The speed humps installed in February were requested by school officials, pushed for by Cathedral alumnus city Rep. Larry Romero and approved by City Manager Tommy Gonzalez, according to emails and other documents obtained by the Times under the Texas Public Information Act.



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2015 DEC -3 AM 11:24

According to the city's Neighborhood Traffic Management Program, the portion of Stanton Street in front of Cathedral does not qualify for the speed cushions because it's not a residential street, it is on a bus route and has more than a single lane in each direction. A Jan. 22 memo from the city's top streets official recommended against installing the speed humps because of the city policy and urged that any deviation from the policy be approved by the full City Council.

"The Neighborhood Traffic

Management Process in place

usually would address these concerns; however, I firmly believe that safety issues are a priority and I did direct staff to install speed humps on Stanton Street, which is a very

Council approval was never sought, and the speed humps were installed on Feb. 25 and 26 at a cost of more than \$9,000.

In an email to the Times, Gonzalez said the city policy didn't apply to the Cathedral project because the humps were installed using general funds and not those from the [Neighborhood Traffic Management Program](#) that outlines those standards and allocates funding for qualifying projects. The city did not provide any policies for traffic-calming measures other than the neighborhood plan.

on Stanton Street, which is a very heavily traveled street and poses major concerns.”

CITY MANAGER TOMMY GONZALEZ WROTE

Romero didn't return calls for comment.

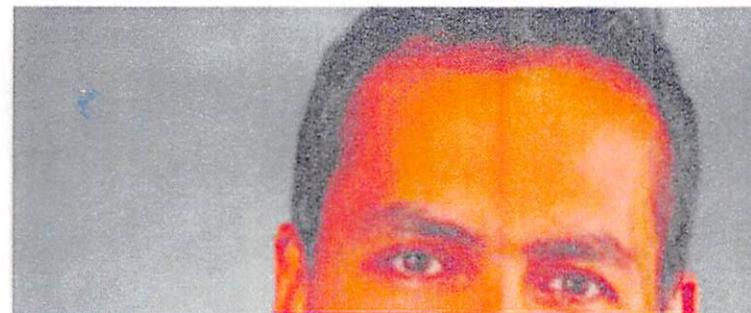
In his email response, Gonzalez said he approved the installation of the speed humps for safety issues.

"The Neighborhood Traffic Management Process in place usually would address these concerns; however, I firmly believe that safety issues are a priority and I did direct staff

to install speed humps on Stanton Street, which is a very heavily traveled street and poses major concerns," Gonzalez wrote.

Romero and Gonzalez have been criticized for skirting the street repaving process under the \$218 million Streets Infrastructure Capital Improvement Plan approved by the council in 2012. At that time, the council approved a list of streets that were to be repaved or reconstructed based on need, using certificates of obligation.

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Last month, the [Times revealed](#) that city manager and his wife created a consulting company and hired Romero's brother to organize it. Gonzalez said his contract with the city allows outside consulting. Over the past year, several streets in Romero's district in Central El Paso that were not on the list were repaved at his request, including the street his house is on, according to emails obtained by the Times under the Open Records Act. Emails showed that Gonzalez was told of the plans to repave streets in Romero's district that were not on the list of capital improvement projects approved by the City Council in 2012.



El Paso City Manager Tommy Gonzalez approved installing s humps in front of Cathedral High School.

(Photo: El Paso Times)

Romero was one of the leading City Council supporters of Gonzalez's controversial [\\$61,000 pay raise](#) this summer. Gonzalez said there was no connection between the paving projects and the raise.

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Speed humps and other types of traffic calming measures are typically installed using funds allocated to the Neighborhood Traffic Management Program first adopted in 2008 and last revised in 2012 using nationally recognized standards.

The program allows residents to petition for things like speed humps or bumps, traffic circles or other measures that help slow down drivers, but mandates that certain requirements are met. It requires a public review process before traffic calming measures are installed. The process is usually lengthy to ensure public involvement and compliance with city policies.

The installation of "express physical measures" such as speed humps require a petition signed by two-thirds of households on the street.

City officials said the Stanton Street humps were not paid for from the Neighborhood Traffic Management Program, but from the general fund, which includes property taxes, sales taxes, city fees and other sources.



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According to the city's Neighborhood Traffic Management Program application, only residential streets with certain traffic counts and a certain percentage of speeders qualify for speed humps.

Stanton Street in front of Cathedral High is classified as minor arterial street, making it ineligible for speed humps under the program standards. Many cities across the country have similar policies barring speed humps on arterial streets, which generally have much higher traffic volume than residential streets.

The city's guidelines also say that speed bumps and humps can only be placed on streets with no more than one lane in each direction. The portion of Stanton Street in front of Cathedral has one lane southbound and two lanes northbound.

City policy precludes speed humps on streets that serve as bus routes, and discourage placement on streets with grades of greater than 6 percent. Stanton Street in front of Cathedral is on a bus route and has nearby grades of more than 8 percent, records show.



A vehicle negotiates a speed hump on N. Star High School Thursday.

(Photo: VICTOR CALZADA/EL PASO TIMES)

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City policy also requires traffic studies of speed on the road and allows the installation of speed humps only when the 85th percentile speed is 10 mph over the street's desired speed.

Stanton's speed limit near the high school is 30 mph most times and 15 mph during school hours.

Documents obtained by the Times indicate the traffic study was done on Stanton on Feb. 25 and 26, the same days the speed humps and signs were installed. The 85th percentile speed never exceeded 8 mph above the speed limit in effect at the time.

The speed hump project cost \$9,416.23, records show.



An El Paso Times investigation published Nov. 22 found that Larry Romero was pushing the city to hire Estrada Hinojosa as the city's financial adviser without disclosing his links to Dallas-based company.

(Photo: Time file photo)

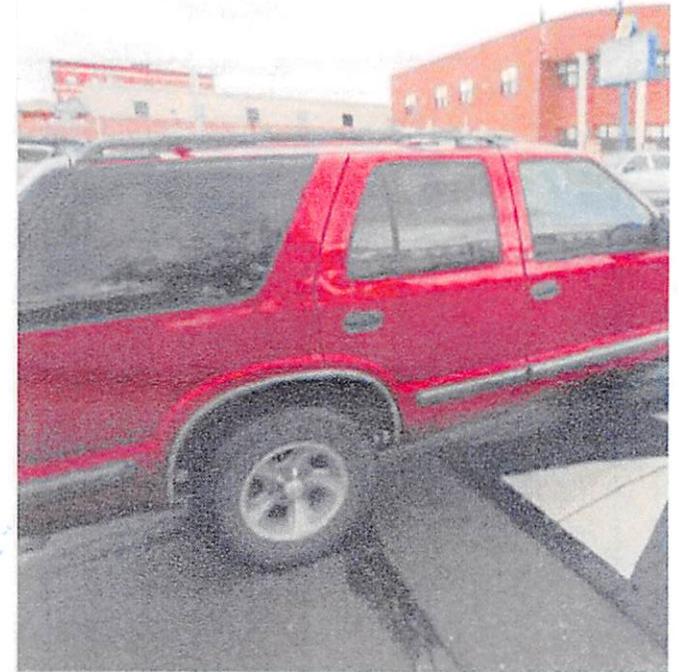
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The documents obtained by the Times showed that several city transportation and engineering employees were part of emails that questioned the installation of the Stanton speed humps. A spokeswoman for the city's transportation department even questioned how they would impact future requests for speed humps in school zones and how the city might respond to media inquiries about the Stanton humps.

According to the emails, Cathedral officials wanted to meet with city officials to request school flasher signals, which would require that the school or school system pay the total cost of equipment and installation and that city engineers approve its location. The school then asked for speed humps instead.

Cathedral High School officials couldn't be reached for comment.



A vehicle negotiates a speed hump on North St Cathedral High School.

(Photo: VICTOR CALZADA/EL PASO TIMES)



If there is a directive to install the speed cushions at this location I commend that Council directs the installation of speed cushion devices on the Minor Arterial during a council session. This would satisfy their policy that requires public input/meetings for traffic calming where the adjacent property owners & the public in general would have opportunity to express their point of view on the proposed

In a Dec. 24, 2014, email, Romero told West Side city Rep. Cortney Niland, who represents the Cathedral area, that school officials are "wanting to see if you would be willing to place speed bumps in their general area."

A few days later, Niland's assistant asked a transportation department head how to get speed humps in front of Cathedral. The assistant said that even though a past study showed the street did not meet requirements for speed humps, "I believe now though that we have enough support from the community to revisit the situation," the email states.

Niland said she recalled Romero asking if he could work on the project, and that she said yes but was not aware of the details of their installation. She said the humps were temporarily removed in May for the Slide the City event where a 1,000-foot-long water slide was set up along Stanton for a day. The humps were reinstalled after the event, she said.

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CITY CLERK DEPT.

installation.”

A MEMO OBTAINED BY THE TIMES SAID

A draft memo attached to a Jan. 22 email from the head of the city street's department to city engineers

points out the various reasons why the street does not meet requirements for speed humps, and instead recommends that Cathedral install speed limit flasher signs to slow traffic. Under city policy, Cathedral would be responsible for the \$60,000 to \$100,000 cost for flashers.

The memo, sent by Ted Marquez, head of the city's Streets and Maintenance Department, said city policy bars installing speed humps on an arterial street like Stanton because "traffic avoiding these devices will be diverted into more residential streets, which is opposite of what is desired."



Ted Marquez, city of El Paso streets department

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(Photo: Courtesy photo)

The memo said any decision to place speed humps in front of Cathedral should require action by the entire City Council.

"If there is a directive to install the speed cushions at this location I recommend that Council directs the installation of speed cushion devices on the Minor Arterial during a council session," the memo said. "This would satisfy their policy that requires public input/meetings for traffic calming where the adjacent property owners and the public in general would have an opportunity to express their point of view on the proposed installation."

No such action was ever presented to the council. Gonzalez said he never saw the memo.

The memo initially was not included among documents the city provided to the El Paso Times in response to a series of records requests that began Aug. 30. The city provided the document on Thursday, after the Times repeatedly questioned why an attachment mentioned in Marquez's email was not given to the paper.

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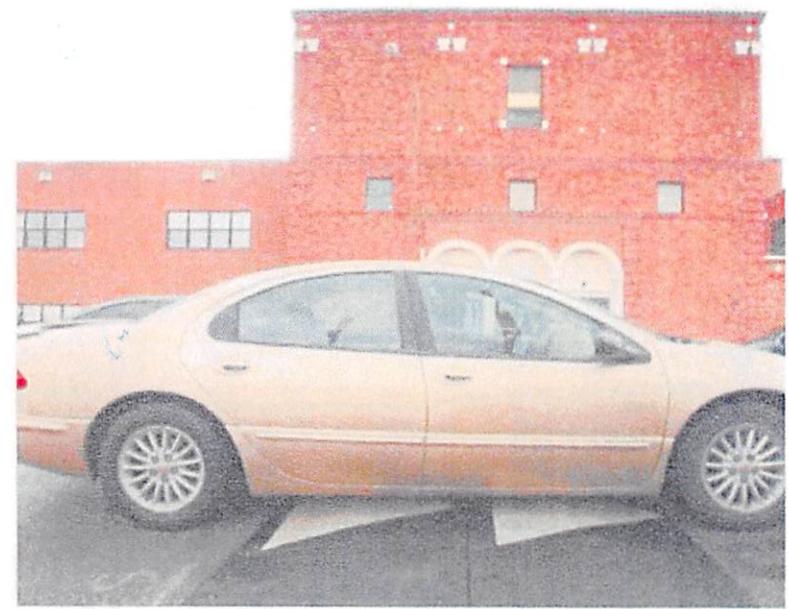
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Gonzalez on Jan. 24 emailed the heads of the engineering and finance offices seeking an update on the Cathedral speed humps plan.

"Let me know when u find out if we can do. Would like to respond to rep Romero," Gonzalez wrote.

After a series of emails between employees and Romero, some of which included the city manager, one employee on Jan. 26 replied that he had spoken to the city manager "and received the following direction regarding the speed humps for Stanton: 1. Proceed with the installation of speed humps on Stanton (use the time before streetcar construction to analyze effectiveness) 2. Install speed humps from existing inventory."

Later that day, Gonzalez updated Romero on the project, and Romero replied "thank you for your prompt response. Great job."





On Jan. 27, Marquez sent an email to other streets, engineering and finance departments employees saying that they would proceed with the installation "as ordered by the City Manager."

A car slows to negotiate the speed humps on N. Stanton in front of Cathedral High School Thursday.

(Photo: VICTOR CALZADAVEL PASO TIMES)

He also asked Fred Lopez of the city Engineering Department: "Because this installation directive is changing the existing Council approved process for the NTMP program I need to know if we continue to use the approved process for all speed hump/speed cushion requests we get from the public and from the city representative offices or will you be creating new rules for the program?"

Lopez responded: "Let me discuss this item further with Dr. Sutter (Chief Financial Officer Mark Sutter) and Mr. Gonzalez."

None of the documents obtained by the Times indicate an outcome of such a discussion, or if it occurred.

Later on Jan. 27, Sutter questioned the possible deviation

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Because this installation directive is changing the existing Council approved process for the NTMP program I need to know if we



... continue to use the approved process for all speed hump/speed cushion requests we get from the public and in the city representative offices or you be creating new rules for the program? "

from city policy in an email to Marquez and Lopez: "... from part of your e-mail exchange, it looks like we are departing from the norm, but is that for our convenience? If not, do we need a larger discussion about what the standard should be?"

Marquez responded on Feb. 3: "The short answer is that we did not depart from the norm for the convenience of the department.

Fred can elaborate since he was our contact for this request through the city manager's office. Fred is very familiar with the program since he was overseeing the process when he was housed here at the (Municipal Service Center) so he should be able to provide



MARQUEZ, HEAD OF THE CITY'S STREETS AND MAINTENANCE DEPARTMENT, SAID IN A DOCUMENT

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Service Center) so he should be able to provide you with timelines and history of the NTMP program and I can provide any documents related to the program as needed."

No response from Lopez was provided to the Times.

In late February, a spokeswoman in the city transportation department questioned how future requests from residents for speed humps should be handled.

Lopez replied that the speed humps on Stanton "is a request by the City Representative which was approved by the City Manager. We are continuing to use the NTMP as the process for residents to request speed humps in neighborhoods."

Cindy Ramirez may be reached at 546-6151; cramirez@elpasotimes.com; [@EPTCindyRamirez](https://twitter.com/EPTCindyRamirez) on Twitter.



Fred Lopez of the city engineering office played a key in the installation of speed humps at Cathedral High.

(Photo: Courtesy photo)

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Editorial: Romero brings ghosts of past to city

El Paso Times Editorial Board

POSTED: 09/13/2015 01:43:09 PM MDT

City Rep. Larry Romero seems to be on some bizarre quest to bring back bad governance practices that stunted El Paso's progress for decades.

Acting with no transparency, Romero blew up the city's street resurfacing plan to get paving done at seven streets and an alley of his choosing. No one at the city professes to know how this happened.

But Romero, elected to represent the West-Central council district in 2013 and up for re-election in 2017, says city representatives should be the ones deciding what streets in their districts get paved because they are best-positioned to know the needs of their constituents.

Actually, there's a much better way for setting paving priorities. It's called science.

That's the approach most cities take. It's the approach El Paso took in 2012 when it created its \$218 million [Street Infrastructure Capital Plan](http://legacy.elpasotexas.gov/muni_clerk/agenda/06-26-12/06261220B.pdf) (http://legacy.elpasotexas.gov/muni_clerk/agenda/06-26-12/06261220B.pdf).

The plan was put together using what is known as the [pavement management index](http://www.fhwa.dot.gov/pavement/management/qm/data_qm_guide.pdf) (http://www.fhwa.dot.gov/pavement/management/qm/data_qm_guide.pdf) to determine which streets most in need of repair. That way you can resurface deteriorating streets before they reach the level of need much more expensive reconstruction. The city even has a [searchable map](http://gis.elpasotexas.gov/pci/) (<http://gis.elpasotexas.gov/pci/>) online to check the pavement management index for streets across El Paso.

But Romero decided he is better qualified to select streets in need of repair than engineers. So how did that work out?

Well, the street in front of his house somehow made the paving list, even though it was never on the list approved by City Council because the pavement management index showed the road to be in better shape than others that now won't get resurfaced because Rep. Romero knows best.

An alley that runs between Piedras and Raynor also got resurfaced thanks to Rep. Romero. There is no pavement management index for the alley because alleys were never supposed to be resurfaced through the city's \$218 million investment. That's because streets are considered a higher priority than alleys — except for Romero, at least when it involves an alley near businesses owned by two modest campaign donors.

Contrary to Romero's beliefs, elected officials are not best positioned to know the engineering needs of their districts. That would be a job for engineers.

What El Paso elected officials have been good at over the years, to the detriment of our community, is back-scratching, self-dealing and pay-to-play. That led to a culture of corruption exposed by the FBI in the past decade that El Paso is still recovering from.

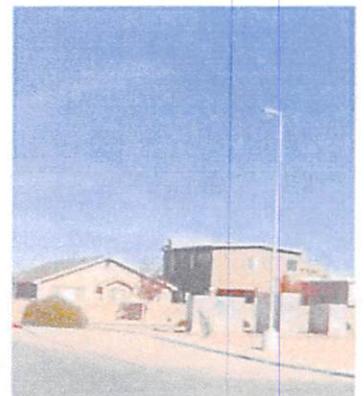
Which brings us to Romero's other recent action, [nominating former County Commissioner Carlos Aguilar III](http://agenda.elpasotexas.gov/sirepub/cache/2/uawf5ztouyntekg2nmhv3lc5/8681109122015033041366.PDF) (<http://agenda.elpasotexas.gov/sirepub/cache/2/uawf5ztouyntekg2nmhv3lc5/8681109122015033041366.PDF>) to serve on one of El Paso's most important boards, the City Plan Commission,



([/portlet/article/html/contentItemRelationsh](#))
City Rep. Larry Romero has no former County Commissioner Carlos Aguilar to serve on the City Plan Commission. (RUBEN R RAMIREZ/PASO TIMES)

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VIDEO NEWS FEED



Aguilar is a poster child of the old back-scratching, pay-to-play culture. His name came up in one of El Paso corruption trials as participating in pushing a [potential county vendor](http://www.elpasotimes.com/ci_22134872/garcia-contract-details-bypassed-him) (http://www.elpasotimes.com/ci_22134872/garcia-contract-details-bypassed-him) for campaign contributions for then-County Judge Anthony Cobos.

Aguilar was never charged, but he is considered toxic by El Paso's best public officials because of his past conduct.

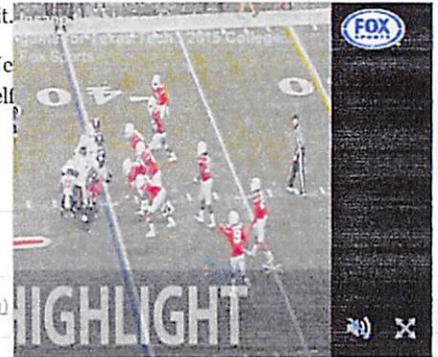
But according to Rep. Romero, there's no one better in his council district to serve on a committee that plays an outsized role in shaping the future of El Paso.

The nomination of Aguilar to the City Plan Commission is an outrage to El Paso, and an insult to the residents of District 2.

Romero should withdraw the Aguilar nomination. If not, the City Council should vote Tuesday to reject it.

El Paso voters in recent years have tossed out the type of governance now being advocated by Romero. Neighboring leaders in county government and El Paso Independent School District have worked hard to clean out self-dealing, back-scratching and pay-to-play that nearly destroyed those institutions.

We don't need Rep. Romero trying to bring the failed approaches of the past to city government.



TAKE ACTION

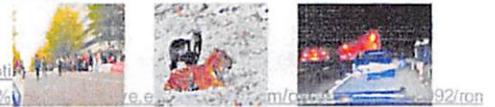
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Street Resurfacing: City Rep. Romero Denies Wrongdoing

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Maria Garcia, MariaG@kvia.com.

POSTED: 06:28 PM MDT Sep 10, 2015
UPDATED: 09:04 PM MDT Sep 10, 2015

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Romero Denies Wrongdoing In Street Resurfacing Selection

EL PASO, Texas - City Rep. Larry Romero on Thursday said it was not he who added streets to the City's Street Capital Improvement Plan to be paved this year. He took issue with concerns one of those repaving projects favored his campaign contributors.

"I'm looking out for my constituents and doing what I can to make sure that we get them what they're asking for. If that's wrong, well I'm sorry," Romero said.

According to a city document, eight streets in Romero's district that were not approved by Council in the original 2012 list were paved this year. One of those is an alley between Raynor and Piedras. Campaign finance reports show two business owners with businesses directly in front of the alley donated to Romero's campaign when he ran for office in the summer of 2013.

The owner of Italian Kitchen donated \$150 to Romero and the owner of the Pershing Inn donated \$250 cash and another \$250 in in-kind contributions. "You guys want to spin it into, 'well they gave you money so now you're doing this for them.' That's not true. If you had seen the condition of that alley before, unbelievable. I mean I wouldn't drive through that alley," Romero told ABC-7. "If you drove through the alley like I did you would know that there were huge pot holes and does that mean just because somebody contributed I'm not going to take their feelings, their suggestions into consideration? I don't think so."

Romero is adamant he did not add streets that were not on the 2012 list. Instead, he said he only expressed his priorities to city engineers when asked and which streets got paved after that was up to engineering. "Yeah, I may have said: 'yeah these streets need to be upgraded more than these other streets.'"

Romero's home street was also repaved this year even though it was not on the list. "My neighbors - I

bet you most of them don't even know I'm a city rep. But they send in letters to my office, they send in phone calls and messages. 'Hey, when are you going to do something with our street?'"

ABC-7 obtained from the city a list of streets that have been repaved this year using the debt the city took on for the 2012 streets master list. Romero's district had eight streets repaved that were not on the list. City Rep. Carl Robinson had one and Lily Limon had three.

Both Robinson and Limon said they also told engineering which streets they thought deserved more attention based on concerns from their constituents, but didn't give orders.

City reps said that's because the study used to determine the 2012 list - in some cases used old information from as far back as 2008.

In a statement Thursday evening from the City, officials again emphasized the 2012 list was flexible to constituent concerns.

"In this case, concerns from El Pasoans who live, work, drive, cycle, and walk along these streets every day. As we have demonstrated, when City Council approved this plan in 2012 they clearly envisioned a program which would marry scientific data with responsiveness to customer concerns. While some streets were not on a list established in 2012, all streets which have been re-surfaced were in need of maintenance and would have been resurfaced."

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John Dungan • 3 months ago

Oh, please. Does he really think we believe his protests? Maybe he hasn't driven on any of the streets around town that actually carry traffic?! We are getting our cars beat up by lousy street conditions, and this non-caring vendido gets his own short little street repaved, and a frickin' alley done?!

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Joe Gaines Cardona • 3 months ago

Paved alley? Pave street at his home front? He is not sorry! Typical local politician. He should run for mayor.

4 ^ v • Reply • Share

Gee Dubb → Joe Gaines Cardona • 3 months ago



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Account

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Prop ID: 245021
Geo ID: S80499902708800
Agent Code:

Legal Description:
27 SUMMIT PLACE W 67.5 FT OF 32 TO 38 (8840 SQ FT)
Property Use Code:

Property Use Description:

Location

Address:
2827 POLK AVE EL PASO, TX
Neighborhood:
Neighborhood CD:
DS80414210
Map ID:
NWC153

Owners

Name:
ROMERO LARRY E
Mailing Address:
2827 POLK AVE EL PASO TX 79930-4124
Owner ID:
96705
Ownership (%):
100.00
Exemptions (/Search/Exemptions)
HS

Values (2015)

(+) Improvement Homesite Value:	\$115,958.00
(+) Improvement Non Homesite Value:	\$0.00
(+) Land Homesite Value:	\$20,059.00
(+) Land Non Homesite Value:	\$0.00
(+) Agricultural Market Valuation:	\$0.00
(+) Timber Market Valuation:	\$0.00
(=) Market Value:	\$136,017.00
(-) Agricultural Or Timber Use Value Reduction:	\$0.00
(=) Appraised Value:	\$136,017.00
(-) HS Cap:	\$0.00
(=) Assessed Value:	\$136,017.00

Taxing Jurisdiction (2015)

Owner:
ROMERO LARRY E
Ownership (%):
100.00
Total Value:
\$136,017.00

Entity:	Description:	Tax Rate:	Freeze Ceiling:	Appraised Value:	Taxable Value:	Estimated Tax:
CAD	CENTRAL APPRAISAL DISTRICT	0.000000	\$-.-	\$136,017.00	\$136,017.00	\$0.00
CEP	CITY OF EL PASO	0.729725	\$-.-	\$136,017.00	\$131,017.00	\$956.06
G01	EL PASO COUNTY	0.452694	\$-.-	\$136,017.00	\$131,017.00	\$593.11
IEP	EL PASO I.S.D.	1.235000	\$-.-	\$136,017.00	\$111,017.00	\$1,371.06
SCC	EL PASO COMMUNITY COLLEGE	0.133811	\$-.-	\$136,017.00	\$136,017.00	\$182.01
SHO	UNIVERSITY MEDICAL CENTER OF EL PASO	0.220682	\$-.-	\$136,017.00	\$136,017.00	\$300.17
Total Tax Rate:		2.771912				
Taxes With Current Exemptions:						\$3402.41
Taxes Without Exemptions:						\$3770.28

The El Paso Central Appraisal District makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of this information and expressly disclaims liability for any errors and omissions. Data relating to tax rates and tax values is being provided as unofficial data. Please visit the City of El Paso Consolidated Tax Office website (https://actweb.acttax.com/act_webdev/elpaso/index.jsp) for official values.

Improvements/Building (2015)

Type: Residential
 State Code: A1
 Living Area: 1977.00 sqft
 Value: \$115,958.00

Type CD:	Description:	Class CD: (/Search/ClassCD)	Exterior Wall:	Year Built:	Square Footage:
O	OPEN PORCH	* (/Search/ClassCD#*)	-	0	279.00
G	GARAGE	* (/Search/ClassCD#*)	-	0	504.00
MA	MAIN AREA	R03- (/Search/ClassCD#R03-)	%	1963	1977.00
O	OPEN PORCH	* (/Search/ClassCD#*)	-	0	238.00

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Land (2015)

#	Type:	Description:	Acres:	Square Footage:	Eff Front:	Eff Depth:	Market Value:	Prod Value:
1	S804R14210	S804R14210	0.20	8640.00	0.00	0.00	\$20,059.00	\$0.00

Roll Value History

Year:	Improvements:	Land Market:	Ag Valuation:	Appraised:	HS Cap:	Assessed:
2016	N/A	N/A	N/A	N/A	N/A	N/A
2015	\$115,958.00	\$20,059.00	\$0.00	\$136,017.00	\$0.00	\$136,017.00
2014	\$115,668.00	\$20,059.00	\$0.00	\$135,727.00	\$0.00	\$135,727.00
2013	\$115,668.00	\$20,059.00	\$0.00	\$135,727.00	\$0.00	\$135,727.00
2012	\$115,668.00	\$20,059.00	\$0.00	\$135,727.00	\$0.00	\$135,727.00

Deed History

#	Date	Type	Description	Grantor	Grantee	Volume	Page	Deed Number
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11/29/2015

El Paso Central Appraisal District - Print

1	5/30/2014	WAD	WARRANTY DEED	JOSEPH CATHEY L	ROMERO LARRY E	0	0	20140035598
2	1/1/2000	UNK	UNKNOWN	ISSAC, AMELIA H & 3	ISSAC, NORMAN & AMELIA H	0000	0000	-
3	7/5/1997	W	Warranty Deed	ISAAC, AMELIA H	ISAAC, AMELIA H (TR)	3223	1916	-

Executive Director/Chief Appraiser

Dinah L. Kilgore, R.P.A.

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El Paso, TX 79925

P: (Phone) (915) 780-2000

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Email us: admin@epcad.org (<mailto:admin@epcad.org>)

EPCAD WebMail (<https://outlook.office365.com/owa>)

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Emails: City manager didn't stop projects

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Cindy Ramirez, El Paso Times 12:46 p.m. MDT September 30, 2015



(Photo: Rudy Gutierrez/El Paso Times)

City Manager Tommy Gonzalez knew of and didn't object to several controversial street projects requested by city Rep. Larry Romero, including repaving streets that were not on an approved list and the removal of a relatively new roundabout, documents show.

Documents and emails obtained by the El Paso Times under the Texas Public Information Act show that city staff informed Gonzalez about the projects and asked him for the approval to proceed. None of the released emails indicate Gonzalez tried to stop the projects, instead giving the OK on some and thanking staff for their work on others.

"As city manager, I have a responsibility to be responsive to mayor and City Council members," Gonzalez wrote in an email to the Times. "Their concerns are the concerns of residents who reside in their districts and throughout the city. When possible, I work with staff to act on those requests regardless of who is asking."

One issue centers on the \$218 million Street Infrastructure Capital Improvement Plan first approved by the City Council in 2012, which included a list of streets to be repaved or reconstructed based on need.

Several streets not on the list or with lower priorities than others have been paved in the past year, raising questions about whether the city manager and city representatives skewed the process by not first taking changes to the plan to the council for a vote.

The streets list was to be "recalibrated," or revised, every three years to allow for changes or flexibility, but that revised list has yet to come to council for review and approval.

After news reports of the issue surfaced recently, the newly appointed director of the Capital Improvements Department, Monica Lombraña, directed staff to stop repaving streets not on the original CIP plan.

The street list in the plan was developed using data from 2008 under the widely used Pavement Management Index, which rates street conditions on a scale of zero to 100 using a computer-assisted program and takes into consideration its use.

"It would be irresponsible of anyone to believe that a study done in 2008 on the conditions of city streets is still valid," Gonzalez wrote. "The most traveled streets were not taken into account in the planning and over the years, there have been extreme weather conditions that have added extensively to the erosion of certain streets."

Several city representatives approached Gonzalez just months after he was hired in May 2014, saying they weren't happy with the list and wanted to amend it.

Gonzalez has repeatedly said he only gave "general direction" to engineering and capital improvement staff sometime last fall to get input from the representatives, revise the street list and bring it back to council for approval.

The latest contract for the street repaving project, about \$8 million for this year, was approved in February. City officials earlier this month said that contract was not tied to any specific locations, but was meant to include projects that might be proposed under the revised plan.

But according to the emails, staff members in March sent Gonzalez a list of "priority projects," saying they were set to begin construction using the "existing contracts with JAR and the new resurfacing contract ZTEX. If you are OK with proceeding, we will notify Rep. (Ann Morgan) Lilly, (Larry) Romero and (Cortney) Niland that these projects are ready to begin construction and to review landscape plans with them."

That email specifically indicated one of the items as the "resurfacing priority list (approved by Rep. Romero)" and that ZTEX would be doing the work starting in April.

Gonzalez replied, "Thank u."

The city manager has repeatedly said he was not aware of any specific projects being undertaken that weren't part of plans approved by the City Council. But several emails obtained by the Times showed that Gonzalez was repeatedly notified of changes being made at the request of individual city representatives, and he did not object.

In his prepared statement, Gonzalez reiterated that he only gave general direction to staff to tour each district with the city representatives and to incorporate their concerns in the updated plan wherever possible.

"An email from March simply replying 'thank you,' does not (constitute) giving direction," he wrote.

The statement also indicates that District 2 streets were next in line to be repaved this year. As part of the open records, the city in an explanatory statement said the streets not originally included in the 2012 plan "were resurfaced because they met criteria for resurfacing and/or tied into other streets that were being resurfaced." The city didn't indicate the nature of that criteria.

Former District 2 city Rep. Susie Byrd, who was in office when the CIP streets plan was approved, said she's concerned individual council members are pushing those decisions.

"Only a majority of council should be making those decisions based on the best recommendations from staff, the professionals," Byrd said. "Otherwise what you have is individual representatives with the authority and the ability to independently allocate resources. It leaves it open to gaming the system."

Representatives' requests

A paving summary report obtained by the Times shows 246 streets were repaved for about \$17.6 million from June 2012 when the street CIP was first approved to September of this year. That includes about \$14.5 million in funding from the CIP and about \$3.1 million from a separate maintenance paving account.

The documents show about \$3.2 million in street repaving was completed in District 2, about \$716,000 of it in requests by Romero himself. That included the \$27,500 paving of an alley between Piedras and Raynor streets, as well as more than \$60,000 for sidewalk gap repair and patch paving on Polk Street where he lives. The latter amount also included repaving a small portion of Polk Street where a utility line was being replaced, city officials said.

The 2012 street plan didn't include alleys, and also didn't include any work to Polk Street.

Romero didn't return calls for comment, but has told the Times that he made recommendations on which streets should top the repaving list based on his observations and constituent input. Romero has said that he believes the Northeast portion of his district has been long overlooked.

Ronald Weller, a longtime resident of District 2, said he's cautiously optimistic about the repaving program.

"They're paving streets left and right, which is a good thing, but it seems that it should not be up to just what a city representative eyeballs," said Weller, who has been working to get streets around lower Dyer Street paved for years. "I hadn't seen this much work in years, but it has to be done right and for the right reasons."

The documents obtained by the Times include a detailed report of District 2 streets on the CIP list, which Romero extensively revised by enumerating the streets in order of his priorities and penciling in additional streets.

Among the streets that were added by Romero were sections of Maxwell Avenue at a cost of about \$240,000; Elm Street for \$186,000; and Louisiana Street for about \$160,000, among others. Removed from the list were sections of McGregor Drive, Roberts Drive and Homer Circle, which had lower Pavement Management Index numbers than the streets that were added. The lower PMI number indicate greater need, with the higher PMI indicating the streets are in better condition.

Byrd said such deep involvement by council members in paving decisions strays away from the city manager form of government, which was adopted by voters in 2004 and is meant to take individual politics out of running a city.

"The PMI is the best practice," Byrd said. "One, it's fair, and takes away any perceptions of a politicized process, and second, for the taxpayer, it's really the most cost-effective way to deal with a very large backlog of street needs."

In all, the Capital Improvement Department noted specific city representatives' requests, including those on the street plans and voter-approved quality of life program.

Records show those projects totaled about \$1.86 million, with the most expensive project being the \$1.2 million in lighting improvements along Pebble Hills Boulevard in city Rep. Dr. Michiel Noe's district in far East El Paso.

They also included about \$208,000 for the reconfiguration of Oregon and Mills streets in Downtown as part of the San Jacinto Plaza reconstruction in Niland's District 8. About \$75,000 was requested to realign and add landscaping to an intersection of Love Road in the Upper Valley.

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Romero's roundabouts

Another issue relates to what's known as "traffic calming measures," such as traffic circles, roundabouts and speed humps or bumps, that have been added or removed at the request of city representatives.

In an Oct. 23, 2014, email, Romero asks then-streets department head Ted Marquez if the roundabouts on Timberwolf Drive will be eliminated, saying he hopes they would be.

Later that day, Gonzalez replies to Marquez, "Let's discuss. We need to remove both roundabouts."

A day later, then-interim City Engineer Irene Ramirez emailed Gonzalez a spreadsheet with the items that Romero requested after visiting with city engineering staff. According to that email, Romero asked for several projects, including that the two roundabouts on Timberwolf be removed

"We are prepared to proceed with implementation of these items upon your direction. Please advise. Thank you," Ramirez's email to Gonzalez states.

Gonzalez replies, "Yes (please) do but removal of a roundabout seems drastic."

Ramirez responds that staff would meet with the streets department to "consider alternatives on the roundabout and move on the rest."

No other emails on the matter from that time were released to the Times.

One of the two roundabouts, on Timberwolf and Mathias Drive, was removed "due to geometric issues in the way the roundabout was constructed," Gonzalez said in his reply to the Times.

In November 2014, another staff member asked Gonzalez for direction on whether to hold public meetings and get input from the residents if they proceed with the removal of the roundabouts.

The email points out that the city went through a public input process before their installation in November 2011 as part of a larger project costing about \$289,000. It includes data citing the average speed of drivers decreased by about 8 mph and that accidents decreased since they were installed. The email also cites the cost to remove the two Timberwolf roundabouts at about \$25,000 each.

No emails indicating any reply from Gonzalez were released to the Times under the open records request.

Central El Pasoan Luis Salazar, who has served on the city's Community Development Block Grant Policy Committee, said he's concerned about the city representatives' involvement in the process.

"It makes you question where the authority stands," Salazar said. "When staff or volunteers are involved in a process and make recommendations that are completely overlooked by the wishes of a (representative), it's not right."

Romero last year pushed for improvements to Logan Park over a new roof for a transitional living center run by the YWCA El Paso Del Norte Region. The roof had been recommended by the CDBG committee as part of the grant program.

Cindy Ramirez may be reached at 546-6151; cramirez@elpasotimes.com; @EPTCindyRamirez on Twitter.

Read or Share this story: <http://www.elpasotimes.com/story/news/2015/09/29/emails-city-manager-didnt-stop-projects/72998268/>

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	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY NOTICE OF RECEIPT OF APPLICATION AND INTENT TO OBTAIN WATER QUALITY PERMIT RENEWAL PERMIT NO. WQ0013341001
<small>APPLICATION: U.S. Department of Justice, c/o La Tuna Federal Correctional Institution, P.O. Box 1000, Anthony, New Mexico 88021, has applied to the Texas Commission on Environmental Quality (TCEQ) to renew Texas Land Application Permit (TLAP) No. WQ0013341001 to authorize the disposal of treated wastewater at a volume not to exceed a daily average flow of 615,000 gallons per day via irrigation on 123 acres of land. The domestic wastewater treatment facility and disposal area are located at 8500 Donagan Drive, Anthony, in El Paso County, Texas 79821. TCEQ received this application on August 3, 2015. The permit application is available for viewing and copying at the U.S. Department of Justice, La Tuna Federal Correctional Institution, 2500 Donagan Drive, Anthony, Texas.</small>	
<small>For further information may also be obtained from the U.S. Department of Justice at the address stated above or by calling Mr. Kenneth Justice, Facilities Manager, at (915) 791-5030 Extension 371.</small>	

Street work stopped in Romero's district

By David Crowder El Paso Inc. staff writer | Posted: Monday, September 14, 2015 9:11 am

There was a lot of street repaving in West-Central city Rep. Larry Romero's district this summer, but almost half of it wasn't on the list of streets approved by City Council.

Of the 16 streets the city repaved or started in District 2, seven – plus an alleyway – aren't on the project list that City Council approved in 2012 but were done at Romero's request.

That has several other city representatives wondering what's going on and whether Romero is calling the shots on paving in his district – when they cannot or should not.

"If that's happening, that's corruption, that's abuse of power," East Side city Rep. Michiel Noe told El Paso Inc. "That's unacceptable in any modern government."

Noe later added he is not passing judgment on Romero and isn't convinced that Romero did anything more than request the changes he wanted in the city's summer street paving program, which other council members did as well.

After El Paso Inc. raised questions about the paving in District 2, the city's new director of capital improvements, Monica Lombrana announced on Sept. 4 that she was halting the resurfacing of streets not on the 2012 list.

"Since Monday's special city council meeting, I have learned that some streets which were not on the original 2013-2019 list approved by council have been resurfaced," she said. "The process by which those streets were selected remains unclear to me.

"Since learning of this, I have directed staff to halt this practice immediately. We will soon bring a comprehensive re-calibration of the 2013-2019 street resurfacing plan to City Council for approval."

That stoppage includes plans to repave six blocks of the street in front of Romero's home at 2827 Polk and sidewalk work on Polk.

El Paso Inc. has sought comment from Romero and he has not responded.



Street work Romero

On Friday afternoon, a crew was replacing curbs and sidewalks at the intersection of Memphis Avenue and Alabama Street, part of a West-Central neighborhood represented by District 2 city Rep. Larry Romero. The project was on the list of work authorized by City Council.

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But he offered no explanations and made no apologies when KVIA News 7 caught up with him Thursday at Mayor Oscar Leeser's State of the City luncheon.

"I'm just trying to answer what my constituents want," Romero said. "And, I'm looking out for the constituents and doing what I can to get them what they're asking for.

"If that is wrong, well, I'm sorry. But I don't think I'm wrong in trying to make my district look nicer."

Noe said the person ultimately responsible for any changes in the city's pre-approved street paving program is city manager Tommy Gonzalez.

Gonzalez couldn't be reached for comment either, but spokesman Martin Bartlett issued a statement addressing the issue late Thursday.

"Maintenance programs must nimbly respond to customer concerns – in this case, concerns from El Pasoans who live, work, drive, cycle, and walk along these streets every day," it read. "As we have demonstrated, when City Council approved this plan in 2012, they clearly envisioned a program which would marry scientific data with responsiveness to customer concerns.

"While some streets were not on a list established in 2012, all streets which have been re-surfaced were in need of maintenance and would have been resurfaced."

In 2012, City Council approved the sale of \$218 million in certificate of obligation bonds to finance the biggest package of capital improvement projects in city history.

That money is to be spent on street paving and reconstruction, alleys, median and parkway landscaping and sidewalks.

The order in which streets would be repaved or reconstructed was to be according to a 1-to-100 grade on streets' condition based on an earlier, high-tech analysis of the streets using a special curb-to-curb camera.

Former District 2 city Rep. Susie Byrd said City Council called for an objective way to rate streets in about 2006, in order to get away from divvying up street money among the eight districts and letting reps decide which streets got attention.

Under the new system overseen by the city manager's office and carried out by the Streets Department, the worst streets were to get attention first, wholly apart from City Council, Byrd said.

Gonzalez has said he began hearing complaints from council members about the street list after he was hired as city manager a little over a year ago.

He arranged for council members to tour their districts with Fred Lopez, then deputy director of the Engineering Department, so they could which streets were scheduled to be paved and offer their

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recommendations on changes.

Gonzalez let council members have new input on the process but reportedly left the final decisions up to his engineering staff.

Questions about whether new streets were added to the repaving list arose at a special Aug. 31 council meeting that was to have been about three streets, but it turned into a discussion of the citywide paving program.

District 6 city Rep. Claudia Ordaz, whose district saw no paving projects this year, asked Lombraña if her department had added any new streets to the summer paving program.

"No, not to my understanding," Lombraña said. "From my understanding, no, nothing has been completed outside that list."

Lombraña looked into the program after questions arose about paving in Romero's district, leading her to a different conclusion on Sept 4.

At that meeting, Noe disparaged the idea of letting council members make paving decisions, district by district, the way it had been done before the city adopted the city manager form of government.

"I have nothing profound to say other than as a policy decision I think it's a bad policy that decisions on street construction engineering are simply on a rep's request. I think that's just bad policy," Noe said.

District 8 city Rep. Courtney Niland later agreed.

"I think it's dangerous," she said.

"I think what ends up happening is politician influence can make a decision instead of basing it on need."

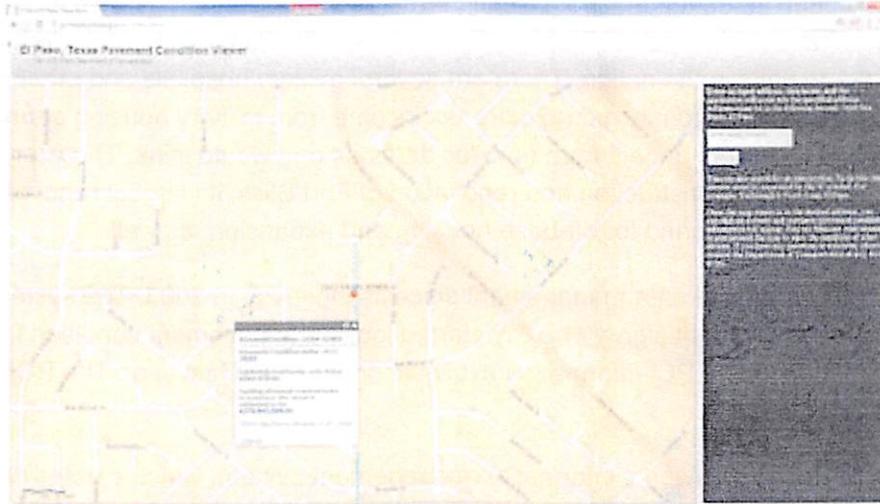
Email El Paso Inc. reporter David Crowder at dcrowder@elpasoinc.com or call (915) 534-4422, ext. 122 and (915) 630-6622.

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GIS brings street conditions to the masses in El Paso

cenews.com/article/8795/gis_brings_street_conditions_to_the_masses_in_el_paso

April 2012 » Columns » GIS SOLUTIONS



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The PCI is an online, interactive map that allows users to type in an address and see the condition of the pavement on that street and an estimate of what resurfacing that street would cost.

The city of El Paso, Texas, Department of Transportation (EPDoT) is responsible for planning and managing improvements to the community's multi-modal transportation system and for maintaining all city streets. Using GIS mapping, the department is able to detect trends related to service requests, work orders, equipment management, road pavement conditions, graffiti removal sites, and asset inventory. The assets, work histories, costs, and service requests are tracked in the department's maintenance management software Cityworks. The software was developed by Azteca Systems, an Esri Business Partner.

GIS maps are used in nearly every aspect of the department's operations and are relied on for planning, scheduling, and executing maintenance, but the GIS wizards in El Paso also are delivering services directly to the citizens with tools such as the El Paso Pavement Condition Index (PCI). The PCI is an online, interactive map (<http://gis.elpasotexas.gov/pci/index.html>) that allows citizens, city workers, or anyone else to type in an address and see the condition of the pavement on that street, how much money would need to be spent to get equipment to that street, and an estimate of what resurfacing that street would cost the city today. The tool was created in part by TransMap, an Esri Business Partner, which collected all of the city's pavement data into an ArcGIS Online database.

The tool has taken road management full circle from tactical work management to mature pavement information that can easily be accessed online by anyone.

"Road resurfacing is usually limited by the available budget; that's something that can be difficult to explain to people [at a public meeting] wondering when their street will be repaved," said Daniel Kitka, operations supervisor at EPDoT. "You'll never have enough budget to do everything you want to do. This tool lets people know we're doing the best we can with what we have. Citizens don't want to hear, 'We don't know when we'll get to your street,' but they will

understand if we can show that we have X amount of dollars and this is the condition on this road and why we're spending it there right now."

El Paso is the nation's largest border city and, as such, has boasted unusually rapid growth in population, labor force, and jobs since the 1970s. According to the 2010 census, El Paso County's metropolitan population increased nearly 18 percent in the last decade to 800,647. Making the most of scant resources is important for all city and county departments. The influx of immigrants is largely credited with or blamed for El Paso's steady growth, depending on who is doing the spinning, but there are many other factors that squeeze its municipal budgets.

While El Paso has always been in the top 30 U.S. cities in terms of population — it is 19th today — El Paso also has a large military presence. The U.S. Army's base at Fort Bliss contains the largest center for educating and training Air Defense Artillery soldiers and units in the nation. There are several military hospitals and other installations on federal land in the area. The city and county get no extra tax income from military housing at any of these installations so there isn't as much tax benefit from new residents as one would think. The Army has budgeted approximately \$5 billion to invest in construction and renovation of Fort Bliss, its largest renovation ever, so the city and county must keep up with the demand for off-base housing and expansion, as well.

EPDoT has been using GIS for overall data management since its inception in 2003. The system tracks costs for everything from road segments to street signs. The city started looking at pavement condition from the very beginning and has started making the PCI information available online in the last year. The PCI data is used for all the city's resurfacing projects.

The PCI is also tied into El Paso's Cityworks information management system, which creates work orders and other task information to track when street work was done, what was spent on repair, and repair issues. While they're not yet using that for pavement work, Oscar Gonzalez, data management supervisor for the Department of Transportation, said tying it back to Cityworks is a natural next stop for the PCI.

"People have liked it so far," Gonzalez said, "And the more information we can track in a GIS system the better it will perform."

Read this and other GIS articles at www.zweigwhite.com/GISSolutions

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ATTACHMENT

STANDARDS OF CONDUCT VIOLATED

It is my belief that Representative Larry Romero violated the following Standards of Conduct (outlined in the El Paso City Code § 2.92.050). These Standards of Conduct state that officers or employees:

B. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;

D. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;

H. Shall not utilize city resources or by omission allow city resources to be utilized for personal benefit or the personal benefit of any other person or entity, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the city.

It is my belief that City Manager Tommy Gonzalez violated the following Standards of Conduct (outlined in the El Paso City Code § 2.92.050). These Standards of Conduct state that officers or employees:

B. Shall not use their official positions improperly to secure unwarranted privileges or exemptions for themselves, relatives, or others. This provision does not preclude officers or employees from acting in any manner consistent with their official duties or from zealously providing public services to anyone who is entitled to them;

D. Shall not give reasonable basis by their conduct for the impression that any person can improperly influence, or unduly enjoy their favor in, the performance of their official duties, or that they are unduly affected by the kinship, rank, position or influence of any person;

G. Shall not knowingly perform or refuse to perform any act in order to deliberately thwart the execution of the city ordinances, rules or regulations or the achievement of official city programs; and

H. Shall not utilize city resources or by omission allow city resources to be utilized for personal benefit or the personal benefit of any other person or entity, except to the extent that the benefit received is strictly incidental to the performance of official duties, or to the extent that the person is entitled by law to obtain public services from the city.

N. Shall not, in the case of an employee, recklessly disregard the established practices or policies of the city relating to the duties assigned to the employee.

STATEMENTS OF FACT AND ALLEGED VIOLATIONS OF THE STANDARDS OF CONDUCT

There are three documented instances in which City Manager Tommy Gonzalez and Representative Larry Romero violated Standards of Conduct prescribed by the City of El Paso Ethics Ordinance.

#1) Street resurfacing program. By action of the City Council on May 24, 2012 and June 26, 2012, the City of El Paso promulgated the City of El Paso Street Infrastructure Capital Plan of FY 2013-2019 (Plan).¹ The Plan included outlays for resurfacing, micro-surfacing and reconstruction of city streets and a Neighborhood Traffic Management Program (NTMP). The Plan included a specific list of city streets approved for resurfacing and reconstruction. Because of the high demand for street work, the Plan continued the City's internal policy and practice of paving streets based on need as indicated by the Pavement Condition Index. Streets were chosen for resurfacing solely based on this index, irrespective of district or any other consideration.²

As reported by various news media outlets³, Tommy Gonzalez allowed representatives to add and remove streets to the Plan in their districts irrespective of the existing policy to pave based on need and without instituting new quantitative measures to ensure fairness and responsible decision making. Seven of the streets added by Representative Larry Romero were streets that were not on the list approved by City Council on May 24, 2012 and June 26, 2012. Moreover, the addition of these streets was not presented by City Manager Tommy Gonzalez to City Council for deliberation or approval by that body, essentially giving Representative Romero and other representatives the ability to direct staff and resources without the consent of the Council and without public review.

The streets that were added by Representative Romero would not have been eligible under the criteria and funding categories that were established by the initial Plan and several of the streets selected give the appearance that decisions were made to secure unwarranted privileges for Representative Romero personally and for his friends and supporters.

Street additions by Representative Romero that give the appearance that sought to secure unwarranted privileges for himself and his friends and supporters include:

- Polk from Byron to Elm. Polk has a Pavement Condition Index (PCI) of 59.84. Streets are graded on a scale of 0 to 100 with 0 being the worst and 100 being the best. The streets in the original Plan had PCIs of 20 to 40. At the time of the request, Representative Romero resided at 2827 Polk. He chose to have the section in front of a property he owned paved despite the fact that the PCI for that street makes it ineligible for funding based on pavement condition. This was a cost to the taxpayers of \$240,000.⁴
- Pershing Alley between Piedras and Raynor. There is no funding category in the Plan that includes resurfacing alleys. The City's only interest in alleys is in paving unpaved right of way in order to comply with a state mandate to control particulate matter. Campaign finance reports

¹ The elements of the Plan and the specific streets that would benefit from the Plan can be found at the following link: http://legacy.elpasotexas.gov/muni_clerk/agenda/06-26-12/06261220B.pdf.

² Policy highlighted in article, "GIS brings street conditions to the masses in El Paso," *cenews.com*, April 2012.

³ "Street Work Stopped in Romero's District," *El Paso Inc.* September 15, 2015. "Emails: City Manager Didn't Stop Projects," *El Paso Times*, September 30, 2015.

⁴ See attachment from the El Paso Central Appraisal District that indicates that Representative Larry Romero owns the property located at 2827 Polk.

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reveal that two business owners with businesses directly in front of the alley donated to Representative Romero's campaign when he ran for office in the summer of 2013.⁵ This was a cost to the taxpayers of \$27,458.

- Several other additions to the Plan by Representative Romero would have been ineligible for funding based on need as these streets were in good condition compared to the streets that were removed. Additions include Louisiana from Mobile to Richmond (PCI of 78, \$158,388) Maxwell from Dyer to US 54 (PCI of 54, \$240,200), Elm from Mobile to Richmond (PCI of 57, \$186,021). The streets that were removed from the Plan by Representative Romero were in very poor condition and will likely not be resurfaced until such time as City Council authorizes new money for street resurfacing. These streets are Beryl from Dolomite to Echo (PCI 28), Dolomite from Magnetic to Zircon (PCI 32), Homer from Gateway South to Joyce (PCI 28), McGregor from Maxwell to Diana (PCI 28), Nebraska from Nations to Moorehead (PCI 32), Pollard from Jefferson to Gateway South (PCI 41), Roberts from Maxwell to Arlen (PCI 35), Statler from Tetons to Adolphus (PCI 42), Vega from Polaris to Comet (PCI 28).

After these actions taken by Representative Romero and Tommy Gonzalez were made public by the media, Monica Lombrana, the new director of the Capital Improvement Plan, immediately put a halt to allowing city representatives to add and remove streets from the City's Street Infrastructure Capital Plan without public review as allowed by Tommy Gonzalez.⁶ While Mr. Gonzalez tried to defend these actions, it is clear by Ms. Lombrana's action to halt any changes to the original plan that these actions by Tommy Gonzalez and Representative Larry Romero were indefensible when exposed to public scrutiny.

According to an *El Paso Times* article⁷, Tommy Gonzalez actively monitored and was kept in the loop about Representative Romero's street resurfacing priorities. As City Manager, it is his responsibility to ensure that an act of City Council is faithfully executed. Instead, he allowed City Representatives to add and remove streets from the approved Plan without going to Council to approve those changes.

By directing or influencing City staff to add streets for resurfacing not approved by City Council and by choosing streets which included his own street and an alley that serves two businesses owned by individuals who contributed to his election campaign, Representative Romero has violated subsections B, D, and H of § 2.92.050 of the City Code.

§ 2.92.050(B): Representative Romero improperly secured an unwarranted privilege, namely, the resurfacing of streets not approved by City Council, for himself and others.

§ 2.92.050(D): Representative Romero gave a reasonable basis by his conduct for the impression that a person, namely campaign contributors, enjoyed his favor in his official duties.⁸

§ 2.92.050(H): By omission, Representative Romero allowed city resources to be utilized for his own and others' personal benefit by improperly having streets added to the Plan for resurfacing.

By allowing, City Representatives to add and remove streets from the Plan without approval from the Council, without any defensible professional guidance from City Staff and without any public

⁵ "Street Resurfacing: City Rep. Romero Denies Wrongdoing," KVIA.com, September 10, 2015.

⁶ "Street Work Stopped in Romero's District," El Paso Inc., September 14, 2015.

⁷ "Emails: City Manager Didn't Stop Projects," El Paso Times, September 30, 2015.

⁸ "Editorial: Romero brings ghosts of past to city," *El Paso Times*, September 13, 2015.

review, City Manager Tommy Gonzalez has violated subsections D, G and H of § 2.92.050 of the City Code.

§ 2.92.050(D): Tommy Gonzalez gave a reasonable basis by his conduct for the impression that a person, namely Representative Larry Romero, a close Council ally, enjoyed his favor in his official duties.

§ 2.92.050 (G): Tommy Gonzalez knowingly allowed City Council representatives to add or remove streets from an approved and official City program without seeking the approval of the Council for those changes. By knowingly doing this, Mr. Gonzalez thwarted the achievement of an official City program.

§ 2.92.050 (N) Tommy Gonzalez recklessly disregarded the established practices and policies of the City relating to the duties assigned to his job as City Manager. Under the City Charter, the City Manager is charged with "see(ing) that all laws, provision of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees subject to the Manager's direction and supervision, are faithfully executed." The allocation for street resurfacing and the streets to be resurfaced was directed by an act of Council on June 26, 2012. Tommy Gonzalez did not faithfully execute that act of the City Council and thus recklessly disregarded his assigned duties. If any of these changes to the original Plan were warranted, those changes should have been presented to Council for approval.

#2) Speed humps on Stanton Street. Representative Larry Romero advocated for speed humps on Stanton Street in front of his alma mater Cathedral High School. Despite the fact that Stanton Street was ineligible for speed humps based on the program parameters outlined in the Neighborhood Traffic Management Program (NTMP) adopted by the City Council on March 28, 2008 and a review by the Traffic Engineer, City Manager Tommy Gonzalez directed staff to move forward and place the speed humps in front of Cathedral High School as advocated by Representative Romero.⁹

By influencing City staff to place speed humps on Stanton Street in violation of the program guidelines of the NMTP and the professional advice of the Traffic Engineer, Representative Romero and Tommy Gonzalez have violated subsections B and H of § 2.92.050 of the City Code.

§ 2.92.050(B): Representative Romero and Tommy Gonzalez improperly secured an unwarranted privilege, namely, the placement of speed humps on behalf of Cathedral High School. As indicated by the *El Paso Times* from Open Records requests this privilege will not be available to any other constituent in the City as others will have to follow the process and requirements of the NTMP.

§ 2.92.050(H): Representative Romero and Tommy Gonzalez allowed City resources to be utilized for the benefit of Cathedral High School by improperly allowing for the placement of

⁹ "Speed humps near Cathedral violate city policy: The humps in front of Cathedral High were installed by the City against the recommendation of its top street official," *El Paso Times*, October 31, 2015.

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speed humps on Stanton despite the fact that Stanton Street was ineligible for speed humps based on sound traffic engineering principals and based on the City Council adopted NMTP.

By directing City staff to place speed humps on Stanton Street without approval from the Council and in direct contradiction to the Council adopted NMTP, City Manager Tommy Gonzalez has violated subsections D, G and N of § 2.92.050 of the City Code.

§ 2.92.050 (D): Tommy Gonzalez gave a reasonable basis by his conduct for the impression that a person, namely Representative Larry Romero, a close Council ally, enjoyed his favor in his official duties.

§ 2.92.050 (G): Tommy Gonzalez knowingly directed City Staff to place speed humps on Stanton Street in direct violation of the NMTP, an official city program. He did so without seeking the approval of the Council for not following the official city program and thus thwarted the achievement of the NMTP.

§ 2.92.050 (N) Tommy Gonzalez recklessly disregard the established practices or policies of the City relating to the duties assigned to the city manager. Under the City Charter, the City Manager is charged with "see(ing) that all laws, provision of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees subject to the Manager's direction and supervision, are faithfully executed." The program parameters for neighborhood traffic calming are detailed in the NMTP that was adopted by City Council on March 23, 2008. Tommy Gonzalez did not faithfully execute that act of the City Council and in so doing recklessly disregarded the duties assigned to him.

Contract for Financial Advisory Services. Representative Larry Romero sought to have the existing contract for financial advisory services cancelled and the contract given to a former business partner without disclosing his relationship to the former business partner. Tommy Gonzalez, without any evidence of poor performance by the current financial advisor directed City Staff to go out for bid for the financial advisory services despite the fact that the current contract wasn't due to end until 2017. At no time, did Tommy Gonzalez seek the direction of Council in authorizing a bid process that would result in canceling an existing contract. Through this process, the recommended firm was the former business partner of Representative Romero who bragged to the Canutillo School Board that his relationship with both Representative Romero and Tommy Gonzalez gave him confidence that he would be awarded the City's work. The City Attorney halted the process but Representative Romero's and Tommy Gonzalez' actions in relationship to this contract raise serious concerns that they violated the Standards of Conduct.¹⁰

By actively promoting his former business partner's firm, Representative Romero has violated subsections B and D of § 2.92.050 of the City Code.

¹⁰ "Romero touted former partner for city contract: Rep. Larry Romero previously worked with the head of a financial advisory firm he was promoting for a city contract," *El Paso Times*, November 21, 2015.

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§ 2.92.050(B): Representative Romero sought to secure an unwarranted privilege, namely, the award of a lucrative contract for an old business partner.

§ 2.92.050(D): Representative Romero gave a reasonable basis by his conduct for the impression that a person, namely his former business partner, improperly influenced him in the performance of his official duties.¹¹

By directing City staff to solicit proposals for a contract that had not yet ended without approval from the Council, City Manager Tommy Gonzalez has violated subsections D and N of § 2.92.050 of the City Code.

§ 2.92.050 (D): Tommy Gonzalez gave a reasonable basis by his conduct for the impression that two people, namely Representative Larry Romero and Noe Hinojosa, enjoyed his favor in his official duties.¹²

§ 2.92.050 (N) Tommy Gonzalez recklessly disregard the established practices or policies of the city relating to the duties assigned to the city manager. Under the City Charter, the City Manager is charged with "see(ing) that all laws, provision of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees subject to the Manager's direction and supervision, are faithfully executed." In 2012, the City Council awarded a five year contract to First Southwest. By soliciting proposals for that contract long before the contract's end, Tommy Gonzalez recklessly disregarded his assigned duties by ignoring a Council approved contract.

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¹¹ "Editorial: An Awful Mess at City Hall," *El Paso Times*, November 22, 2015. "Editorial: El Paso can't go back to the old ways," *El Paso Times*, November 29, 2015.

¹² "Editorial: An Awful Mess at City Hall," *El Paso Times*, November 22, 2015. "Editorial: El Paso can't go back to the old ways," *El Paso Times*, November 29, 2015.