

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

DEPARTMENT: City Manager
AGENDA DATE: February 5, 2019
CONTACT PERSON/PHONE: Robert Cortinas, Chief Financial Officer, (915) 212-1067
DISTRICT(S) AFFECTED: All
SUBJECT:

That the Mayor is hereby authorized to execute a Memorandum of Understanding with the Texas Department of Transportation, New Mexico Department of Transportation, Public Service Board of El Paso Water, El Paso Metropolitan Planning Organization and the Camino Real Regional Mobility Authority, regarding the development of the Borderland Expressway Project. Further, that the Mayor be authorized to execute any changes to the Memorandum of Understanding provided that such changes do not affect the City's responsibilities.

BACKGROUND / DISCUSSION:

On February 5, 2019, the City of El Paso expressed its support for the Borderland Expressway Project via City Council Resolution of the same date.

PRIOR COUNCIL ACTION:

Transportation Reinvestment Zone number three was created by ordinance on May 25th, 2010.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

Robert Cortinas

DATE:

1/30/19

RESOLUTION

WHEREAS, on February 5, 2019, the City of El Paso expressed its support for the Borderland Expressway Project (Project) via City Council Resolution of the same date;

WHEREAS, the Texas Department of Transportation, New Mexico Department of Transportation, Public Service Board of El Paso Water, El Paso Metropolitan Planning Organization and the Camino Real Regional Mobility Authority (collectively, the Project Partners) have each expressed support for the Project as a significant addition to the region's transportation system; and

WHEREAS, the Project Partners have been working towards the development of a Memorandum of Support (MOU), which would identify the roles and responsibilities of the various Project Partners in implementing the Project and the City of El Paso now desires to execute such MOU; and

WHEREAS, the development of the Project furthers the City of El Paso's strategic goal to enhance and sustain El Paso's infrastructure network.

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

THAT the Mayor is hereby authorized to execute a Memorandum of Understanding with the Texas Department of Transportation, New Mexico Department of Transportation, Public Service Board of El Paso Water, El Paso Metropolitan Planning Organization and the Camino Real Regional Mobility Authority, regarding the development of the Borderland Expressway Project. Further, that the Mayor be authorized to execute any changes to the Memorandum of Understanding provided that such changes do not affect the City's responsibilities.

APPROVED this 5th day of February 2019.

CITY OF EL PASO:

Dee Margo
Mayor

ATTEST:

Laura D. Prine
City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:

Ted Marquez, P.E.
Deputy City Manager for Public Works

MEMORANDUM OF UNDERSTANDING
BETWEEN

THE TEXAS DEPARTMENT OF TRANSPORTATION
AND
THE NEW MEXICO DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF EL PASO, TEXAS
AND
THE PUBLIC SERVICE BOARD OF EL PASO WATER
AND
THE EL PASO METROPOLITAN PLANNING ORGANIZATION
AND
THE CAMINO REAL REGIONAL MOBILITY AUTHORITY

FOR A COOPERATIVE PARTNERSHIP
TO DEVELOP THE BORDERLAND EXPRESSWAY PROJECT

WHEREAS, the City of El Paso created the Camino Real Regional Mobility Authority (CRRMA) in 2007, pursuant to the authority granted by the Texas Transportation Commission of the Texas Department of Transportation; and

WHEREAS, the mission of the CRRMA is to assist in the establishment of a comprehensive transportation system to directly benefit the traveling public through the development of additional transportation alternatives in the region; and

WHEREAS, the proposed Borderland Expressway Project (the Project) anticipates the design and construction of a new four lane highway that would connect Loop 375 in Texas to Interstate 10 in New Mexico through the upgrading of existing roadways in New Mexico (NM 404 and NM 213) and construction of a new roadway in Texas; and

WHEREAS, the Texas and New Mexico Departments of Transportation, City of El Paso, Public Service Board of El Paso Water, El Paso Metropolitan Planning Organization and Camino Real Regional Mobility Authority (collectively, the Parties) recognize that multiple efficient and reliable transportation options available to the region's travelers is vital to the region's success and development; and

WHEREAS, the Parties agree that the Project represents a strategic alternative to Interstate 10 through the region that will improve the flow of commercial vehicles and enhance a vital east-west national freight corridor, as well as a significant bi-state project that would provide relief to travelers both in New Mexico and Texas and therefore agree to work cooperatively to further develop and implement the Project; and

WHEREAS, the Texas Department of Transportation (TxDOT) agrees to continue working with the Parties to identify project funding through all available traditional and innovative funding

sources and financing mechanisms, including any State (e.g. Pass-Through Financing) and Federal options (e.g. INFRA or other grants) and in the event TxDOT desires to develop any individual components of the Project (e.g. schematics, NEPA or PS&E), such efforts will be pursued and completed in a timely fashion and in coordination with the development of the Project; and

WHEREAS, the New Mexico Department of Transportation (NMDOT) agrees to provide funding matches necessary for those New Mexico components of the Project and in the event NMDOT desires to develop any such project components (e.g. schematics, NEPA or PS&E), such efforts will be pursued and completed in a timely fashion and in coordination with the development of the Project; and

WHEREAS, Subject to the provisions of the Texas Transportation Code, the City of El Paso, Texas agrees to ensure that its Transportation Reinvestment Zone No. 3 (TRZ) remains in full force and effect; and

WHEREAS, the City of El Paso agrees to allow a portion of the revenues generated from the TRZ to be used towards completion of the Project only after (1) current projects using TRZ funds have been completed and paid for, and (2) the City has been reimbursed from TRZ funds for any deficits incurred by the City. The use of TRZ funds as described above will be pursuant to a separate agreement, or amendment to existing agreement, between the City of El Paso and the CRRMA for the use of TRZ funds; and

WHEREAS, the Public Service Board of El Paso Water agrees to continue working with the Parties on the provision of rights of way owned by El Paso Water that are necessary for the implementation of the Project; and

WHEREAS, the El Paso Metropolitan Planning Organization agrees to amend the appropriate planning documents necessary for the implementation of the Project (e.g. MTP, TIP/STIP, etc.) in a timely fashion and in coordination with the development of the Project; and

WHEREAS, the CRRMA agrees to develop, manage and implement the Project as a lead agency, which may include such actions as the development of a financial plan, submission of grant applications, issuance of debt, procurement and management of design and construction services and associated activities necessary for the successful completion of the Project.

NOW, THEREFORE, we, the Texas Department of Transportation, New Mexico Department of Transportation, City of El Paso, Public Service Board of El Paso Water, El Paso Metropolitan Planning Organization and the Camino Real Regional Mobility Authority, as evidenced by the affixed signatures of our authorized representatives, agree to direct our respective planning and development personnel to work in a cooperative and expeditious manner to develop and implement the Borderland Expressway Project, which will facilitate the safe and reliable movement of goods and people between the States of Texas and New Mexico, and which will therefore benefit the transportation systems and people of both states.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Understanding by their officers thereunto duly authorized on the dates noted below.

Robert Bielek, DPA, P.E.
El Paso District Engineer
Texas Department of Transportation
Date: _____

Trent Doolittle, P.E.
District One Engineer
New Mexico Department of Transportation
Date: _____

Dee Margo
Mayor
City of El Paso, Texas
Date: _____

Christopher Antcliff
Chair
Public Service Board, El Paso Water
Date: _____

Javier Perea
Chair
El Paso Metropolitan Planning Organization
Date: _____

Susan A. Melendez
Chair
Camino Real Regional Mobility Authority
Date: _____