

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

**DEPARTMENT:** Economic and International Development Department

**AGENDA DATE:** November 19, 2019

**CONTACT PERSON:** Mirella Craigo, (915) 212-1617,  
[MCraigo@elpasotexas.gov](mailto:MCraigo@elpasotexas.gov)

**DISTRICT(S) AFFECTED:** District 1

**SUBJECT:**

That the City Manager be authorized to sign a Memorandum of Understanding, in a form substantially similar to the attached document, by and between the City, the DMD, and El Paso County memorializing their relationship as members of the Brownfield Assessment Coalition..

**BACKGROUND / DISCUSSION:**

The DMD formed a coalition with the City of El Paso and the County of El Paso. The DMD, as Lead Coalition Member, intends to submit a Brownfield Assessment Grant Application to secure funding through the Fiscal Year 2020 Environmental Protection Agency Brownfields Grant Program. The DMD will be responsible for administering the grant funds through a Cooperative Agreement established between the DMD and the Environmental Protection Agency. The City wishes to support the Coalition by providing advice to the DMD on grant compliance and grant financial management based on the City's institutional experience. Although the City may provide advice, the DMD will ultimately be solely responsible for the management of the Grant and all decisions concerning the Grant. If funds are awarded, members of our staff will also participate as a member of the Coalition and on the broader Brownfield Advisory Committee and assist with other critical tasks to help guide successful implementation of the proposed project.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

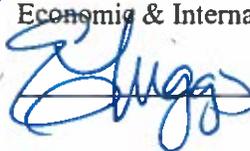
**BOARD / COMMISSION ACTION:**

N/A

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

**DEPARTMENT HEAD:**

For: Jessica Herrera, Director  
Economic & International Development



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**RESOLUTION**

**WHEREAS**, the City of El Paso works closely with the Downtown Management District (“DMD”) to encourage investment and development in Downtown El Paso; and

**WHEREAS**, the City wishes to join with the DMD and El Paso County to form a Brownfield Assessment Coalition (“Coalition”) in order to assess contaminated properties in the Downtown area and plan for the cleanup and redevelopment of such properties; and

**WHEREAS**, the DMD, as Lead Coalition Member, intends to submit a Brownfield Assessment Grant Application to secure funding through the Fiscal Year 2020 Environmental Protection Agency Brownfields Grant Program (“Grant”) for the assessment of brownfields and planning for cleanup and redevelopment; and

**WHEREAS**, the DMD, as Lead Coalition Member, will be responsible for administering the grant funds through a Cooperative Agreement established between the DMD and the Environmental Protection Agency; and

**WHEREAS**, the City wishes to support the Coalition by providing advice to the DMD on grant compliance and grant financial management based on the City’s institutional experience; and

**WHEREAS**, although the City may provide advice, the DMD will ultimately be solely responsible for the management of the Grant and all decisions concerning the Grant; and

**WHEREAS**, the City, the DMD and El Paso County wish to memorialize their relationship as members of the Brownfield Assessment Coalition.

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

**THAT** the City Manager be authorized to sign a Memorandum of Understanding, in a form substantially similar to the attached document, by and between the City, the DMD, and El Paso County memorializing their relationship as members of the Brownfield Assessment Coalition.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

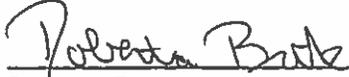
**CITY OF EL PASO**

\_\_\_\_\_  
Dee Margo, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Laura D. Prine

City Clerk

**APPROVED AS TO FORM**



Roberta Brito  
Assistant City Attorney

**APPROVED AS TO CONTENT**



POV: Jessica Herrera, Director  
Economic & International Development

**BROWNFIELDS ASSESSMENT COALITION MEMORANDUM OF AGREEMENT  
BETWEEN THE FOLLOWING PARTIES:**

**EL PASO DOWNTOWN MANAGEMENT DISTRICT, CITY OF EL PASO AND EL PASO COUNTY**

This Memorandum of Agreement documents the roles and responsibilities of the parties involved in the Fiscal Year (FY) 2020 EPA Brownfields Assessment Coalition Grant. Grant applications are due on December 3, 2019 and awards will be announced by EPA in April-June 2020. Pending notice of award by EPA, a Cooperative Agreement will be established between EPA and the Lead Coalition Member (a/k/a the "Grantee") – the El Paso Downtown Management District (DMD). The grant implementation period is anticipated to be October 1, 2020 through September 30, 2023. This MOU shall automatically terminate upon termination of the EPA Brownfields Assessment Coalition Grant. The Coalition Members include the DMD, City of El Paso and El Paso County.

1. As the Lead Coalition Member, the DMD is accountable to EPA for management of the Cooperative Agreement and compliance with the statutes, regulations, and terms and conditions of the award, and ensuring all Coalition Members comply with the terms and conditions.
2. The City of El Paso and El Paso County, individually and separately, agree to advise the DMD concerning compliance with the EPA Brownfields Assessment Coalition Grant and the financial management of the grant based on each entity's separate institutional experience. The City of El Paso and El Paso County shall provide advice to the DMD only when asked directly by the DMD for advice and only regarding matters specific to the EPA Brownfields Assessment Coalition Grant. The DMD shall make, and be responsible for, all final decisions regarding grant compliance and financial management, and any other matter concerning the EPA Brownfield Coalition Grant, regardless of any advice provided by either the City or the County. For purposes of this paragraph 2, the contact person for the City shall be the City's Grant Administrator (or his/her designee); and the contact person for the County shall be Munzer Alsarraj, Infrastructure Program Manager.
3. It is the responsibility of the DMD to provide timely information to the Coalition Members regarding the management of the Cooperative Agreement and any changes that may be made to the Cooperative Agreement over the period of performance.
4. In addition to the DMD, the Coalition Members include the City of El Paso and El Paso County. Contact information for the lead project representative on behalf of each Coalition Member is provided below.

**EL PASO DOWNTOWN MANAGEMENT DISTRICT**

Joe Gudenrath, Executive Director  
Address: 201 E. Main Street, Suite 107, El Paso TX 79901  
Phone: 915-240-3116 | Email: [jgudenrath@elpasodmd.org](mailto:jgudenrath@elpasodmd.org)

**CITY OF EL PASO**

Mirella Craigo, Special Districts Program Manager  
Address: 123 W. Mills Avenue Ste. 111, El Paso TX 79901  
Phone: 915-212-1617 | Email: [CraigoM@elpasotexas.gov](mailto:CraigoM@elpasotexas.gov)

Elda Rodriguez-Hefner, Grants Administrator  
Address: 300 N. Campbell, El Paso TX 79901  
Phone: 915-212-1795 | Email: [Rodriguez-HefnerE@elpasotexas.gov](mailto:Rodriguez-HefnerE@elpasotexas.gov)

### **EL PASO COUNTY**

Jose M. Landeros, Director, Planning & Development  
Address: 800 E. Overland, Suite 200, El Paso TX 79901  
Phone: 915- 546-2015 | Email: [JLanderos@EPCounty.com](mailto:JLanderos@EPCounty.com)

Munzer Alsarraj, Infrastructure Planning Manager  
Address: 800 E. Overland, Suite 200, El Paso TX 79901  
Phone: 915-546-2015 | Email: [MAlsarraj@epcounty.com](mailto:MAlsarraj@epcounty.com)

5. Activities funded through the Cooperative Agreement will be described in the tasks outlined in the EPA-approved Brownfields Assessment Coalition Cooperative Agreement Work Plan (referred to as the "Work Plan") to be prepared following notice of award of grant funding. Project tasks outlined in the Work Plan are anticipated to include: 1) Project Management, Reporting and Other Eligible Activities; 2) Public Outreach and Involvement; 3) Site Inventory, Prioritization and Eligibility Approval; 4) Phase I and II Environmental Site Assessments (ESAs) and Site Cleanup/Reuse Plans.
6. The DMD advanced a qualifications-based procurement process in the fall of 2019 in compliance with 2 CFR 200.317-200.326 requirements to obtain the services of a consultant to assist with grant application and implementation of EPA Brownfields Grants. The procurement process resulted in the DMD selecting a Qualified Environmental Professional (referred to as the "Consultant") to undertake various activities funded through the Cooperative Agreement to be issued following award of grant funding.
7. The DMD and Coalition Members will work to develop a site selection process based on agreed upon factors and will ensure that a minimum of five sites are assessed (including at least one site within the jurisdiction of each Coalition Member) over the life of the Cooperative Agreement. Selected sites will be submitted to the EPA for approval to ensure eligibility prior to initiating assessment and/or related activities. The Work Plan to be established with EPA will identify the number of Phase I and II ESAs, Analysis of Brownfield Cleanup Alternatives (ABCAs) and/or Cleanup Action Plans (CAPs), and Site Reuse Plans anticipated to be completed.
8. Upon designation of the specific sites, it will be the responsibility of the DMD to work with the Coalition Member in whose geographic area the site is located to finalize the scope of work for the Consultant or other contractor(s). It will be the responsibility of this Coalition Member to obtain all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site.
9. The DMD is responsible for ensuring that other activities as negotiated in the Work Plan are implemented in accordance with a schedule agreed upon by the DMD and the Coalition

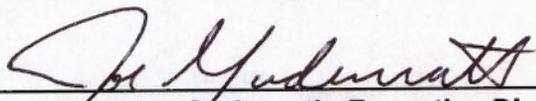
Member in whose geographic area the site to be assessed is located.

10. It will be the responsibility of each Coalition Member to respond to requests for work items and information in a timely manner to allow the DMD to meet EPA compliance reporting deadlines and other project deadlines.
11. The City or County may terminate this MOU without cause at any time by giving written notice to DMD of termination at least thirty (30) days before the effective date of such termination.
12. To the extent permitted by law, the DMD indemnifies and holds harmless the County, its agents, and its employees from any suit, claim, damages, or any other action, at law or in equity, that may arise from the County's activities under this agreement. The DMD further waives any claims it might have against the County stemming from the County's participation in this agreement. Further, the DMD assures the County that it has obtained, or will obtain, appropriate liability coverage for its activities under this agreement and that the DMD will be solely responsible for any liability arising under the Parties collective participation in this agreement.
13. To the extent permitted by law, the DMD indemnifies and holds harmless the City of El Paso, its agents, and its employees from any suit, claim, damages, or any other action, at law or in equity, that may arise from the City's activities under this agreement. The DMD further waives any claims it might have against the City stemming from the City's participation in this agreement. Further, the DMD assures the City that it has obtained, or will obtain, appropriate liability coverage for its activities under this agreement and that the DMD will be solely responsible for any liability arising under the Parties collective participation in this agreement.
14. In assessing properties pursuant to the EPA Brownfields Assessment Coalition Grant, the permission of any participating property owner must be obtained in writing prior to any assessment.

EFFECTIVE: December 2, 2019

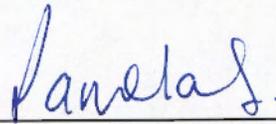
This MEMORANDUM OF AGREEMENT for the Brownfields Assessment Coalition led by the El Paso Downtown Management District is agreed upon by the parties below.

**EL PASO DOWNTOWN MANAGEMENT DISTRICT:**

 11/19/19  
Signed by: Joe Gudenrath, Executive Director Date

STATE OF TEXAS  
COUNTY OF EL PASO

This instrument was acknowledged before me on the 19 day of November, 2019.

  
Notary Public in and for the State of Texas

My Commission Expires:



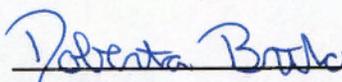
SIGNED AND AGREED:

CITY OF EL PASO

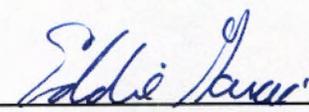
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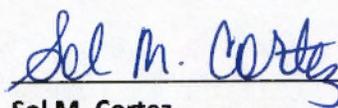
Tomas Gonzalez  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Roberta Brito  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
for Jessica Hererra, Director  
Economic & International Development

  
\_\_\_\_\_  
Sol M. Cortez  
Assistant City Attorney

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Margarita M. Munoz  
Comptroller

**SIGNED AND AGREED:  
EL PASO COUNTY**

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**Ricardo A. Samaniego  
El Paso County Judge**

**APPROVED AS TO FORM:**

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**Kevin McCary  
Assistant County Attorney**

**APPROVED AS TO CONTENT:**

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**Jose M. Landeros, Director  
Planning & Development Department**

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