



HORIZON CITY

Incorporated 1988

**AGENDA
PUBLIC MEETING
REGULAR CITY COUNCIL MEETING
THE TOWN OF HORIZON CITY, TEXAS
Tuesday, December 12, 2023, 6:00 PM**

Notice is hereby given that a Regular City Council Meeting of the Town of Horizon City, Texas will be held on **Tuesday, December 12, 2023 at 6:00 PM** at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following will be discussed and considered:

- 1. Call to order; Pledge of Allegiance; Establishment of Quorum**
- 2. Open Forum:**

CONSENT AGENDA

All matters listed under the CONSENT AGENDA are considered routine and will be enacted in one motion. There will be no separate discussion of these items unless a member(s) of the City Council requests one or more items be removed from the CONSENT AGENDA to the REGULAR AGENDA for separate discussion and action prior to the City Council's vote to adopt the CONSENT AGENDA.

- 3. Approval of Minutes from:** **3**
11/14/23 Regular City Council Meeting.
- 4. Discussion and Action:** **7**
Mayor/CIP Manager
On an update on the Capital Improvement Program.
- 5. Discussion and Action:**
Mayor
On the reappointment of Alderman Walter Miller to the El Paso Central Appraisal District Board of Directors for 2023-2024.
- 6. Request to Excuse Absent Council Members:**
- 7. Approval of Consent Agenda Items:**

REGULAR AGENDA

- 8. Discussion:** **25**
Mayor/Planner
1st Reading of Ordinance No. _____, An Ordinance adopting a zoning change within the municipal limits of the Town of Horizon City, El Paso County, Texas; rezoning one parcel from C-1 (General Commercial) to C-2 (Heavy Commercial); containing approximately 6.634 acres; Being Lot 1, Block 3, Kenazo Estates Unit Two, Town of Horizon City, El Paso County, Texas; South of Eastlake Blvd. and East of Kenazo Dr., and authorizing the notation of the change on the official zoning map of the town; providing for the following: findings of fact; repealer; severability; and proper notice and hearing.
- 9. Discussion and Action:** **39**
Mayor/Planner
On the **Preliminary and Final** Subdivision Plat application for **Weaver & Kenazo (Case No. SUC23-0002)**, legally described as Tract 1-J-1, Section 43, Block 78, Township 3, Texas and Pacific Railway Co. Surveys, Town of Horizon City, El Paso County, Texas. Containing 9.984 ± acres. Application submitted by CIRE3 Architects.
- 10. Discussion and Action:** **53**

Mayor/Planning Director

On a Resolution authorizing the Mayor to issue task orders through the Engineering Services Agreement between the Town of Horizon City and Huitt-Zollars for general engineering services in amounts not to exceed \$20,000.00 per task order.

11. Discussion and Action: **56**

Mayor/Planning Director

On a Resolution authorizing the Mayor to issue a task order to Huitt-Zollars for surveying services related to the potential expansion of the City's extraterritorial jurisdiction in the amount of \$22,134.00.

12. Discussion and Action: **61**

Mayor/Planning Director

On a Resolution authorizing the Mayor to sign an Interlocal Public Service Transit and Contribution Agreement for Fiscal Year 2024 with the El Paso Area Transportation Services, LGC.

13. Executive Session

The City Council of the Town of Horizon City reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

Adjournment:

Motion to Adjournment: _____ 2nd _____

Dated this Friday, 12/8/23

By: _____
Elvia Schuller, City Clerk

I, the undersigned authority, hereby certify that the above notice of the Regular City Council Meeting of the Town of Horizon City, Texas is a correct copy of this notice, and that I posted this notice at least seventy-two (72) hours preceding the scheduled meeting at the City Hall Bulletin Boards of the Town of Horizon City, Texas on this Friday, 12/8/23 by 5:00 p.m.

Agenda Removed: _____ Time _____ By _____

In compliance with the Americans with Disabilities Act, the Town of Horizon City will provide for reasonable accommodations for persons attending meetings. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling the City Clerk at (915) 852-1046.

**MINUTES
AGENDA
PUBLIC MEETING
REGULAR CITY COUNCIL MEETING
THE TOWN OF HORIZON CITY, TEXAS
Tuesday, November 14, 2023, 6:00 PM**

Notice is hereby given that a Regular City Council Meeting of the Town of Horizon City, Texas was held on **Tuesday, November 14, 2023 at 6:00 PM**, at City Council Chambers Room, 15001 Darrington Road, Horizon City, TX 79928, at which time the following was discussed and considered:

1. Call to order; Pledge of Allegiance; Establishment of Quorum

Meeting called to order at 6:00 pm. All City Council Members present. Quorum Established.

2. Open Forum:

No one signed up to speak.

CONSENT AGENDA

All matters listed under the CONSENT AGENDA are considered routine and will be enacted in one motion. There will be no separate discussion of these items unless a member(s) of the City Council requests one or more items be removed from the CONSENT AGENDA to the REGULAR AGENDA for separate discussion and action prior to the City Council's vote to adopt the CONSENT AGENDA.

3. Approval of Minutes from:

10/10/23 Regular City Council Meeting.

4. Discussion and Action:

Mayor/CIP Manager

On an update on the Capital Improvement Program.

5. Discussion and Action:

Mayor/EDC Executive Director

On a Resolution to correct a clerical error on the Resolution and Consent to Assignment approved by City Council on October 10, 2023, to approve the assignment of MICBEC Investments, LLC right title and interest in the Purchase and Sale Agreement and other economic development incentive agreements to Horizon Oxbow Development, LLC. The previous Resolution used 1566 Oxbow as the address to describe the Property and the correct address is 1560 Oxbow.

6. Discussion and Action:

Mayor/EDC Executive Director

On the re-appointment of Jerry Garcia to the Horizon City Economic Development Corporation Board of Directors.

7. Discussion and Action:

Mayor/EDC Executive Director

On the re-appointment of Walter Miller to the Horizon City Economic Development Corporation Board of Directors.

8. Discussion and Action:

Mayor/CIP Manager

Regarding rescheduling the Regular City Council Meeting from January 9, 2024 to January 16, 2024.

9. **Request to Excuse Absent Council Members:**

10. **Approval of Consent Agenda Items:**

Councilwoman Randleel requested Item #4 be pulled from the consent and be heard under the Regular Agenda.

A motion was made by Councilman Padilla and seconded by Councilman Miller to pull Item #4 from Consent and heard under the Regular Agenda and approve the remainder of the consent agenda. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

REGULAR AGENDA

4. **Discussion and Action:**

Mayor/CIP Manager

On an update on the Capital Improvement Program.

CIP Manager, Terry Quezada spoke regarding this item. No action taken on this item.

11. **PUBLIC HEARING:**

Mayor/Planner

2nd Reading of Ordinance, _____, An Ordinance Amending the Municipal Code of the Town of Horizon City, Texas, Chapter 14 (Zoning), Exhibit A (Zoning Ordinance), to Revise and Amend the Following: Chapter 7 (Industrial Districts), Section 704 (M-2), Sub Section 704.2 (Permitted Uses), Amending and Adding Permitted Uses in M-2, Section 703 (M-1), Subsection 703.2 (Permitted Uses), Amending and Adding Permitted Uses in M-1 (Light Industrial) Zone District; Section 702 (General Requirements), Sub Section 702.3 (Height and Bulk Standards M-1 and M-2), Sub Section 702.3.2 (Height Standards) Amending Height Requirements for Added Uses in M-1 and M-2 Zone Districts; Chapter 6 (General Commercial Districts), Section 604 (C-2), Subsection 604.2 (Permitted Uses), Sub Section 604.3 Uses Permitted by Specific Use Permit, Amending and Adding Permitted Uses in C-2 (Heavy Commercial) Zone District, Section 603 (C-1), Subsection 603.2 (Permitted Uses), Amending and Adding Uses in C-1 (General Commercial) Zone District, Section 602 (General Regulations), Sub Section 602.2.3 (Height Standards C-1 and C-2) Amending Height Requirements for Added Uses in C-1 and C-2 Zone Districts ; and Chapter 2 (Definitions), Section 202 (General Definitions) to Amend and Add Definitions for Warehousing; Proper Notice; and Effective Date; the Penalty Being as Provided in Section 810 of the Zoning Ordinance (No. 0102) of the Town of Horizon City, Texas, Creating a Misdemeanor Punishable by a Fine Not to Exceed \$2,000.

Planning Director, Michelle Garcia spoke regarding this item. No one from the public spoke.

12. **Discussion and Action:**

Mayor/Planner

2nd Reading of Ordinance _____, An Ordinance Amending the Municipal Code of the Town of Horizon City, Texas, Chapter 14 (Zoning), Exhibit A (Zoning Ordinance), to Revise and Amend the Following: Chapter 7 (Industrial Districts), Section 704 (M-2), Sub Section 704.2 (Permitted Uses), Amending and Adding Permitted Uses in M-2, Section 703 (M-1), Subsection 703.2 (Permitted Uses), Amending and Adding Permitted Uses in M-1 (Light Industrial) Zone District; Section 702 (General Requirements), Sub Section 702.3 (Height and Bulk Standards M-1 and M-2), Sub Section 702.3.2 (Height Standards) Amending Height Requirements for Added Uses in M-1 and M-2 Zone Districts; Chapter 6 (General Commercial Districts), Section 604 (C-2), Subsection 604.2 (Permitted Uses), Sub Section 604.3 Uses Permitted by Specific Use Permit, Amending and Adding Permitted Uses in C-2 (Heavy Commercial) Zone District, Section 603 (C-1), Subsection 603.2 (Permitted Uses), Amending and Adding Uses in C-1 (General Commercial) Zone District, Section 602 (General Regulations), Sub Section 602.2.3 (Height Standards C-1 and C-2) Amending Height Requirements for Added Uses in C-1 and C-2 Zone Districts ; and Chapter 2 (Definitions), Section 202 (General Definitions) to Amend and Add Definitions for Warehousing; Proper Notice; and Effective Date; the Penalty Being as Provided in Section 810 of the Zoning Ordinance (No. 0102) of the Town of Horizon City, Texas, Creating a Misdemeanor Punishable by a Fine Not to Exceed \$2,000.

A motion was made by Councilman Mendoza and seconded by Councilman Quiroz to approve the Ordinance Amending the Municipal Code of the Town of Horizon City, Texas, Chapter 14 (Zoning), Exhibit A (Zoning Ordinance), to Revise and Amend the Following: Chapter 7 (Industrial Districts), Section 704 (M-2), Sub Section 704.2 (Permitted Uses), Amending and Adding Permitted Uses in M-2, Section 703 (M-1), Subsection 703.2 (Permitted Uses), Amending and Adding Permitted Uses in M-1 (Light Industrial) Zone District; Section 702 (General Requirements), Sub Section 702.3 (Height and Bulk Standards M-1 and M-2), Sub Section 702.3.2 (Height Standards) Amending Height Requirements for Added Uses in M-1 and M-2 Zone Districts; Chapter 6 (General Commercial Districts), Section 604 (C-2), Subsection 604.2 (Permitted Uses), Sub Section 604.3 Uses Permitted by Specific Use Permit, Amending and Adding Permitted Uses in C-2 (Heavy Commercial) Zone District, Section 603 (C-1), Subsection 603.2 (Permitted Uses), Amending and Adding Uses in C-1 (General Commercial) Zone District, Section 602 (General Regulations), Sub Section 602.2.3 (Height Standards C-1 and C-2) Amending Height Requirements for Added Uses in C-1 and C-2 Zone Districts ; and Chapter 2 (Definitions), Section 202 (General Definitions) to Amend and Add Definitions for Warehousing; Proper Notice; and Effective Date; the Penalty Being as Provided in Section 810 of the Zoning Ordinance (No. 0102) of the Town of Horizon City, Texas, Creating a Misdemeanor Punishable by a Fine Not to Exceed \$2,000. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

13. **Discussion and Action:**

Mayor/Planner

On the **Final Subdivision Plat** application for **Horizon Water (Case No. SDF23-0001)**, recording plat application and authorizing the Mayor to sign the recording plat legally described as a Portion of Section No. 32, Block 78, Township 3, Texas and Pacific Railway Company Survey, Town of Horizon City, El Paso County, Texas. Containing 5.839 ± acres. Application submitted by TRE and Associates, LLC.

Senior Planner, Art Rubio spoke regarding this item.

A motion was made by Councilman Miller and seconded by Councilman Mendoza to approve the **Final Subdivision Plat** application for **Horizon Water (Case No. SDF23-0001)**, recording plat application and authorizing the Mayor to sign the recording plat legally described as a Portion of Section No. 32, Block 78, Township 3, Texas and Pacific Railway Company Survey, Town of Horizon City, El Paso County, Texas. Containing 5.839 ± acres. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

14. **Discussion and Action:**

Mayor/Planning Director

Regarding a Resolution exercising the Town of Horizon City's option to extend the Parks and Grounds Maintenance Contract between the City and Abescape Landscaping, LLC for an additional term of one year expiring on December 31, 2024.

Planning Director, Michelle Garcia spoke regarding this item.

A motion was made by Councilman Mendoza and seconded by Councilman Miller to approve the Resolution exercising the Town of Horizon City's option to extend the Parks and Grounds Maintenance Contract between the City and Abescape Landscaping, LLC for an additional term of one year expiring on December 31, 2024. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

15. **Discussion and Action:**

Mayor/Finance Director

On the reallocation of the American Rescue Plan Act use of funds.

Finance Director, Lily Gaytan and CIP Manager Terry Quezada spoke regarding this item.

A motion was made by Councilman Miller and seconded by Councilman Mendoza to approve the presentation regarding the reallocation of the American Rescue Plan Act use of funds. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

A motion was made by Councilman Miller and seconded by Councilman Mendoza to adjourn into Executive Session. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

The Mayor and City Council adjourned the Open Session for Executive Session at 6:45 PM.

16. Executive Session

The City Council of the Town of Horizon City reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

16A. Receive legal advice and discuss potential acquisitions of real estate pursuant to Texas Government Code sections 551.071 and 551.072 related to acquisitions, including by use of eminent domain if necessary, of real property interests for the right of way and drainage facility for the North Darrington Reconstruction Project.

The Mayor and Council Reconvened into Open Session at 6:55 PM.

Upon returning to Open Session the City Council took the following action:

A motion was made by Councilman Mendoza and seconded by Councilman Quiroz to approve the resolution of the city council of the Town of Horizon city, Texas, authorizing the issuance of payments in the amounts to be awarded by the special commissioners for the city to acquire certain real property interests. The CITY CLERK polled the Council: MILLER – Aye; QUIROZ – Aye; ORTEGA – Aye; RANDLEEL – Aye; URRUTIA – Aye; PADILLA – Aye; MENDOZA – Aye. Motion passed.

ADJOURNMENT

A motion was made by Councilman Mendoza and seconded by Councilwoman Urrutia to adjourn at 8:29 PM.

Approved this ____ day of _____, 20__.

Attest:

Elvia Schuller, City Clerk

Andres Renteria, Mayor

Town of Horizon City Capital Improvement Program

December 12, 2023
Council Meeting

Oxbow & Pawling Street Improvements

- Start Date: June 12, 2023
- Contract Time: 330 Days
- Completion Date: May 2024
- Construction on-going and on schedule

Municipal Facilities Phase 1

- Schedule is to advertise in January 2024
- Bid award – Spring 2024

Street Maintenance Fund

2023-2024 Street Maintenance Program

- Design for street improvements ongoing
- Street work includes mill and overlay for
 - S. Kenazo
 - N. Kenazo, and
 - the north side of McMahan Ave
- Reviewing preliminary design
- Schedule is to advertise in January 2024

Federally- & State-Funded Project Updates

N. Darrington Reconstruction

- Texas Transportation Commission awarded construction contract
- Contractor is Jordan Foster
- Contract is approximately \$21.5 million
- Programmed amount through MPO is \$17 million
- Staff is evaluating local funding options – no federal or state funding options are available on a timely basis for bid award.

N. Darrington Reconstruction

Project start date

- Horizon/Darrington Rd. Intersection – January 2024
- N. Darrington Rd. Reconstruction – February 2024
- Scheduling public meeting close to construction start

N. Darrington Reconstruction

- Town staff and TXDOT working on Utility Coordination
 - Texas Gas Service reimbursement for relocations on N. Darrington per franchise agreement is under review
 - Encroachment agreement on Texas Gas Service easement – Town staff and legal team finalizing agreement

N. Darrington Reconstruction – ROW Acquisition

**Working on transfers of deed from CRRMA to
Horizon City for**

- 9 parcels purchased
- 1 parcel originally temporary construction easement (TCE) purchased as fee simple¹⁶
- 1 parcel TCE – acquired

**Preparing for Commissioners hearings scheduled in
January 2024 for 7 parcels**

N. Darrington Reconstruction – ROW Acquisition

Easements at Darrington and Pawling

- Offer sent out for temporary construction easement
- Reduced area for permanent easement – revising survey and appraisal for smaller area

Safety Projects

- **S. Darrington Safety Lighting** from Alberton to LTV Rd. – **FY 2023** - project awarded **March 2023**
- **Project start – mid-January 2024**

ARPA Projects

ARPA Projects

- Developing plan to execute Council-approved projects within timeframes

TIRZ/TOD Update

Dilley, Delake and Transit Plaza

- Funding will be made available through HUD and Economic Development – pending final agreement
- Staff is finalizing scope of work for transit plaza location as a pre-design activity
- Proposing to enter into agreement with CRRMA for transit plaza siting

Dilley and Delake

- Requested federal functional classification as *collector street* for Delake
- Classification will make roadway eligible for future federal funding through the Federal Highway Administration (FHWA).

Town of Horizon City Capital Improvement Program

December 12, 2023
Council Meeting



**TOWN OF HORIZON CITY
MEMORANDUM**

Date: December 12, 2023
To: Honorable Mayor and Members of City Council
From: Art Rubio, Planner
SUBJECT: **1st Reading of Ordinance No. _____**, An Ordinance adopting a zoning change within the municipal limits of the Town of Horizon City, El Paso County, Texas; rezoning one parcel from C-1 (General Commercial) to C-2 (Heavy Commercial); containing approximately 6.634 acres; Being Lot 1, Block 3, Kenazo Estates Unit Two, Town of Horizon City, El Paso County, Texas; South of Eastlake Blvd. and East of Kenazo Dr., and authorizing the notation of the change on the official zoning map of the town; providing for the following: findings of fact; repealer; severability; and proper notice and hearing.

On November 20, 2023, the Planning and Zoning Commission was unable to reach a quorum, the rezoning request will be rescheduled for December 18, 2023.

The applicant's request is to rezone the property to C-2 (Heavy Commercial) zoning district to allow for commercial uses currently not permitted or requiring a Specific Use Permit, the proposed uses will provide goods and services needed by the community. Staff recommendation to the Planning and Zoning Commission was approval, based on compatibility with surrounding properties to the west and southwest of the subject property.

Attached for your review are the draft Ordinances and the consolidated and revised staff report that was presented to the Planning and Zoning Commission.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A ZONING CHANGE WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF HORIZON CITY, TEXAS; REZONING ONE PARCEL FROM C-1 (GENERAL COMMERCIAL) TO C-2 (HEAVY COMMERCIAL); CONTAINING APPROXIMATELY 6.634 ACRES; BEING LOT 1, BLOCK 3, KENAZO ESTATES UNIT TWO, EL PASO COUNTY, HORIZON CITY, TEXAS; SOUTH OF HORIZON BLVD. AND EAST OF ANDERPONT DR.; AND AUTHORIZING THE NOTATION OF THE CHANGE ON THE OFFICIAL ZONING MAP OF THE TOWN; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; AND PROPER NOTICE AND HEARING.

WHEREAS, an application was made to change a designated zone for a parcel of property as identified herein within the municipal limits of the Town of Horizon City; and

WHEREAS, said application was forwarded to and considered by the Town of Horizon City Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission has complied with all state and local laws affecting the changing of zones and held a public hearing to obtain public comments; and

WHEREAS, the Planning and Zoning Commission has recommended that the zoning on the parcel of property be rezoned to C-2 (Heavy Commercial) Zoning District; and

WHEREAS, the City Council of the Town of Horizon City ("Town Council") seeks to promote safe, orderly and consistent use and development of real property; and

WHEREAS, the notice required by the Texas Local Government Code has been published in the official newspaper and given to adjacent property owners; and

WHEREAS, public hearings have been held by the Town Council as required by law; and

WHEREAS, all written and oral protests (if any) submitted against the proposed zoning change have been reviewed and considered; and

WHEREAS, the Town Council in its decision for rezoning finds that such rezoning is in the public interest of the Town of Horizon City, Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Town has general authority to adopt an ordinance or police regulation that is for the good

government, peace or order of the Town and is necessary or proper for carrying out a power granted by law to the Town; and

WHEREAS, pursuant to Texas Local Government Code Chapter 211, the Town is authorized to promulgate and enforce zoning regulations; and

WHEREAS, the Town Council finds that it is necessary and proper for the good government, peace, and order of the Town of Horizon City to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS. THAT:

I. REZONING

The zoning be changed from C-1 (General Commercial) to C-2 (Heavy Commercial) Zoning District within the meaning of the Zoning Ordinance contained in Chapter 14 on the Horizon City Municipal Code, for approximately 6.634 acres, more or less, and legally described by Metes and Bounds Description, Exhibit "A" attached hereto and by reference included herein:

II. ZONING MAP

The zoning map for the Town of Horizon City shall be modified to include the zoning changes directed by this ordinance.

III. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

IV. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

V. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with

jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

VI. PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code.

PASSED AND APPROVED this the ___ day of _____, 2024, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the Town Council of Horizon City, Texas.

Town of Horizon City

By: _____
Andres Renteria, Mayor

ATTEST:

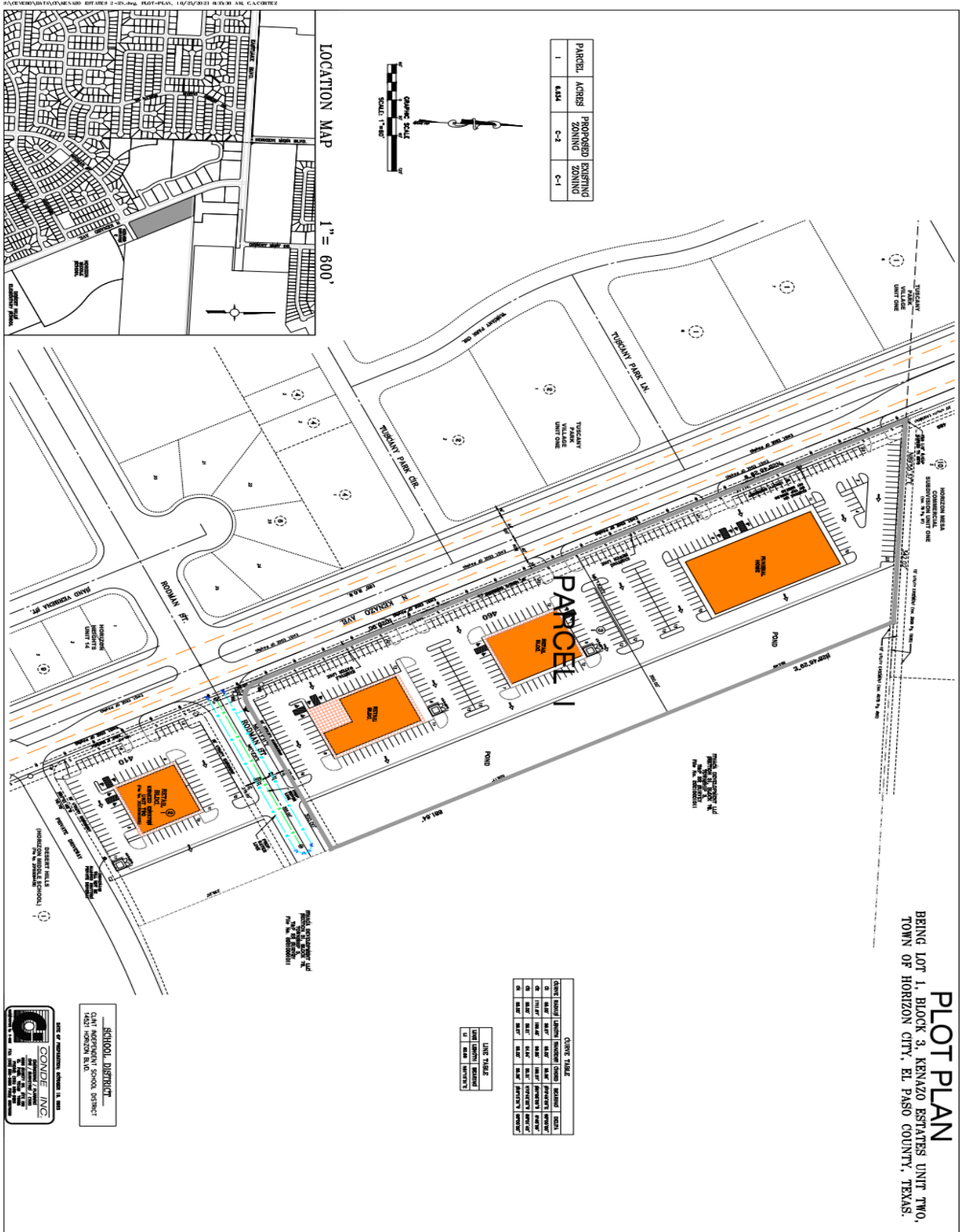
By: _____
Elvia Schuller, TRMC, City Clerk

APPROVED AS TO FORM:

Sylvia Borunda Firth, City Attorney

First Reading: 12/12/2023
Second Reading: 01/15/2024

EXHIBIT "A"





TOWN OF HORIZON CITY
Planning and Zoning Commission Staff Report

Case No.: ZRZ23-0001

Application Type: **Rezoning**
P&Z Hearing Date: November 20, 2023
Staff Contact: Art Rubio, Planner
 915-852-1046 ext. 407; arubio@horizoncity.org

Address/Location: 460 Kenazo Dr.; South of Eastlake Blvd. and East of Kenazo Dr.

Property ID No.:

Legal Description: Lot 1, Block 3, Kenazo Estates Unit 2, Town of Horizon City, El Paso County, Texas

Property Owner(s): Pebble Hills Plaza, LTD

Applicant: Conde Inc.

Nearest Park: Horizon Mesa

Nearest School: Horizon Middle School & Dessert Hills Elementary (CISD)

SURROUNDING PROPERTIES:

	Zoning	Land Use
N	C-1 (Commercial)	Vacant
E	PUD (Planned Unit Development)	Vacant
S	PUD (Planned Unit Development)	School & Commercial Sites
W	C-2 (Commercial) & A-1 (Apartment)	Vacant

LAND USE AND ZONING:

	Existing	Proposed
Land Use	Vacant	Commercial
Zoning	C-1	Commercial Development

Application Description:

The applicant is requesting to rezone approximately 6.634 of land that is currently vacant. The subject property is currently zoned C-1 (General Commercial) and is proposed to be rezoned as C-2 (Heavy Commercial) to allow for the following uses that would not be permitted on C-1 or would require a Specific Use Permit:

1. Funeral Home (without crematorium)
2. Service station (oil change and minor repair services).
2. Restaurant (deriving more than 75% of Gross Revenue from sale of alcoholic beverages).
3. Recreation and entertainment.
4. Self-storage warehouse.
5. Print and copy shop.
6. Private club/ lodge or meeting hall.

Notice:

In accordance with Section 211.007 of the Texas Local Government Code, notices of the November 20, 2023, public hearing for the rezoning request were sent to those property owners within 200 feet of the subject property on October 30, 2023, then posted in the El Paso Times Newspaper on October 30, 2023. In addition, the applicant is required to erect signs notifying the public of the proposed rezoning on the site proposed for rezoning fifteen (15) days prior to the Planning and Zoning Commission public hearing. Staff has confirmed that the sign has been up 15 days prior to the P&Z public hearing.

Shaping Our Horizon:2030 A Comprehensive and Strategic Plan – Future Land Use Map Designation:

Horizon City Shaping Our Horizon: 2030 Comprehensive and Strategic Plan designates this property as Multi-Family. There are existing C-2 zoned properties to the west and north of the subject property. Portions of the Multi-Family designated area have transitioned to C-2 zoning district to the north and west of the subject property.

Staff Recommendation:

Staff recommends **APPROVAL** of the zone change from C-1 to C-2 in support of a variety of commercial uses proposed as those services and goods are needed in the community. The subject property is located adjacent to a major arterial and compatible C-2 commercial zoning districts to the north, west, and south of the subject property.

Planning Division Comments:

If the zone change is approved and the applicant chooses to install a crematorium, approval of a Specific Use Permit would be required.

Options available to the Planning and Zoning Commission:

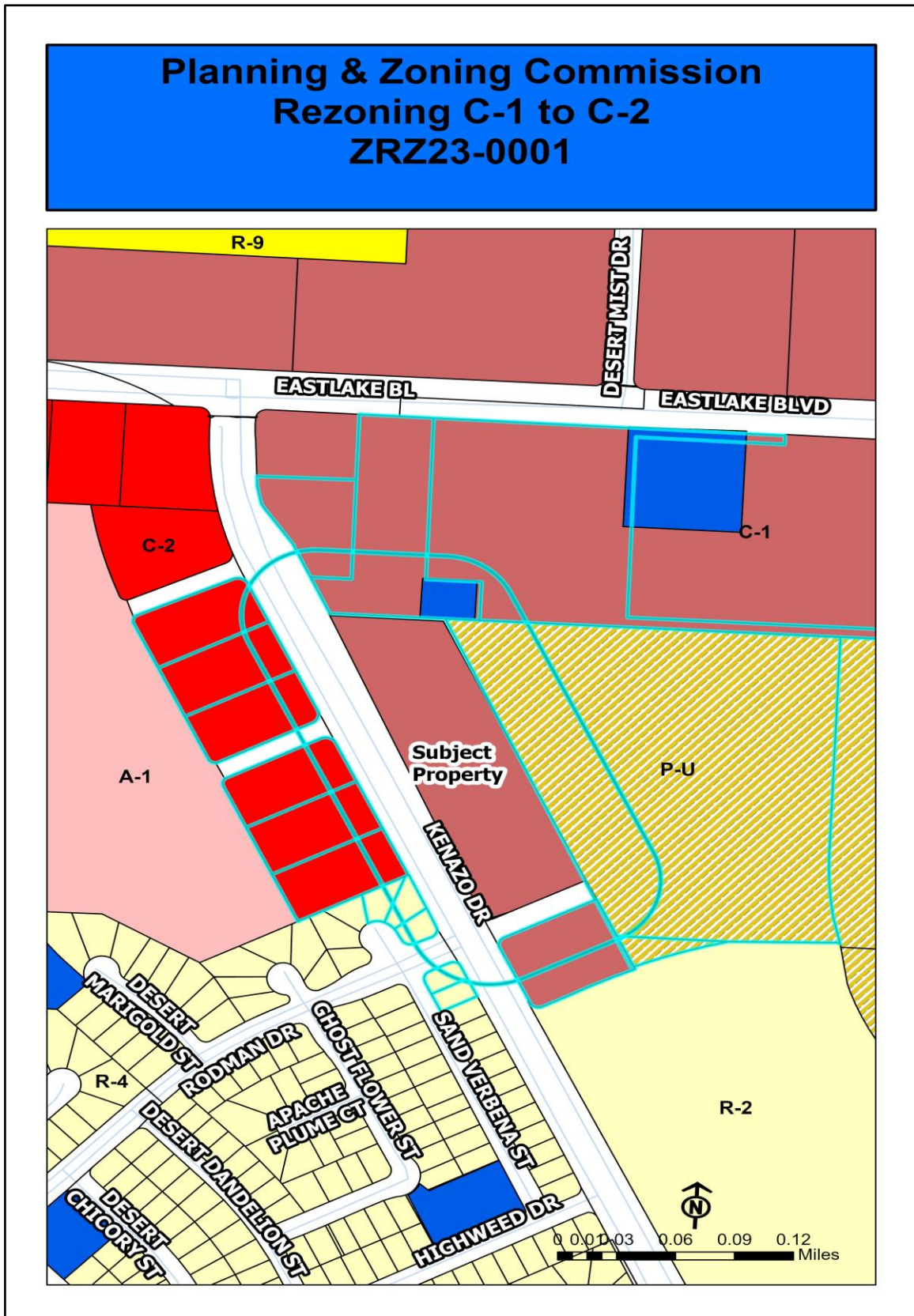
The Planning and Zoning Commission may consider the following options and additional requirements that it identifies when reviewing this Rezoning application:

1. Recommend approval of the request for a rezoning to C-2 Zoning District as stated.
2. Recommend approval of the request for rezoning as stated, including any modifications to bring the rezoning into conformance with the Zoning Ordinance and the Vision 2030: Comprehensive and Strategic Plan.
3. Recommend denial of the Applicant's request for rezoning finding that it is not in conformance with the Zoning Ordinance and/or the Vision 2030: Comprehensive and Strategic Plan.
4. Recommend a set postponement should the Commission determine it is not prepared to make a final recommendation, the applicant requests a postponement or if the Commission needs additional information to make a final recommendation.

Attachments:

- 1 - Zoning Designation Map**
- 2 – Aerial Map**
- 3 - Future Land Use Map (Comp Plan)**
- 4 – Zoning Plan**
- 5 – Plot Plan**
- 6 – Application**

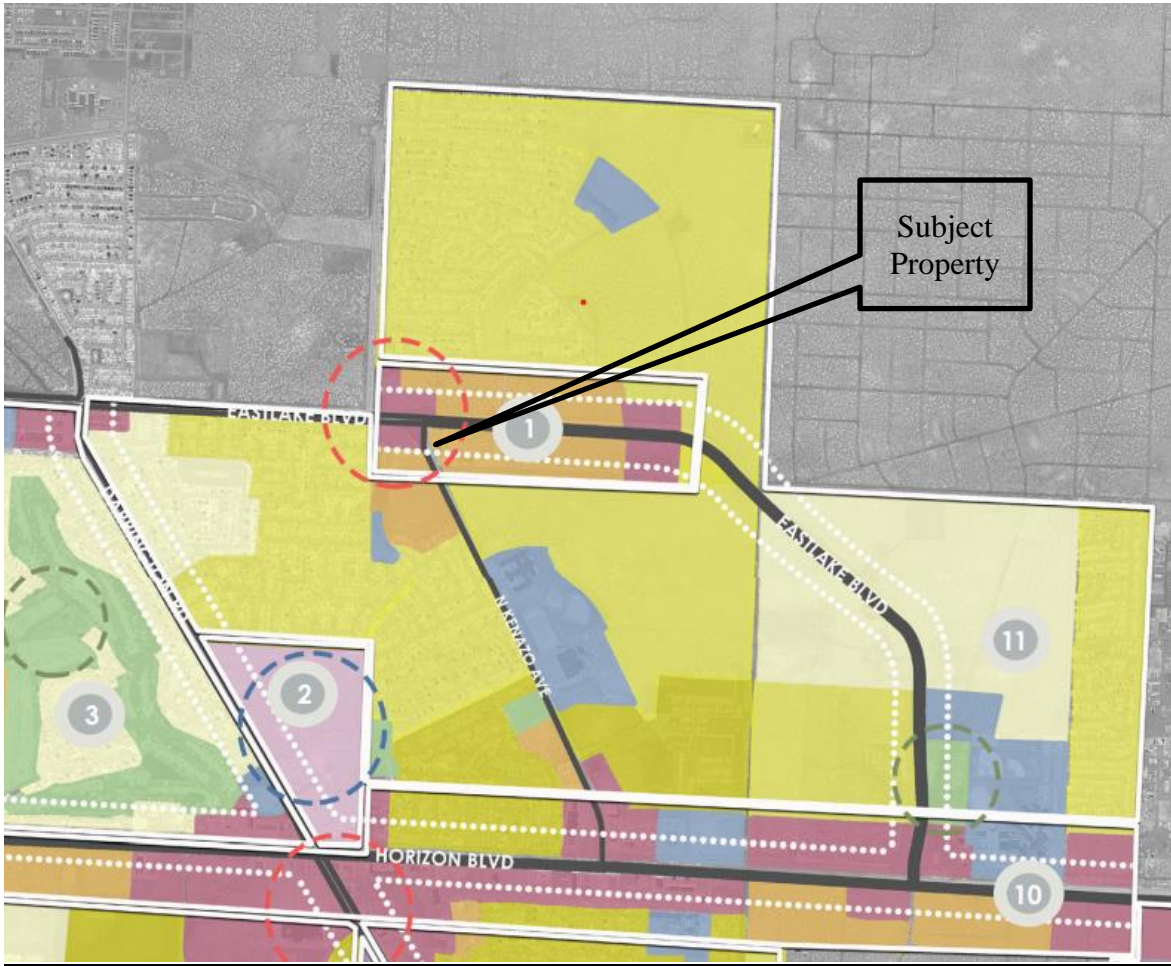
Attachment 1: Zoning Designation



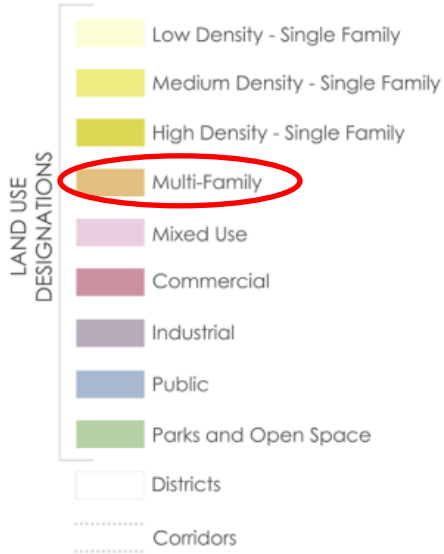
**Planning & Zoning Commission
Rezoning C-1 to C-2
ZRZ23-0001**



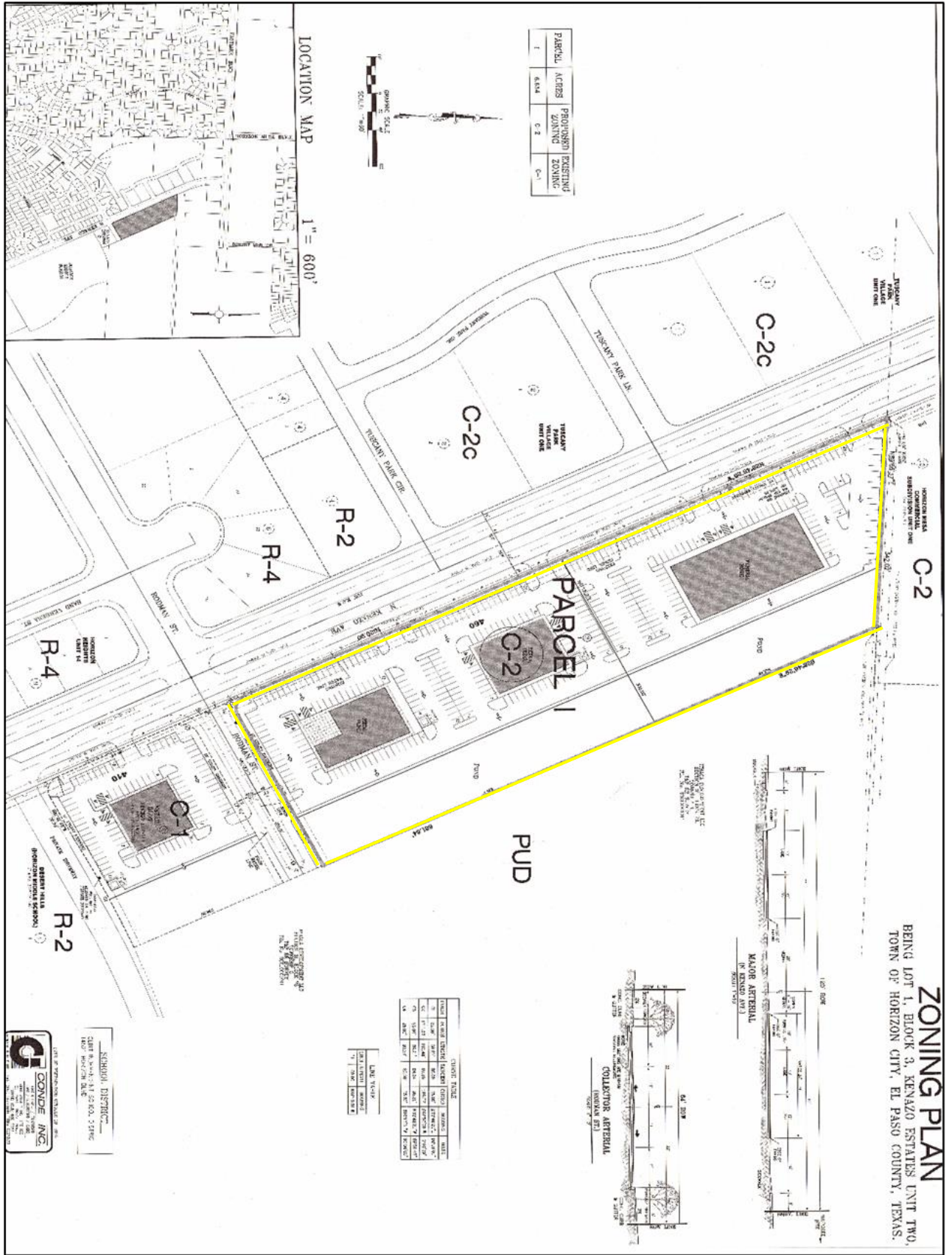
Attachment 3: Future Land Use Map



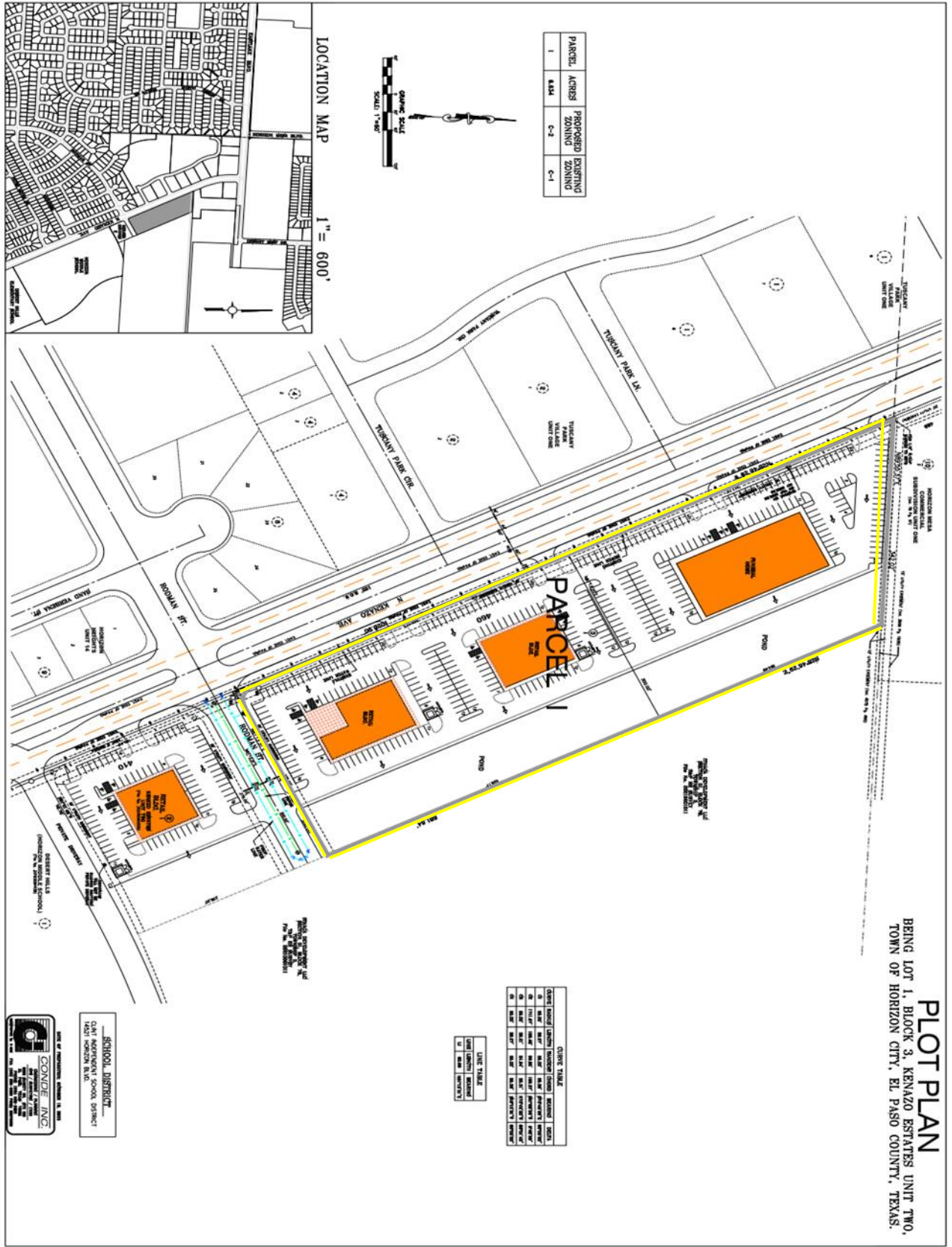
LEGEND



Attachment 4: Conceptual Zoning Plan



Attachment 5: Plot Plan



Attachment 6: Application



TOWN OF HORIZON CITY
 14999 Darrington Road
 Horizon City, Texas 79928
 Phone 915-852-1046 Fax 915-852-1005

REZONE APPLICATION

1. Owner of Record: Pebble Hills Plaza, LTD
420 Montana Ave., El Paso, TX 79902 915-592-0283 cconde@condeinc.com
(ADDRESS) (ZIP) (PHONE) (EMAIL)

2. Applicant Conde, Inc. Is applicant also the Owner? Yes No
 Contact Person Conrad Conde

6080 Surety Dr., Ste. 100 El Paso, TX 79905 (915) 592-0283 cconde@condeinc.com
(ADDRESS) (ZIP) (PHONE) (EMAIL)

3. PARCEL ONE
 Site Address/Location Kenazo Ave.
 Legal Description: 1 3 Kenazo Estates Unit Two
(Lot) (Block) (Subdivision Name)

PARCEL TWO
 Site Address/Location _____
 Legal Description: _____
(Lot) (Block) (Subdivision Name)

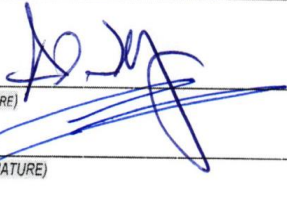
If the legal description of the complete tracts or if plat is not available, attached are the **required** Metes & Bounds Description & survey map(s)? Yes No

4. Briefly explain why you request to rezone? To allow for Commercial uses.

5. Land's Presents Use: Vacant Zone C-1
 Land Vacant Lot size _____ Structure Structure's size _____ Last known date the structure was occupied? N/A

Land's Proposed Use: Commercial Proposed Zone Use C-2
 Will you be making any improvements to the existing lot or structure? Yes No This request includes Site Development Plans for approval? Yes No

NOTICE: Applicant is responsible for all expenses incurred by the City in connection with the Rezone Application request, including but not limited to attorney's fees, engineering fees and publication. Additional charges will be invoiced separately and shall be paid to the Town prior to City Council action.
 Applicant's Signature _____

6. Signatures:  Alan Malooly
(OWNER'S SIGNATURE) (OWNER'S PRINTED NAME)
 _____ Conrad Conde
(APPLICANT'S SIGNATURE) (APPLICANT'S PRINTED NAME)

FEE SCHEDULE: (NON-REFUNDABLE)

\$300 - UP TO 1.0 ACRES	\$450 - 30.1 ACRES TO 50 ACRES
\$350 - 1.1 ACRES TO 10 ACRES	\$500 - 50.1 ACRES TO 75 ACRES
\$400 - 10.1 ACRES TO 30 ACRES	\$600 - 75.1 ACRES AND UP
EL PASO TIMES PUBLISHING FEE APPROXIMATELY \$460	ENGINEERING FEE APPROXIMATELY \$60 PER ½ HOUR

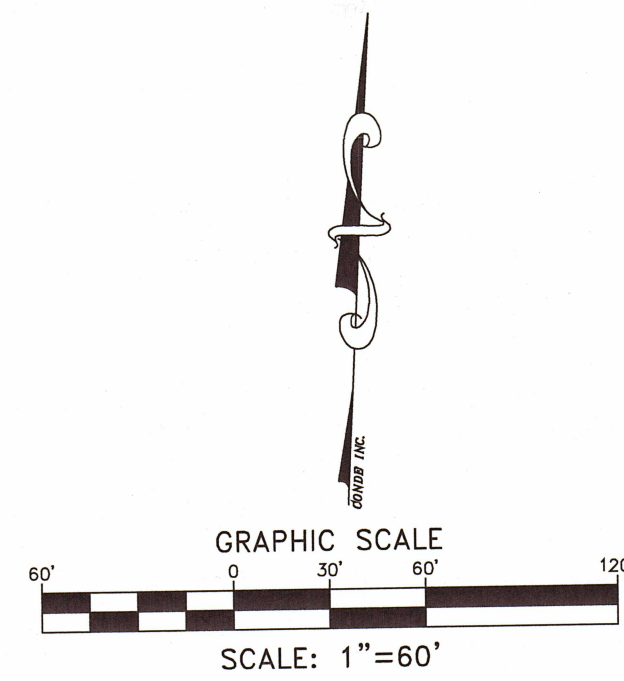
Application & Submittals Due Date: _____
 P&Z Scheduled Mtg. Date: _____
 City Council Scheduled Date: _____
 Application Received By: _____
 Date Application Rec'd: _____

Please see reverse side for list of items required at time of submitting REZONING application.

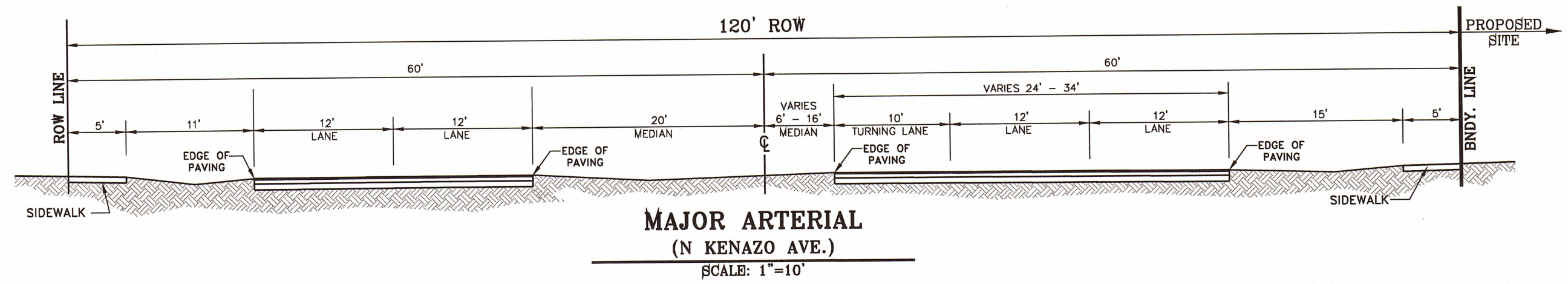
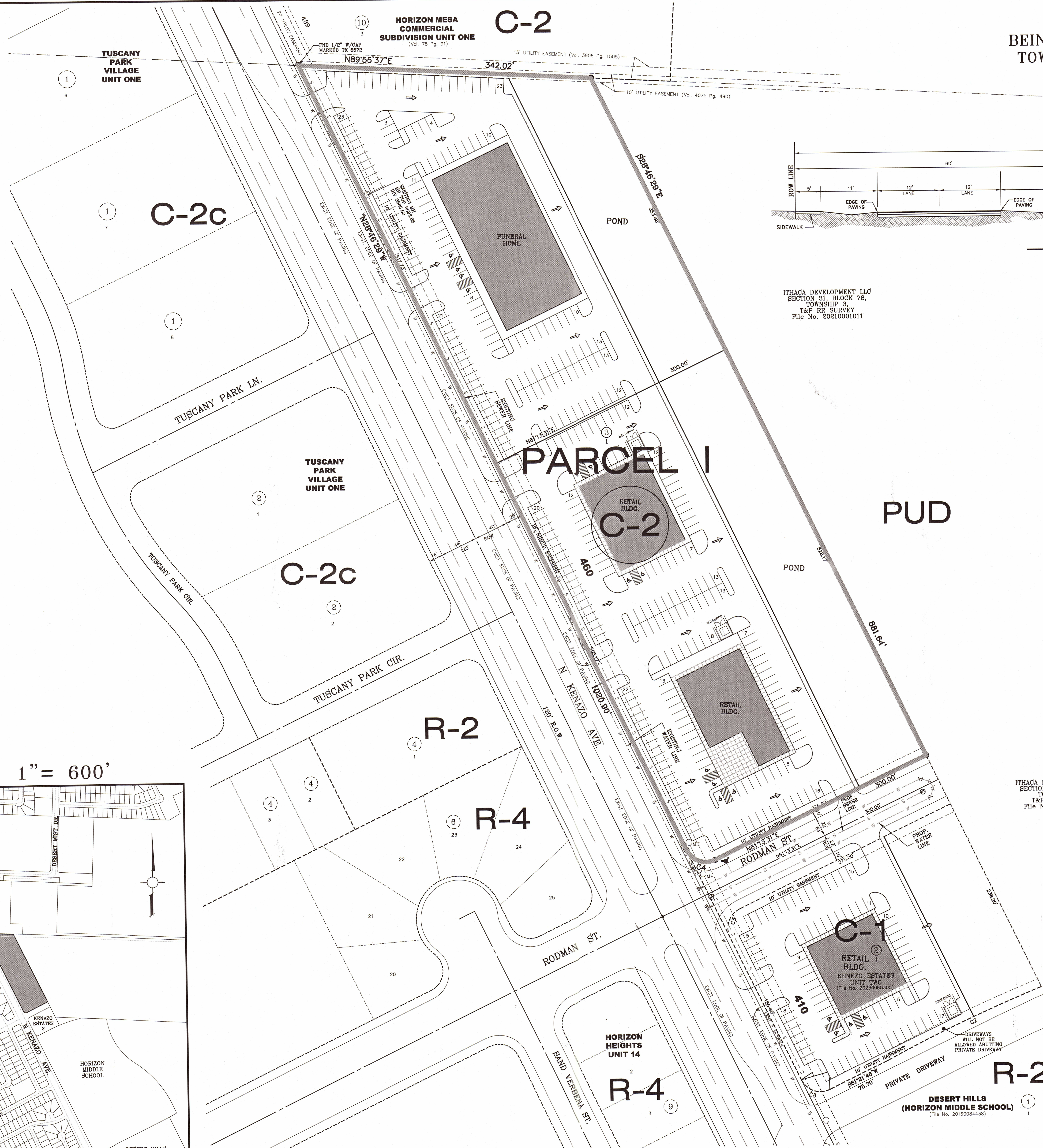
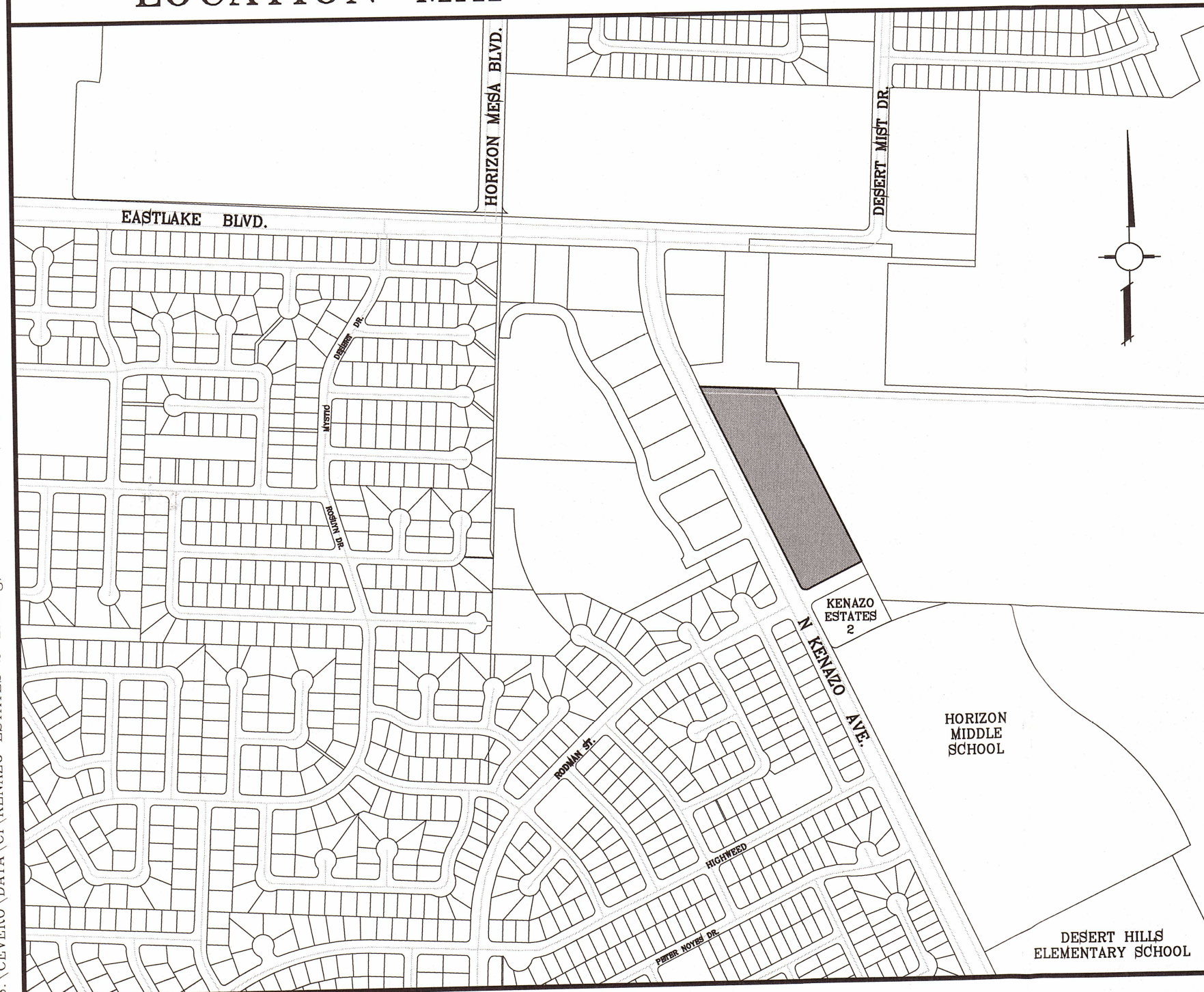
ZONING PLAN

BEING LOT 1, BLOCK 3, KENAZO ESTATES UNIT TWO,
TOWN OF HORIZON CITY, EL PASO COUNTY, TEXAS.

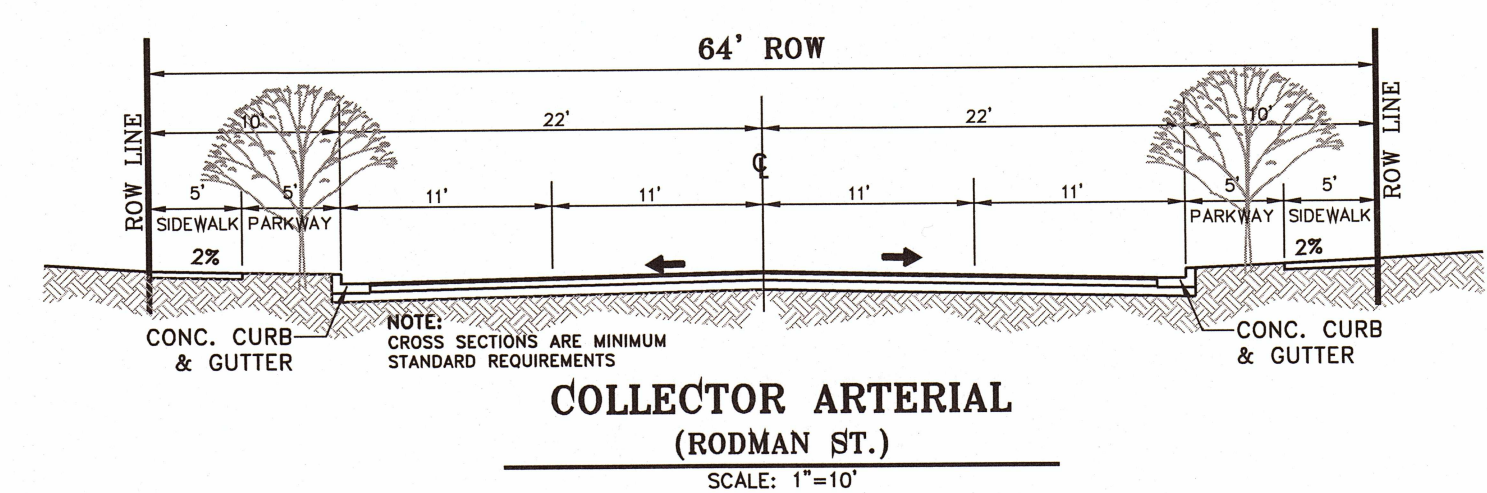
PARCEL	ACRES	PROPOSED ZONING	EXISTING ZONING
I	6.634	C-2	C-1



LOCATION MAP 1" = 600'



ITHACA DEVELOPMENT LLC
SECTION 31, BLOCK 7B,
TOWNSHIP 3,
T&P RR SURVEY
File No. 20210001011



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	25.00'	39.27'	25.00'	35.36'	S73°46'29"E	90°00'00"
C2	1711.87'	199.48'	99.86'	199.37'	S61°58'00"W	6°40'39"
C3	25.00'	39.21'	24.94'	35.31'	N73°42'20"W	89°51'43"
C4	25.00'	39.27'	25.00'	35.36'	S18°13'31"W	90°00'00"

LINE TABLE

LINE	LENGTH	BEARING
L1	60.00'	N61°13'31"E

ITHACA DEVELOPMENT LLC
SECTION 31, BLOCK 7B,
TOWNSHIP 3,
T&P RR SURVEY
File No. 20210001011

SCHOOL DISTRICT
CLINT INDEPENDENT SCHOOL DISTRICT
14521 HORIZON BLVD.

DATE OF PREPARATION: OCTOBER 19, 2023

CONDE INC.
ENGINEERING / PLANNING
GPS / SURVEYING / CAD
6080 SURETY DR. STE. 100
EL PASO, TEXAS 79905
PHONE: (915) 582-0283
REGISTRATION No. P-2201 FAX: (915) 582-0286 FIRM# 20078100

S:\GEVERA\DATA\CV\KENAZO ESTATES 2-ZN.dwg - REZONING, 10/20/2023 1:08:46 PM, C.A. CORTEZ



**TOWN OF HORIZON CITY
MEMORANDUM**

Date: December 12, 2023

To: Honorable Mayor and Members of City Council

From: Art Rubio, Planner

SUBJECT: **Preliminary and Final Subdivision Plat** application for **Weaver & Kenazo (Case No. SUC23-0002)**, recording plat application and authorizing the Mayor to sign the recording plat legally described as Tract 1-J-1, Section 43, Township 3, Texas & Pacific Railway Survey, Town of Horizon City, El Paso County, Texas. Containing 9.9839± acres. Application submitted by CIRE3 Architects

On November 20, 2023, the Planning & Zoning Commission was unable to reach a quorum and pursuant to the Texas Local Government Code, the Preliminary and Final Subdivision Plat moves forward to City Council for final action.

The application meets all minimum requirements of a preliminary and final subdivision plat and staff recommends approval of the Weaver & Kenazo Subdivision Plat on a Preliminary and Final Subdivision basis.

Attached for your review is the staff report that was prepared for the Planning and Zoning Commission and the preliminary plat.



TOWN OF HORIZON CITY
Planning and Zoning Commission Staff Report

Case No.: **SUC23-0002 Weaver & Kenazo**

Application Type: **Preliminary & Final Subdivision Plat Applications**
P&Z Hearing Date: November 20, 2023
Staff Contact: Art Rubio, Planner
 915-852-1046, Ext. 407; arubio@horizoncity.org

Address/Location: South of Weaver Rd. and East of Kenazo Dr.
Property ID No.: 164056
Legal Description: Tract 1-J-1, Section 43, Township 3, Texas & Pacific Railway Survey, Town of Horizon City, El Paso County, Texas, approximately 9.9839 ±
Property Owner: Bain Investments
Representative: CIRE3 Architects
Nearest Park: Golden Eagle Park
Nearest School: Pete Duarte Head Start

SURROUNDING PROPERTIES:

	Zoning	Land Use
N	M-1 (Light Industrial)	Warehousing/Industrial
E	R-9 (Single-Family Dwelling)/ETJ	Residential/ETJ
S	M-1 (Light Industrial)	Warehousing/Industrial
W	R-2 (Single-Family Dwelling)	Residential

LAND USE AND ZONING:

	Existing	Proposed
Land Use	Vacant	Warehousing
Zoning	M-1 (Light Industrial)	M-1 (Light Industrial)

Application Description:

Preliminary and Final Subdivision:

The applicant requested to subdivide the subject property into an industrial subdivision. The proposed subdivision includes one 9.9839-acre lot for warehousing development. The site is currently vacant, and the applicant proposes a mix of general and flex/unit warehousing. The applicant is improving their proportionate share of Kenazo Dr. Storm water drainage is proposed to be handled through a subsurface system. Pursuant to Horizon City Municipal Code, Subdivision Ordinance, no permit may be issued without the submittal and approval of a subdivision plat. The applicant submitted a Land Development Exemption Determination, and the final determination was made that the property did not meet any exemptions from platting and a subdivision plat is required.

In accordance with Chapter 212 of the Texas Local Government Code, public notice on preliminary and final subdivisions is not required. In addition, the applicant is not required to erect signs notifying the public of the proposed subdivision on the subject property.

Staff Recommendation:

Staff recommends approval of the Preliminary and Final Subdivision Plats

Planning Division Comments:

Preliminary Plat:

- 1. Verify legal description and spell out on heading on Preliminary and Final Plat.
- 2. Specify the R.O.W that is being dedicated?
- 3. Weaver cross section is called out as proposed ROW, is the owner proposing to improve Weaver or should it be existing R.O.W?

Public Works Director Comments:

WEAVER AND KENAZO SUBDIVISION

PRELIMINARY PLAT (1ST review 11/2/2023)

- 1. Show ponds. Improvement plans do not show on site pending. Piping system is being proposed to drain into city pond.
- 2. Provide a note stating "Grading plan/permit is required at the time of the Building permit."
- 3. Provide Benchmark elevation.
- 4. Missing/Incorrect distance at west side of parcel as it does not match Metes & Bounds description. See redlines.
- 5. On the notes, add Half of S. Kenazo Ave. will be improved as part of this development.
- 6. Provide easements. All easements pertaining to this parcel must be shown.
- 7. Address redline comments.

WEAVER AND KENAZO SUBDIVISION

FINAL PLAT (1ST review 11/2/2023)

- 1. Provide Closure with metes and bounds description.
- 2. Provide a note stating "Grading plan/permit is required at the time of the Building permit."
- 3. Provide Benchmark elevation.
- 4. Missing/Incorrect distance at west side of parcel as it does not match Metes & Bounds description. See redlines.
- 5. On the notes, add Half of S. Kenazo Ave. will be improved as part of this development.
- 6. Provide easements. All easements pertaining to this parcel must be shown.
- 7. Address redline comments.
- 8. Missing address.
- 9. El Paso County 9-1-1 District approval is required for the address

Town Engineer Comments:

Weaver & Kenazo Subdivision

Summary of Recommended Conditions for Preliminary Plat Approval:

The Town Engineer recommends the following:

- 1. Address redlines, and comments provided on the plat.
- 2. Show size of existing utilities.
- 3. Provide the address of the lot.
- 4. Provide benchmark elevation using existing monument at the intersection S. Kenazo Ave and Weaver Rd as datum.
- 5. Label point of commencing (POC) and point of beginning (POB) corresponding to the metes and bounds description.
- 6. Show existing monument at Weaver Rd and S. Kenazo Ave.
- 7. Make sure both M&Bs and table match (see plat for red lines).
- 8. Include fence line description in legend (see plat for red lines).

9. Verify that Metes and Bounds Description match plat boundaries (see plat for red lines).
10. Verify if other supplemental recorded pages to Horizon Industrial Park Unit One are shown on plat.
11. Rebar diameter size on southwest corner of said plat does not match plat description. VERIFY.
12. West boundary of plat metes and bounds description does not match plat. Verify.
13. Verify and show any utility easements and dimensions inside platted area.
14. Provide a closure report for the subdivision to ensure closure.

El Paso 9-1-1 District Comments:

No comments

TxDOT Comments:

No comments

El Paso Central Appraisal District Comments:

There are no comments for this Weaver & Kenazo Subdivision here at Central Appraisal.

El Paso Electric Company:

We have no comments for the Weaver & Kenazo Commercial Plat.

Texas Gas:

No comments

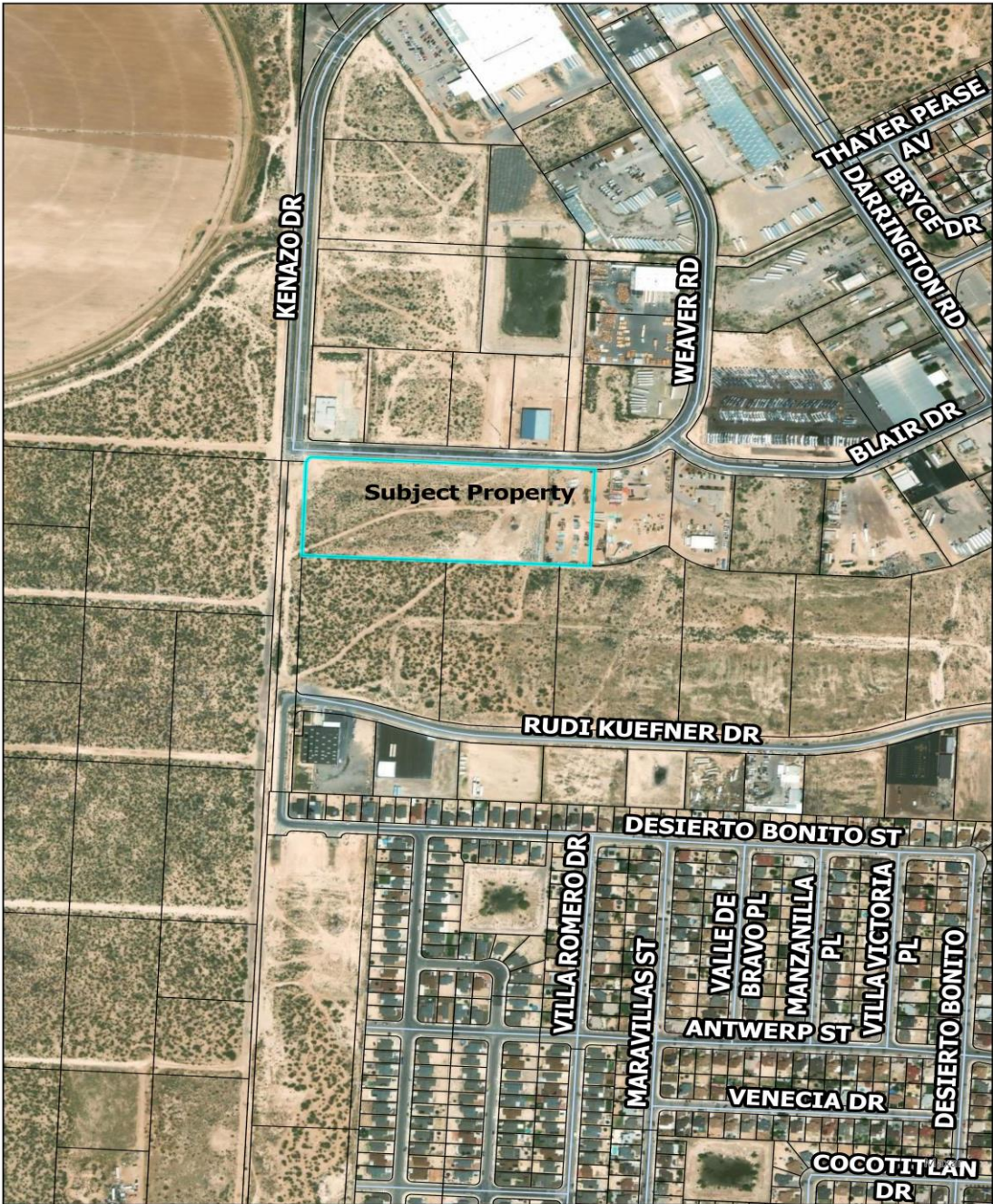
Clint Independent School District:

CISD takes no exceptions to what is presented.

Attachments:

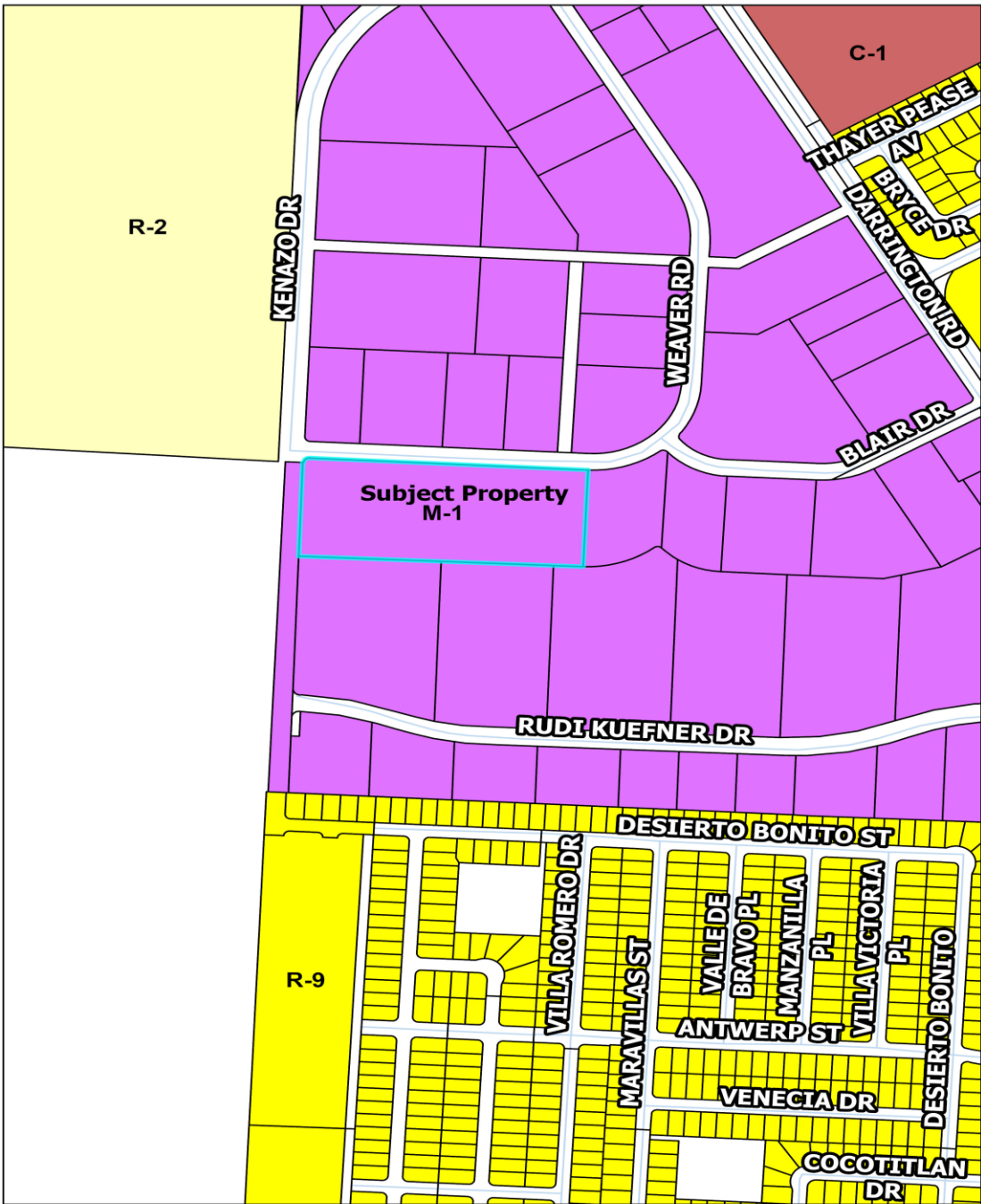
- 1 - Aerial
- 2 – Zoning Designation Map
- 3 - Location Map
- 4 – Preliminary Plat
- 5 – Final Plat
- 6 – Preliminary Plat Application
- 7 – Final Plat Application
- 8 – Street Cross Sections

**Planning & Zoning Commission
Weaver & Kenazo Preliminary and
Final Plat SUC23-0002**

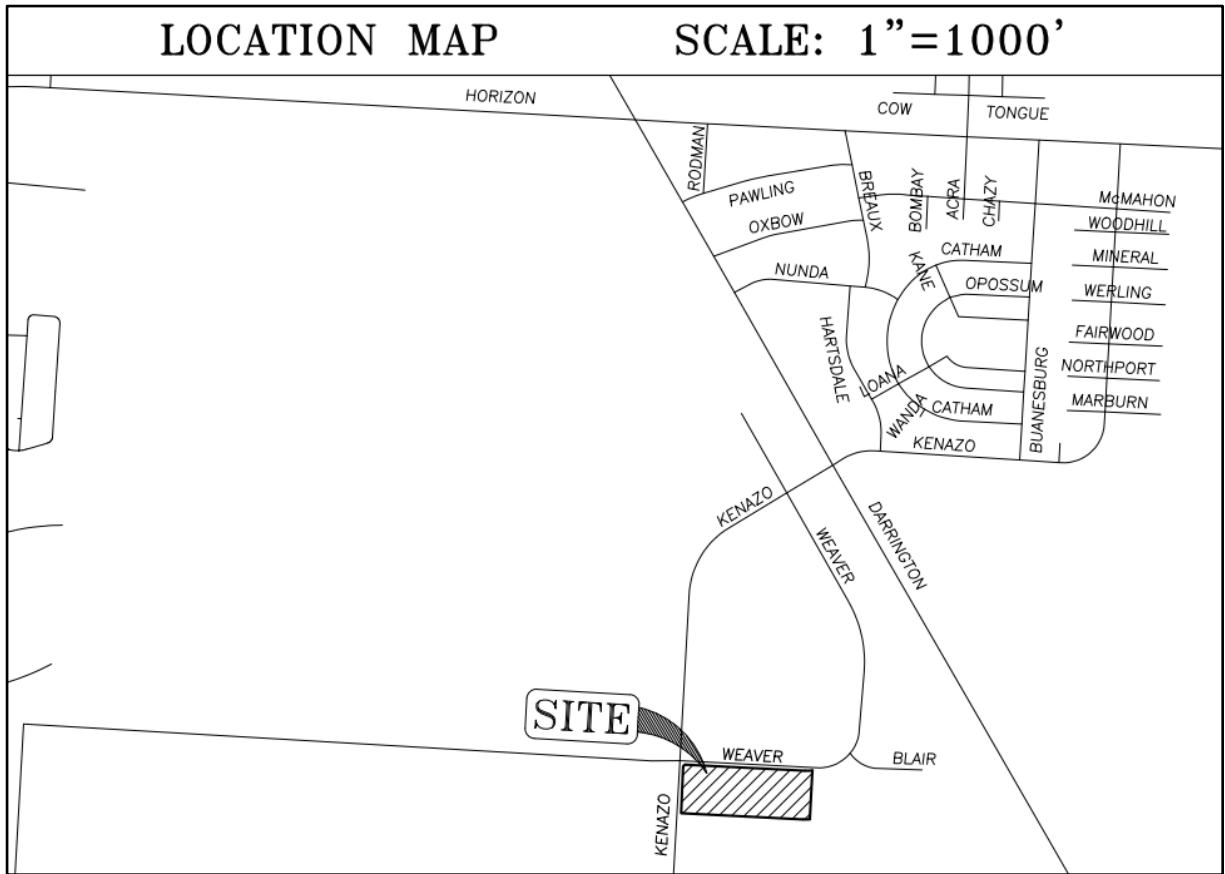


Attachment 1: Zoning Designation Map

**Planning & Zoning Commission
Weaver & Kenazo Preliminary and
Final Plat SUC23-0002**



Attachment 3: Location Map



Attachment 6: Preliminary Subdivision Plat Application



TOWN OF HORIZON CITY
 14999 Darrington Road
 Horizon City, Texas 79928
 Phone 915-852-1046 Fax 915-852-1005

**MAJOR SUBDIVISION
 PRELIMINARY APPLICATION**

SUBDIVISION PROPOSED NAME: Weaver & Kenazo Subdivision SUBMITTAL DATE: 10/23/2023

1. LEGAL DESCRIPTION FOR THE AREA INCLUDED ON THIS PLAT (TRACT, BLOCK, GRANT, etc.)
Track 1-J-1, Section 43, Block 78, Township 3, T&P Railway Co. Surveys, El Paso County Texas

2. PROPERTY LAND USES:

	ACRES	SITES		ACRES	SITES
SINGLE-FAMILY	_____	_____	OFFICE	_____	_____
DUPLEX	_____	_____	STREET & ALLEY	_____	_____
APARTMENT	_____	_____	PONDING & DRAINAGE	_____	_____
MOBILE HOME	_____	_____	INSTITUTIONAL	_____	_____
P.U.D.	_____	_____	OTHER	_____	_____
PARK (Min 1 acre)	_____	_____	_____	_____	_____
SCHOOL	_____	_____	_____	_____	_____
COMMERCIAL	<u>9,9839</u>	_____	TOTAL NO. SITES	_____	_____
INDUSTRIAL	_____	_____	TOTAL (GROSS) ACREAGE	_____	_____

3. WHAT IS THE EXISTING ZONING OF THE PROPERTY DESCRIBED ABOVE? M-1 PROPOSED ZONING _____

4. WILL THE RESIDENTIAL SITES, AS PROPOSED, PERMIT DEVELOPMENT IN FULL COMPLIANCE WITH ALL ZONING REQUIREMENTS OF THE EXISTING RESIDENTIAL ZONE(S)? YES NO

5. WHAT TYPE OF UTILITY EASEMENTS ARE PROPOSED? UNDERGROUND OVERHEAD COMBINATION

6. WHAT TYPE OF DRAINAGE IS PROPOSED? (IF APPLICABLE LIST MORE THAN ONE) Underground

7. IF SINGLE-FAMILY OR DUPLEX DEVELOPMENT IS PROPOSED: AVERAGE FLOOR AREA OF HOUSES N/A

8. ARE SPECIAL IMPROVEMENTS PROPOSED IN CONNECTION WITH THE DEVELOPMENT? YES NO

9. IS A MODIFICATION OF ANY PORTION OF THE SUBDIVISION ORDINANCE PROPOSED? YES NO
 IF ANSWER IS "YES", PLEASE EXPLAIN THE NATURE OF THE MODIFICATION _____

10. WHAT TYPE OF LANDSCAPING IS PROPOSED? PARKWAY MEDIANS OTHER

11. REMARKS AND/OR EXPLANATION OF SPECIAL CIRCUMSTANCES: N/A

12. WILL PLAT BE RECORDED PRIOR TO SUBDIVISION IMPROVEMENTS BEING COMPLETED & APPROVED? YES NO N/A INITIALS _____
 IF YES, submit REQUIRED GUARANTEE (SECTION 4.10.3 & 8.1.7, Municode Chapter 10) OR Improvement Cost Estimates & Construction Agreement

13. WILL ANY RESTRICTIONS AND COVENANTS BE RECORDED WITH PLAT? YES NO INITIALS _____ IF YES, PLEASE SUBMIT COPY.

14. OWNER OF RECORD Scott Bain 14160 Blair Dr. 79928 scb@bainconstruction.com 915-525-3399
 (NAME & ADDRESS) (EMAIL) (PHONE)

15. DEVELOPER Scott Bain 14160 Blair Dr. 79928 scb@bainconstruction.com 915-525-3399
 (NAME & ADDRESS) (EMAIL) (PHONE)

16. ENGINEER Sandra Hernandez 5625 Woodrow Bean, Ste. 105 79924 smhernandez@smhpe.com 915-238-4699
 (NAME & ADDRESS) (EMAIL) (PHONE)

17. APPLICANT Eric Perea 2601 E. Yandell Dr. Suite 100 eric@cire3.com 915-225-0635
 (NAME & ADDRESS) (EMAIL) (PHONE)

18. REP/POINT OF CONTACT Eric Perea 2601 E. Yandell Dr. Suite 100 eric@cire3.com 915-225-0635
Jaqueline Lopez jaqueline@cire3.com 915-225-0635
 (NAME & ADDRESS) (EMAIL) (PHONE)

NOTE:
 Applicant is responsible for all expenses incurred by the City in connection with the Preliminary Plat approval request, including but not limited to attorney's fees, engineering fees and publication. Charges exceeding deposit will be invoiced separately. Initials EP
 Applicant Signature _____ EMAIL eric@cire3.com

APPLICATION MUST BE COMPLETE & VALIDATED PRIOR TO SUBDIVISION PROCESSING
Acceptance of fee does not grant acceptance of application.
Non Refundable Deposit \$500.00 | Application Fee: \$100

Attachment 7: Final Subdivision Plat Application



TOWN OF HORIZON CITY
 14999 Darrington Road
 Horizon City, Texas 79928
 Phone 915-852-1046 Fax 915-852-1005

**MAJOR SUBDIVISION
 FINAL PLAT APPLICATION**

SUBDIVISION PROPOSED NAME: Weaver & Kenazo Subdivision SUBMITTAL DATE: 10/23/2023

1. LEGAL DESCRIPTION FOR THE AREA INCLUDED ON THIS PLAT (TRACT, BLOCK, GRANT, etc.)
Track 1-J-1, Section 43, Block 78, Township 3, T&P Railway Co. Surveys, El Paso County Texas

2. PROPERTY LAND USES:

	ACRES	SITES		ACRES	SITES
SINGLE-FAMILY	_____	_____	OFFICE	_____	_____
DUPLEX	_____	_____	STREET & ALLEY	_____	_____
APARTMENT	_____	_____	PONDING & DRAINAGE	_____	_____
MOBILE HOME	_____	_____	INSTITUTIONAL	_____	_____
P.U.D.	_____	_____	OTHER	_____	_____
PARK (Min 1 Acre)	_____	_____	_____	_____	_____
SCHOOL	_____	_____	_____	_____	_____
COMMERCIAL	<u>9,9839</u>	_____	TOTAL NO. SITES	_____	_____
INDUSTRIAL	_____	_____	TOTAL (GROSS) ACREAGE	_____	_____

3. WHAT IS THE EXISTING ZONING OF THE PROPERTY DESCRIBED ABOVE? M-1 PROPOSED ZONING _____

4. WILL THE RESIDENTIAL SITES, AS PROPOSED, PERMIT DEVELOPMENT IN FULL COMPLIANCE WITH ALL ZONING REQUIREMENTS OF THE EXISTING RESIDENTIAL ZONE(S)? YES NO

5. WHAT TYPE OF UTILITY EASEMENTS ARE PROPOSED? UNDERGROUND OVERHEAD COMBINATION

6. WHAT TYPE OF DRAINAGE IS PROPOSED? (IF APPLICABLE LIST MORE THAN ONE) Underground

7. IF SINGLE-FAMILY OR DUPLEX DEVELOPMENT IS PROPOSED: AVERAGE FLOOR AREA OF HOUSES N/A

8. ARE SPECIAL IMPROVEMENTS PROPOSED IN CONNECTION WITH THE DEVELOPMENT? YES NO

9. IS A MODIFICATION OF ANY PORTION OF THE SUBDIVISION ORDINANCE PROPOSED? YES NO
 IF "YES", PLEASE LIST SECTION & EXPLAIN THE NATURE OF THE MODIFICATION _____

10. WHAT TYPE OF LANDSCAPING IS PROPOSED? PARKWAY MEDIANS OTHER _____

11. REMARKS AND/OR EXPLANATION OF SPECIAL CIRCUMSTANCES: N/A

12. WILL PLAT BE RECORDED PRIOR TO SUBDIVISION IMPROVEMENTS BEING COMPLETED & APPROVED? YES NO N/A INITIALS _____
 IF YES, submit REQUIRED GUARANTEE (SECTION 4.10.3 & 8.1.7, Municode Chapter 10) OR Improvement Cost Estimates & Construction Agreement

13. WILL ANY RESTRICTIONS AND COVENANTS BE RECORDED WITH PLAT? YES NO INITIALS _____ IF YES, PLEASE SUBMIT COPY.

14. OWNER OF RECORD Scott Bain 14160 Blair Dr. 79928 scb@bainconstruction.com 915-525-3399
(NAME & ADDRESS) (EMAIL) (PHONE)

15. DEVELOPER Scott Bain 14160 Blair Dr. 79928 scb@bainconstruction.com 915-525-3399
(NAME & ADDRESS) (EMAIL) (PHONE)

16. ENGINEER Sandra Hernandez 5625 Woodrow Bean, Ste. 105 79924 smhernandez@smhpe.com 915-238-4699
(NAME & ADDRESS) (EMAIL) (PHONE)

17. APPLICANT Eric Perea 2601 E. Yandell Dr. Suite 100 eric@cire3.com 915-225-0635
(NAME & ADDRESS) (EMAIL) (PHONE)

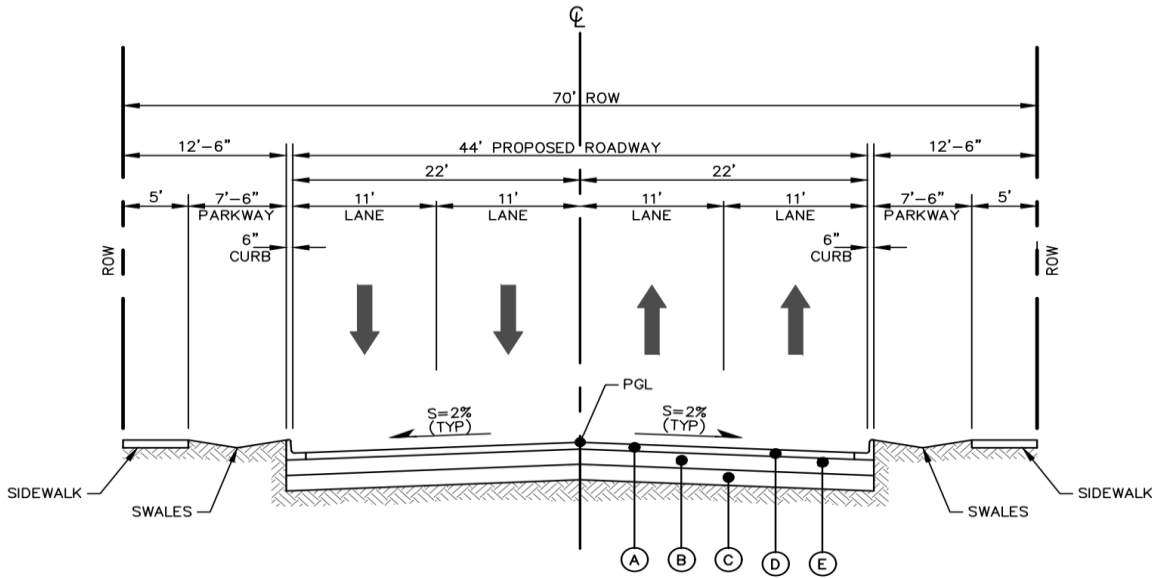
18. REP/POINT OF CONTACT Eric Perea 2601 E. Yandell Dr. Suite 100 eric@cire3.com 915-225-0635
Jaqueline Lopez jaqueline@cire3.com 915-225-0635
(NAME & ADDRESS) (EMAIL) (PHONE)

NOTE: Applicant is responsible for all expenses incurred by the City in connection with the Final plat approval request, including but not limited to attorney's fees, engineering fees and publication. Charges exceeding deposit will be invoiced separately. Initials EP

Applicant Signature [Signature] EMAIL eric@cire3.com

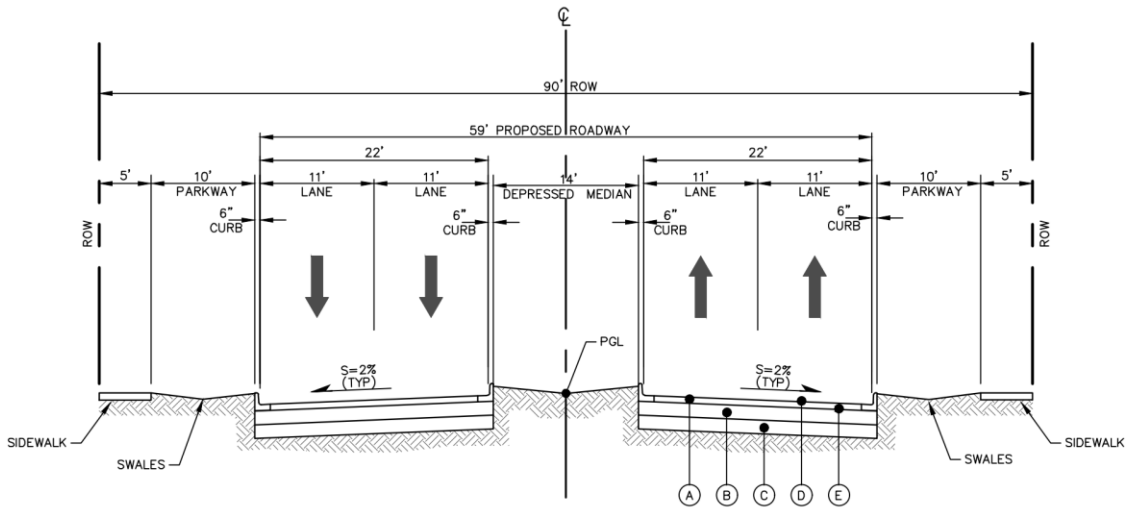
APPLICATION MUST BE COMPLETE & VALIDATED PRIOR TO SUBDIVISION PROCESSING
 Acceptance of fee does not grant acceptance of application.
 Non Refundable Deposit \$500.00 | Application Fee: \$150

Attachment 8: Existing Street Cross Sections



PROPOSED TYPICAL SECTION
WEAVER ROAD
(MINOR ARTERIAL)

STA 0+00 TO STA 43+85



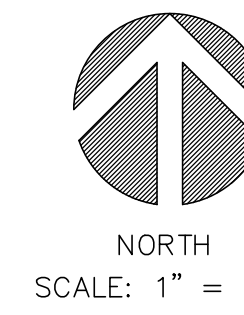
PROPOSED TYPICAL SECTION
KENAZO AVENUE
(MAJOR ARTERIAL)

STA 30+59 TO STA 44+60

WEAVER & KENAZO SUBDIVISION

TRACT 1-J-1, SECTION 43, BLOCK 78, TOWNSHIP 3
T.&P. RAILWAY Co. SURVEYS, EL PASO COUNTY, TEXAS.
9.984 ACRES ±

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	31.58'	28.40'	N44°43'20"E	90°27'56"
C2	384.00'	62.72'	62.64'	N85°15'36"E	09°21'24"
C3	384.00'	59.08'	59.02'	S85°32'08"W	08°48'53"

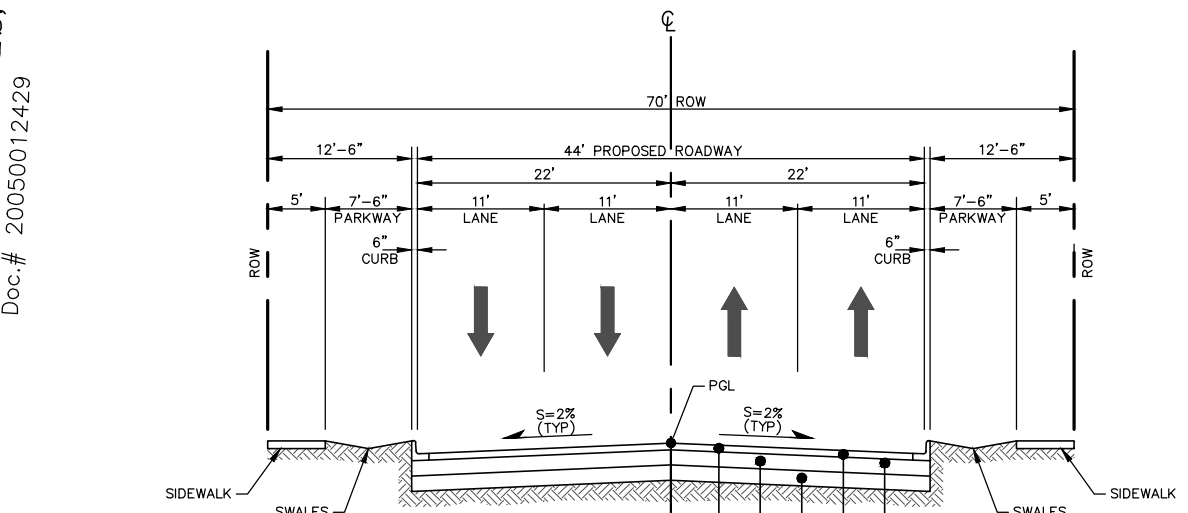


PROPOSED LAND USE
COMMERCIAL
COMMERCIAL LOTS = 1

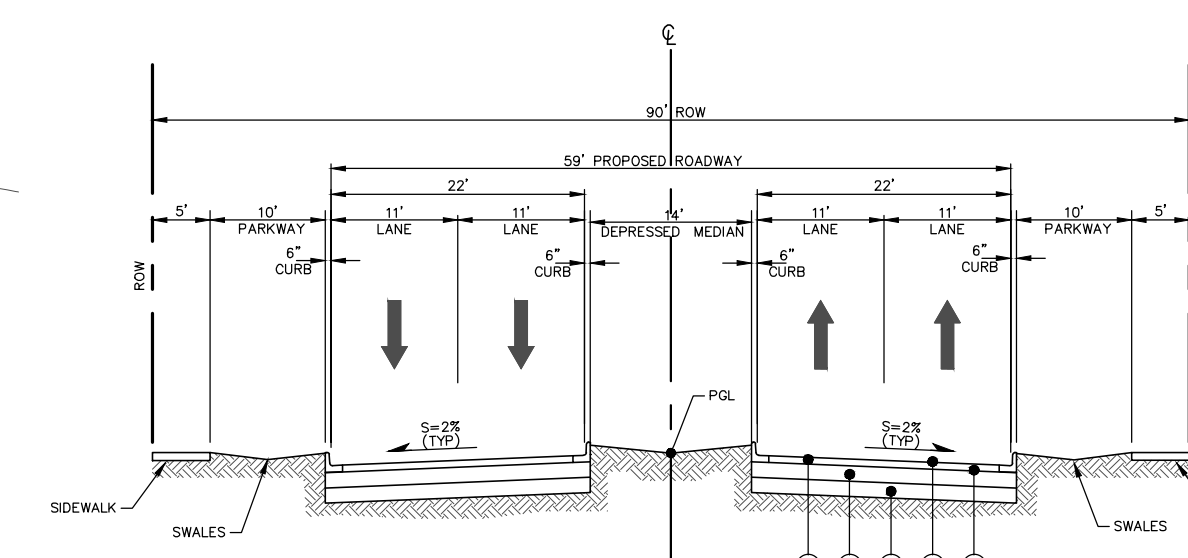
SCHOOL DISTRICT
CLINT
INDEPENDENT
SCHOOL DISTRICT

LEGEND

- SUBDIVISION BOUNDARY LINE
- STREET RIGHT OF WAY
- STREET CENTERLINE
- EASEMENT LINE
- WATER LINE
- GAS LINE
- SEWER LINE
- STORM SEWER
- CHAIN LINK FENCE
- BLOCK NUMBER
- LOT NUMBER
- ADDRESS



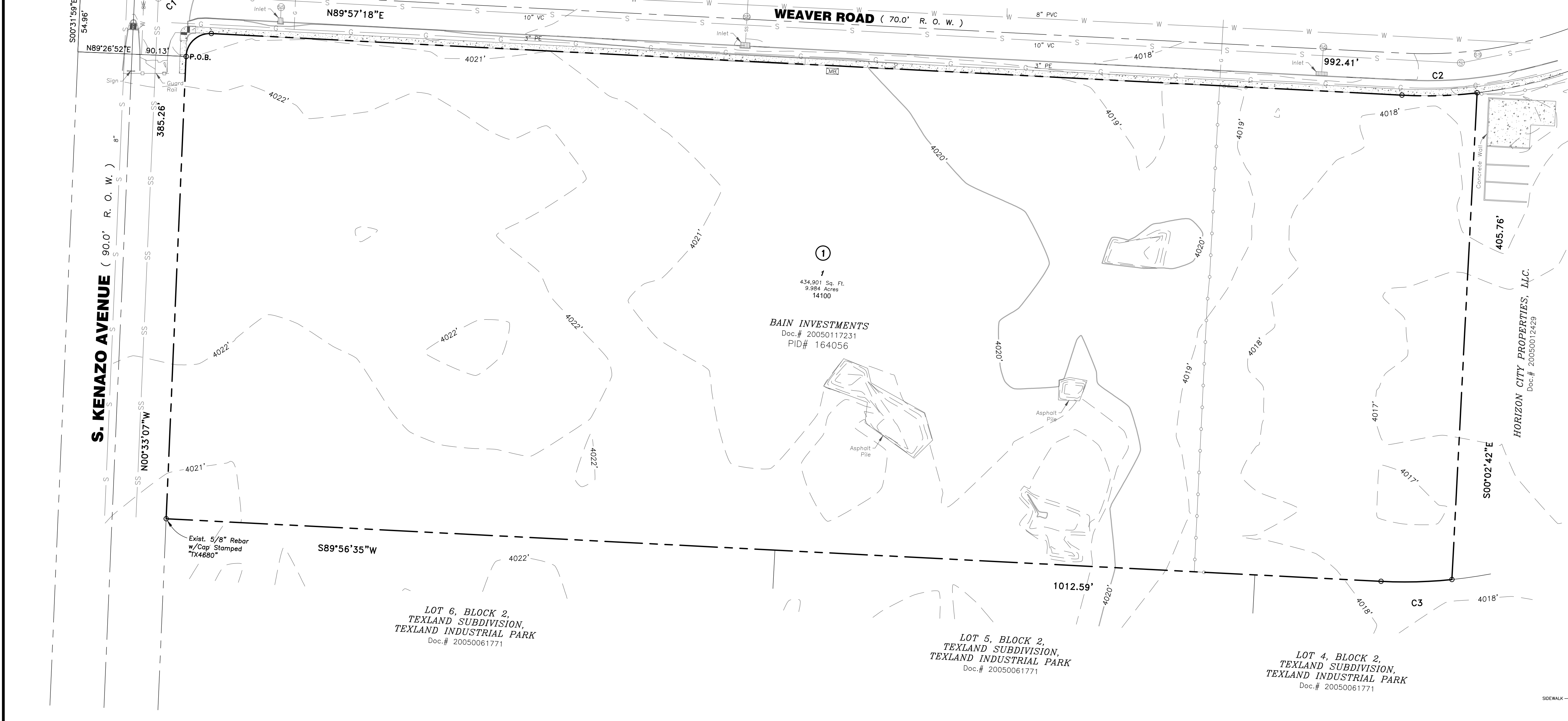
PROPOSED TYPICAL SECTION
WEAVER ROAD
(MINOR ARTERIAL)
STA 0+00 TO STA 43+85



PROPOSED TYPICAL SECTION
KENAZO AVENUE
(MAJOR ARTERIAL)
STA 30+59 TO STA 44+60

- ① HOT MIX ASPHALTIC CONCRETE (HMAC), TxDOT ITEM 340, TYPE C - 2.5"
- ② CRUSHED STONE BASE COURSE, TxDOT TYPE A, GRADE 2 - 8"
- ③ PREPARED AND COMPACTED SUITABLE SUBGRADE OR SELECT FILL SOL. MATERIAL - 8"
- ④ ASPHALT SEAL COAT
- ⑤ ASPHALT PRIME COAT

P.O.C.
Exist. 1/2" Rebar at Northwest Corner of Section 43



LOCATION MAP SCALE: 1" = 1000'



BENCHMARK
CITY MONUMENT AT THE CENTERLINE INTERSECTION OF KENAZO AVENUE & WEAVER ROAD.
ELEVATION 4020.01' (NAVD 88 DATUM)

- PLAT NOTES AND RESTRICTIONS**
- BEARINGS ARE BASED ON UNDERLYING DEEDS.
 - = THIS SYMBOL REPRESENTS ALL EXISTING STREET MONUMENT LOCATIONS.
 - ☐ = THIS SYMBOL REPRESENTS U.S. POSTAL SERVICE COLLECTION BOX UNITS. POSTAL SERVICE WITHIN THE SUBDIVISION WILL BE PROVIDED USING NEIGHBORHOOD DELIVERY AND COLLECTION BOX UNITS.
 - ACCORDING TO THE FEDERAL EMERGENCY MAPPING AGENCY, FLOOD INSURANCE RATE MAP, PANEL NO. 480212 0250B, DATED SEPTEMBER 4, 1991, THIS PROPERTY APPEARS TO LIE WITHIN ZONE "X" WHICH BY DEFINITION IS NOT A SPECIAL FLOOD HAZARD ZONE.
 - ALL UTILITY EASEMENTS ARE 10 FEET WIDE UNLESS OTHERWISE SPECIFIED.
 - SET 5/8" REBAR WITH CAP STAMPED "LAND-MARK TX4869 NM11402" AT ALL EXTERIOR BOUNDARY CORNERS UNLESS OTHERWISE NOTED.
 - TAX CERTIFICATE(S) FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION.
INSTRUMENT NO. _____ INSTRUMENT NO. _____
 - RESTRICTIVE COVENANTS FOR THIS SUBDIVISION ARE FILED IN THE OFFICE OF THE COUNTY CLERK, DEED AND RECORDS SECTION.
INSTRUMENT NO. _____
 - WEAVER & KENAZO SUBDIVISION BY THE HORIZON REGIONAL MUNICIPAL UTILITY DISTRICT IN ACCORDANCE WITH THEIR RULES AND REGULATIONS AND WITH SECTION 16.343 OF THE TEXAS WATER CODE. WATER AND SEWER SERVICES WILL BE EXTENDED TO THE SUBDIVISION FROM EXISTING FACILITIES AND WILL BE CONSTRUCTED TO SERVE THE SUBDIVISION WITHIN TWO (2) YEARS OF THE DATE OF FILING THE FINAL SUBDIVISION PLAT.
 - LOT 1 IS SUBJECT TO ON-SITE PONDING OF STORMWATER RUN-OFF. LOT OWNERS ARE RESPONSIBLE FOR MAINTAINING ADEQUATE PROVISIONS TO RETAIN ALL STORMWATER RUN-OFF GENERATED FROM THEIR RESPECTIVE LOT.
 - ELEVATIONS ARE NAVD88 DATUM.

METES & BOUNDS DESCRIPTION

COMMENCING, for reference, at an existing 1/2" dia. rebar at the northwest corner of Section 43; Thence, South 0°31'59" East, 54.96 feet to a point at the south boundary line of Horizon Industrial Park Unit One, a subdivision of record in Book 39 at Page 20; Thence, with the south boundary line of Horizon Industrial Park Unit One, North 89°26'52" East, 90.13 feet to a point for the POINT OF BEGINNING hereof;

THENCE, with the south boundary line of Horizon Industrial Park Unit One, the following three courses:

- along a curve to the right 31.58 feet through a central angle of 90°27'56", having a radius of 20.00 feet having a chord direction of North 44°43'20" East 28.40 feet to a point;
- With the south right-of-way line of Weaver Road North 89°57'18" East, 992.41 feet;
- along a curve to the left 62.72 feet through a central angle of 9°21'24", having a radius of 384.00 feet, having a chord direction of North 85°15'36" East, 62.64 feet to the westerly boundary line of an unrecorded contract of sale into Teraco;

Thence, with the west boundary line of said 2 acre Teraco contract of sale, South 0°02'42" East, 405.76 feet to the north boundary line of that certain 70.0178 acre parcel described in Book 2951 at Page 1615;

Thence, with the boundary line of said 70.0178 acre parcel, the following three courses:

- along a curve to the right 59.08 feet through a central angle of 8°48'53", having a radius of 384.00 feet, having a chord direction of South 85°32'08" West, 59.02 feet to a point;
- South 89°56'35" West, 1012.59 feet to an existing 5/8" dia. rebar with plastic cap found marked TX 4680;
- North 00°33'07" West 385.26 feet, to the POINT OF BEGINNING containing 9.984 acres or 434,901 square feet.

OWNER
BAIN INVESTMENTS
14160 BLAIR DRIVE
HORIZON CITY, TEXAS 79928
VOICE: (915) 852-8620
CONTACT: SCOTT BAIN

ENGINEER
SANDRA HERNANDEZ
10710 GATEWAY NORTH,
SUITE B-5, BOX# 255,
EL PASO, TEXAS 79924
PHONE: (915) 238-4699

SURVEYOR

Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A',
El Paso, Texas 79935
(915) 598-1300
email: Larry@Land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

WEAVER & KENAZO SUBDIVISION

TRACT 1-J-1, SECTION 43, BLOCK 78, TOWNSHIP 3
T.&P. RAILWAY Co. SURVEYS, EL PASO COUNTY, TEXAS.
9.984 ACRES ±

PROPOSED LAND USE
COMMERCIAL
COMMERCIAL LOTS = 1

SCHOOL DISTRICT
CLINT
INDEPENDENT
SCHOOL DISTRICT

DEDICATION

BAIN INVESTMENTS, the owner of this land, does hereby present this map and dedicate their respective portions of property to the use of the public, the streets, drives, ponding area, drainage right-of-way, and utility easements as hereon laid down and designated, including easements for over-riding of service wires for pole type utilities and the right for installation of service poles alongside lot lines as may be required, easements for buried service wires, conduits and pipes for underground utilities, and the right to ingress and egress for service and construction, and the right to trim interfering trees and shrubs. Kenazo Avenue to be done by developer.

We certify that all utilities have been or will be installed in accordance to requirements by the local utility companies and the Town of Horizon City.

We attest that the matters asserted in this plat are true and complete.

Witness my signature this _____ day of _____ 2023.

SCOTT BAIN
BAIN INVESTMENTS

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF EL PASO

Before me, the undersigned authority, on this day personally appeared XXXXXXXXXXXXXXXXXXXXXXX, BAIN INVESTMENTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that executed the same as the act and deed for the purpose and consideration herein expressed.

Given under my hand and seal of office this _____ day of _____ 2023.

Notary Public in and for El Paso County, Texas

My Commission Expires _____

TOWN OF HORIZON CITY TOWN COUNCIL

This subdivision is hereby approved as to the platting and as to the conditions of the dedication in accordance with Chapter 212 of the Local Government Code of Texas, this _____ day of _____ 2023.

Accepted and adopted by the City Council of Town of Horizon City this _____ day of _____ 2023.

Elvia Schuller, City Clerk

Andres Renteria, Mayor

Approved for filing this _____ day of _____ 2023.

HUITT-ZOLLARS, INC. (Town Engineer)
by Isabel Vasquez, P.E.,
Vice President

FILING

Filed and recorded in the office of the County Clerk of El Paso County, Texas, this _____ day of _____ 2023, in Volume _____ of the Plat Records,
Page _____, File No. _____.

County Clerk

by Deputy

Subdivision improvement plans prepared by and under the supervision of:

This plat represents a survey made on the ground by me or under my supervision and complies with the current Texas Board of Professional Land Survey Professional and Technical Standards.

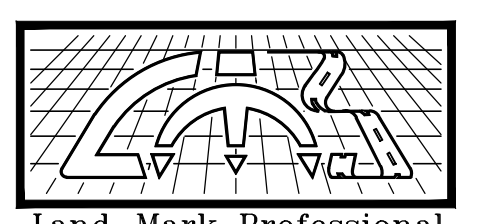
Sandra M. Hernandez, P.E.
Registered Professional Engineer
Registration No. 97224

LARRY L. DREWES, R.P.L.S.
Registered Professional Land Surveyor
Texas License No. 4869

OWNER
BAIN INVESTMENTS
14160 BLAIR DRIVE
HORIZON CITY, TEXAS 79928
VOICE: (915) 852-8620
CONTACT: SCOTT BAIN

ENGINEER
SANDRA HERNANDEZ
10710 GATEWAY NORTH,
SUITE B-5, BOX# 255,
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PHONE: (915) 238-4699

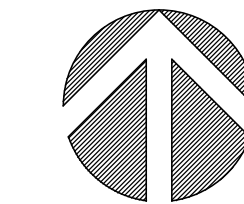
SURVEYOR



Land-Mark Professional Surveying, Inc.
1420 Bessemer Drive, Suite 'A',
El Paso, Texas 79935
(915) 598-1300
email: Larry@land-marksurvey.com
"Serving Texas, New Mexico and Arizona"

DATE OF PREPARATION: JUNE 19, 2023
DATE OF LAST REVISION: NOVEMBER 20, 2023

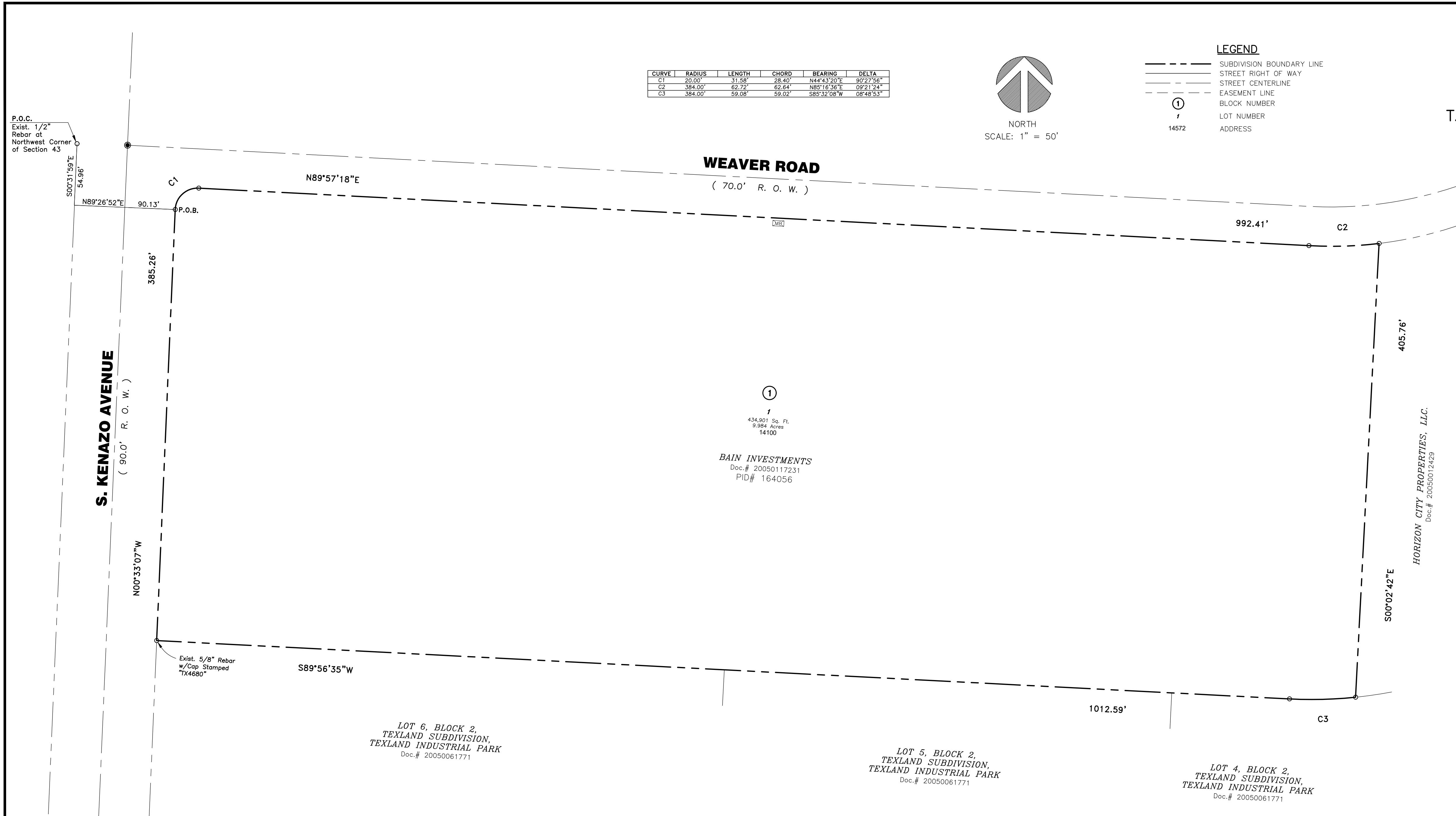
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	31.58'	28.40'	N44°43'20"E	89°27'56"
C2	384.00'	62.72'	62.64'	N89°16'36"E	09°21'24"
C3	384.00'	59.08'	59.02'	S89°32'08"W	08°48'53"



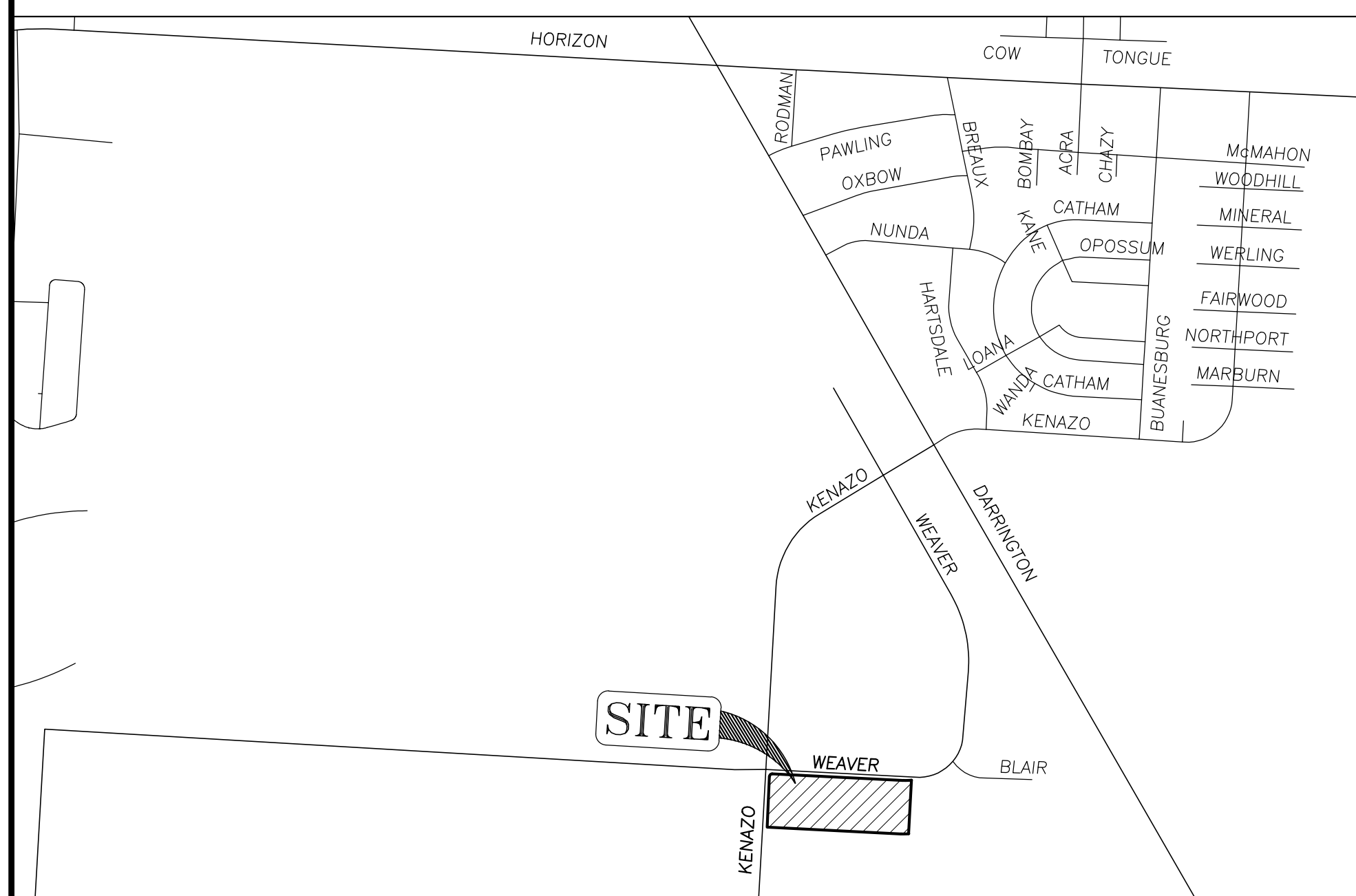
NORTH
SCALE: 1" = 50'

LEGEND

- SUBDIVISION BOUNDARY LINE
- STREET RIGHT OF WAY
- STREET CENTERLINE
- EASEMENT LINE
- ① BENCHMARK
- 1 LOT NUMBER
- 14572 ADDRESS



LOCATION MAP SCALE: 1"=1000'



BENCHMARK

CITY MONUMENT AT THE CENTERLINE INTERSECTION OF KENAZO AVENUE & WEAVER ROAD.
ELEVATION 4020.01' (NAVD 88 DATUM)

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2) With the south right-of-way line of Weaver Road North 89°57'18" East, 992.41 feet;
3) along a curve to the left 62.72 feet through a central angle of 9°21'24", having a radius of 384.00 feet, having a chord direction of North 89°16'36" East, 62.64 feet to the westerly boundary line of an unrecorded contract of sale into Tereco;

Thence, with the west boundary line of said 2 acre Tereco contract of sale, South 0°02'42" East, 405.76 feet to the north boundary line of that certain 70.0178 acre parcel described in Book 2951 at Page 1615;

Thence, with the boundary line of said 70.0178 acre parcel, the following three courses:

- along a curve to the right 59.08 feet through a central angle of 8°48'53", having a radius of 384.00 feet, having a chord direction of South 85°32'08" West, 59.02 feet to a point;
- South 89°56'35" West, 1012.59 feet to an existing 5/8" dia. rebar with plastic cap found marked TX 4680;
- North 0°03'30" West 385.26 feet, to the POINT OF BEGINNING containing 9.984 acres or 434,901 square feet.

**TOWN OF HORIZON
CITY ENGINEERING SERVICES
TASK ORDER #1**

Task Order #1 is issued under the Contract Agreement entered into the 9th day of December, 1998, by and between HUITT-ZOLLAR, INC., (ENGINEER) and TOWN OF HORIZON CITY (OWNER) for the above referenced Project. It includes the Scope, Schedule, Compensation.

SCOPE:

Services provided shall include, but are not limited to:

- Reviews for Subdivision developments including plats, improvement plans, TIAs, engineering reports, geotechnical reports, etc.
- Assist the City in providing an engineering opinion on issues being evaluated
- Prepare Opinion of Probable Construction Cost for proposed project at planning levels
- Assist with identifying and developing proposed projects for the Planning and Public Works Departments.
- Assist with the development and revision of City ordinances

SCHEDULE:

The services shall be provided as needed from January 1, 2023 to December 31, 2023.

COMPENSATION:

NTE amount of \$20,000 billed on a time and materials basis. Hourly rates will be based on approved rate schedule for 2023.

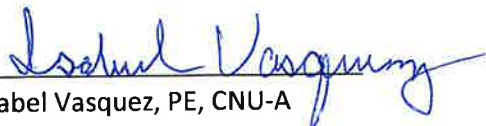
Invoices shall be submitted monthly based upon the hours billed for assigned work during the billing period.

KEY PERSONNEL:

Key personnel will be assigned based on the work assignments approved by the City.

All other terms and conditions of the original contract remain unchanged.

**ENGINEER
HUITT-ZOLLARS, INC.**


Isabel Vasquez, PE, CNU-A
Vice President

Date: 6/19/23

**OWNER
TOWN OF HORIZON CITY**

Michelle Garcia, ACIP, CNU-A
Planning Director

Date: _____

RESOLUTION

Town of Horizon City

WHEREAS, the Town of Horizon City (“City”) signed an Engineering Services Agreement (“Agreement”) with Huitt-Zollars, Inc. (“Huitt-Zollars”) on December 9, 1988;

WHEREAS, in accordance with the Agreement, a written authorization must be issued by the City in order for Huitt-Zollars to undertake a project;

WHEREAS, City desires to avoid delays when requesting Huitt-Zollars undertake routine engineering projects such as reviewing subdivision plats, improvement plans, TIAs, engineering reports, cost estimates, project development within the CIP program, review and revisions of city development ordinances; and

WHEREAS, the City Council would like to authorize the Mayor to sign and issue individual task orders for projects for general engineering services that do not exceed \$20,000.00; provided that the amount designated in the City’s operating budget as the total for engineering services shall not be exceeded.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY AS FOLLOWS:

That the Mayor is authorized to issue and sign individual task orders not exceeding \$20,000.00 for general engineering services pursuant to the Agreement authorizing Huitt-Zollars to undertake work on behalf of the City; provided that the total amount of all task orders issued shall not exceed the total budget for general engineering services specified in the Agreement.

Adopted and approved on the ____ day of December 2023.

Town of Horizon City

**By: _____
Andres Renteria, Mayor**

ATTEST:

**By: _____
Elvia Schuller
City Clerk**

APPROVED AS TO FORM

**By: _____
Sylvia Borunda Firth**

City Attorney



October 30, 2023

Michelle Garcia, AICP
Planning Director
Town of Horizon City
14999 Darrington Road
Horizon City, Texas 79928
O: (915) 852-1046
Email: mgarcia@horizoncity.org

Subject: Professional Land Surveying Services Proposal
Extension of Horizon City Limits ETJ
Metes and Bounds Description

Dear Ms. Garcia,

Huitt-Zollars, Inc. (Huitt-Zollars) appreciates the opportunity to provide this proposal for professional land surveying services. Our proposal is based upon the scope of services, compensation, schedule, terms and conditions and attachments contained herein. Land Surveying Services outlined herein will be performed in accordance with the Minimum Standards for Land Surveying in the State of Texas.

SCOPE OF SERVICES:

1.0 Basic Services:

- 1.1 Perform work plan and project setup by Admin. Perform record research at County Clerk's, and Central Appraisal District. Obtain sectional maps, subdivision plats and deeds comprising the overall boundary geometry of proposed ETJ release (Leigh Clark Survey 291 and portions of 296, portions of C.D. Stewart Survey 322 and 320)
- 1.2 Perform deed plots, subdivision and sectionalized mapping record plots. Create a best fit configuration of plats and establish a bearing basis to be rotated to. Create record base map for Metes and Bounds Descriptions.
- 1.3 Create Survey Exhibits and Metes and Bounds Descriptions for two (2) separate parcels, one in Leigh Clark Surveys No. 291 and 296, the other in CD Stewart Surveys No. 320 and 322.
- 1.4 Perform PIC Project Review and QAQC by other RPLS.

2.0 Additional Services:

- 2.1 Additional Services, mutually agreed upon and authorized separately by the Client in writing, shall be completed on an hourly basis in accordance with the attached Hourly Rate Sheet. Such additional services may include:
 - 2.1.1 Any other service not otherwise included in the Basic Services.

3.0 Excluded Services:

Huitt-Zollars, Inc. shall not be required to furnish any professional land surveying service not specifically outlined in the Scope of Services above.

4.0 Client Provided Services:

4.1 Client shall provide Huitt-Zollars with the following:

- 4.1.1 Surveys for limits of the existing ETJ
- 4.1.2 Any record information available to client pertinent to propose ETJ limits

COMPENSATION:

1.0 Fee

- 1.1 Our fee for the Basic Services defined above is **\$ 22,134.00 (Lump Sum)**
- 1.2 Direct Costs (Express Mailings & repeat reproduction of drawings) are included in the above fee.

SCHEDULE:

- 1.0 The deliverables listed below and defined in Basic Services above will be delivered within 25 working days of receipt by Huitt-Zollars, Inc. of notice to proceed.
- 2.0 The date of the notice to proceed will be the date of receipt by Huitt-Zollars by mail (5822 Cromo Drive, Suite 210, El Paso, TX 79912-5502) or e-mail (cwegmann@huitt-zollars.com) of the signed AUTHORIZATION Section that follows the Terms and Conditions below and/or receipt of a purchase order in the client's format that has this proposal attached as an exhibit.

DELIVERABLES:

- 2 signed / sealed Metes and Bounds Descriptions establishing limits of the proposed ETJ release.



AUTHORIZATION:

Should this proposal meet with your approval and acceptance, please sign and return to our office by mail to 5822 Cromo Drive, Suite 210, El Paso, Texas 79912; or by e-mail to cwegmann@huitt-zollars.com. We will schedule the above services as soon as we receive your authorization. If you have any questions, please call.

Sincerely,

HUITT-ZOLLARS, INC.
(TBPELS Firm License Number
for El Paso Office is 10025603)

Christian M. Wegmann, RPLS
Project Manager

Isabel Vasquez, PE, VP
Managing Principal, El Paso Office

Accepted and Approved for

(Signature)

(Printed Name)

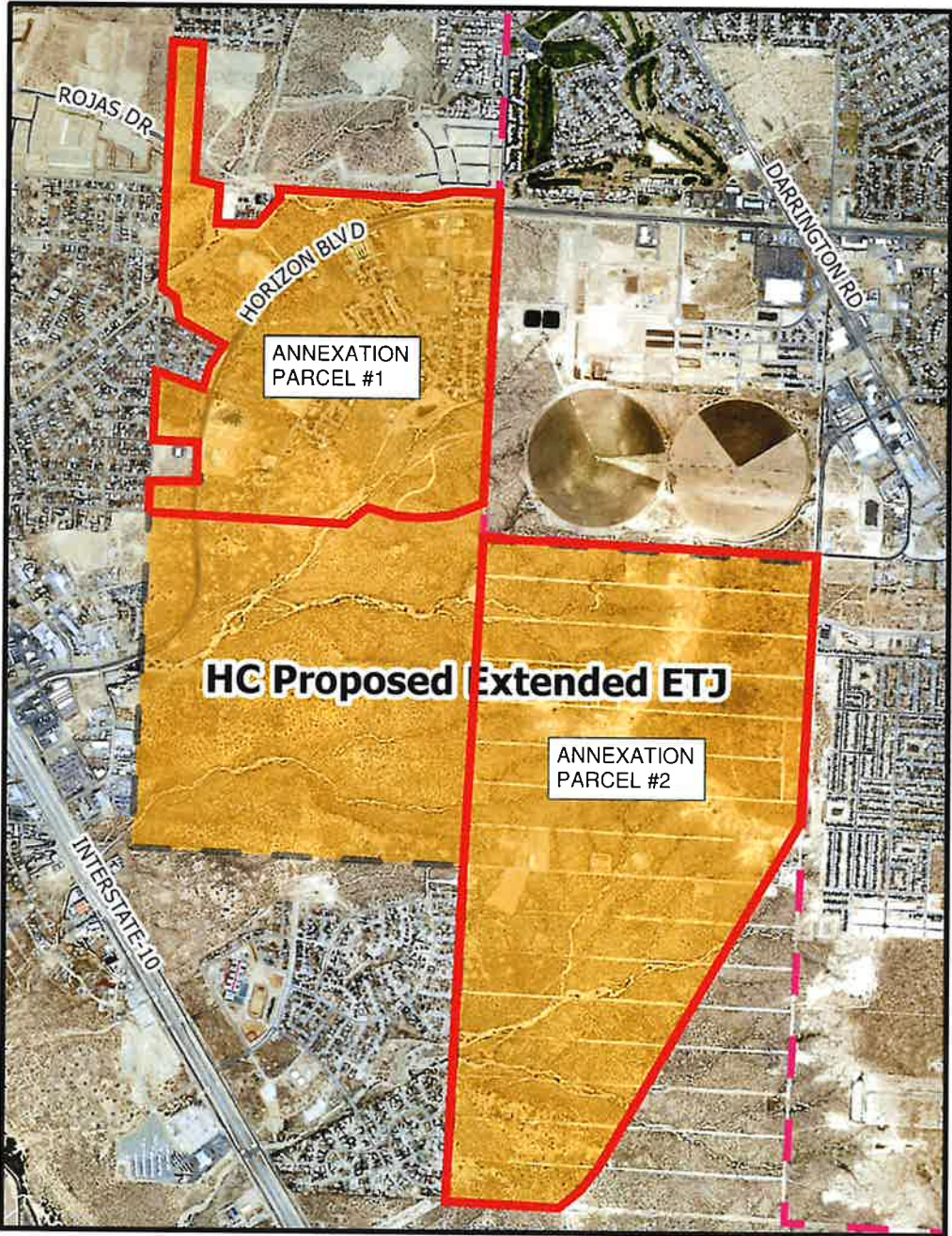
(Title)

(Date)

Attachments:
Exhibit "A": Proposed ETJ Limits

Mandatory Notice Rule 663.1: The Texas Board of Professional Engineers and Land Surveyors (TBPLS) enforces the Professional Land Surveying Practices Act and Rules of the Board. Complaints alleging violations of the Act or Rules may be submitted to 1917 S. IH 35 Frontage Rd., Austin, TX 78741.

EXHIBIT "A"



RESOLUTION

Town of Horizon City

WHEREAS, on or about December 9, 1988, the Town of Horizon City selected a firm to provide engineering services in accordance with applicable State law that requires such selections be based upon qualifications;

WHEREAS, Huitt-Zollars, Inc. was selected to provide engineering services to the Town of Horizon City;

WHEREAS, the Town of Horizon City is exploring the ability to extend its extraterritorial jurisdiction (ETJ) which would require the City of El Paso, Texas to release a portion of its ETJ;

WHEREAS, the Town of Horizon City now desires to issue a task order through the Engineering Services Agreement between the Town of Horizon City and Huitt-Zollars for surveying services not to exceed \$22,134.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY AS FOLLOWS:

That the Mayor is authorized to issue and sign a task order through the Engineering Services Agreement between the Town of Horizon City and Huitt-Zollars for surveying services in an amount not to exceed \$22,134.00 attached to this Resolution.

Adopted and approved on the ____ day of December 2023.

Town of Horizon City

By: _____
Andres Renteria, Mayor

ATTEST:

By: _____
Elvia Schuller
City Clerk

APPROVED AS TO FORM

By: _____
Sylvia Borunda Firth
City Attorney

STATE OF TEXAS §
 §
COUNTY OF EL PASO §
 §

**INTERLOCAL PUBLIC SERVICE TRANSIT AND CONTRIBUTION
AGREEMENT FOR FISCAL YEAR 2024**

This Agreement (“Agreement”) is made by and between the **EL PASO AREA TRANSPORTATION SERVICES, LGC** (“EPATS”) and **TOWN OF HORIZON CITY** (“HORIZON”), acting by and through their duly authorized officials. EPATS and HORIZON are each referred to hereinafter as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, EPATS is a local government corporation organized and existing under the laws of the State of Texas for the purpose of encouraging and assisting local units of government to join and cooperate with one another to provide and deliver regional multimodal transportation solutions and services (the “Transit Service”) for the residents of the Greater El Paso community; and

WHEREAS, HORIZON is a political subdivision of the State of Texas and is a member entity of EPATS and has appointed a representative to serve on the EPATS Board of Directors; and

WHEREAS, the Parties are committed to working together to provide and improve the Transit Service in El Paso County; and

WHEREAS, HORIZON agrees that as a member entity of EPATS it will make a financial contribution to support the Transit Service for fiscal year 2024; and

WHEREAS, the Parties acknowledge that the amount of HORIZON’s financial contribution was calculated and determined by the Texas A&M Transportation Institute (“TTI”) and that TTI has provided or made available information explaining the Transit Service for fiscal year 2024, the different funding sources for the Transit Service, and the methodology used by TTI to calculate the amounts of the financial contributions to be made by HORIZON and each of the other member entities of EPATS; and

WHEREAS, pursuant to and under the authority of the Texas Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, as amended, EPATS and HORIZON are authorized to enter into this Agreement.

NOW, THEREFORE, in consideration of the covenants, conditions, provisions, and mutual benefits received as set forth herein, which is hereby acknowledged by EPATS and the Member Entities, the parties agree as follows:

AGREEMENT

1. **Effective Date:** This Agreement is effective when signed by the Parties' authorized representatives. This Agreement will remain in effect through September 30, 2024, unless terminated as provided below.
2. **Termination:** This Agreement terminates on September 30, 2024, unless prior to that date:
 - a. The Agreement is terminated in writing with the Parties' mutual consent; or
 - b. The Agreement is terminated by one Party because of a breach by the other Party, after providing written notice and a reasonable opportunity to cure the breach.
3. **Administrative and Fiscal Agent:** The Rio Grande Council of Governments ("COG") serves as the administrative and fiscal agent of EPATS.
4. **Transit Service:** EPATS has approved the Transit Service for fiscal year 2024, which may be changed or amended as necessary to ensure the safe or efficient operation of the Transit Service. If a material change to the Transit Service occurs, EPATS will promptly notify HORIZON but no later than thirty (30) days.

Furthermore, notwithstanding anything to the contrary, EPATS and HORIZON agree that the County of El Paso has the authority to take immediate action to initiate a change or modification to the Transit Service without prior approval from EPATS if the change or modification is needed to address a significant safety issue or public concern. The County will notify EPATS of any such change at the next EPATS Board meeting, or as soon as possible. The Parties agree that required detours or other short-term changes do not require any notification to or action by EPATS.

5. **Contribution Amount:** HORIZON will pay EPATS the sum of \$87,800.00 for fiscal year 2024 within thirty (30) business days of the Agreement's effective date.
6. **Use of Contribution Amount:** HORIZON agrees that EPATS may use all funds received under this Agreement for any and all lawful purposes necessary to carry out the purposes of this Agreement.
7. **Refund of Contribution Amount:** If either Party terminates the Agreement before September 30, 2024, HORIZON may request a refund of the remaining balance of its financial contribution amount that has not yet been used, spent, promised, or allocated by EPATS towards the Transit Service.
8. **Notices and Payments:** All notices and payments required by this Agreement must be sent to the Rio Grande Council of Governments by mail to the following address:

Rio Grande Council of Governments
Annette Gutierrez, Executive Director

8037 Lockheed Drive, Suite 100
El Paso, Texas 79925

NOTE: Payments submitted under this Agreement shall be made payable to: RIO GRANDE COUNCIL OF GOVERNMENTS

9. **Suspension of Transit Service:** If HORIZON fails to pay its contribution amount, EPATS may immediately suspend all services provided to HORIZON under the Transit Service.
10. **Public Meetings:** HORIZON agrees to participate in public meetings pertaining to the Transit Service, assist with coordinating such events, including coordination with EPATS marketing efforts, and locating or providing facilities where public meetings can be hosted with easy access to the community. HORIZON will advertise and announce public meetings pertaining to the Transit Service on its social platforms.
11. **EPATS Duties and Responsibilities:** The Parties agree that EPATS shall have the following duties and responsibilities for the Transit Service:
 - A. Approve and implement the Transit Service for fiscal year 2024.
 - B. Hold public meetings to discuss, review, evaluate, and take appropriate action related to the Transit Service, including public engagement, marketing plans, and the functioning and operations of EPATS and the Transit Service.
 - C. Prepare, approve, and implement policies and procedures for EPATS and the Transit Service.
12. **El Paso County Duties and Responsibilities:** The Parties agree that El Paso County shall have the following duties and responsibilities for the Transit Service:
13. Maintain, repair, and clean the bus stops and related amenities consistent with the Transit Service, including removing trash, graffiti, debris, snow, ice, or other hazards and obstacles. All repairs will meet the same specifications as El Paso County construction specifications.
14. Install and maintain bus stop poles and signs at bus stops for the Transit Service. The graphics used for the signs and the locations of the poles and signs shall be approved by El Paso County prior to installation.
15. Construct and maintain (or cause to be constructed and maintained) all necessary facilities at the bus stops, including any necessary sidewalks, pavement, lighting, or bus shelters. Maintenance will include cleaning trash, debris, snow, ice, or other hazards or obstacles at bus stops. At the same time, HORIZON shall be responsible for the infrastructure required to close any gaps in pedestrian connectivity to the bus shelter facility.

16. HORIZON Duties and Responsibilities: The Parties agree that HORIZON shall have the following duties and responsibilities regarding the Transit Service:

- A. HORIZON shall permit EPATS to operate the Transit Service on its streets and at approved bus stops. HORIZON shall provide all maintenance of the streets as necessary and shall be responsible for wear and tear of pavement surfaces.
- B. HORIZON shall provide EPATS and County of El Paso with guidance and will help expedite the obtaining of all permits, licenses, inspections, and permissions required for the Transit Service in its jurisdiction.
- C. HORIZON shall assist in marketing and communications regarding the Transit Service to residents using HORIZON's website, resident newsletter, or other methods of communication controlled by HORIZON or the County of El Paso.

17. No Indemnification: The Parties agree that no Party will have the right to seek indemnification or contribution from any other Party for any losses, costs, expenses, or damages arising from this Agreement. Each Party must handle any claims resulting from their actions in this Agreement. Each Party agrees that each will be responsible for the acts or omissions of its respective agents, employees, and representatives.

18. General Provisions:

- A. **Sovereign Immunity.** Notwithstanding any other provision of this Agreement, nothing herein shall be construed as a waiver by either Party of its constitutional, statutory, or common law rights, privileges, immunities, or defenses. To the extent the terms of this paragraph conflict with any other provision in this Agreement, the terms of this paragraph shall control.
- B. **No Waiver.** A Party may waive any default without waiving any prior or subsequent defaults. A Party's failure to exercise or delay in exercising any right under this Agreement will not operate as a waiver of such right.
- C. **Independent Contractor Relationship.** Nothing in this Agreement will be construed to constitute either Party as a partner, employee or agent of the other Party, nor will either Party have the authority to bind the other in any respect. Each Party will remain an independent contractor responsible for its own actions.
- D. **Time is of the Essence.** Time is of the essence in the performance of this Agreement.
- E. **Public Information Act.** It is the independent responsibility of the Parties to comply with the provisions of Chapter 552 of the Texas Government Code (Texas Public Information Act), as those provisions apply to the Parties' respective information.
- F. **Governing Law.** Texas law governs this Agreement.

- G. Venue.** The venue for disputes regarding this Agreement among the Parties will be El Paso County, Texas.
- H. Severability.** A future finding of invalidity of any provision of this Agreement does not affect the validity of any remaining provisions of this Agreement.
- I. Headings.** The headings and subheadings of this Agreement are for information purposes only and are not substantive terms.
- J. Compliance with the Laws.** The Parties will comply with all applicable laws, administrative orders, and rules or regulations relating to the obligations under this Agreement.
- K. Force Majeure.** There is no breach of contract should any Party's obligations within this Agreement be delayed due to an act of God, outbreak of hostilities, riot, civil disturbance, acts of terrorism, the act of any government or authority, fire, explosion, flood, theft, malicious damage, strike, lockout, or any cause or circumstances beyond any Party's reasonable control. The delayed Party must resume performing its obligations in this Agreement after the reason for the delay is resolved.
- L. Successors and Assigns.** This Agreement binds the Parties and the Parties' successors and assigns. No Party may assign, sublet, or transfer its interest or obligations in this Agreement without the written consent of the other Party.
- M. Third-Party Beneficiaries.** There are no third-party beneficiaries for this Agreement.
- N. Provisions Surviving this Agreement.** Representations, releases, warranties, covenants, indemnities, and confidentiality survive past the execution, performance, and termination of this Agreement.
- O. Representations and Warranties.** Each person executing this Agreement on behalf of any Party hereby represents and warrants that they have full and complete authority to sign on behalf of their respective Party.
- P. Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall be considered an original, but all of which together shall constitute one and the same instrument.
- Q. Amendments.** This Agreement may be amended at any time by written instruments executed by the authorized officials of the Parties.

(Signature pages follow)

STATE OF TEXAS

COUNTY OF EL PASO

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**INTERLOCAL PUBLIC SERVICE TRANSIT AND CONTRIBUTION
AGREEMENT FOR FISCAL YEAR 2024**

Signature page for the El Paso Area Transportation Service Local Government Corporation

APPROVED this ____ day of November 2023.

Chair Carlos Leon
EPATS, LGC Board Chair

STATE OF TEXAS

COUNTY OF EL PASO

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**INTERLOCAL PUBLIC SERVICE TRANSIT AND CONTRIBUTION
AGREEMENT FOR FISCAL YEAR 2024**

Signature page for the Town of Horizon City, Texas

APPROVED this ____ day of December 2023.

Andres Renteria
Mayor

RESOLUTION

WHEREAS, the members of the El Paso Area Transportation Service Local Government Corporation (“EPATS, LGC”) include El Paso County, the Town of Horizon City, the Village of Vinton, the City of San Elizario, and the Town of Clint (“Members”); and

WHEREAS, EPATS, LGC is organized for the purpose of encouraging and assisting local units of government to join and cooperate with one another to provide and deliver regional multimodal transportation solutions for the residents of the Greater El Paso Community; and

WHEREAS, the Members are committed to working together to provide and improve the Transit Service in El Paso County; and

WHEREAS, the Members have agreed to enter into this Agreement in order to make a financial commitment to support the Transit Service for fiscal year 2024.

WHEREAS, the City Council of the Town of Horizon City finds that this financial contribution is for the good and service of the Town of Horizon City as members of the EPATS, LGC; and

WHEREAS, the City Council of the Town of Horizon City hereby agrees to pay EPATS the sum of \$87,000.00 for fiscal year 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS:

That the Mayor be authorized to sign the Interlocal Public Service Transit Agreement and Contribution Agreement for Fiscal Year 2024 as members of the El Paso Area Transportation Service Local Government Corporation.

PASSED AND ADOPTED this _____ day of December, 2024.

TOWN OF HORIZON CITY

Andres Renteria
Mayor

ATTEST:

Elvia Schuller, TRMC
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Sylvia Borunda Firth
City Attorney

Michelle Garcia, AICP
Planning Director