

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS, CALLING A SPECIAL ELECTION FOR THE SUBMISSION OF AN ORDINANCE REPEALING “A RESOLUTION APPROVED BY CITY COUNCIL ON JUNE 26, 2012, STYLED UNDER – REGULAR AGENDA – OTHER BUSINESS 12. CITY MANAGER: 3. DISCUSSION AND ACTION ON A RESOLUTION THAT THE CITY MANAGER BE AUTHORIZED TO SIGN THE TERM SHEET AS AGREED UPON BY THE CITY OF EL PASO AND MOUNTAIN STAR SPORTS GROUP, LLC, IN ORDER TO SIGNAL THE CREATION OF THE PUBLIC/PRIVATE PARTNERSHIP AND THE INTENT OF THE CITY COUNCIL TO CONSTRUCT A PUBLIC SPORTS FACILITY (“BALLPARK”) IN THE EVENT THE INVESTORS ARE ABLE TO PURCHASE A TRIPLE-A MINOR LEAGUE BASEBALL FRANCHISE AND RELOCATE IT TO EL PASO; THAT THE CITY COUNCIL INTENDS TO LOCATE THE BALLPARK ON THE SITE CURRENTLY OCCUPIED BY CITY HALL, INSIGHTS MUSEUM, THE COMMUNITY GARDEN AND THE SUPPORTING PARKING AREA FRONTING ON FRANKLIN STREET AND AUTHORIZES THE CITY MANAGER TO TAKE MEASURES TO COMPLETE THE PLANNING FOR THE REDEVELOPMENT OF SUCH SITE AND TO TAKE STEPS TO MAKE THE SITE AVAILABLE FOR THE CONSTRUCTION, INCLUDING TERMINATION OF LEASEHOLD INTERESTS, AND TO MOVE FORWARD TO FORMULATE LONG TERM AND SHORT TERM EXECUTION PLANS FOR THE RELOCATION OF CITY OPERATIONS FROM THE CITY HALL SITE TO OTHER LOCATIONS IN THE DOWNTOWN AREA FOR THE CONSTRUCTION OF THE BALLPARK; THAT THE CITY MANAGER BE AUTHORIZED TO PROCEED WITH PROPOSED FINANCING PLAN TO INCLUDE THE POSSIBLE USE OF (i) A VENUE HOTEL OCCUPANCY TAX IF APPROVED BY THE VOTERS AT A DULY-CALLED ELECTION; (ii) LEASE REVENUE BONDS ISSUED BY A LOCAL GOVERNMENT CORPORATION FORMED BY THE CITY; AND/OR (iii) OTHER DEBT OBLIGATIONS ISSUED BY OR ON BEHALF OF THE CITY FOR THE CONSTRUCTION AND DEVELOPMENT OF THE BALLPARK; AND THAT THE CITY MANAGER OR HER DESIGNEE BE AUTHORIZED TO NEGOTIATE A CONTRACT CONTAINING THE TERMS AND CONDITIONS SET FORTH IN THE TERM SHEET FOR THE CONSTRUCTION AND FUTURE OPERATIONS AND MAINTENANCE OF THE BALLPARK AND TO PRESENT IT TO CITY COUNCIL FOR CONSIDERATION UPON COMPLETION OF THE NEGOTIATIONS. (ALL DISTRICTS)” TO BE HELD WITHIN THE CITY ON MAY 11, 2013

WHEREAS, pursuant to Section 3.11 of the City Charter, a number of registered voters equal to at least five percent of the voters who voted in the last general City election signed an initiative petition calling for City Council to place on the agenda within the next thirty business days the following proposed ordinance (“Proposed Ordinance”):

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO: That a Resolution adopted on June 26, 2012, be repealed styled: 12. CITY MANAGER: 3. Discussion and action on a Resolution that the City Manager be authorized to sign the Term Sheet as agreed upon by the City of El Paso and Mountain Star Sports Group, LLC, in order to signal the creation of the public/private partnership and the intent of the City Council to construct a public sports facility ("Ballpark") in the event the investors are able to purchase a Triple-A Minor League Baseball Franchise and relocate it to El Paso; that the City Council intends to locate the Ballpark on the site currently occupied by City Hall, Insights Museum, the Community Garden and the supporting parking area fronting on Franklin Street and authorizes the City Manager to take measures to complete the planning for the redevelopment of such site and to take steps to make the site available for the construction, including termination of leasehold interests, and to move forward to formulate long term and short term execution plans for the relocation of City operations from the City Hall site to other locations in the downtown area for the construction of the Ballpark; that the City Manager be authorized to proceed with proposed financing plan to include the possible use of (i) a venue hotel occupancy tax if approved by the voters at a duly-called election; (ii) lease revenue bonds issued by a local government corporation formed by the City; and/or (iii) other debt obligations issued by or on behalf of the City for the construction and development of the Ballpark; and that the City Manager or her designee be authorized to negotiate a contract containing the terms and conditions set forth in the Term Sheet for the construction and future operations and maintenance of the Ballpark and to present it to City Council for consideration upon completion of the negotiations. (All Districts).

WHEREAS, pursuant to Section 3.11 of the City Charter, the petition was received by the City Clerk on August 9, 2012, certified on September 5, 2012, and the Proposed Ordinance was introduced on September 11, 2012. The Proposed Ordinance was voted down by City Council on September 18, 2012.

WHEREAS, pursuant to Section 3.11 of the City Charter, a second petition with the requisite number of signatures was certified by the City Clerk on November 29, 2012. This petition called for the Proposed Ordinance to be placed on the ballot at the next general election to be held in the City of El Paso.

WHEREAS, pursuant to Section 3.11 of the City Charter, this Ordinance was introduced at the City Council meeting held on February 19, 2013, and a "Notice of Introduction of Ordinance" was published on February 26, 2013 in a newspaper of general circulation in this City, which notice summarized this Ordinance as introduced and gave notice of the time, date, and place of a public hearing to be held prior to the passage of this Ordinance, and the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended.

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

1. That pursuant to the Texas Election Code, as amended, an election shall be held in and throughout the City of El Paso, Texas, on May 11, 2013, which date is not less than sixty-two (62) nor more than ninety (90) days from the date of this Ordinance, which date is the next general election scheduled under State law.

2. That at such election, the Proposed Ordinance shall be submitted to the qualified voters of the City and official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote for, or against, the Proposed Ordinance with the ballots to contain such provisions, markings, and language required by law, and which the Proposed Ordinance shall appear on the ballot substantially as follows:

Proposed Ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO: That a Resolution adopted on June 26, 2012, be repealed styled: 12. CITY MANAGER: 3. Discussion and action on a Resolution that the City Manager be authorized to sign the Term Sheet as agreed upon by the City of El Paso and Mountain Star Sports Group, LLC, in order to signal the creation of the public/private partnership and the intent of the City Council to construct a public sports facility ("Ballpark") in the event the investors are able to purchase a Triple-A Minor League Baseball Franchise and relocate it to El Paso; that the City Council intends to locate the Ballpark on the site currently occupied by City Hall, Insights Museum, the Community Garden and the supporting parking area fronting on Franklin Street and authorizes the City Manager to take measures to complete the planning for the redevelopment of such site and to take steps to make the site available for the construction, including termination of leasehold interests, and to move forward to formulate long term and short term execution plans for the relocation of City operations from the City Hall site to other locations in the downtown area for the construction of the Ballpark; that the City Manager be authorized to proceed with proposed financing plan to include the possible use of (i) a venue hotel occupancy tax if approved by the voters at a duly-called election; (ii) lease revenue bonds issued by a local government corporation formed by the City; and/or (iii) other debt obligations issued by or on behalf of the City for the construction and development of the Ballpark; and that the City Manager or her designee be authorized to negotiate a contract containing the terms and conditions set forth in the Term Sheet for the construction and future operations and maintenance of the Ballpark and to present it to City Council for consideration upon completion of the negotiations. (All Districts).

3. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

4. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 4, 2013, and Sunday, May 5, 2013, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 29, 2013, through Friday, May 3, 2013, at the hours listed below; on Saturday, May 4, 2013, at all locations from 9:00 am – 6:00 pm; on Sunday, May 5, 2013, at all locations from 12:00 pm – 5:00 pm; and from Monday, May 6, 2013, and Tuesday, May 7, 2013, at all locations from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Hours for Apr 30 - May 3, 2013 only</u>
a. Ana M. Garcia-Enriquez M.S.	12280 Socorro Rd.	8:00 am – 4:00 pm
b. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
c. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
d. Carolina Recreation Center	563 N. Carolina Dr.	9:00 am – 6:00 pm
e. Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
f. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
g. Marty Robbins Rec. Center	11600 Vista Del Sol Dr.	9:00 am – 6:00 pm
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. Pavo Real Recreation Center	9301 Alameda Ave.	9:00 am – 6:00 pm
j. Pebble Village Center	10780 Pebble Hills Blvd.	9:00 am – 6:00 pm
k. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
l. Socorro High School	10150 Alameda Ave.	8:00 am – 5:00 pm
m. Sunrise Shopping Center	8500 Dyer St.	9:00 am – 6:00 pm
n. Sun Valley Center	4525 Sun Valley Dr.	9:00 pm – 6:00 pm
o. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting at publicly owned buildings in the City as set forth in Exhibit "B." The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 12, 2013, and no later than the close of business on April 26, 2013, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

5. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.
6. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.
7. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.
8. That by approving and signing this ordinance, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.
9. A substantial copy of this ordinance shall serve as proper notice of said election.
10. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.
11. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 12, 2013.

APPROVED this ____ day of February 2013.

CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

APPROVED AS TO FORM:

Richarda Duffy Momsen
City Clerk


Matthew K. Behrens
Assistant City Attorney

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
2-3	Village of Vinton City Hall	436 E. Vinton Rd.
5	Fire Station # 2	111 E. Borderland Rd.
6	Tennis West	One Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station # 15	115 Shorty Ln.
9 & 28	Zack White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11 & 12	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
13	Franklin 9th Grade Center	825 E. Redd Rd.
14	Tippin Elementary School	6541 Bear Ridge Dr.
15	Fire Station # 27	6767 Ojo De Agua Dr.
16	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
17	Franklin High School	900 N. Resler Dr.
18	Monte Vista Retirement Center	1575 Belvidere St.
19	Good Samaritan Society - White Acres	7304 Good Samaritan Ct.
20 & 176	Polk Elementary School	940 Belvidere St.
21 & 177	Peace Lutheran Church	5890 Via Cuesta Dr.
22	Fire Station # 22	6500 N. Mesa St.
23	Carlos Rivera Elementary School	6445 Escondido Dr.
24	Western Hills U.M.C.- Steward Family Life Center #A	524 Thunderbird Dr.
25	Dr. Green Elementary School	5430 Buckley Dr.
26 & 27	Putnam Elementary School	6508 Fiesta Dr.
29	L. B. Johnson Elementary School	499 Cabaret Dr.
30 & 31	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
32 & 33 & 34	Mesita Elementary School	3307 N. Stanton St.
35	El Paso Tennis Club	2510 N. St. Vrain St.
36	Vilas Elementary School	220 Lawton Dr.
37	Father Pinto Complex	1001 S. Ochoa St.
38	Fire Station # 3	721 E. Rio Grande Ave.
39	Sun Plaza Housing	1221 E. San Antonio Ave.
40	Lamar Elementary School	1440 E. Cliff Dr.
41	Career & Technology Center	1170 N. Walnut St.
42	Beall Elementary School	320 S. Piedras St.
43 & 44	Dr. Nixon Elementary School	11141 Loma Roja Dr.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
45 & 46	Bradley Elementary School	5330 Sweetwater Dr.
47	H.E. Charles Middle School	4909 Trojan Dr.
48	Fannin Elementary School	5425 Salem Dr.
49 & 50	Desertaire Elementary School	6301 Tiger Eye Dr.
51	El Paso Korean U.M.C.	4925 Fairbanks Dr.
52	Collins Elementary School	4860 Tropicana Ave.
53	Newman Elementary School	10275 Alcan St.
54	Parkland High School	5932 Quail Ave.
55 & 184-1	Whitaker Elementary School	4700 Rutherford Dr.
56	Dowell Elementary School	5249 Bastille Ave.
57	Fire Station # 23	5315 Threadgill Ave.
58 & 178	Dolphin Terrace Elementary School	9790 Pickerel Dr.
59	Crosby Elementary School	5411 Wren Ln.
60 & 186 & 188	Fire Station # 16	3828 Hercules Ave.
61 & 185	Park Elementary School	3601 Edgar Park Rd.
62	Nolan Richardson Recreation Center	4435 Maxwell Ave.
63	Magoffin Middle School	4931 Hercules Ave.
64	Stanton Elementary School	5414 Hondo Pass Dr.
65	Logan Elementary School	3200 Ellerthorpe Ave.
66	Burnet Elementary School	3700 Thomason Ave.
67	Travis Elementary School	5000 N. Stevens St.
68 & 187	Kathy White Housing Complex	2500 Mobile Ave.
69	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
70	Paul C. Moreno Elementary School	2300 San Diego Ave.
71	Memorial Park Senior Citizen Center	1800 Byron St.
72	Austin High School	3500 Memphis Ave.
73	Coldwell Elementary School	4101 Altura Ave.
74	Fire Station # 7	3200 Pershing Dr.
75	Cross of Grace Church	4700 Leeds Ave.
76 & 77	Fire Station # 13	5415 Trowbridge Dr.
78	Chelsea Plaza Housing	600 Chelsea St.
79	Fire Station # 5	4240 Alameda Ave.
80	Burleson Elementary School	4400 Blanco Ave.
81	San Juan Recreation Center	701 N. Glenwood St.

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
82	Hawkins Elementary School	5816 Stephenson Ave.
83	Henderson Middle School	5505 Robert Alva Ave.
84	Clardy Elementary School	5508 Delta Dr.
85	Fire Station #14	6300 Delta Dr.
87 & 89 & 174 & 189	Bonham Elementary School	7024 Cielo Vista Dr.
90	Fire Station #20	8301 Edgemere Blvd.
91	Mac Arthur Elementary School	8101 Whitus Dr.
92	Cielo Vista Park Elementary School	9000 Basil Ct.
93 & 175	Scotsdale Elementary School	2901 Mc Rae Blvd.
94	Edgemere Elementary School	10300 Edgemere Blvd.
95	Gary Del Palacio Recreation Center	3001 Parkwood St.
96	Eastpoint Elementary School	2400 Zanzibar Rd.
97	Fire Station #19	2405 Mc Rae Blvd.
98	Eastwood Heights Elementary School	10530 Janway Dr.
99 & 100	Pebble Hills Elementary School	11145 Edgemere Blvd.
101	Eastside Senior Center	3200 Fierro Dr.
102	YWCA - East	10712 Sam Snead Dr.
103	Vista Hills Elementary School	10801 La Subida Dr.
104	Fire Station #24	1498 Lomaland Dr.
105	Indian Ridge Middle School	11201 Pebble Hills Blvd.
106	Glen Cove Elementary School	10955 Sam Snead Dr.
107	Hanks High School	2001 Lee Trevino Dr.
108	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
109	Desert View Middle School	1641 Billie Marie Dr.
110	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
111 & 112	Jane Hambric Pre K-8 School	3535 Nolan Richardson Dr.
113 & 114	Bill Sybert Pre K-8 School	11530 Edgemere Blvd.
115 & 182-1	Hurshel Antwine Elementary School	3830 Rich Beem Blvd.
116	Spec. Rafael Hernando III Middle School	3451 Rich Beem Blvd.
117 & 118	Benito Martinez Elementary School	2640 Robert Wynn St.
119	Helen Ball Elementary School	1950 Firehouse Dr.
120	O'Shea Keleher Elementary School	1800 Leroy Bonse Dr.
121	Montwood High School	12000 Montwood Dr.
122	Vista Del Sol Elementary School	11851 Vista Del Sol Dr

EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES
SPECIAL ELECTION, MAY 11, 2013

PRECINCT NO.	POLLING PLACE	ADDRESS
123	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
124 & 125 & 131	Sierra Vista Elementary School	1501 Bob Hope Dr.
126	Fire Station # 35	12230 Pine Springs Dr.
127-2	Red Sands Elementary School	4250 O'Shea Rd.
128-1 & 181-1	El Dorado 9th Grade Academy	14400 Pebble Hills Blvd.
129 & 130	Lujan-Chavez Elementary School	2200 Sun Country Dr.
132 & 134	Ramona Elementary School	351 Nichols Rd.
133	Del Norte Heights Elementary School	1800 Winslow Rd.
135	Ascarate Elementary School	7090 Alameda Ave.
136	Cedar Grove Elementary School	218 Barker Rd.
137	Ranchland Hills Middle School	7615 Yuma Dr.
138	Hacienda Heights Elementary School	7530 Acapulco Ave.
139	Mesa Vista Elementary School	8032 Alamo Ave.
140	Good Samaritan Towers	7750 Lilac Way
141	Fire Station #18	7901 San Jose Rd.
142	Riverside High School	301 Midway Dr.
143	Thomas Manor Elementary School	7900 Jersey St.
144 & 145	Loma Terrace Elementary School	8200 Ryland Dr.
146	Marian Manor Elementary School	8300 Forest Haven Ct.
147	Cadwallader Elementary School	7988 Alameda Ave.
148	Alicia R. Chacon School	221 Prado Rd.
149	Valley View Middle School	8660 Northloop Dr.
150	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
151 & 179	Capistrano Elementary School	240 Mecca Dr.
152 & 154	Lebarron Park Elementary School	920 Burgundy Dr.
153 & 155	Lancaster Elementary School	9230 Elgin Dr.
156	Pavo Real Recreation Center	9301 Alameda Ave.
157	South Loop Elementary School	520 Southside Rd.

EXHIBIT B**MOBILE VOTING: APRIL 29, 2013 - MAY 7, 2013****SPECIAL ELECTION, MAY 11, 2013**

Date	Mobile #1	Mobile #2
April 29, 2013 Monday 9:00 am - 4:00 pm.	South El Paso Senior Citizen Center 600 S. Ochoa St.	Hilos De Plata Senior Citizen Center 4451 Delta Dr.
April 30, 2013 Tuesday 8:00 am. - 5:00 pm.	UTEP Union East 2nd Floor 500 W. University Ave.	EPCC Valle Verde 919 Hunter Dr.
May 1, 2013 Wednesday 9:00 am. - 5:00 pm.	Galatzan Recreation Center 650 Wallenberg Dr.	Gary Del Palacio Recreation Center 3001 Parkwood St
May 2, 2013 Thursday 9:00 am. - 5:00 pm.	Westside Branch Library 125 Belvidere St.	Armijo Branch Library 620 E. Seventh Ave.
May 3, 2013 Friday 9:00 am. - 5:00 pm.	Don Haskins Recreation Center 7400 High Ridge Dr.	Pat O'Rourke Recreation Center 901 N. Virginia St.
May 4, 2013 Saturday 10:00 am. - 6:00 pm.	Dorris Van Doren Regional Branch Library 554 Redd Rd.	Esperanza Acosta Moreno Regional Branch Library 12480 Pebble Hills Blvd.
May 5, 2013 Sunday 12:00 pm. - 5:00 pm.	Westside Regional Command Center 4801 Osborne Dr.	Mission Valley Regional Command Center 9011 Escobar Dr.
May 6, 2013 Monday 8:00 am.- 5:00 pm.	El Paso Police Headquarters 911 N. Raynor St.	Jose Cisneros Library 1300 Hawkins
May 7, 2013 Tuesday 8:00 am.- 5:00 pm.	City of El Paso El Paso Times Bldg. 300 N. Campbell St.	Memorial Park Branch Library 3200 Copper Ave.