

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

DEPARTMENT: Municipal Clerk

AGENDA DATE: March 3, 2009

CONTACT PERSON/PHONE: Richarda Duffy Momsen, Municipal Clerk

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Approve a Resolution amending the Resolution providing for the 2009 Special Election in the City of El Paso for the submission of a measure to be held within the City on May 9, 2009, by amending Exhibit A (List of Polling Places). To also amend the date of the election to **Saturday**, May 9, 2009, and amend the wording to read "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."

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

It is necessary to amend the original ordinance by

- 1) correcting an error on the day of the week for the election to Saturday, May 9, 2009
- 2) updating Exhibit A to update the polling places as advised by the County Elections Administrator
- 3) correcting a reference to electronic voting by removing reference to ballots cast through the mail

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, the original Resolution was approved on February 10, 2009.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Yes, the election is budgeted.

Department	11010009	Municipal Clerk
Account.	502203 Elections	
Fund	01101	General Fund

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

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

LEGAL: (if required) _____

FINANCE: (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA: _____

CITY MANAGER: _____

DATE: _____

A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF EL PASO FOR THE SUBMISSION OF A MEASURE TO BE HELD WITHIN THE CITY ON MAY 9, 2009; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

WHEREAS, in accordance with Section 3.11 of the El Paso City Charter, an initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on November 14, 2008; and

WHEREAS, in accordance with Section 3.11 of the Charter, a second identical initiative petition ordinance was filed with the City Clerk, and the City Clerk certified this petition on January 23, 2009.

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

1. That pursuant to the Texas Election Code, as amended, a special election will be held on Saturday, May 9, 2009 in the City of El Paso for the purpose of submitting the following measure to the qualified voters. 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 measure with the ballots to contain such provisions, markings, and language required by law, and with such measure to be expressed substantially as follows:

ADOPTION OF AN ORDINANCE OF THE CITY OF EL PASO
text of the ordinance

Adoption of an ordinance titled “An ordinance of the City of El Paso, Texas, transferring the rate making authority and changing the rate of the municipal utility drainage system,” and specifically providing as follows:

WHEREAS, the City of El Paso (“El Paso”) previously established a Municipal Drainage Utility System via Ordinance No. 16668; and

WHEREAS, the citizens of El Paso have clearly voiced the opposition of the Municipal Drainage Utility System and the fees imposed for its operation; and

WHEREAS, the City, in deference to the views of its Citizens, wishes to restructure and reduce the fees imposed for the operation of the Municipal Drainage Utility System; and

WHEREAS, the City recognizes state law prohibits it from altogether dissolving the Municipal Drainage Utility System until it has operated substantially continuously for five years; and

WHEREAS, the City retains the authority to transfer operation of the Municipal Drainage Utility System from the Public Service Board back to City Council and to reduce the rate for the drainage utility.

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

Section I. Definitions.

“Board” means that certain board of trustees known as the “Public Service Board” established by the City pursuant to Section 1502.070 of the Texas Government Code and charged with having complete authority and control of the management and operation of the water and wastewater system of the City, as “City” means the City of El Paso, Texas, a Texas Home Rule Municipality.

“System” means the Municipal Drainage Utility System established by Ordinance 16668 and encompasses the complete drainage system of the City as it now exists and may be improved, added to, or extended hereafter, there being included in such term all drainage facilities now or hereafter owned or operated.

Section II.

1. Section III D of Ordinance 16668 is hereby rescinded. The authority and control of the management and operation of the system is hereby transferred from the Board to the City. The System shall be operated by the City Manager subject to the control and direction of City Council.
2. No monthly stormwater fee shall be imposed on any improved parcel within the City of El Paso or on any customers of the Board until further action by the City of El Paso acting through its City Council.
3. All fees and charges of the Municipal Drainage Utility System and all fees for storm water drainage are hereby suspended until further action by the City of El Paso acting through its City Council.
4. This Ordinance shall take effect immediately upon its adoption.
5. The City Manager is authorized to execute documents and take all appropriate action to give effect to this Ordinance.

Ballot Measure

FOR () Shall the Municipal Drainage Utility Ordinance, transferring rate making authority and changing the rate of the municipal utility drainage system, be approved?

AGAINST ()

2. 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.

3. 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, and the City Clerk is authorized to administratively designate the location for item q below, as recommended by the El Paso County Elections Administrator. The hours for early voting by personal appearance, including early voting on Saturday, May 2, 2009 and Sunday, May 3, 2009, shall be authorized for such election as follows:

Early voting shall be held weekdays from Monday, April 27 2009, through Tuesday, May 5, 2009, including on Saturday, May 2, 2009 and Sunday, May 3, 2009 only at the branches identified below as: b, c, e, f, g, i, j, k, m, o, and q. There is NO voting on Saturday, April 25, 2009 and Sunday, April 26, 2009. The hours for early voting are as noted below.

Specific listing of the hours of voting for weekdays April 27, 2009 – May 1, 2009: Additionally, for locations marked with an asterisk (*), the hours of voting on Saturday, May 2, 2009 are from 9:00 am – 6:00 pm, and on Sunday, May 3, 2009 from 12:00 pm – 5:00 pm. The hours of voting for all locations on Monday, May 4, 2009 and Tuesday, May 5, 2009 are from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Weekday hours-April 27-May 1</u>
a. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
b. *Bassett Place	6101 Gateway West	9:00 am – 6:00 pm *
c. *Carolina Recreation Center	563 N. Carolina	9:00 am – 6:00 pm *
d. Clint Junior High School	13100 Alameda Ave.	8:00 am – 5:00 pm
e. *Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm *
f. *Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm *
g. *Festival Crossing Shopping	5380 N. Mesa St.	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	9:00 am – 6:00 pm *
j. *Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm *

- k. *Rushfair Shopping Center 5255 W. B. Transmountain 9:00 am – 6:00 pm *
- l. Socorro High School 860 Rio Vista Rd. 8:00 am – 5:00 pm
- m. *Sunrise Shopping Center 8500 Dyer 9:00 am – 6:00 pm *
- n. Vista Del Sol Elementary 11851 Vista Del Sol 9:00 am – 6:00 pm
- o. *Vista Hills Shopping Center 1840 Lee Trevino 9:00 am – 6:00 pm *
- p. West Valley Fire Station 510 E. Vinton Rd. 3:00 pm – 6:00 pm
- q. *Far east location 9:00 am – 6:00 pm *

In addition, mobile voting stations shall also be authorized and used for early voting, as set forth in Exhibit B, which includes the respective hours for early voting by personal appearance at these stations. The City Clerk is authorized to make corrections or revisions to the list of mobile voting stations in Exhibit B and to all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for early voting by mail shall be submitted to the Early Voting Clerk no earlier than March 10, 2009 and no later than the close of business on May 1, 2009, at the following address:

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

4. 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.

5. 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.

6. 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.

7. That by approving and signing this resolution, the Mayor officially confirms as his action, all matters recited herein which by law come within his jurisdiction.

8. A substantial copy of this resolution shall serve as proper notice of said election.

9. 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 of the City as required by law.

APPROVED this 10th day of February 2009.

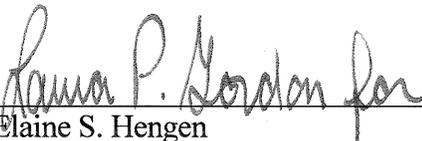
CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

APPROVED AS TO FORM:

Richarda Duffy Momsen
City Clerk



Elaine S. Hengen
Senior Assistant City Attorney

AMENDED EXHIBIT A

ELECTION PRECINCTS AND POLLING PLACES

Special election for the submission of a measure, May 9, 2009

<u>PCT #</u>	<u>POLLING PLACE</u>	<u>ADDRESS</u>
4	Canutillo Elementary School	651 Canutillo Ave.
5	Fire Station #2	111 E. Borderland Rd.
6	Tennis West	1 Tennis West Ln.
7	Lincoln Middle School	500 Mulberry Ave.
8	Fire Station #15	115 Shorty Ln.
9	Zach White Elementary School	4256 Roxbury Dr.
10	Roberts Elementary School	341 Thorn Ave.
11	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
12	Dr. M. D. Hornedo Middle School	825 Redd Rd.
13	Fire Station #27	6767 Ojo De Agua Dr.
14	Rosa Guerrero Elementary School	7530 Lakehurst Rd.
15	Franklin High School	900 N. Resler Dr.
16	Monte Vista Retirement Center	1575 Belvidere St.
17	White Acres Good Samaritan Village	7304 Good Samaritan Ct.
18	Polk Elementary School	940 Belvidere St.
19	Peace Lutheran Church	5890 Via Cuesta Dr.
20	Fire Station #22	6500 N. Mesa St.
21	Carlos Rivera Elementary School	6445 Escondido Dr.
22	Western Hills U. M. Church	524 Thunderbird Dr.
23	Dr. Green Elementary School	5430 Buckley Dr.
24	Putnam Elementary School	6508 Fiesta Dr.
25	Putnam Elementary School	6508 Fiesta Dr.
26	Zach White Elementary School	4256 Roxbury Dr.
27	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
28	Polly Harris Senior Citizen Center	650 Wallenberg Dr.
29	L. B. J. (Johnson) Elementary School	499 Cabaret Dr.
30	Mesita Elementary School	3307 N. Stanton
31	Mesita Elementary School	3307 N. Stanton
32	Mesita Elementary School	3307 N. Stanton
33	El Paso Tennis Club	2510 N. St. Vrain St.
34	Vilas Elementary School	220 Lawton Dr.
35	Father Pinto Complex	1001 S. Ochoa St.
36	Fire Station #3	721 E. Rio Grande Ave.
37	Sun Plaza Housing	1221 E. San Antonio Ave.
38	Lamar Elementary School	1440 E. Cliff Dr.
39	Career & Technology Center	1170 Walnut St.
40	Beall Elementary School	320 S. Piedras St.
41	Dr. Nixon Elementary School	11141 Loma Roja Dr.
42	Bradley Elementary School	5330 Sweetwater Dr.
43	Bradley Elementary School	5330 Sweetwater Dr.

44	H. E Charles Middle School	4909 Trojan Dr.
45	Fannin Elementary School	5425 Salem Dr.
46	Desertaire Elementary School	6301 Tiger Eye Dr.
47	Desertaire Elementary School	6301 Tiger Eye Dr.
48	El Paso Korean U.M.C.	4925 Fairbanks Dr.
49	Collins Elementary School	4860 Tropicana Ave.
50	Newman Elementary School	10275 Alcan St.
51	Parkland High School	5932 Quail Ave.
52	Whitaker Elementary School	4700 Rutherford Dr.
53	Dowell Elementary School	5249 Bastille Ave.
54	Fire Station #23	5315 Threadgill Ave.
55	Dolphin Terrace Elementary School	9790 Pickerel Dr.
56	Crosby Elementary School	5411 Wren Ln.
57	Fire Station #16	3828 Hercules Ave.
58	Park Elementary School	3601 Edgar Park R.
59	Nolan Richardson Recreation Center	4435 Maxwell
60	Magoffin Middle School	4931 Hercules Ave.
61	Stanton Elementary School	5414 Hondo Pass Dr.
62	Logan Elementary School	3200 Ellerthorpe Ave.
63	Burnet Elementary School	3700 Thomason Ave.
64	Travis Elementary School	5000 N. Stevens St.
65	Kathy White Housing Complex	2500 Mobile Ave.
66	Grand View Park Senior Citizen Center	3134 Jefferson Ave.
67	Fire Station # 12	3801 Fort Blvd.
68	Paul Moreno Elementary School	2300 San Diego St.
69	Memorial Park Senior Citizen Center	1800 Byron St.
70	Austin High School	3500 Memphis Ave.
71	Coldwell Intermediate School	4101 Altura Ave.
72	Fire Station #7	3200 Pershing Dr.
73	Vista New Life Church	4700 Leeds St.
74	Fire Station #13	5415 Trowbridge Dr.
75	Fire Station #13	5415 Trowbridge Dr.
76	Chelsea Plaza Housing	600 Chelsea St.
77	Fire Station #5	4240 Alameda Ave.
78	Burleson Elementary School	4400 Blanco Ave.
79	San Juan Recreation Center	701 N. Glenwood Dr.
80	Hawkins Elementary School	5816 Stephenson Ave.
81	Henderson Middle School	5505 Robert Alva Ave.
82	Clardy Elementary School	5508 Delta St.
83	Fire Station #14	6300 Delta St.
85	Bonham Elementary School	7024 Cielo Vista Dr.
87	Bonham Elementary School	7024 Cielo Vista Dr.
88	Fire Station #20	8301 Edgemere Blvd.
89	Mac Arthur Elementary School	8101 Whitus Dr.
90	Cielo Vista Park Elementary School	9000 Basil Ct.
91	Scotsdale Elementary School	2901 McRae Blvd.

92	Edgemere Elementary School	10300 Edgemere Blvd.
93	Eastwood Recreation Center	3001 Parkwood Dr.
94	Eastpoint Elementary School	2400 Zanzibar St.
95	Fire Station #19	2405 McRae Blvd.
96	Eastwood Heights Elementary School	10530 Janway Dr.
97	Pebble Hills Elementary School	11145 Edgemere Blvd.
98	Pebble Hills Elementary School	11145 Edgemere Blvd.
99	Fire Station #25	10834 Ivanhoe Dr.
100	YWCA – East	10712 Sam Snead Dr.
101	Vista Hills Elementary School	10801 La Subida Dr.
102	Fire Station #24	1498 Lomaland Dr.
103	Indian Ridge Middle School	11201 Pebble Hills Blvd.
104	Glen Cove Elementary School	10955 Sam Snead Dr.
105	Hanks High School	2001 Lee Trevino Dr.
106	Tierra Del Sol Elementary School	1832 Tommy Aaron Dr.
107	Desert View Middle School	1641 Billie Marie Dr.
108	Region 19 Head Start Multipurpose Center	11670 Chito Samaniego Dr.
109	Jane Hambric Elementary School	3535 Nolan Richardson Dr.
110	Word of Life Church	11675 Pratt Dr.
111	Specialist Raphael Hernando III Middle School	3451 Rich Beam Blvd.
112	Benito Martinez Elementary School	2640 Robert Wynn Dr.
113	Benito Martinez Elementary School	2640 Robert Wynn Dr.
114	Helen Ball Elementary School	1950 Firehouse Dr.
115	O'Shea Keleher Elementary School	1800 Leroy Bonse Dr.
116	Montwood High School	12000 Montwood Dr.
117	Vista Del Sol Elementary School	11851 Vista Del Sol Dr.
118	Myrtle Cooper Elementary School	1515 Rebecca Ann Dr.
119	Sierra Vista Elementary School	1501 Bob Hope Dr.
120	Americas High School	12101 Pellicano Dr.
121	Ramona Elementary School	351 Nichols Rd.
122	Del Norte Heights Elementary School	1800 Winslow Rd.
123	Ramona Elementary School	351 Nichols Rd.
124	Ascarate Elementary School	7090 Alameda Ave.
125	Cedar Grove Elementary School	218 Barker Rd.
126	Ranchland Hills Middle School	7615 Yuma Dr.
127	Hacienda Heights Elementary School	7530 Acapulco Ave.
128	Mesa Vista Elementary School	8032 Alamo Ave.
129	Good Samaritan Towers	7750 Lilac Way
130	Fire Station #18	7901 San Jose Rd.
131	Riverside High School	301 Midway Dr.
132	Thomas Manor Elementary School	7900 Jersey St.
133	Loma Terrace Elementary School	8200 Ryland Ct.
134	Loma Terrace Elementary School	8200 Ryland Ct.
135	Marian Manor Elementary School	8300 Forest Haven Ct.
136	Cadwallader Elementary School	7988 Alameda
137	Alicia R. Chacon School	221 Prado Rd.

138	Valley View Middle School	8660 North loop Dr.
139	Robert F. Kennedy Pre-K Center	9009 Alameda Ave.
140	Capistrano Elementary School	240 Mecca Dr.
141	LaBarron Park Elementary School	920 Burgundy Dr.
142	Del Valle High School	950 Bordeaux Dr.
143	Lancaster Elementary School	9230 Elgin Dr.
144	Pavo Real Rec. Center	9301 Alameda Ave.
145	South Loop Elementary School	520 Southside Rd.
146	Red Sand Elementary School	4250 O'Shea Rd.
162	Scottsdale Elementary School	2901 McRae Blvd.
164	Bonham Elementary School	7024 Cielo Vista Dr.
165	Lujan Chavez Elementary School	2200 Sun Country
170	Olga Kohlberg Elementary School	1445 Nardo Goodman Dr.
171	Specialist Raphael Hernando III Middle School	3451 Rich Beam Blvd.
172	Lujan Chavez Elementary School	2200 Sun Country
173	Sierra Vista Elementary School	1501 Bob Hope Dr.