

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

**DEPARTMENT:** City Development

**AGENDA DATE:** May 28, 2013

**CONTACT PERSON NAME AND PHONE NUMBER:** Lauren Baldwin 208-9693

**DISTRICT(S) AFFECTED:** ALL

**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.**

Discussion and action on a Resolution authorizing the mayor and city manager to participate in the RE.Invest Initiative.

**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?**

The resolution will allow the Mayor and City Manager or her designee to act as the point of contact on the RE.Invest Initiative. The RE.Invest Initiative is a collaboration between c.dots Development, LLC and eight cities to develop and provide a template to enable cities across the United States to independently evaluate local feasibility of system-wide integrated upgrades and determine whether to develop and issue resilient infrastructure request for proposals to establish new community investment vehicles. Participation in the 18 month project will allow the city to work with leading financial, engineering, and legal advisors to develop a comprehensive strategy for the creation of public-private partnerships that aggregate sustainable urban storm and waste water systems and related underground infrastructure with infrastructure projects across other sectors.

**PRIOR COUNCIL ACTION:**

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

NONE

**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?**

NONE

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**BOARD / COMMISSION ACTION:**

**Enter appropriate comments or N/A**

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

**DEPARTMENT HEAD:**

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO  
PARTICIPATE IN THE RE.INVEST INITIATIVE**

**WHEREAS**, the RE.invest Initiative is a collaboration between c.dots Development, LLC and eight cities to develop and provide a template to enable cities across the United States to independently evaluate local feasibility of system-wide integrated upgrades and determine whether to develop and issue resilient infrastructure request for proposals to establish new community investment vehicles;

**WHEREAS**, the City applied to participate in the RE.invest Initiative;

**WHEREAS**, the City was recently selected to be one of the eight cities in the United States to participate in the RE.invest Initiative;

**WHEREAS**, participation in the RE.invest Initiative will allow the city to work with leading financial, engineering, and legal advisors over an eighteen (18) month period to develop a comprehensive strategy for the creation of public-private partnerships that aggregate sustainable urban storm and waste water systems and related underground infrastructure with infrastructure projects across other sectors;

**WHEREAS**, participation in the RE.invest Initiative will require the appointment of one senior political person and one senior technical person to serve as lead points of contact with the RE.invest Initiative Team;

**WHEREAS**, participation in the RE.invest Initiative will garner national attention to the City as being on the forefront of utilizing public private partnerships to improve city infrastructure.

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

(1) That the City Manager is authorized to sign an agreement with c.dots Development, LLC (**Exhibit "A"**) to participate in the RE.invest Initiative.

(2) That the Mayor shall serve as the senior political point-of-contact with the RE.invest Initiative Team and that the City Manager or her designee shall serve as the technical point-of-contact with the RE.invest Initiative Team.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_ 2013.

(SIGNATURES ON NEXT PAGE)

CITY OF EL PASO, TEXAS

ATTEST:

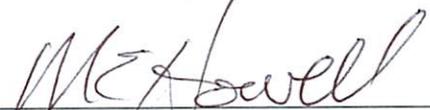
\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Matthew K. Behrens  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Marty Howell, Director City Economic  
Development and Sustainability

**EXHIBIT A**  
**[RE.Invest Initiative Agreement]**



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Tuesday, April 30, 2013

*City of El Paso*  
*300 N. Campbell*  
*El Paso, Texas 79901*  
Attention: Mayor John F. Cook

Dear Mayor Cook:

Re: Participation in the RE.invest Initiative

Congratulations on the selection of El Paso to participate in the RE.invest Initiative. We were very pleased to receive your application and learn about your commitment and efforts to develop sustainable, resilient and integrated infrastructure systems through public private partnerships. After careful evaluation of applications received from many cities, we are confident that El Paso will be a valuable partner in accomplishing the goals of the RE.invest Initiative.

Supported by a grant from the Rockefeller Foundation, c.dots Development, LLC ("c.dots") will collaborate with El Paso and other selected cities (each a "Model City") and leading financial, engineering and legal advisors selected by c.dots (the "RE.invest Partners") and together with c.dots, the "RE.invest Initiative Team") for an 18-month period (the "Initiative Period") to develop a comprehensive strategy for the creation of public-private partnerships ("Community Investment Vehicles" or "CIVics") that aggregate sustainable urban storm and waste water systems and related underground infrastructure with infrastructure projects across other sectors in cities across the United States. At the end of the Initiative Period, the work of the RE.invest Initiative Team, El Paso and each of the other Model Cities will be incorporated into a national report offering a template for all of the Model Cities and other cities across the United States to evaluate local feasibility of system-wide integrated upgrades and determine whether to develop and issue resilient infrastructure RFPs to establish new Community Investment Vehicles (the "RE.invest National Report"). The RE.invest Initiative is described in greater detail in the application guidelines provided to you prior to submission of your application to participate.

As a participant in the RE.invest Initiative, El Paso will be required to commit to participate in the RE.invest Initiative for the full 18-month Initiative Period and, as soon as practicable, identify a least one senior political person and one senior technical person to serve as lead points of contact for the RE.invest Initiative Team. El Paso will also be required to provide to c.dots, to be shared with the rest of the RE.invest Initiative Team, technical information from its long-term asset management plans, geographic information systems, long-term control plan for stormwater, affordability analyses, and relevant information about its municipal finances, as well as authorize that information to be made publicly available in the RE.invest National Report.

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By its acceptance of this letter and agreement to participate in the RE.invest Initiative, El Paso acknowledges and agrees to each of the foregoing requirements and that:

- The purpose of the RE.invest Initiative is to develop and provide through the RE.invest National Report a template to enable cities across the United States, including El Paso, to independently evaluate local feasibility of system-wide integrated upgrades and determine whether to develop and issue resilient infrastructure RFPs to establish new Community Investment Vehicles;
- The RE.invest National Report will be provided for informational purposes only and none of the RE.invest Initiative Team or their representatives, affiliates or advisors will independently verify the information provided by El Paso or any other Model City, and no representation, warranty or undertaking will be made, and no responsibility will be accepted by any member of the RE.invest Initiative Team or by any of their representatives, affiliates or advisors, as to the accuracy or completeness of any information contained in or otherwise taken into account in the preparation of the RE.invest National Report;
- The RE.invest National Report will not purport to be all-inclusive or to contain all information that El Paso or any other recipient may consider material in determining whether to develop and issue RFPs to establish new Community Investment Vehicles, and such determination must be independently evaluated by El Paso based on such information and analysis that it deems appropriate, prudent or relevant;
- None of the RE.invest Initiative Team, acting in such capacity, shall be a legal, financial or other advisor, or have any duties (including fiduciary duties), to El Paso, El Paso is not to construe the RE.invest National Report as providing legal, business or tax advice and El Paso should consult its own legal, business or tax advisors as to legal, business, tax and related matters;
- El Paso will be responsible for all expenses incurred by it in connection with the RE.invest Initiative and it will not be entitled to and will not be reimbursed for any such expenses, and neither the acceptance of El Paso as a participant in the RE.invest Initiative nor the execution of this letter constitutes a commitment by any member of the RE.invest Initiative Team or the Rockefeller Foundation to participate in or provide or arrange for any other person to provide funding for any project in which El Paso may engage in the future;
- Any intellectual property developed, authored, conceived or reduced to practice by the RE.invest Initiative Team in connection with the RE.invest Initiative, including the RE.invest National Report, will be the property of the Rockefeller Foundation;
- None of the members of the RE.invest Initiative Team will be prohibited, as a result of having been a member of the RE.invest Initiative Team, from working

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for El Paso in the future or participating in a team responding to any RFP or project in which El Paso may engage; and

- Each of the RE.invest Partners shall be third party beneficiaries of this letter and each of the agreements and commitments of El Paso contained herein.

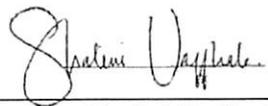
This letter sets forth the entire understanding of the parties relating to the RE.invest Initiative and supersedes any prior communications, understandings and agreements between the parties hereto, whether written or oral, express or implied, and the agreements of the parties contained herein may not be amended or modified except in a written instrument executed by each of the parties. This letter is binding upon the parties and shall be enforced and interpreted under the laws of the State of New York.

If the terms of this letter are satisfactory, kindly sign a copy and return it to c.dots at your earliest convenience. We look forward to working with El Paso on this important initiative.

Very truly yours,

c.dots Development, LLC

By:   
 Name: Celeste Connors  
 Title: Co-Founder

By:   
 Name: Shalini Vajjhala  
 Title: Co-Founder

El Paso hereby accepts and agrees to the terms of this letter and represents to the RE.invest Initiative Team that (i) execution of this letter by El Paso is (A) within its legal power and was properly authorized by all means required under the law, and (B) does not violate any law applicable to it or any agreement to which it is a party, (ii) \_\_\_\_\_ is authorized to execute this letter on behalf of El Paso and (iii) when so executed, this letter will be the binding obligation of El Paso:

EL PASO

By: \_\_\_\_\_  
 Name:  
 Title: