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

**DEPARTMENT:** **City Manager**

**AGENDA DATE:** **August 07, 2012**

**CONTACT PERSON/PHONE: William F. Studer, Jr., Deputy City Manager, 915-541-4252**

**DISTRICT(S) AFFECTED:** **All Districts**

**SUBJECT:** An ordinance ordering a Special Election to be held in the City of El Paso, Texas on November 6, 2012 for a venue project and imposing Hotel Occupancy Tax, making provisions for the conduct of the Election, and resolving other matters incident and related to such election.

**BACKGROUND / DISCUSSION:** This ordinance is related to the financing of the ballpark as a venue project and the authorization of additional hotel occupancy taxes to help with the financing. On June 26, 2012, City Council passed a resolution authorizing the proposed venue project (which will be submitted to voters). The State Comptroller has determined that the implementation of the venue project will not have a negative impact on State revenue. Approval of the attached venue ordinance would allow the City to call a Special Election on November 6, 2012 to allow an election on the Hotel Occupancy Tax to help finance the ball park.

**PRIOR COUNCIL ACTION:**
At its June 26, 2012 meeting, City Council approved moving forward with the ballpark and instructed staff and counsel to move forward with a bond election and a venue election to be held on November 6, 2012.

**AMOUNT AND SOURCE OF FUNDING:**
N/A

**BOARD / COMMISSION ACTION:**
N/A

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**********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:** _____

**ORDINANCE NO. _____**

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF EL PASO, TEXAS ON NOVEMBER 6, 2012, FOR A VENUE PROJECT AND IMPOSING HOTEL OCCUPANCY TAX, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION.**

**WHEREAS,** on June 26, 2012, pursuant to Chapter 334, Local Government Code (the "Act"), the City Council (the "Council") of the City of El Paso, Texas (the "City") adopted a resolution (the "Resolution"), designating and, subject to approval at an election, authorizing a sports and community venue project within the City of the type described and defined in Section 334.001(4) of, and permitted by, the Act, and described in summary form as follows:

> A multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games (the "Stadium Project") and related infrastructure as defined in the Act; and

**WHEREAS,** in the Resolution, the Council designated the imposition of a hotel occupancy tax at a rate not to exceed two percent (2%) of the price paid for such room on persons who, under a lease, concession, permit, right of access, license, contract or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs $2 or more each day and is ordinarily used for sleeping, as and to the extent authorized by Subchapter H of the Act; as the method of financing authorized by the Act to finance the Stadium Project and the maximum rate of such method; and

**WHEREAS,** as required by Section 334.022 of the Act, the City sent a copy of the Resolution to the Comptroller of Public Accounts, and the Comptroller has notified the City that she has determined that the imposition of the taxes called for in the Resolution would have no significant negative fiscal impact on state revenue; and

**WHEREAS,** the Council is authorized and has determined to order an election on the question of approving and implementing the Resolution pursuant to Section 334.024 of the Act.

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

SECTION 1: An election shall be held on the 6th day of November, 2012, in the City, which date is not less than seventy-eight (78) nor more than ninety (90) days from the date of the adoption hereof and is a uniform election date pursuant to V.T.C.A, Election Code, Section 41.001, for the purpose of submitting the following measure:

VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION

> Authorizing the City of El Paso to provide for the planning, acquisition, establishment, development, construction and financing of a sports and

community venue project within the City of the type described and defined in Section 334.001(4)(A) of and permitted by Chapter 334, Local Government Code, as amended (the "Act"), designated by a City Resolution adopted on June 26, 2012 (the "Resolution") and described in summary form as a multipurpose coliseum, stadium or other type of arena or facility that is planned for use for one or more professional or amateur sports events, including minor league baseball games, and related infrastructure as defined in the Act, and to impose a tax on the occupancy of a room in hotel located within the City, at a maximum rate of two percent (2%) of the price paid for such room, as authorized by Subchapter H of the Act, and approving the Resolution.

SECTION 2: In accordance with the provisions of a Joint Election Agreement and Contract for Election Services (the "Contract") to be executed with the El Paso County Elections Administrator, the election shall be conducted by the El Paso County Elections Administrator in accordance with the provisions of the Contract. The City shall be divided into One Hundred Fifty Seven (157) election precincts for this election and the polling places designated for each election precinct are shown in **Exhibit A**, which is attached hereto and incorporated herein by reference as a part of this ordinance for all purposes. The election officers and maximum number of clerks for said polling places shall be determined and appointed in accordance with the provisions of the Contract.

On election day, the polls shall be open from 7:00 a.m. to 7:00 p.m.

SECTION 3: The main location, dates and times for early voting for this election shall be as shown in **Exhibit B**, which is attached hereto and incorporated herein by reference as a part hereof for all purposes. **Exhibit B** may be modified to include any changes to early voting designated by the El Paso County Elections Administrator and to conform to the Contract. Additional early voting locations may be designated by the El Paso County Elections Administrator. Javier Chacón, El Paso County Elections Administrator, is hereby appointed early voting clerk and shall appoint and designate deputy clerks for early voting in accordance with the Contract. For purposes of processing ballots cast in early voting, the election officers for the early voting ballot board for this election shall be appointed and designated in accordance with the provisions of the Contract.

The Central Counting Station for the tabulation and counting of ballots for this election shall be located at the El Paso County Elections Department, 500 E. San Antonio, Lower Level, Suite L115, El Paso, Texas 79901, and the Manager, Tabulation Supervisor, Presiding Judge and Alternate Presiding Judge at the Central Counting Station shall be appointed and designated in accordance with the provisions of the Contract.

The Manager and Presiding Judge of the Central Counting Station may appoint clerks to serve at such Station, as provided by Section 127.006 of the Election Code.

SECTION 4: A voting system or systems meeting the standards and requirements of the Texas Election Code, as amended, is hereby adopted and approved for early voting by personal appearance and by mail and for election day voting.

Ballots shall be prepared in accordance with V.T.C.A., Election Code, and permit electors to vote "FOR" or "AGAINST" the aforesaid measure which shall appear on the ballot substantially as follows:

**VENUE PROJECT AND HOTEL OCCUPANCY TAX PROPOSITION**

"AUTHORIZING THE CITY OF EL PASO, TEXAS, TO PROVIDE FOR THE PLANNING, ACQUISITION, ESTABLISHMENT, DEVELOPMENT, CONSTRUCTION AND FINANCING OF A BASEBALL STADIUM PROJECT WITHIN THE CITY AND TO IMPOSE A TAX ON THE OCCUPANCY OF A ROOM IN A HOTEL LOCATED WITHIN THE CITY, AT THE MAXIMUM RATE OF TWO PERCENT (2%) OF THE PRICE PAID FOR SUCH ROOM, FOR THE PURPOSE OF FINANCING SUCH PROJECT."

SECTION 5: All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election, such electors shall vote at the polling place designated for the election precinct in which they reside. This election shall be held and conducted in accordance with the provisions of the Texas Election Code and, to the extent required by law, all election materials and proceedings shall be printed in both English and Spanish.

SECTION 6: Notice of the election shall be given in accordance with the provisions of the Texas Election Code.

SECTION 7: This ordinance hereby incorporates the provisions of the Contract, and to the extent of any conflict between this ordinance and the Contract, the provisions of the Contract shall control. The Mayor, City Clerk or other appropriate official, is hereby authorized to correct, modify or change the information in this ordinance and the attached Exhibits based upon the final locations, dates and times agreed upon by the El Paso County Elections Administrator and the City as well as incorporate additional early voting locations as designated by the El Paso County Elections Administrator.

*[Remainder of page left blank intentionally]*

PASSED AND APPROVED, this the ___ day of _____, 2012.

_____
John F. Cook, Mayor

ATTEST:

_____
Richarda Duffy Momsen, City Clerk

**Approved as to Form**:

_____
Sylvia Borunda Firth
City Attorney

**Approved as to Content:**

_____
William F. Studer, Jr.
Deputy City Manager for
Development and Tourism

(City Seal)

**Exhibit A**

# POLLING PLACES/LOCATIONS

# City of El Paso
# November 6, 2012
## 7:00 a.m. - 7:00 p.m.

| New Pct #. | Polling Place | Address |
|---|---|---|
| 2 | 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. |
| 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. |

# City of El Paso
# November 6, 2012
## 7:00 a.m. - 7:00 p.m.

| New Pct #. | Polling Place | Address |
|---|---|---|
| 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 | 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. |
| 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. |
| 88 | Ross Middle School | 6101 Hughey Cir. |
| 90 | Fire Station #20 | 8301 Edgemere Blvd. |
| 91 | Mac Arthur Elementary School | 8101 Whitus Dr. |

# City of El Paso
# November 6, 2012
## 7:00 a.m. - 7:00 p.m.

| New Pct #. | Polling Place | Address |
|---|---|---|
| 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 Elementary School | 3535 Nolan Richardson Dr. |
| 113 & 114 | Bill Sybert Pre K-8 School | 11530 Edgemere Blvd. |
| 115 & 182 | 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 |
| 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 | Red Sands Elementary School | 4250 O'Shea Rd. |
| 128 & 181 | 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. |

# City of El Paso
# November 6, 2012
## 7:00 a.m. - 7:00 p.m.

| New Pct #. | Polling Place | Address |
|---|---|---|
| 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 & 183 | Pavo Real Recreation Center | 9301 Alameda Ave. |
| 157 | South Loop Elementary School | 520 Southside Rd. |

## Exhibit B

Early voting for this election shall begin on Monday, October 22, 2012 and end on Friday, November 2, 2012, and the hours designated for early voting by personal appearance and the main early voting polling place shall be as set forth below:

**Early Voting Period**
Oct. 22, 2012 – Nov. 2, 2012

| | | | |
|---|---|---|---|
| **1.** | **BASSETT PLACE - # 100** | **6101 GATEWAY WEST** | **9:00 - 6:00** |
| **2.** | **CANUTILLO ELEMENTARY** | **651 CANUTILLO AVE.** | **8:30 - 4:30** |
| **3.** | **CAROLINA RECREATION CENTER** | **563 N. CAROLINA DR.** | **9:00 - 6:00** |
| **4.** | **CLINT ISD EARLY COLLEGE ACADEMY** | **13100 ALAMEDA AVE.** | **8:30 - 5:00** |
| **5.** | **COURTHOUSE – LOWER LEVEL** | **500 E. SAN ANTONIO AVE.** | **8:00 - 5:00** |
| **6.** | **FIESTA SHOPPING CENTER - # 104** | **5200 N. MESA ST.** | **9:00 - 6:00** |
| **7.** | **MARTY ROBBINS REC. CENTER** | **11600 VISTA DEL SOL DR.** | **9:00 - 6:00** |
| **8.** | **OZ GLAZE SENIOR CENTER** | **13969 VENY WEBB** | **8:00 - 5:00** |
| **9.** | **PAVO REAL RECREATION CENTER** | **9301 ALAMEDA AVE.** | **9:00 - 6:00** |
| **10.** | **PEBBLE VILLAGE CENTER #F** | **10780 PEBBLE HILLS BLVD.** | **9:00 - 6:00** |
| **11.** | **REGENCY OF EL PASO** | **221 BARTLETT DR.** | **9:00 - 6:00** |
| **12.** | **ROGELIO SANCHEZ** | **1331 N. FABENS** | **9:00 - 6:00** |
| **13.** | **SUNRISE SHOPPING CENTER - # 56** | **8500 DYER ST.** | **9:00 - 6:00** |
| **14.** | **SUN VALLEY CENTER - # 105** | **4525 SUN VALLEY DR.** | **9:00 - 6:00** |
| **15.** | **TORNILLO ADMINISTRATION BLDG.** | **19200 COBB ST.** | **8:30 - 4:30** |
| **16.** | **VILLAGE OF VINTON** | **436 E. VINTON RD.** | **3:00 - 6:00** |
| **17.** | **ZARAPLEX CENTER - #118** | **1700 ZARAGOZA RD.** | **9:00 - 6:00** |
| **18.** | **MOBILE #1** | | |
| **19.** | **MOBILE #2** | | |
| **20.** | **MOBILE #3** | | |

Oct. 22, 2012 – Oct. 26, 2012 (Mon. – Fri.) **FOLLOW ABOVE SCHEDULE**
Oct. 27, 2012 (Sat.) 7:00 am. – 7:00 pm. **ALL STATIONS**
Oct. 28, 2012 (Sun.) 12:00 pm. – 5:00 pm. **ALL STATIONS**