

ORDINANCE NO. 2159

ORDINANCE CALLING AN ELECTION FOR NOVEMBER 3, 2020
TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS

STATE OF TEXAS
COUNTY OF BEXAR
CITY OF ALAMO HEIGHTS

WHEREAS, the CITY OF ALAMO HEIGHTS, TEXAS (the "**City**"), the Texas Department of Transportation, the Alamo Area Metropolitan Planning Organization, the San Antonio River Authority, and possibly Bexar County, expect to jointly fund a multi-modal street, sidewalk and drainage improvements project along a portion of the Austin Highway and lower Broadway Avenue within the City, known generally as the "Austin Highway/Lower Broadway Improvement Project"; and

WHEREAS, the City is obligated to provide funds to finance all or a portion of the drainage improvements component of the Austin Highway/Lower Broadway Improvement Project, and the City Council deems it necessary and appropriate to make additional capital improvements related to and located within the Austin Highway/Lower Broadway Improvement Project including repairing, restoring, relocating, improving, replacing, acquiring and constructing other utility facilities and surface level improvements (such as sidewalk widening, bike lanes, street lighting and landscape improvements); and

WHEREAS, pursuant to Section 1251.001, Texas Government Code, a municipality may not issue bonds that are to be paid from ad valorem taxes unless the issuance is first approved by the qualified voters of the municipality; and

WHEREAS, the City Council deems it advisable to call the bond election hereinafter ordained (the "**Bond Election**") for the purpose of authorizing the issuance of general obligation bonds to finance the City's portion of costs relating to the Austin Highway/Lower Broadway Improvement Project generally described above; and

WHEREAS, on February 10, 2020, the City Council previously approved Ordinance No. 2153 calling for a bond election to be held on Saturday, May 2, 2020, to authorize the issuance of general obligation bonds for the same Austin Highway/Lower Broadway Improvement Project, but due to the Coronavirus known as COVID19 that became a worldwide pandemic generally beginning in March 2020, the City Council approved Ordinance No. 2156 on April 13, 2020, to postpone that election until November 3, 2020, as authorized by the Governor of the State of Texas; and

WHEREAS, the City desires to enter into a joint election agreement ("**Election Agreement**") with the Bexar County Elections Administrator (the "**Elections Administrator**") for the Elections Administrator to administer the Bond Election for the City; and

WHEREAS, the City intends to conduct the Bond Election as a joint election in conjunction with elections to be held on the same date by various other political subdivisions located within the County (the "**Joint Election Participants**"); and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS THAT:

1. **TIME.** A bond election shall be held in the City between the hours of 7:00 a.m. and 7:00 p.m. on **Tuesday, November 3, 2020.**

2. **PRECINCTS AND POLLING PLACES.** The City shall hold the Bond Election in conjunction with the elections to be held by the Joint Election Participants on Tuesday, November 3, 2020, at the precincts and polling places as determined by the Elections Administrator pursuant to the provisions of the Election Agreement. When so determined, such precincts and polling places shall be attached hereto as *Exhibit A*.

3. **PRESIDING JUDGES AND ELECTION CLERKS.** The Presiding Judge, the Alternate Presiding Judge, and the election clerks for the election precincts and polling places shall be appointed by the Elections Administrator pursuant to the provisions of the Election Agreement.

4. **EARLY VOTING.** The Early Voting Clerk shall be the Bexar County Elections Administrator, Jacquelyn F. Callanen. The Early Voting Clerk is authorized to appoint Deputy Early Voting Clerks. Applications for ballot by mail shall be mailed, faxed or emailed to the Early Voting Clerk at: Attn: Jacquelyn F. Callanen, Early Voting Clerk, 1103 S. Frio, Suite 100, San Antonio, TX 78207; Fax No.: 210.335.0371; Email: votebymail@bexar.org. The last day to apply for early voting ballots by personal delivery is October 23, 2020, and by mail (received, not postmarked), facsimile or email is October 26, 2020. If an application for ballot by mail is faxed or emailed (or if a federal postcard application is faxed), the applicant must also mail the original application so that the Early Voting Clerk receives the original no later than four days after receiving the emailed or faxed copy.

Electors may cast their early votes in person at the locations, dates and times to be determined by the Elections Administrator. When so determined, the locations, dates, and times for early voting by personal appearance shall be attached hereto as *Exhibit B*.

5. **EARLY VOTING BALLOT BOARD.** An Early Voting Ballot Board will be created to process early voting results. The Presiding Judge of said Board shall be appointed at a later date by the Elections Administrator. The Presiding Judge shall appoint at least two other members to said Board.

6. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at the Bond Election.

7. **OFFICIAL PROPOSITION RELATING TO BOND ELECTION.** At the Bond Election being called by this Ordinance, the following PROPOSITION shall be submitted in accordance with law:

CITY OF ALAMO HEIGHTS PROPOSITION A

"Shall the City Council of the City of Alamo Heights, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount of \$13,250,000 for the purpose of financing the City's portion of costs relating to the Austin Highway/Lower Broadway Improvement Project (which is a multi-modal street, sidewalk and drainage project being jointly funded by the Alamo Area Metropolitan Planning Organization, the Texas Department of Transportation, the San Antonio River Authority, the City, and possibly Bexar County), including constructing drainage improvements and repairing, restoring, relocating, improving, replacing, acquiring and constructing other utility facilities and surface level improvements (such as sidewalk widening, bike lanes, street lighting and landscape improvements) located along the Austin Highway/Lower Broadway Improvement Project, with said bonds to mature not more than 25 years from their date of issuance, bear interest at such rate or rates as approved by the City Council (provided that such rate of interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of the bonds), and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Council; and shall the City Council be authorized to levy and cause to be assessed and collected ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the principal of and interest on said bonds?"

8. **FORM OF BALLOT RELATING TO BOND ELECTION.** The official ballot for the Bond Election being called by this Ordinance shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballot to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

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CITY OF ALAMO HEIGHTS PROPOSITION A

- G FOR THE ISSUANCE OF \$13,250,000 OF BONDS FOR THE PURPOSE OF FINANCING THE CITY'S PORTION OF COSTS RELATING TO THE AUSTIN HIGHWAY/LOWER BROADWAY IMPROVEMENT PROJECT, INCLUDING CONSTRUCTING DRAINAGE IMPROVEMENTS AND REPAIRING, RESTORING, RELOCATING, IMPROVING, REPLACING, ACQUIRING AND CONSTRUCTING OTHER UTILITY FACILITIES AND SURFACE LEVEL IMPROVEMENTS (SUCH AS SIDEWALK WIDENING, BIKE LANES, STREET LIGHTING AND LANDSCAPE IMPROVEMENTS) LOCATED ALONG THE AUSTIN HIGHWAY/LOWER BROADWAY IMPROVEMENT PROJECT, AND LEVYING A TAX SUFFICIENT TO PAY THE PRINCIPAL
- G AGAINST AND INTEREST THEREOF.

9. ADDITIONAL INFORMATION. In accordance with the provisions of Section 3.009(b), Texas Election Code, it is hereby found and determined that:

- (a) The proposition language that will appear on the ballot is set forth in Section 8 hereof.
- (b) The purpose for which the bonds are to be authorized is set forth in Sections 7 and 8 hereof.
- (c) The principal amount of the debt obligations to be authorized is \$13,250,000.
- (d) As set forth in Sections 7 and 8 hereof, if the bonds are approved by the voters, the City Council will be authorized to levy ad valorem taxes, on all taxable property in the City, sufficient, within the limit provided by law, to pay the principal of and interest on the bonds and the cost of any credit agreements executed in connection with the bonds.
- (e) Based upon the bond market conditions at the date of adoption of this Ordinance, the maximum interest rate for any series of the bonds is estimated to be 3.50% as calculated in accordance with applicable law. Such estimate takes into account a number of factors, including the issuance schedule, maturity schedule and the expected bond ratings of the proposed bonds. Such estimated maximum interest rate is calculated as a true interest cost rate on all maturities and is provided as a matter of information, but is not a limitation on the interest rate at which the bonds, or any series thereof, may be sold.
- (f) As set forth in Section 7 hereof, if the bonds are approved, they may be issued in one or more series, to mature serially, over a period not to exceed 25 years from their date of issuance.

(g) As of the date of adoption of this Ordinance, the aggregate amount of the outstanding principal of the City's debt obligations that are secured by and payable from ad valorem taxes levied for debt service purposes is \$5,615,000.

(h) As of the date of adoption of this Ordinance, the aggregate amount of the outstanding interest of the City's debt obligations that are secured by and payable from ad valorem taxes levied for debt service purposes is \$759,925.

(i) The ad valorem debt service tax rate for the City for the 2019-2020 fiscal year is \$0.0500 per \$100 of taxable assessed valuation.

The figures stated in subsections (g) and (h) above exclude \$1,120,000 in principal amount of outstanding debt obligations which the City has designated as "self-supporting" and which the City normally pays from revenues of its Water and Sewer Utility Fund.

10. ELECTION CODE. In all respects the Bond Election shall be conducted in accordance with the Texas Election Code. Pursuant to the federal Help America Vote Act ("*HAVA*") and the Texas Election Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Texas Election Code. The City hereby finds that the voting system to be used by the Elections Administrator in administering the Election is such a system, and orders that such voting equipment or other equipment certified by the Texas Secretary of State shall be used by the City in its elections. The City Manager of the City is hereby authorized to enter into any necessary agreements as may be required to comply with this section.

11. BILINGUAL ELECTION MATERIALS. All election materials (including notice of the Bond Election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

12. NOTICE OF BOND ELECTION. The City shall cause either a notice of the Bond Election or a substantial copy of this Ordinance (in English and Spanish) to be posted and/or published as required by Sections 4.003(a)(1)(A) and (b) and (f), Texas Election Code, and Section 1251.003(d) and (e), Texas Government Code, as applicable. The City also shall cause a voter information document relating to the Bond Election to be prepared and posted as required by Section 251.052(b), Texas Government Code, which upon completion shall be attached hereto as *Exhibit C*.

13. **APPROVAL OF NEW VOTING MACHINES.** The City has been advised by the Elections Administrator that the Secretary of State of the State of Texas has approved the use by Bexar County of new voting machines beginning with the election held on November 5, 2019, being the Elections Systems and Software (ES&S) EVS 6020 voting system, which includes the DS200 precinct scanner, the DS450 central scanner, the DS850 center scanner, and the ExpressVote ballot marking device. The City hereby approves the use of such new voting machines for the Bond Election and all future City elections conducted by the Elections Administrator on behalf of the City.

14. **EXECUTION OF ADDITIONAL DOCUMENTS; AMENDMENTS AND REVISIONS.** To the extent permitted by law, the Mayor, City Secretary and City Manager are hereby authorized to revise and make technical corrections to this Ordinance as may be required to effectuate or reflect logistical changes. The Mayor, City Secretary and City Manager are further authorized to execute any documents as may be necessary to enter into the Election Agreement with the Elections Administrator.

15. **EFFECTIVE DATE.** Pursuant to the provisions of Section 1201.028, Texas Government Code, as amended, this Ordinance shall become effective immediately upon adoption thereof.

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**APPROVED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS
AT A REGULAR MEETING HELD ON THE 10TH DAY OF AUGUST, 2020.**



Mayor
City of Alamo Heights, Texas

Attest:



City Secretary
City of Alamo Heights, Texas

(Seal)



EXHIBIT A

ELECTION DAY PRECINCTS AND POLLING PLACES

[Information provided by the Elections Administrator will be attached when available]

EXHIBIT B*

EARLY VOTING LOCATIONS, DATES AND TIMES

Electors may cast their early votes in person on the following dates and times and at the following early voting locations:

Hours of Early Voting:

Tues., Oct. 13 thru Fri., Oct. 16	8:00 a.m. to 6:00 p.m.
Sat., Oct. 17, 2020	10:00 a.m. to 6:00 p.m.
Sun., Oct. 18, 2020	12:00 noon – 6:00 p.m.
Mon., Oct. 19 thru Fri., Oct. 23	8:00 a.m. to 6:00 p.m.
Sat., Oct. 24, 2020	8:00 a.m. to 8:00 p.m.
Sun., Oct. 25, 2020	12:00 noon – 6:00 p.m.
Mon., Oct. 26 thru Fri., Oct. 30	8:00 a.m. to 8:00 p.m.

Early Voting Polling Places:

BEXAR COUNTY ELECTION DEPARTMENT (main early voting location).....	1103 S. Frio
ALZAFAR SHRINE AUDITORIUM.....	901 N. Loop 1604 W
AT&T CENTER.....	1 AT&T Center Parkway
BROOKHOLLOW LIBRARY	530 Heimer Road
CASTLE HILLS CITY HALL (Community Room).....	209 Lemonwood Drive
CLAUDE BLACK CENTER.....	2805 East Commerce
CODY LIBRARY.....	11441 Vance Jackson
COPERNICUS COMMUNITY CENTER.....	5003 Lord Road
EAST CENTRAL ISD ADMIN BUILDING.....	6634 New Sulphur Springs Road
ENCINO PARK LIBRARY.....	2515 East Evans Road
FAIR OAKS RANCH CITY HALL (Council Chambers).....	7286 Dietz Elkhorn
GREAT NORTHWEST LIBRARY.....	9050 Wellwood
HARLANDALE CIVIC CENTER.....	115 W. Southcross
HELOTES CITY HALL	12951 Bandera Road
HENRY A. GUERRA, JR. LIBRARY.....	7978 W Military Drive
JOHN IGO LIBRARY.....	13330 Kyle Seale Parkway
JOHNSTON LIBRARY.....	6307 Sun Valley Drive
JULIA YATES SEMMES LIBRARY @ Comanche Lookout Park	5060 Judson
KIRBY CITY HALL.....	112 Bauman St
LAS PALMAS LIBRARY.....	515 Castroville Road
LEON VALLEY CONFERENCE CENTER.....	6421 Evers Rd
LION'S FIELD.....	2809 Broadway
MAURY MAVERICK, JR. LIBRARY.....	8700 Mystic Park
MCCRELESS LIBRARY.....	1023 Ada Street
MEMORIAL LIBRARY.....	3222 Culebra
MISSION LIBRARY.....	3134 Roosevelt Ave.
NORTHSIDE ACTIVITY CENTER.....	7001 Culebra
NORTHWEST VISTA COLLEGE.....	3535 N. Ellison Dr.
OLMOS PARK CITY HALL.....	120 El Prado W
PALO ALTO COLLEGE.....	1400 W. Villaret Blvd.
PARMAN LIBRARY@Stone Oak.....	20735 Wilderness Oak
SAN ANTONIO COMMUNITY COLLEGE (Victory Center).....	1802 N. Main
SCHAEFER LIBRARY.....	6322 US Hwy 87 E
SHAVANO PARK CITY HALL (COUNCIL CHAMBER).....	900 Saddletree Ct
SOMERSET CITY HALL.....	7360 E. 6th, Somerset
SOUTHSIDE ISD ADMIN BLDG (BOARD ROOM).....	1460 Martinez-Losoya

SOUTHWEST ISD ADMIN BLDG.....	11914 Dragon Lane
THOUSAND OAKS/EL SENDERO LIBRARY.....	4618 Thousand Oaks
TOBIN LIBRARY @OAKWELL.....	4134 Harry Wurzbach
UNIVERSAL CITY LIBRARY.....	100 Northview Dr.
WINDCREST TAKAS PARK CIVIC CENTER.....	9310 Jim Seal Dr.
WONDERLAND MALL OF THE AMERICAS @ CROSSROADS.....	4522 Fredericksburg

*Preliminary, subject to change.

CERTIFICATE FOR ORDINANCE

**THE STATE OF TEXAS
COUNTY OF BEXAR
CITY OF ALAMO HEIGHTS**

I, the undersigned City Secretary of the **CITY OF ALAMO HEIGHTS, TEXAS** (the "**City**"), hereby certify as follows:

1. The City Council of the City (the "**City Council**") convened in Regular Meeting on August 10, 2020 at the City Hall (the "**Meeting**"), and the roll was called of the duly constituted officers and members of the City Council, to wit:

Bobby Rosenthal, Mayor
Lawson Jessee, Council Member Place 1
Wes Sharples, Council Member Place 2
Blake M. Bonner, Council Member Place 3
Lynda Billa Burke, Council Member Place 4
John Savage, Council Member Place 5

and all of the officers and members of the City Council were present, except the following absentees: None. Whereupon, among other business, the following was transacted at the Meeting: a written Ordinance entitled

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(the "**Ordinance**") was duly read. It was then duly moved and seconded that the Ordinance be adopted; and, after due discussion, said motion, carrying with it the adoption of the Ordinance, prevailed and carried by the following vote:

AYES: 5 NOES: 0 ABSTENTIONS: 0

2. A true, full and correct copy of the Ordinance adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; the Ordinance has been duly recorded in the City Council's minutes of the Meeting; the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Ordinance; the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Ordinance would be introduced and considered for passage at the Meeting, and each of said officers and members consented, in advance, to the holding of the Meeting for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED the 10th day of August, 2020.




City Secretary