

ORDINANCE NO. 16-2089

AN ORDINANCE ORDERING A BOND ELECTION TO BE HELD ON THE 7TH DAY OF MAY, 2016, IN THE CITY OF LAKE JACKSON, BRAZORIA COUNTY, TEXAS; MAKING PROVISION FOR THE HOLDING OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lake Jackson, Texas (the “City”) wishes to call a bond election for May 7, 2016 (the “Election”) and finds that the Election is in the public interest;

WHEREAS, the governing bodies of numerous other local political subdivisions situated in Brazoria County, Texas (the “County”), also intend to call an election for May 7, 2016, and certain of such entities, and the City, wish to hold a joint election as permitted by the provisions of Section 271.002, Texas Election Code; and

WHEREAS, the City Council of the City (the “City Council”) hereby finds that the Election should be held to determine whether the City Council shall be authorized to issue bonds of the City in the amounts and for the purposes hereinafter identified and that the Election should be held jointly with the County and all other local political subdivisions choosing to participate;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS THAT:

Section 1. The Election shall be held on Saturday, the 7th day of May, 2016, in accordance with the laws of Texas and the provisions of the Charter of the City (the “City Charter”), and the official ballots for the Election shall be prepared in accordance with the Texas Election Code and at the Election the following PROPOSITIONS shall be submitted in accordance with law:

DOWNTOWN REVITALIZATION PROPOSITION

PROPOSITION NO. 1

“Shall the City Council of the City of Lake Jackson, Texas, be authorized to issue bonds of the City in the principal amount of \$9,900,000 for the purpose of making permanent public improvements for public purposes in the downtown area, to wit: providing streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), replacing water and sewer lines, relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, with respect to:

That Way – Parking Way to Oyster Creek Drive
Circle Way – Oak Drive to That Way
North Parking Place
South Parking Place Completion

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above, the City Council may, in its discretion, use any excess funds for constructing other streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, parking, and sidewalks; such bonds to mature serially or otherwise not more than forty (40) years from

their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of said City Council; provided, however, that such interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

PLANTATION BRIDGE PROPOSITION

PROPOSITION NO. 2

“Shall the City Council of the City of Lake Jackson, Texas, be authorized to issue bonds of the City in the principal amount of \$1,000,000 for the purpose of making permanent public improvements for public purposes, to wit: providing streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, with respect to:

Expand the bridge at Plantation Drive near Medical Drive to accommodate four lanes

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above, the City Council may, in its discretion, use any excess funds for constructing other streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, parking, and sidewalks; such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of said City Council; provided, however, that such interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

RESIDENTIAL STREETS PROPOSITION

PROPOSITION NO. 3

“Shall the City Council of the City of Lake Jackson, Texas, be authorized to issue bonds of the City in the principal amount of \$3,800,000 for the purpose of making permanent public improvements for public purposes, to wit: providing streets, bridges, parking, and sidewalks improvements

(as well as necessary improvements incidental thereto), replacing water and sewer lines, relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, with respect to:

The area bounded by Oleander, Hickory, Mimosa and South Yaupon Streets

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above, the City Council may, in its discretion, use any excess funds for constructing other streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, parking, and sidewalks; such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of said City Council; provided, however, that such interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

DRAINAGE PROPOSITION

PROPOSITION NO. 4

“Shall the City Council of the City of Lake Jackson, Texas, be authorized to issue bonds of the City in the principal amount of \$800,000 for the purpose of making permanent public improvements for public purposes, to wit: providing drainage improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, with respect to:

Drainage improvements in the area of Willow Drive, Daisy and Blossom

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above, the City Council may, in its discretion, use any excess funds for constructing other drainage improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for drainage; such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of said

City Council; provided, however, that such interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

TRAFFIC SIGNAL PROPOSITION

PROPOSITION NO. 5

"Shall the City Council of the City of Lake Jackson, Texas, be authorized to issue bonds of the City in the principal amount of \$500,000 for the purpose of making permanent public improvements for public purposes, to wit: providing streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, and sidewalks, with respect to:

A new traffic signal and right turn lanes at Oak Drive and Circle Way

and in providing for the above public improvements, the City Council shall have the option to utilize other funds available for such purposes and, after making due provision for the improvements listed above, the City Council may, in its discretion, use any excess funds for constructing streets, bridges, parking, and sidewalks improvements (as well as necessary improvements incidental thereto), relocating utilities, street lighting, technology improvements, and signage, and acquiring lands and rights-of-way necessary for streets, bridges, parking, and sidewalks; such bonds to mature serially or otherwise not more than forty (40) years from their issued date; and any issue or series of said bonds to bear interest at such rate or rates (fixed, floating, variable, or otherwise) as may be determined within the discretion of said City Council; provided, however, that such interest shall not exceed the maximum rate per annum authorized by law at the time of the issuance of any issue or series of said bonds; and shall the City Council be authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes on all taxable property in said City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity and to pay the costs of any credit agreements executed in connection with the bonds?"

Section 2. The 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 aforesaid PROPOSITIONS, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

DOWNTOWN REVITALIZATION IMPROVEMENTS PROPOSITION
PROPOSITION NO. 1

FOR “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$9,900,000 FOR STREETS, DRAINAGE, PARKING, SIDEWALKS, AND WATER AND SEWER IMPROVEMENTS IN THE DOWNTOWN AREA”

AGAINST

PLANTATION BRIDGE IMPROVEMENTS PROPOSITION
PROPOSITION NO. 2

FOR “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$1,000,000 FOR EXPANSION OF THE PLANTATION DRIVE BRIDGE BETWEEN OLEANDER AND MEDICAL”

AGAINST

RESIDENTIAL STREETS IMPROVEMENTS PROPOSITION
PROPOSITION NO. 3

FOR “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$3,800,000 FOR RESIDENTIAL STREETS, DRAINAGE, SIDEWALKS, AND WATER AND SEWER IMPROVEMENTS IN THE AREA BOUND BY OLEANDER, HICKORY, MIMOSA, AND SOUTH YAUPON”

AGAINST

DRAINAGE IMPROVEMENTS PROPOSITION
PROPOSITION NO. 4

FOR “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$800,000 FOR DRAINAGE IMPROVEMENTS AND ADDITIONS IN THE WILLOW/BLOSSOM AREA”

AGAINST

TRAFFIC SIGNAL IMPROVEMENTS PROPOSITION
PROPOSITION NO. 5

FOR “THE ISSUANCE OF BONDS IN THE AMOUNT OF \$500,000 FOR A NEW TRAFFIC SIGNAL AND RIGHT TURN LANES AT OAK DRIVE AND CIRCLE WAY NEAR CITY HALL”

AGAINST

Section 3. In accordance with Section 3.009, Texas Election Code, the City Council makes the following disclosures:

- (a) The respective proposition language is set forth in Section 1;
- (b) The purposes for which the Bonds are to be authorized are stated in Section 1;
- (c) The total principal amount of the Bonds to be authorized is \$16,000,000;
- (d) Ad valorem taxes sufficient to pay the annual principal and interest on the Bonds will be imposed;
- (e) The maximum interest rate of the Bonds or any series of the Bonds is estimated to be 5.00%, based on the market conditions at the time of this Ordinance;
- (f) The maximum maturity date of the Bonds shall not exceed 40 years;
- (g) The aggregate amount of the outstanding principal of the City's ad valorem tax debt obligations as of the beginning of the City's fiscal year in which the Election is ordered being the year ended September 30, 2016 (the "Fiscal Year") is \$39,255,000;
- (h) The aggregate amount of the outstanding interest on ad valorem tax debt obligations of the City as of the beginning of the Fiscal Year is \$8,699,479.17; and
- (i) The ad valorem tax debt service tax rate for the City at the time the Election is ordered is \$0.127678 per \$100 valuation of the taxable property.

Section 4. The City Council hereby authorizes the Election to be held jointly with other participating political subdivisions located within the County, and authorizes the execution of an agreement with the County, acting through its Elections Administrator, for conduct of the Election as a joint election with the other political subdivisions identified in such agreement.

Pursuant to Section 61.012, Texas Election Code, the Brazoria County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

Section 5. Said election shall be held in and throughout the City of Lake Jackson, Texas, on May 7, 2016, between the hours of 7:00 am and 7:00 pm. Election day voting locations are listed in Exhibit A.

Section 6. Early voting by personal appearance will begin on April 25, 2016 and end on May 3, 2016. Early voting locations are listed in Exhibit B.

Section 7. Electors may cast their early vote by mail, and the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent to, is as follows:

Ms. Joyce Hudman, County Clerk
Brazoria County Elections Administrator
111 East Locust, Suite 200
Angleton, Texas 77515
Attention: Early Voting Clerk

Section 8. (a) Notice of such bond election shall be given by posting a copy of this Ordinance, both in English and in Spanish, at three (3) public places in the City and also at the City Hall, not less than 21 days prior to the date set for the Election; and a substantial copy of this Ordinance also shall be

published, both in English and in Spanish, on the same day in each of two successive weeks in a newspaper of general circulation published in the City, the date of the first publication to be not less than 10 nor more than 30 days prior to the date set for the Election.

(b) On Election day and during early voting by personal appearance, the Ordinance shall be posted in a prominent location at each polling place.

(c) During the 21 days before the election, the Notice of Election and the Ordinance shall be posted prominently on the City's Internet website.

Section 9. All resident qualified electors of the City shall be permitted to vote at the Election and on the day of the Election, such electors shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, the City Charter, and the Federal Voting Rights Act and the provisions of the Texas Government Code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish.

Section 10. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of the Council that every section, paragraph, subdivision, clause, phrase, work, or provision hereof be given full force and effect for its purpose.

PASSED AND APPROVED on first reading this 19th day of January, 2016.

PASSED AND ADOPTED on second and final reading this 1st day of February, 2016.

CITY OF LAKE JACKSON, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)

I, the undersigned, City Attorney of the City of Lake Jackson, Texas, hereby certify that I read, passed upon, and approved as to form the foregoing Ordinance prior to its adoption and passage as aforesaid.

Sherri Russell, City Attorney,
City of Lake Jackson, Texas

EXHIBIT A

ELECTION DAY SITES

Election Day Voting in the City shall be conducted on the 7th day of May, 2016, between the hours of 7:00 a.m. and 7:00 p.m. at the polling locations listed below. Eligible voters shall vote at the locations listed below. All eligible voters of the City may vote in the Election.

<u>Home Pct #</u>	<u>City</u>	<u>Location and Address</u>
1	Angleton	East Annex (Old Walmart), 1524 E Mulberry
2	West Columbia	Pct 4 Government Offices, 121 N 10 th St
3	Alvin	Ryan Center, 2925 South Bypass 35
4	Brazoria	Brazoria Library, 620 S Brooks
5	Holiday Lakes	Holiday Lakes City Hall, 195 N Texas Ave
6	Liverpool	Liverpool City Hall, 8901 CR 171
7	Freeport	Freeport Library, 410 Brazosport Blvd
8	Oyster Creek	Oyster Creek City Hall, 3210 FM 523
9	Bonney	Bonney Annex Building, 19025 FM 521
12	Pearland	Drainage District No. 4 Building, 4813 W Broadway
13	Pearland	Turner High School, 4717 Bailey Rd
14	Sweeny	Sweeny Community Center, 205 W Ashley Wilson Rd
15	Danbury	Danbury Community Center, 6115 5th St
19	Clute	Clute City Hall, 108 E Main
20	Jones Creek	Jones Creek Comm House, 7207 Stephen F Austin Rd
23	Lake Jackson	Lake Jackson Civic Center, 333 Hwy 332 East
24	Richwood	Richwood City Hall, 1800 N Brazosport Blvd
25	Alvin	Hillcrest Village Municipal Bldg, 200 W Timberlane
29	Pearland	Westside Event Center, 2150 Countryplace Pkwy
33	Brazoria	Mims Community Center, 4283 FM 521
38	Surfside Beach	Surfside Beach City Hall, 1304 Monument Dr
39	Alvin	Alvin Library, 105 S Gordon
40	Manvel	Courthouse North Annex, 7313 Corporate Dr
44	Pearland	Silverlake Recreation Center, 2715 Southwyck Pkwy
46	Pearland	Pearland Library, 3522 Liberty Dr
49	West Columbia	Columbia Lakes Conference Center, 188 Freeman Blvd
52	Pearland	Fellowship Bible Church, 1720 E Broadway
55	Angleton	Courthouse West Annex, 451 N Velasco
67	Pearland	Pearland Westside Library, 2803 Business Center Dr #101

EXHIBIT "B"

**NOTICE OF EARLY VOTING – BRAZORIA COUNTY, TEXAS
AVISO DE VOTACIÓN ADELANTADA – CONDADO DE BRAZORIA, TEXAS**

For the elections of Angleton Independent School District, Alvin Independent School District, Brazosport Independent School District, Columbia-Brazoria Independent School District, Danbury Independent School District, Pearland Independent School District, Sweeny Independent School District; the municipalities of Alvin, Angleton, Brazoria, Bonney, Brookside Village, Clute, Danbury, Freeport, Holiday Lakes, Hillcrest Village, Iowa Colony, Jones Creek, Lake Jackson, Liverpool, Manvel, Pearland, Quintana, Richwood, Surfside Beach, Sweeny and West Columbia; Alvin Community College District and Brazosport College District; Angleton-Danbury Hospital District, Sweeny Hospital District; Angleton Drainage District #1, Velasco Drainage District #2, Brazoria County Drainage District #5 and Brazoria County Drainage District #8; Treasure Island Utility District, Varner Creek Utility District

Para las Elecciones de los Distritos Independiente Escolar de Angleton, Alvin, Brazosport, Columbia-Brazoria, Danbury, Pearland y Sweeny; de las Ciudades de Alvin, Angleton, Bonney, Brazoria, Brookside Village, Clute, Danbury, Freeport, Holiday Lakes, Hillcrest Village, Iowa Colony, Jones Creek, Lake Jackson, Liverpool, Manvel, Pearland, Quintana, Richwood, Surfside Beach, Sweeny y West Columbia; Distritos Universitarios de Alvin y de Brazosport; Distrito Hospital de Angleton-Danbury, Distrito Hospital de Sweeny; Distrito de Drenaje Núm. 1 de Angleton, Distrito de Drenaje Núm. 2 de Velasco, Distrito de Drenaje Núm. 5 del Condado de Brazoria y Distrito de Drenaje Núm. 8 del Condado de Brazoria; Distrito de Utilidades de Treasure Island y de Varner Creek

May 7, 2016 (7 de mayo de 2016)

**EARLY VOTING BY PERSONAL APPEARANCE LOCATIONS:
LOCALIDADES PARA LA VOTACIÓN ADELANTADA EN PERSONA:**

Angleton Main Location: <i>Localidad Principal</i>	East Annex (Old Walmart) 1524 E Mulberry #144, Angleton
Alvin Branch Location (<i>Sitio</i>):	Alvin Library 105 S Gordon, Alvin
Brazoria Branch Location (<i>Sitio</i>):	Brazoria Library 620 S Brooks, Brazoria
Freeport Branch Location (<i>Sitio</i>):	Freeport Library 410 Brazosport Blvd, Freeport
Lake Jackson Branch Location (<i>Sitio</i>):	Lake Jackson Library 250 Circle Way, Lake Jackson
Manvel Branch Location (<i>Sitio</i>):	Courthouse North Annex 7313 Corporate Dr, Manvel
Pearland East Branch Location (<i>Sitio</i>):	Tom Reid (Pearland) Library 3522 Liberty Dr, Pearland
Pearland West Branch Location (<i>Sitio</i>):	Westside Event Center 2150 Countryplace Pkwy, Pearland
Shadow Creek Branch Location (<i>Sitio</i>):	Pearland Westside Library 2803 Business Center Dr #101, Pearland
Sweeny Branch Location (<i>Sitio</i>):	Sweeny Community Center 205 W Ashley Wilson Rd, Sweeny
West Columbia Branch Location (<i>Sitio</i>):	Pct. 4 Government Office 121 N. 10 th St., West Columbia

**PERSONAL APPEARANCE TIMES AND DATES FOR ABOVE LOCATIONS:
FECHAS Y HORAS DE LA VOTACIÓN ADELANTADA EN PERSONA:**

April 25-29 (25-29 de abril)	8 AM – 5 PM
April 30 (30 de abril)	7 AM – 7 PM
May 2-3 (2-3 de mayo)	7 AM – 7 PM

EARLY VOTING BY MAIL: (VOTACIÓN ADELANTADA POR CORREO):

Applications for voting by mail must be received no later than the close of business (5 PM) on April 26, 2016.

Las solicitudes para boletas de votación adelantada por correo deberán recibirse para el fin de las horas de negocio (5 PM) el 26 de abril de 2016.

Applications should be mailed to:

Las solicitudes para boletas que se votarán adelantada por correo deberán enviarse a:

**JOYCE HUDMAN, COUNTY CLERK
111 E LOCUST, SUITE 200
ANGLETON, TX 77515-4654**

REASONS FOR BEING QUALIFIED TO VOTE BY MAIL: (CALIFICACIONES PARA VOTAR ADELANTADO POR CORREO:)

65 years of age or older; (*Tiene 65 años o más*)

Disability; (*Tiene incapacidad*)

Absence from the county on Election Day and during the Early Voting period

(Ausencia del condado en el día de elección y durante las fechas y horas de votación adelantada)

Confinement in jail; (*Encarcelado*)

JOYCE HUDMAN, COUNTY CLERK
BRAZORIA COUNTY, TEXAS