

Ordinance ordering a Special Election to be held on November 5, 2013 in the City of Corpus Christi on the question of authorizing one or more series of bonds supported by ad valorem taxes; providing for procedures for holding such election; providing for notice of election and publication; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; making provisions for the conduct of such joint election; and enacting provisions and resolving other matters incident and related to such election.

WHEREAS, Chapters 1251 and 1331, as amended, Texas Government Code specifies certain requirements for the conduct of elections by Texas municipalities concerning the issuance of bonds and the levy of an ad valorem tax in support of payment thereof; and

WHEREAS, Section 3.004 of the Texas Election Code provides that municipal authorities shall order elections pertaining to municipal affairs, and other provisions of the Election Code provide for notice, appointment of officers to hold the election, and other matters related to the holding of the election; and

WHEREAS, Section 3.006 of the Texas Election Code provides that in addition to any other elements required to be included in an election order by other law, each election order must state the date of the election and the offices or measures to be voted on at the election;

WHEREAS, Nueces County will also be conducting a Special Election on November 5, 2013;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. A Special Election (the "Election") shall be held in the city of Corpus Christi, Texas (the "City") on Tuesday, November 5, 2013 ("Election Day").

SECTION 2. At the Election all qualified voters of the City shall be permitted to vote.

SECTION 3. The eSlate direct recording equipment (DRE) shall be employed at the Election in accordance with the applicable provisions of the Texas Election Code and the Election shall be held at the polling places in the regularly prescribed precincts of the City, as set forth on Attachment A, hereto incorporated by reference and made part of this Ordinance. The Election shall be held in accordance with the Election Laws of the State of Texas. The polls shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

SECTION 4. The City Secretary shall conduct the Election as directed by this Ordinance and by law, pursuant to the Joint Election Agreement to be entered into with Nueces County.

SECTION 5. The eSlate direct recording equipment shall be used for the conduct of the Election on Election Day and for early voting. Early voting in person at each of the temporary branch polling places shall be conducted on Monday, October 21, 2013 through Friday, November 1, 2013 (inclusive of Saturday and Sunday). Such early voting in person may be conducted at the main early voting polling place located at Nueces County Courthouse, 901 Leopard, as well as at the permanent branch polling places as set forth in Attachment B, incorporated by reference and made a part of this Ordinance.

In addition, early voting in person may be conducted at the mobile temporary branch polling places set forth in Attachment C, and then incorporated by reference and made a part of this Ordinance, during the days and hours specified therein. The City Secretary is authorized, in the event of an emergency, preventing any of the designated polling places from being utilized, to provide for suitable replacement locations.

Each branch polling place and the main early polling place serve all Election precincts.

The City shall also utilize a Central Counting Station (the *Station*) as provided by Section 127.001, et seq., as amended, Texas Election Code, as amended. The elections administrator of Nueces County, or the designee thereof, is hereby appointed as the Manager and Presiding Judge of the Station and may appoint Station clerks and establish a written plan for the orderly operation of the Station in accordance with the provisions of the Texas Election Code, as amended. The City Council hereby appoints the elections administrator of Nueces County, or the designee thereof, as the Tabulation Supervisor and the elections administrator of Nueces County, or the designee thereof, as the Programmer for the Station. Lastly, elections administrator of Nueces County, or the designee thereof will publish notice and conduct testing on the automatic tabulation equipment relating to the Station and conduct instruction for the officials and clerks for the Station in accordance with the provisions of the Texas Election Code, as amended.

SECTION 6. All resident qualified voters of the City shall be permitted to vote at the Election, and on Election Day and Early Voting, such voters shall vote at the designated polling places. The Election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, Chapter 1251, as amended, Texas Government Code, and as may be required by any other law. All materials and proceedings relating to the Election shall be printed in both English and Spanish.

The City Secretary is directed to post and publish such Election notices as are required by the Election Laws of the State of Texas. This notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City and at the City Hall not less than twenty-one (21) days prior to Election Day, and be published on the same day in each of two (2) successive weeks in a newspaper of general circulation in the City, the first of these publications to appear in such newspaper not more than thirty (30) days, and not less than fourteen (14) full days prior to Election Day.

The City Secretary is appointed as the authority and officer responsible for the conduct of said Election and is hereby authorized and directed to make all necessary arrangements for the holding of said Election in accordance with and subject to the laws of this State, including, but not limited to coordinating the Election process, in accordance with the

Joint Election Agreement to be executed with Nueces County. The City Secretary is authorized to approve all lawful changes and additions to the procedures provide herein in order to implement such agreement, including provisions for substations, mobile voting sites and Election Day polling sites.

SECTION 7. At the Election, the City voters shall be presented with the following proposition (in English and Spanish) in the form prescribed by applicable Texas law:

Proposition No. 1

The City Council of the City of Corpus Christi, Texas shall be authorized to issue and sell one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$44,600,000 for the purpose of designing, demolishing, constructing, acquiring, improving and equipping a public-private project known as Destination Bayfront -- a parks, recreation and cultural enrichment project developed with public input to make improvements, renovations and enhancements to revitalize approximately 34 acres of public land and beach downtown, which would leverage public construction dollars with private donations and other sources of funding for ongoing park programming, operation and maintenance costs, the improvements and amenities to be made having been developed through a series of public meetings and which include:

- Improvements to Veteran's area including shaded event space, restrooms and handicap parking;
- Large event area with covered stage, including necessary utility connections and lighting to support festivals and other large events;
- Boardwalk promenade along the seawall with shade structures and restrooms adjacent to shops and restaurants;
- Public pier with shade structures;
- ADA ramp to access Magee beach and beach wash off stations;
- Children's and family play areas including shaded seating, recreational and playground equipment for all ages, a climbing wall, and a water spray feature;
- Senior exercise area;
- Hiking and jogging trails and sports courts;
- Dog park;
- Picnic area;
- Adding shaded areas, landscaping, lighting, drop off points and transportation connection improvements throughout the site;
- Providing parking within the area; and
- Construction, renovation and acquisition of buildings and other facilities for lease or grant of retail, food or other concessions to private entities;

with such series or issues, respectively, to mature serially or otherwise within not to exceed forty years from their date and to be sold at such prices and bear interest at such rates (whether fixed, floating, variable, or otherwise, but in no case at a rate that exceeds the maximum rate per annum authorized by law at the time of any such issuance), as shall be determined within the discretion of 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 said bonds); and the City Council shall be

authorized to levy and pledge, and cause to be assessed and collected, annual ad valorem taxes, within the limits provided by law, on all taxable property in the 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 8. The official ballot shall be prepared in accordance with the Texas Election Code, as amended, so as to permit voters to vote “FOR” or “AGAINST” the aforesaid proposition which shall appear on the ballot substantially as follows:

Proposition No. 1

The issuance of one or more series of general obligation bonds of the City in the aggregate principal amount of not more than \$44,600,000 and the levy of a tax for payment thereof, for the purpose of designing, demolishing, constructing, acquiring, improving and equipping a public-private project known as Destination Bayfront -- a parks, recreation and cultural enrichment project developed with public input to make improvements, renovations and enhancements to revitalize approximately 34 acres of public land and beach downtown, which would leverage public construction dollars with private donations and other sources of funding for ongoing park programming, operation and maintenance costs, the improvements and amenities to be made having been developed through a series of public meetings and which include:

- Improvements to Veteran’s area including shaded event space, restrooms and handicap parking;
- Large event area with covered stage, including necessary utility connections and lighting to support festivals and other large events;
- Boardwalk promenade along the seawall with shade structures and restrooms adjacent to shops and restaurants;
- Public pier with shade structures;
- ADA ramp to access Magee beach and beach wash off stations;
- Children’s and family play areas including shaded seating, recreational and playground equipment for all ages, a climbing wall, and a water spray feature;
- Senior exercise area;
- Hiking and jogging trails and sports courts;
- Dog park;
- Picnic area;
- Adding shaded areas, landscaping, lighting, drop off points and transportation connection improvements throughout the site;
- Providing parking within the area; and
- Construction, renovation and acquisition of buildings and other facilities for lease or grant of retail, food or other concessions to private entities.

SECTION 9. The voter-approved obligations issued pursuant to Proposition 1 referenced above shall be secured by the full tax rate authorized by the Texas Constitution, in accordance with Article VIII, Section 1(b) of the City Charter.

SECTION 10. By approving and signing this Ordinance, the Mayor officially confirms as her action all matters recited in this Ordinance, which by law come within her jurisdiction.

SECTION 11. The City Manager of the City is hereby authorized, as necessary or desired, to make such technical modifications to this Ordinance that are necessary for compliance with applicable State or federal law or to carry out the intent of the City Council, as evidenced herein.

SECTION 12. 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 this City Council that every section, paragraph, subdivision, clause, phrase, word or provision be given full force and effect for its purpose.

SECTION 13. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 14. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

SECTION 15. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 16. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 17. Pursuant to the provisions of Section 1201.028, as amended, Texas Government Code, this Ordinance shall be effective immediately upon adoption.

ATTEST:

City Secretary

Mayor
The City of Corpus Christi

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2013, by the following vote:

Nelda Martinez	_____	Chad Magill	_____
Kelley Allen	_____	Colleen McIntyre	_____
Rudy Garza	_____	Lillian Riojas	_____
Priscilla Leal	_____	Mark Scott	_____
David Loeb	_____		

PASSED AND APPROVED this the _____ day of _____, 2013.

ATTEST:

CITY OF CORPUS CHRISTI

Armando Chapa
City Secretary

Nelda Martinez
Mayor

ATTACHMENT A

[To be inserted-polling places in the regularly prescribed precincts of the City of Corpus Christi]

ATTACHMENT B

[To be inserted - temporary branch polling places as set forth in Attachment B]

ATTACHMENT C

[To be inserted--the mobile temporary branch polling places, during the days and hours specified therein.]