

VIA TELEPHONE CONFERENCE



**CITY OF FAIR OAKS RANCH
AGENDA – CITY COUNCIL TELECONFERENCE**

August 17, 2020 2:00 PM
Via Teleconference
7286 Dietz Elkhorn, Fair Oaks Ranch

THERE EXISTS A PUBLIC HEALTH EMERGENCY RELATED TO THE COVID-19 VIRUS THAT NECESSITATES A MEETING OF THE CITY COUNCIL TO TAKE PLACE VIA VIDEO CONFERENCE PURSUANT TO GOVERNMENT CODE CHAPTER 551.125, AS MODIFIED BY EXECUTIVE ORDER OF THE GOVERNOR

You can dial in using your phone:

United States (Local #): 210-714-4201

(Toll-Free #): 1-800-717-4201

*****Due to costs incurred by the city for each minute for each caller using the Toll Free line please consider using the Toll Number if your phone plan covers long distance calls.***

Conference ID: 2443302 #

If you wish to address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately.

I. OPEN MEETING

A. Roll Call – Declaration of a Quorum.

II. CITIZENS and GUEST FORUM / PRESENTATIONS

To address the Council, please select *5 on your phone; this will place you in a queue for speaking. At the appropriate time the City Secretary will call upon each individual separately. In accordance with the Open Meetings Act, Council may not discuss or take action on any item which has not been posted on the agenda.

A. Citizens to be heard.

III. CONSENT AGENDA

A. Approval of the second reading of an Ordinance calling the Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to be held on November 3, 2020.

Christina Picioccio, City Secretary

Pgs. 3-11

IV. ADJOURNMENT

Requests for City topic needing additional information/research; or, potential consideration for a future agenda.

Signature of Agenda Approval: _____

Todd Maph

I, Christina Picioccio, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the city's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times. As per Texas Government Code 551.045, said Notice was posted by 2:00 PM, August 14, 2020 and remained so posted continuously for at least 72 hours before said meeting was convened.

The Fair Oaks Ranch City Hall is wheelchair accessible at the side entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available. The City Council reserves the right to convene into Executive Session at any time regarding an issue on the agenda for which it is legally permissible; pursuant to *Texas Government Code* Chapter 551. Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

August 17, 2020

AGENDA TOPIC: Approval of the second reading of an Ordinance calling the Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to be held on November 3, 2020

DATE: August 17, 2020

DEPARTMENT: City Secretary

PRESENTED BY: Christina Picioccio, City Secretary

INTRODUCTION/BACKGROUND:

In 2008 pursuant to the Texas Tax Code Chapter 327 the citizens of Fair Oaks Ranch elected to impose a local sales and use tax rate of $\frac{1}{4}$ of one percent for funds dedicated to street maintenance and repair. This tax expires four years after enactment, but can be readopted upon a successful election prior to the expiration of the tax. In 2012 and 2016 citizens reauthorized, by election, the re-adoption of the street maintenance and repair tax.

Texas Tax Code Section 327.007b provides that "An election to reauthorize the tax is *called* and *held in the same manner* as an election to adopt the tax." In 2008 the election was called under Ordinance 176. This agenda item is to order an election reauthorizing the sales and use tax for the maintenance and repair of municipal streets.

Pursuant to Section 418.0016 of the Texas Government Code, on March 18, 2020, Governor Abbot signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections no later than November 3, 2020 due to the Coronavirus outbreak.

Pursuant to Texas Election Code 42.002 and 43.007 E, as the city has elected to change the election date to the November uniform election Date (November 3rd)," the city must use county election precincts and county polling places; the entity must have a presence in every countywide location in the county, not just the locations within the territory of the political subdivision". This means that the city must contract with each county in which we reside and that the pertinent contact information, polling place locations, dates and times for each be included in the order.

In addition, on July 27, 2020 Governor Greg Abbott issued a proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period. In response to the Governors proclamation the Texas Secretary of State, on August 17, 2020, issued Election Advisory 2020-12 requiring revisions to the Order of Election be made no later than the 78th day before Election Day (August 17, 2020).

The posting of this agenda item occurred on August 14th prior to the first reading of this Ordinance. This item assumes Council approval.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Re-adopting the quarter cent tax ensures the continuance of the City's annual street maintenance and repair program.
2. Affords the opportunity for citizenry voice.

LONG-TERM FINANCIAL & BUDGETARY IMPACT:

Budgeted cost of election, including contract for conducting the election with Bexar, Comal and Kendall counties, is \$10,000.

LEGAL ANALYSIS:

Reviewed and approved as to form.

RECOMMENDATION/PROPOSED MOTION:

Consent (I move to approve the second reading of an Ordinance calling a Special Election reauthorizing the levying of local sales and use tax for the maintenance and repair of municipal streets to be held on November 3, 2020.)

AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, ORDERING THE SPECIAL ELECTION TO SUBMIT A PROPOSITION ON THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF FAIR OAKS RANCH TEXAS AT THE RATE OF ONE FOURTH (1/4) OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS, TO BE HELD ON NOVEMBER 3, 2020; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the general laws and the Charter of the City of Fair Oaks Ranch, Texas, and pursuant to Ordinance No. 2020-02, a special election was ordered to be held on May 2, 2020, to submit a proposition on the reauthorization of the local sales and use tax at the rate of one fourth (1/4) of one percent to continue providing revenue for the maintenance and repair of municipal streets; and

WHEREAS, pursuant to Section 418.016 of the Texas Government Code, on March 18, 2020, the Governor of the State of Texas signed a proclamation suspending certain provisions of the Texas Election Code to allow all local political subdivisions that are utilizing the May 2, 2020 uniform election date to postpone their elections to the November 3, 2020, uniform election date; and

WHEREAS, the City Council of the City of Fair Oaks Ranch, Texas, exercised that authority as an emergency measure on March 27th and postponed the election to the November 3, 2020; and

WHEREAS, on July 27th, 2020 Governor Greg Abbott issued a proclamation suspending Section 85.001(a) of the Texas Election Code to expand the early voting period from October 17, 2020 – October 30, 2020 to October 13, 2020 – October 30, 2020; and

WHEREAS, pursuant to Election Code Section 42.0621, an election held on the November uniform election date requires the political subdivision to use the polling places of each county within its territory: and,

WHEREAS, the Texas Secretary of State Election Advisory 2020-12 requires necessary revisions to the Order of Election be made by the 78th day before Election Day (August 17, 2020).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

SECTION 1. That the City Councils' election previously ordered for May 2, 2020, for the City of Fair Oaks Ranch, Texas, for the purpose of submitting a proposition on the reauthorization of the local sales and use tax at the rate of one fourth (1/4) of one percent to continue providing revenue for the maintenance and repair of municipal streets is hereby postponed to November 3, 2020.

SECTION 2. The official ballots shall be prepared in accordance with the Texas Election Code, as amended, so as to permit qualified voters to vote "FOR" or "AGAINST" the aforesaid proposition which shall appear on the ballot substantially as follows:

PROPOSITION

Shall the City Council of the City of Fair Oaks Ranch, Texas, be re-authorized to continue a local sales and use tax in the City of Fair Oaks Ranch at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets?

SECTION 3. All qualified voters of the City of Fair Oaks Ranch shall be entitled to vote in said election.

SECTION 4. The main early voting locations for the holding of said election shall be at:

Bexar County Elections Department: 1103 S. Frio, Suite 100,
San Antonio TX 78207,

Comal County Elections Department: 396 N. Seguin Ave
New Braunfels, TX 78130

Kendall County Elections Department: Kendall County Courthouse Annex
221 Fawn Valley Drive,
Boerne TX 78006

and the entire City of Fair Oaks Ranch, Texas, for the purpose of holding said election shall be and constitute one Municipal election precinct.

SECTION 5. Early voting shall be conducted commencing October 13, 2020 through October 30, 2020.

The Bexar County Election Administrator is hereby charged with the duty of conducting early voting in the Bexar County election, as required by law. Applications for ballot by mail shall be mailed to:

J. Callanen, Elections Administrator
Bexar County Elections
1103 S. Frio, Suite 100
San Antonio TX 78207

The Comal County Elections Coordinator is hereby charged with the duty of conducting early voting in the Comal County election, as required by law. Applications for ballot by mail shall be mailed to:

Cynthia Jaqua, Elections Coordinator
396 N. Seguin Ave.
New Braunfels, TX 78130

The Kendall County Election Administrator is hereby charged with the duty of conducting early voting in the Kendall County election, as required by law. Applications for ballot by mail shall be mailed to:

Staci Decker, Elections Administrator
221 Fawn Valley Drive
Boerne, TX 78006

SECTION 6. Early voting by personal appearance will be conducted at each main voting location in Bexar, Comal and Kendall County on the following dates and times **(SUBJECT TO CHANGE)**:

Bexar County:

Bexar County Elections Department (Main) ----- 1103 S. Frio, Suite 100,
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 Road
Kirby City Hall ----- 112 Bauman Street
Las Palmas Library ----- 515 Castroville Road
Leon Valley Conference Center ----- 6421 Evers Road
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 Avenue
Northside Activity Center ----- 7001 Culebra
Northwest Vista College ----- 3535 No. Ellison Drive
Olmos 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 Chambers) ----- 900 Saddletree Court
Somerset City Hall ----- 7360 E. 6th, Somerset
Southside ISD Admin Building (Board Room) ----- 1460 Martinez-Losoya
Southwest ISD Admin Building ----- 11914 Dragon Lane
Thousand Oaks/El Sendero Library ----- 4618 Thousand Oaks
Tobin Library @ Oakwell ----- 4134 Harry Wurzbach
Universal City Library ----- 100 Northview Drive
Windcrest Takas Park Civic Center ----- 9310 Jim Seal Drive
Wonderland Mall of the Americas @ Crossroads ----- 4522 Fredericksburg

Tues., Oct. 13 – Thu. Fri., Oct. 16-----8:00 AM to 6:00 PM
 Sat., Oct. 17----- 10:00 AM - 6:00 PM
 Sun., Oct. 18----- 12:00 Noon - 6:00 PM
 Mon., Oct. 19 – Fri., Oct. 23----- 8:00 AM - 6:00 PM
 Sat., Oct. 24----- 8:00 AM - 8:00 PM
 Sun., Oct. 25----- 12:00 Noon - 6:00 PM
 Mon., Oct. 26 – Fri., Oct. 30----- 8:00 AM - 8:00 PM

Comal County:

Comal County Elections Department Office (Main) ----- 396 N. Seguin Ave
 ----- New Braunfels, TX 78130

Mammen Family Public Library ----- 131 Bulverde Crossing
 Meeting Room “A” ----- Bulverde, TX 78163

Comal County Office/Goodwin Annex Training Room-----1297 Church Hill
 ----- New Braunfels, TX 78130

CRRC of Canyon Lake -----1917 FM 2673
 Room “1”----- Canyon Lake, TX 78133

Comal County Offices, Bulverde Annex ----- 30470 Cougar Bend
 JP2 Courtroom----- Bulverde, TX 78163

St. Francis by the Lake Episcopal Church-----121 Spring Mountain Dr.
 Large Room ----- Canyon Lake, TX 78133

Tues., Oct. 13 – Fri., Oct. 16 ----- 8:00 AM – 6:00 PM
 Sat., Oct., 17 ----- 7:00 AM – 7:00 PM
 Sun., Oct. 18 ----- 1:00 PM – 6:00 PM
 Mon., Oct. 19 – Sat., Oct. 24 ----- 7:00 AM – 7:00 PM
 Sun., Oct. 25 ----- 1:00 PM – 6:00 PM
 Mon., Oct. 26 – Fri., Oct. 30----- 7:00 AM – 7:00 PM

Garden Ridge Community Center ----- 9500 Municipal Parkway
 Wildflower Room -----Garden Ridge, TX 78266

Tues., Oct. 13----- 8:00 AM – 6:00 PM
 Wed., Oct. 14 ----- 8:00 AM – 5:30 PM
 Thurs., Oct. 15 – Fri., Oct 16 ----- 8:00 AM – 6:00 PM
 Sat., Oct., 17 ----- 7:00 AM – 7:00 PM
 Sun., Oct. 18 ----- 1:00 PM – 6:00 PM
 Mon., Oct. 19 – Sat., Oct. 24 ----- 7:00 AM – 7:00 PM
 Sun., Oct. 25 ----- 1:00 PM – 6:00 PM

Mon., Oct. 26 – Tues., Oct. 27 -----	7:00 AM – 7:00 PM
Wed., Oct. 28 -----	7:00 AM – 5:30 PM
Thurs., Oct. 29 – Fri., Oct. 30 -----	7:00 AM – 7:00 PM

Kendall County:

Kendall County Courthouse Annex (Main) ----- 221 Fawn Valley Drive
-----Boerne TX 78006

Tues., Oct. 13 – Thu. Fri., Oct. 16 -----	8:00 AM - 6:00 PM
Sat., Oct 17 -----	9:00 AM - 5:00 PM
Mon., Oct. 19 – Fri., Oct. 23 -----	8:00 AM - 6:00 PM
Sat., Oct 24 -----	9:00 AM - 5:00 PM
Mon., Oct. 26 – Wed., Oct. 28 -----	8:00 AM - 6:00 PM
Thurs., Oct. 29 – Fri., Oct 30 -----	7:00 AM – 7:00 PM

SECTION 7. The polling places on Election Day shall be open from 7:00 AM to 7:00 PM. Due to Covid-19 each respective Election Administrator is working toward confirmation of polling locations. Each Election Administrator will make Election Day polling location available as soon as practicable.

SECTION 8. Pursuant to Section 61.012, Texas Election Code, as amended, the City 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 requirement for voting systems that permit voters with physical disabilities to cast a secret ballot. Touch screen machines may be used for early voting and Election Day voting by personal appearance. Certain early voting may be conducted by mail. The Elections Administrator shall also utilize a Central Counting Station (the “**Station**”) as provided by Section 127.001, et seq., Texas Election Code, as amended.

Bexar County Election Administrator Jacque Callanen, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code

Comal County Election Administrator Cynthia Jaqua, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code.

Kendall County Election Administrator Staci Decker, serving as the Elections Official Manager and Presiding Judge of the Stations, will appoint the Election Judges and Station Clerks for each Station location, and will establish a written plan for the orderly operation of the Station locations in accordance with the provisions of the Texas Election Code

The Elections Administrators will appoint the Tabulation Supervisors which will also serve as the Programmers for the Stations. Lastly, the Elections Administrator

will publish notice and conduct testing on the automatic tabulation equipment relating to the Stations and conduct instruction for the officials and clerks for the Stations in accordance with the provisions of the Texas Election Code. Voting by Mail ballot and Provisional Voting shall be done on paper ballot.

SECTION 9. The City Secretary shall serve as the election officer of the November 3, 2020 Special Election of the City of Fair Oaks Ranch as required and authorized by law.

SECTION 10. The City Secretary is hereby authorized and directed to post notice of said election, in both English and Spanish, on a bulletin board used for posting notices of the City Council meetings of the City of Fair Oaks Ranch at 7286 Dietz Elkhorn, City of Fair Oaks Ranch, Texas (the polling places for the holding of said election) not later than the twenty-first (21) day before Election Day. Said notice shall remain posted through the end of Election Day.

SECTION 11. The City Secretary is further authorized and directed to cause notice of said election to be published in a newspaper of general circulation in the City of Fair Oaks Ranch at least once, not earlier than the thirtieth (30th) day nor later than the tenth (10th) day before Election Day.

SECTION 12. The City Secretary shall send a copy of the notice of said election to the County Clerk and Voter Registrar of Bexar, Comal, and Kendall County no later than the 60th day before Election Day.

SECTION 13. The Council authorizes the City Manager to negotiate and enter into one or more joint election agreements with other governmental organizations in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager, or his/her designee, and the City Attorney.

SECTION 14. The Council authorizes the City Manager to negotiate and enter into contracts with the Elections Administrator to conduct the elections in accordance with the provisions of the Texas Election Code in such form as shall be approved by the City Manager and the City Attorney.

SECTION 15. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Ordinance would have been enacted without such invalid provision.

SECTION 16. It is officially found, determined, and declared that the meeting at which this Ordinance is 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, Texas Government Code, as amended.

SECTION 17. This Ordinance shall be in force and effect from and after its final passage.

PASSED AND APPROVED on the first reading on 14th day of August, 2020.

PASSED, APPROVED, AND ADOPTED on the second reading, this 17th day of August, 2020.

Garry Manitzas, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina Picioccio, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney