

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, CALLING A BOND ELECTION TO BE HELD WITHIN THE CITY, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS RELATING THERETO

WHEREAS, the City Council of the City of Farmers Branch, Texas (the “City”), hereby finds and determines that it is necessary and advisable to call and hold an election in the City for the purpose of submitting certain propositions pertaining to the issuance of bonds for the purposes hereinafter set forth; and

WHEREAS, the City Council hereby finds and determines that said election shall be held on a uniform election date established by Section 41.001(a) Texas Election Code, as amended, as required by Texas law; and

WHEREAS, the City Council hereby finds and declares that the meeting at which this Ordinance is considered is open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

Section 1. Findings. The statements contained in the preamble of this Ordinance are true and correct and are hereby adopted as findings of fact and as part of the operative provisions hereof.

Section 2. Election Ordered; Date; Proposition. An election (the “Election”) shall be held for and within the City on Saturday, May 6, 2017 (“Election Day”), a uniform election date established by Section 41.001(a) of the Texas Election Code, as amended (the “Code”). At the Election the following propositions (the “Propositions”) shall be submitted to the qualified voters of the City in accordance with law:

PROPOSITION NO. 1

“Shall the City Council of the City of Farmers Branch, Texas, be authorized to issue general obligation bonds of the City in the amount of \$7,000,000 for the purpose of providing funds for permanent public improvements, to wit: park and open space improvements, including trails and nature preserves, and the acquisition of land therefor; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and

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interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

PROPOSITION NO. 2

“Shall the City Council of the City of Farmers Branch, Texas, be authorized to issue general obligation bonds of the City in the amount of \$4,000,000 for the purpose of providing funds for the public purpose of establishing an economic development fund to finance the City’s programs for economic development for single-family residential redevelopment and revitalization in the City; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

PROPOSITION NO. 3

“Shall the City Council of the City of Farmers Branch, Texas, be authorized to issue general obligation bonds of the city in the amount of \$4,000,000 for the purpose of providing funds for permanent public improvements, to wit: designing, developing, constructing, improving, extending, and expanding streets in the city’s light rail station area, including sidewalks, street lighting and streetscaping, and related storm drainage improvements; and acquiring rights-of-way in connection therewith; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the city council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

Section 3. Official Ballot. The Proposition shall be set forth substantially in the following form, so as to permit the voters to vote “FOR” or “AGAINST” the Proposition, which shall be set forth on the ballots in substantially the following form:

PROPOSITION NO. 1

- ☐ FOR THE ISSUANCE OF \$7,000,000 GENERAL OBLIGATION BONDS FOR PARK AND OPEN SPACE IMPROVEMENTS, AND THE
- ☐ AGAINST LEVYING OF A TAX IN PAYMENT THEREOF.

PROPOSITION NO. 2

- ☐ FOR THE ISSUANCE OF \$4,000,000 GENERAL OBLIGATION BONDS TO ESTABLISH AN ECONOMIC DEVELOPMENT FUND TO
- ☐ AGAINST FINANCE THE CITY'S PROGRAMS FOR ECONOMIC DEVELOPMENT FOR SINGLE-FAMILY RESIDENTIAL REDEVELOPMENT AND REVITALIZATION IN THE CITY, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.

PROPOSITION NO. 3

- ☐ FOR THE ISSUANCE OF \$4,000,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS IN THE CITY'S LIGHT RAIL
- ☐ AGAINST STATION AREA, AND THE LEVYING OF A TAX IN PAYMENT THEREOF.

Section 4. Persons Qualified to Vote. All resident, qualified electors of the City shall be eligible to vote at the Election.

Section 5. Election Precincts, Voting Locations and Voting Hours on Election Date. The voting precincts for the Election are hereby designated to be those municipal voting precincts identified by their respective county precinct numbers as determined by the Elections Administrator. Such locations incorporated herein by reference for all purposes; provided, however, such times and locations may be changed if so directed by the Elections Administrator without further action of the City Council. The Elections Administrator is hereby authorized and directed to make such changes in polling locations as may be necessary for the proper conduct of the Election. Each polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the Election.

Section 6. Early Voting Locations, Dates and Times. (a) The Elections Administrator is hereby appointed as Early Voting Clerk for the election. Deputy early voting judges/clerks will be appointed as needed to process early voting mail and to conduct early voting. Early voting by mail shall be conducted in conformance with the requirements of the Code. The main early voting polling place is hereby designated to be the George L. Allen Sr. Courts Building, 600 Commerce St., Dallas, Texas 75202. Ballot applications and ballots voted by mail shall be sent to: Toni Pippins- Poole, Dallas County Elections Administrator, 2377 N. Stemmons Freeway, Suite 820, Dallas, Texas 75207. The Elections Administrator and/or the Early Voting Clerk are hereby authorized to appoint the members of the Early Voting Ballot Board and the presiding judge and alternate judge in accordance with the requirements of the Code. Early voting shall be conducted by the Early Voting Clerk, at the main early voting polling location listed above, such location may be changed or additional early voting locations

may be added by the Elections Administrator, without further action of the City Council, as is necessary for the proper conduct of the Election.

(b) In addition to the main early voting polling location, City of Farmers Branch voters may vote at all early voting polling locations as designated and maintained by Dallas County throughout the County such locations as listed in Exhibit A attached hereto.

(c) Early voting by personal appearance shall begin on Monday, April 24, 2017, and shall end at 7:00 p.m. on Tuesday, May 2, 2017, with the voting times to be as follows, as such dates and times may be changed by the Elections Administrator:

APRIL 24 (MONDAY THROUGH FRIDAY) APRIL 28	8 AM TO 5 PM
APRIL 29 (SATURDAY)	8 AM TO 5 PM
APRIL 30 (SUNDAY)	1 PM TO 6 PM
MAY 1 AND MAY 2 (MONDAY AND TUESDAY)	7 AM TO 7 PM

Section 7. Notice of Election. Notice of the Election shall be given by: (i) publishing a substantial copy of this Ordinance, in English and Spanish, on the same day of each of two (2) successive weeks not earlier than the thirtieth (30th) day nor later than the fourteenth (14th) day prior to the date set for the Election, in a newspaper published in the City, (ii) posting a copy of this Ordinance, in English and Spanish at the City Hall on the bulletin board used for posting notices of the meetings of the City Council and at three (3) other public places within the boundaries of the City, not later than the twenty-first (21st) day prior to the date set for the Election and (iii) posting a copy of this Ordinance, in English and Spanish, on the City's website, prominently and together with the notice of the Election and the contents of the Proposition, not later than the twenty-first (21st) day prior to the date set for the Election through Election Day. Additionally, on Election Day and during early voting by personal appearance, this Ordinance shall be posted in a prominent location at each polling place. Notice of the Election shall also be provided to the county clerk of Dallas County, Texas and the Dallas County voter registrar not later than the 60th day before the Election Day.

Section 8. Conduct of Election. (a) The Election shall be conducted in accordance with the Code under the jurisdiction of the Dallas County Elections Department (the "Elections Administrator") pursuant to an Election Services Contract (the "Contract") by and among Dallas County Elections Department ("DCED"), the City and other participating entities, if any, described in the Contract. The City Manager or the City Manager's designee is authorized to amend or supplement the Contract to the extent required for the Election to be conducted in an efficient and legal manner as determined by the Elections Administrator. Election judges, alternate judges and clerks shall be paid, as determined by the Elections Administrator, for their service in the Election. The holding of the Election shall be in compliance with the Code except as modified by other applicable provisions of law. The election officers shall make returns for the Election in the manner required by law, and the ballots that are properly marked in conformance with the provisions of the Code for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

Section 9. Additional Information Required by Section 3.009 of the Election Code.

(a) As of the October 1, 2016, the first day of the City's current fiscal year, the aggregate principal amount outstanding of tax-supported debt of the City was \$39,165,000 and the aggregate amount of outstanding interest on such tax-supported debt was \$10,001,320. A portion of this tax-supported debt equaling \$5,065,000 in principal and \$946,902 in outstanding interest is currently paid from other available revenues of the City and not from ad valorem taxes. The City's ad valorem debt service tax rate for the current fiscal year is \$0.087 per \$100 of assessed valuation of taxable property in the City.

(b) The City intends to issue the bonds authorized by the Propositions over a period of years in a manner and in accordance with a schedule to be determined by the City Council based upon a number of factors, including, but not limited to, the then current needs of the City, demographic changes, prevailing market conditions, assessed valuations in the City and management of the City's short-term and long-term interest rate exposure. Market conditions, demographics and assessed valuations vary based upon a number of factors beyond the City's control, and therefore, the City cannot and does not guarantee a particular interest rate or tax rate associated with the bonds authorized by the Propositions. As such, the information contained in this paragraph is provided solely for illustrative purposes and does not establish any limitations or restrictions or create a contract with the voters. The City currently estimates that, if the Propositions were approved and the bonds proposed herein were authorized and issued in accordance with the City's current estimated project plan of finance, the maximum interest rate on the bonds is not expected to exceed 5%.

(c) Any additional information required by Section 3.009 of the Code is contained in Sections 2 and 3 of this Ordinance.

Section 10. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney and bond counsel, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including making changes or additions to polling places or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance.

Section 11. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 12. Effective Date. This Ordinance shall take effect immediately upon adoption.

PRESENTED, FINALLY PASSED AND APPROVED, AND EFFECTIVE on the 7th day of February, 2017, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Farmers Branch, Texas

BOB PHELPS, Mayor

ATTEST:

AMY PIUKANA, City Secretary

APPROVED AS TO FORM:
PETER G. SMITH, City Attorney

By: _____

EXHIBIT A*

EARLY VOTING LOCATIONS

MAY 6, 2017 ELECTION

DATES AND TIMES FOR EARLY VOTING

APRIL 24 (MONDAY THROUGH FRIDAY)	APRIL 28	8 AM TO 5 PM
APRIL 29 (SATURDAY)		8 AM TO 5 PM
APRIL 30 (SUNDAY)		1 PM TO 6 PM
MAY 1 AND MAY 2 (MONDAY AND TUESDAY)		7 AM TO 7 PM

ADDISON FIRE STATION #1	4798 AIRPORT PKWY	ADDISON	75001
BALCH SPRINGS NEW CITY HALL	13503 ALEXANDER ROAD	BALCH SPRINGS	75181
BALCH SPRINGS MUNICIPAL BLDG (OLD CITY HALL)	3117 HICKORY TREE ROAD	BALCH SPRINGS	75180
BELT LINE CONFERENCE CENTER	200 E BELT LINE ROAD	DESOTO	75115
BETHANY LUTHERAN CHURCH	10101 WALNUT HILL LANE	DALLAS	75238
BRADFIELD RECREATION CENTER			
(Replaces Richland College Garland Campus)	1146 CASTLE DRIVE	GARLAND	75040
CARROLLTON FARMERS BRANCH ISD ADMIN BUILDING	1445 N PERRY ROAD	CARROLLTON	75006
CARROLLTON LIBRARY AT HEBRON AND JOSEY	4220 N JOSEY LANE	CARROLLTON	75010
CEDAR HILL GOVERNMENT CENTER	285 UPTOWN BLVD	CEDAR HILL	75104
COCKRELL HILL CITY HALL	4125 W CLARENDON	COCKRELL HILL	75211
COPPELL TOWN CENTER	255 PARKWAY BLVD	COPPELL	75019
CROSSWINDS HIGH SCHOOL	1100 N CARRIER PKWY	GRAND PRAIRIE	75050
DALLAS ISD ADMINISTRATION BUILDING	3700 ROSS AVE	DALLAS	75204
DISCIPLE CENTRAL COMMUNITY CHURCH (Replaces DeSoto Town Center)	901 N POLK STREET	DESOTO	75115
DUNCANVILLE LIBRARY	201 JAMES COLLINS	DUNCANVILLE	75116
EASTFIELD COLLEGE PLEASANT GROVE CAMPUS	802 S BUCKNER	DALLAS	75217
EL CENTRO COLLEGE-WEST CAMPUS	3330 NORTH HAMPTON ROAD	DALLAS	75212
FARMERS BRANCH CITY HALL	13000 WILLIAM DODSON PKWY	FARMERS BRANCH	75234
GEORGE L ALLEN SR COURTS BLDG	600 COMMERCE ST	DALLAS	75202
(Replaces Records Bldg.) main location			
HUTCHINS CITY HALL	321 NORTH MAIN STREET	HUTCHINS	75141
IRVING ARTS CENTER	3333 N MACARTHUR BLVD	IRVING	75062
IRVING CITY HALL	825 W IRVING BLVD	IRVING	75060
JOSEY RANCH LIBRARY	1700 KELLER SPRINGS	CARROLLTON	75006
LAKESIDE ACTIVITY CENTER	101 HOLLEY PARK DR	MESQUITE	75149
LANCASTER VET. MEMORIAL LIBRARY	1600 VETERANS MEMORIAL PKWY	LANCASTER	75134
LOCHWOOD LIBRARY	11221 LOCHWOOD BLVD	DALLAS	75218
MARSH LANE BAPTIST CHURCH	10716 MARSH LANE	DALLAS	75229
OAK CLIFF SUB-COURTHOUSE	410 S BECKLEY	DALLAS	75203
OUR REDEEMER LUTHERAN CHURCH	7611 PARK LANE	DALLAS	75225
RICHARDSON CIVIC CENTER	411 W ARAPAHO ROAD	RICHARDSON	75080
ROWLETT CITY HALL ANNEX	4004 MAIN STREET	ROWLETT	75088
SAMUELL GRAND RECREATION CENTER	6200 EAST GRAND AVE	DALLAS	75223
SEAGOVILLE CITY HALL	702 N HIGHWAY 175	SEAGOVILLE	75159
VALLEY RANCH LIBRARY	401 CIMARRON TRAIL	IRVING	75063
VONITA WHITE ADMIN. BUILDING	200 SOUTH DENTON TAP ROAD	COPPELL	75019
WILMER COMMUNITY CENTER	101 DAVIDSON PLAZA	WILMER	75172

**ELECTION DAY POLLING LOCATIONS FOR
SATURDAY, MAY 6, 2017 BOND ELECTION**

(Polls shall be open from 7:00 AM to 7:00 PM)

LOCATION	ADDRESS	PRECINCTS
Farmers Branch City Hall	13000 William Dodson Parkway Farmers Branch, TX	2302, 2305, 2306, 2307, 2308, 2310
Farmers Branch Recreation Center	14050 Heartside Place Farmers Branch, TX	2303
St. Andrews Episcopal Church	2783 Valwood Parkway Farmers Branch, TX	2311
Josey Ranch Lake Library	1700 Keller Springs Road Carrollton, TX	2400
Addison Fire Station #2	3950 Beltway Drive Addison, TX	2901
Addison Fire Department	4798 Airport Parkway Addison, TX	2904

*Dates, Times and Locations are preliminary and subject to verification of the Dallas County Elections Administrator