

P. O. No. 5528

05/09/05 ts

ORDINANCE NO. 05-39

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A GENERAL AND SPECIAL ELECTION HELD IN THE CITY OF PORT ARTHUR ON SATURDAY, THE 7TH OF MAY, A.D., 2005; A GENERAL ELECTION FOR THE PURPOSE OF ELECTING COUNCILMEMBERS FROM DISTRICTS 1, 2, 3, AND 4; AND CANVASSING THE RETURNS AND DECLARING THE RESULTS OF A SPECIAL ELECTION FOR DECIDING WHETHER OR NOT TO ADOPT PROPOSITIONS ONE THROUGH EIGHT AS TO ALLOW THE EXISTING SECTION 4A SALES TAX TO BE UTILIZED FOR VARIOUS CATEGORIES OF PROJECTS AS DESCRIBED IN SECTION 4B OF ARTICLE 5190.6, VERNON'S TEXAS CODE ANNOTATED.

WHEREAS, on February 1, 2005, the City Council adopted Ordinance No. 05-08 that called for a General Election for the purpose of electing Councilmembers from Districts 1, 2, 3, and 4; and

WHEREAS, on March 7, 2005, the City Council adopted Ordinance No. 05-19 that called a Special Election on May 7, 2005, for the purpose of submitting to the qualified voters of the City propositions as to whether or not the existing Section 4A Sales Tax shall be utilized for various categories of projects as described in Section 4B of Article 5190.6 Vernon's Texas Code Annotated (V.T.C.A.), calling for a Public Hearing, and providing for the publication of the election notice; and

WHEREAS, in accordance with the Charter of the City of Port Arthur, and the laws of the State of Texas applicable thereto, a General and a Special Election were held on Saturday, May 7, 2005, A.D., in the precincts into which the City of Port Arthur is divided for voting purposes; and

WHEREAS, said election was held for the purpose of allowing

the qualified voters to elect Councilmembers for Districts 1, 2, 3, and 4, as well as for the purpose of allowing the voters to decide whether or not the existing Section 4A Sales Tax shall be utilized for various categories of projects as described in Section 4B of Article 5190.6 V.T.C.A., as denoted herein:

PROPOSITION NO. ONE:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for professional and amateur (including children's) sports, and athletic purposes and events, including stadiums and ball parks, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities and related roads, streets, and water and sewer facilities, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. TWO:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for tourist and convention purposes and events including concert halls, museums, exhibition facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities and related roads, streets, and water and sewer facilities, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. THREE:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for public park

purposes and events including parks and park facilities, and related store, restaurant, concession, and automobile parking facilities, related area transportation facilities and related roads, streets, and water and sewer facilities, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. FOUR:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized to promote or develop new or expanded business enterprises that create or retain primary jobs, including a project to provide public safety facilities, streets and roads, drainage and related improvements, demolition of existing structures, general municipality owned improvements as well as any improvements or facilities that are related to any of those projects and any other project that the Section 4A board in its discretion determines promotes or develops new or expanded business enterprises that create or retain jobs, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. FIVE:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for the promotion of development and expansion of affordable housing as defined under by 42 U.S.C. Section 12745, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. SIX:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for the development or improvement of water supply facilities, including dams, transmission lines, well field developments, and other water supply alternatives, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. SEVEN:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for the development and institution of water conservation programs, including incentives to install water-saving plumbing fixtures, educational programs, brush control programs, and programs to replace malfunctioning or leaking water lines and other water facilities, which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

PROPOSITION NO. EIGHT:

Shall the existing Section 4A Sales and Use Tax within the City of Port Arthur be utilized for the cleanup of contaminated property which is a category of projects under Section 4B of Article 5190.6 Vernon's Texas Code Statutes?

WHEREAS, the sealed return of said election for the Councilmembers from Districts 1, 2, 3, and 4, and for Propositions Numbered One through Eight, have been duly made to the City Council of the City of Port Arthur, and the City Council has examined said returns.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR:

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. That the polling places were provided for the precincts into which the City is divided for voting purposes and said Election was held herein by the City Secretary. Early voting was conducted at the following locations:

City Hall, 444 Fourth Street
Port Arthur Public Library, 4615 Ninth Avenue
Fire Station No. 1, 1215 Woodworth
Fire Station No. 2, 1201 Grannis (at Thomas Blvd)
Fire Station No. 3, 2232 Canal
Sabine Pass Fire Station # 4, 5030 S. Gulfway Drive
Saint Joseph's Hall, 800 Ninth Avenue

Election Day voting was conducted at the following locations:

CITY ELECTION PRECINCTS

POLLING PLACES

SABINE PASS FIRE STATION #4
(All or a portion of Jefferson County
Election Precinct 32)

5030 South Gulfway Drive

STEPHEN F. AUSTIN SCHOOL
(All or a portion of Jefferson County
Election Precincts 33, 34, 106, 111,
112, 113, 114, and 115, and PAISD 35,
80, 107)

2441 - 61st Street

TYRELL ELEMENTARY SCHOOL
(All or a portion of Jefferson County
Election Precincts 44, 47, 93, 102 and
PAISD 60 & 61)

4401 Ferndale

STILWELL TECHNICAL CENTER
(All or a portion of County Election
Precincts 45, 46, 70, 82, 95, 96, 98, 109,
115 & PAISD 43, 97, 105, & 110)

4801 Ninth Avenue

ROBERT E. LEE ELEMENTARY SCHOOL
(All or a portion of Jefferson County
Election Precincts 48, 49 & 76)

3939 Delaware

THOMAS EDISON MIDDLE SCHOOL
(All or a portion of Jefferson County
Election Precincts 50 & 51)

3501 - 12th Street

DEQUEEN ELEMENTARY SCHOOL
(All or a portion of Jefferson
County Election Precincts 52 & 53)

710 DeQueen Boulevard

WOODROW WILSON MIDDLE SCHOOL
(All or a portion of Jefferson County
Election Precincts 54, 55, 57 & 81)

1500 Lakeshore Drive

MEMORIAL HIGH SCHOOL 9TH GRADE CENTER
(FORMERLY LINCOLN HIGH SCHOOL)
(All or a portion of Jefferson County
Election Precincts 58, 59 & 94)

1023 Abe Lincoln

TAFT ELEMENTARY SCHOOL
(All or a portion of Jefferson County
Election Precinct 71 and a portion of
Orange County Election Precinct 28)

2500 Taft Avenue

Section 3. That the sealed returns of said General and Special Election, after being canvassed by the City Council, are found and declared to be true and correct. There were cast at said election for the respective candidates and propositions the number of votes as shown on the tabulated statements attached hereto and made part hereof as Exhibits "A", "B", and "C".

Section 4. That the City Council has determined that said General Election was duly called, ordered and held in accordance with the Laws of the State of Texas, the Charter of the City of Port Arthur; and Ordinance No.'s 05-08 that the Order ordering the Election, and the returns thereof, have been made by the proper official, and that the election resulted in the election of the following:

District 1: Councilmember Willie "Bae" Lewis, Jr.
 District 2: Councilmember Felix A. Barker
 District 3: Councilmember Thomas "Tom" J. Henderson
 District 4: Councilmember Martin Flood

Therefore, the aforementioned persons are hereby declared to be elected as Councilmembers from Districts 1, 2, 3, and 4. That the terms for the Councilmembers shall commence on the date that the candidate is duly qualified and shall expire in May 2008 or until his/her successor has been elected and duly qualified.

Section 5. That City Council shall therefore be composed hereof the following members:

	<u>District</u>	<u>Expiration of Term</u>
Mayor Ortiz		May 2007
Councilmember Lewis	1	May 2008
Councilmember Barker	2	May 2008
Councilmember Henderson	3	May 2008
Councilmember Flood	4	May 2008
Councilmember Beard	5	May 2006
Councilmember Thompson	6	May 2006
Councilmember Prince	7	May 2006
Councilmember Sinegal	8	May 2006

Section 6. That the City Council has determined that said Special Election was duly called, ordered and held in accordance with the Laws of the State of Texas, the Charter of the City of Port Arthur and Ordinance No. 05-19 that the Order ordering the Election, and the returns thereof, have been made by the proper official, and that the election resulted in the following:

PROPOSITION NO. 1:	NOT ADOPTED
PROPOSITION NO. 2:	NOT ADOPTED
PROPOSITION NO. 3:	NOT ADOPTED
PROPOSITION NO. 4:	NOT ADOPTED
PROPOSITION NO. 5:	NOT ADOPTED
PROPOSITION NO. 6:	NOT ADOPTED
PROPOSITION NO. 7:	NOT ADOPTED
PROPOSITION NO. 8:	NOT ADOPTED

Section 7. That this being an Ordinance for which publication is not required under the Charter of the City of Port Arthur, it shall not be published, but shall take effect and be in force immediately from and after its passage.

Section 8. That a copy of the caption of this Ordinance be spread upon the Minutes of the City Council.

READ, ADOPTED AND APPROVED on this 17th day of May, A.D., 2005, at a Special Council Meeting of the City Council of the City of Port Arthur, Texas, by the following vote:

AYES: Mayor

Ortiz

City Council

Councilmembers Barker,
Henderson, Flood, Thompson,
Prince and Sinégal.

NOES:

None.


OSCAR ORTIZ, MAYOR

ATTEST:


EVANGELINE GREEN, CITY SECRETARY

APPROVED AS TO FORM:


MARK T. SOKOLOW, CITY ATTORNEY

APPROVED FOR ADMINISTRATION:


STEVE FITZGIBBONS, CITY MANAGER