

ORDINANCE NO. 2009-2-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD WITHIN THE CITY ON MAY 9, 2009, FOR THE PURPOSE OF AUTHORIZING GENERAL OBLIGATION BONDS AND REVOKING CERTAIN PRIOR VOTED BOND AUTHORIZATION; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND OTHER PROVISIONS INCIDENT AND RELATED TO THE PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City Plano, Texas (the "City") has determined that an election should be held in the City for the purpose of (i) submitting certain propositions for the issuance of general obligation bonds for the purposes stated in the listed propositions and (ii) submitting a proposition for the revocation of authority to issue certain bonds authorized pursuant to a bond election held in the City on May 5, 2001; and

WHEREAS, the City Council 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 PLANO, TEXAS, THAT:

**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 a part of the operative provisions hereof.

**Section 2.** **Election Ordered.** A special election (the "Election") shall be held in and throughout the City of Plano, Texas, on Saturday, May 9, 2009 (the "Election"), which date is a uniform election date as defined in the Texas Election Code, as amended (the "Code") and is not less than 62 days from the date of adoption of this Ordinance as required by 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 Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$11,368,000, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: public safety improvements including constructing, purchasing and installing video surveillance improvements and constructing, improving, expanding, renovating, reconfiguring and equipping fire stations, including purchasing fire fighting vehicles and equipment?

PROPOSITION NO. 2

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$8,000,000, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping municipal facilities for technology services purposes?

PROPOSITION NO. 3

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$34,754,500, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: developing, engineering, constructing, reconstructing, improving, repairing, extending, expanding and enhancing streets, thoroughfares, alleys, sidewalks, bridges, intersections, and other public ways, including participation in joint projects with federal, state and local public entities and agencies, computerized signalization and monitoring equipment and other traffic controls, grade separations, street lighting, noise abatements, necessary and related storm drainage facilities and improvements, and the acquisition of any needed rights-of-way therefor?

PROPOSITION NO. 4

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$1,750,000, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping library facilities?

PROPOSITION NO. 5

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$48,650,000, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: renovating, constructing, developing, improving, expanding, furnishing, equipping and acquiring land and needed rights-of-way for park improvements and recreation facilities?

PROPOSITION NO. 6

“Shall the City Council of the City of Plano, Texas, be authorized to issue general obligation bonds of the City, in one or more series or issues, in the aggregate principal amount of \$24,100,000, 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 pay the bonds as they mature, with the bonds of each series or issue, respectively, to mature serially in such installments as may be fixed by the City Council, the maximum maturity being not more than forty (40) years from their date, to be issued 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 at the time of issuance, for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, expanding, furnishing and equipping recreation centers?

PROPOSITION NO. 7

“Shall the authority of the City Council of the City of Plano, Texas, to issue \$3,500,000 general obligation bonds of the City pursuant to Proposition No. 8 of the bond election held within the City on May 5, 2001, for the purpose of providing funds for permanent public improvements, to wit: developing, engineering, and constructing an overpass project to provide grade separation at the Preston Road and Legacy Drive intersection, related enhancements such as street lighting and landscaping, and the acquisition of any needed rights-of-way therefor, including participation with the State of Texas in such project, be revoked?

**Section 3. Ballots and Propositions.** (a) Voting at the Election, and early voting therefore, shall be by the use of lawfully approved voting systems and ballots.

(b) The preparation of the necessary equipment and the official ballots for the Election shall conform to the requirements of the Code so as to permit the electors to vote “FOR” or “AGAINST” the aforesaid Propositions which shall be set forth on the ballots substantially in the following form:

PROPOSITION NO. 1

THE ISSUANCE OF \$11,368,000 GENERAL OBLIGATION BONDS FOR PUBLIC SAFETY IMPROVEMENTS

PROPOSITION NO. 2

THE ISSUANCE OF \$8,000,000 GENERAL OBLIGATION BONDS FOR RENOVATIONS TO MUNICIPAL FACILITIES FOR TECHNOLOGY SERVICES PURPOSES

PROPOSITION NO. 3

THE ISSUANCE OF \$34,754,500 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS

PROPOSITION NO. 4

THE ISSUANCE OF \$1,750,000 GENERAL OBLIGATION BONDS FOR LIBRARY FACILITIES

PROPOSITION NO. 5

THE ISSUANCE OF \$48,650,000 GENERAL OBLIGATION BONDS FOR PARKS AND RECREATION IMPROVEMENTS

PROPOSITION NO. 6

THE ISSUANCE OF \$24,100,000 GENERAL OBLIGATION BONDS FOR RECREATION CENTERS

PROPOSITION NO. 7

THE REVOCATION OF \$3,500,000 GENERAL OBLIGATION BONDS FOR AN OVERPASS PROJECT TO PROVIDE GRADE SEPARATION AT PRESTON ROAD AND LEGACY DRIVE

**Section 4. Compliance with Code.** That the manner of conducting the Election must be in accordance with this ordinance, the Charter of the City and the laws of the State of Texas applicable to the holding of a bond election. The official ballots, together with such other election materials as are required by the Texas Election Code, must be printed in both English and Spanish languages and must contain such provisions, markings, and language as may be required by law.

**Section 5. Persons Qualified to Vote.** All resident qualified electors of the City shall be eligible to vote at the Election.

**Section 6. Election Precincts, Voting Locations and Voting Hours on Election Day.** The respective City election precincts (the "Election Precincts") for the Election shall consist of the territory within those Collin County election precincts and the Denton County election precinct which are located within the corporate limits of the City, and which bear the precinct numbers set forth in Exhibit A attached hereto and incorporated herein. The voting location for voting on Election Day for each Election Precinct shall be as set forth in Exhibit A. On Election Day the polls shall be open from 7:00 a.m. to 7:00 p.m.

**Section 7. Early Voting Locations, Dates and Times.** (a) Sharon Rowe, the Collin County Elections Administrator, is hereby appointed as Early Voting Clerk. Early voting by personal appearance for all election precincts shall be held at the locations, at the times and on the days set forth below:

Main Early Voting Location

Collin County Elections Department  
2010 Redbud Boulevard  
Suite 102  
McKinney, Texas 75069

Temporary Branch Early Voting Locations

Carpenter Park Recreation Center	6701 Coit Road	Plano, TX 75024
Christopher A. Parr Library	6200 Windhaven Parkway	Plano, TX 75093
Collin County Community College - Preston Ridge Campus	9700 Wade Boulevard	Frisco, TX 75035
Collin County Community College - Spring Creek Campus	2800 E. Spring Creek Parkway	Plano, TX 75074
Haggard Library	2501 Coit Road	Plano, TX 75075
Harrington Library	1501 18 <sup>th</sup> Street	Plano, TX 75074
Murphy Municipal Complex	206 N. Murphy Road	Murphy, TX 75094
Plano Independent School District Administration Center	2700 West 15 <sup>th</sup> Street	Plano, TX 75075
Renner Frankford Library	6400 Frankford Road	Dallas, TX 75252

April 27, 2009 through April 29, 2009	8:00 a.m. – 5:00 p.m.
April 30, 2009	8:00 a.m. – 7:00 p.m.
May 1, 2009 and May 2, 2009	8:00 a.m. – 5:00 p.m.
May 4, 2009 and May 5, 2009	7:00 a.m. – 7:00 p.m.

(b) Applications for early voting by mail must be received no later than the close of business on Friday, May 1, 2009. Applications for ballot by mail shall be sent to:

Sharon Rowe, Elections Administrator  
 Collin County Elections Department  
 2010 Redbud Boulevard  
 Suite 102  
 McKinney, Texas, 75069

**Section 8. Appointment of Election Officers.** The Collin County Elections Administrator is directed to designate the members of the Early Voting Ballot Board and the presiding judge and alternate presiding judge for each of the polling places and such other officials as are necessary and appropriate to conduct the Election in accordance with the Code.

**Section 9. Notice of Election.** The City Secretary is hereby authorized and directed to give notice of this bond election by causing a notice containing a substantial copy of this Ordinance, in both English and Spanish, to be:

(a) posted at three (3) public places within the City and also at the City Hall not later than the 21st day prior to the date upon which the Election is to be held; and

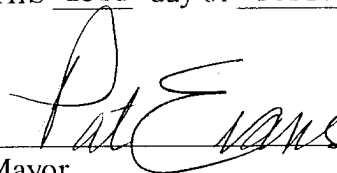
(b) published on the same day in each of two (2) successive weeks in a newspaper of general circulation published within the City, the date of the first publication to be not less than

fourteen (14) days prior to the date of the Election and one of the such dates of publication not being more than thirty (30) days prior to the date of the Election.

**Section 10. Necessary Actions.** The Mayor and the City Secretary of the City, in consultation with the City 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.

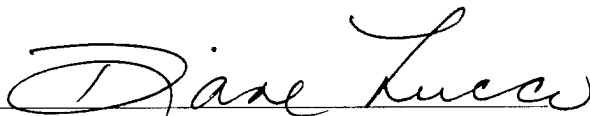
**Section 11. Effective Date.** This ordinance shall take effect immediately from and after its approval and adoption in accordance with the requirements of the Charter of the City.

PASSED, APPROVED AND EFFECTIVE THIS 23rd day of February, 2009.



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Mayor  
City of Plano, Texas

ATTEST:



\_\_\_\_\_  
City Secretary  
City of Plano, Texas

[SEAL]

**APPROVED AS TO FORM:**



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**Diane C. Wetherbee, CITY ATTORNEY**

**EXHIBIT A**  
**ELECTION PRECINCTS AND ELECTION DAY POLLING PLACES**

<b>COLLIN COUNTY ELECTION PRECINCTS</b>	<b>POLLING PLACE</b>
52, 61, 68, 103 and 141;	Armstrong Middle School 3805 Timberline Drive, Plano, TX 75074
34, 107, 119, 121, 135 and 139;	Bethany Elementary School 2418 Micarta Drive, Plano, TX 75025
23, 46, 47, 50, 51, 152 and 158;	Bowman Middle School 2501 Jupiter Road, Plano, TX 75074
90, 116, and 137;	Brinker Elementary School 3800 John Clark Parkway, Plano, TX 75093
21, 54, 62 and 66;	Carpenter Middle School 1501 Cross Bend Road, Plano, TX 75023
109 and 123;	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093
15, 19, 53, 65, 70 and 71;	Haggard Middle School 2401 Westside Drive, Plano, TX 75075
58, 77 and 91;	Hendrick Middle School 7400 Red River Drive, Plano, TX 75025
31, 32, 63 and 76;	Hughston Elementary School 2601 Cross Bend Road, Plano, TX 75023
14, 81, 86, 89, 108, 112 and 124;	Robinson Middle School 6701 Preston Meadow Drive, Plano, TX 75024
64 and 69;	Schimelpfenig Middle School 2400 Maumelle Drive, Plano, TX 75023
28, 75, 105 and 143;	Shepton High School 5505 Plano Parkway, Plano, TX 75093
39 and 85;	Thomas Elementary School 6537 Blue Ridge Trail, Plano, TX 75023
26, 49, 67, 72 and 138.	Wilson Middle School 1001 Custer Road, Plano, TX 75075
<b>DENTON COUNTY ELECTION PRECINCTS</b>	<b>POLLING PLACE</b>
226	Christopher A. Parr Library 6200 Windhaven Parkway, Plano, TX 75093