



ORDINANCE NO: 1210

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CIBOLO CALLING A SPECIAL ELECTION AND AUTHORIZING THE PLACEMENT ON THE NOVEMBER 7, 2017 ELECTION AN INITIATIVE WHICH, IF SUCCESSFUL WOULD AMEND THE PROHIBITION AGAINST THE SALE OF ALCOHOLIC BEVERAGES NEAR CHURCHES AND PUBLIC AND PRIVATE SCHOOLS BY ALLOWING CITY COUNCIL, AFTER A PUBLIC HEARING, TO CONSIDER VARIANCES; PROVIDING ALCHOHIC BEVERAGES CONSTITUTE NO MORE THAN 30% OF GROSS SALES; PROVIDING DOCUMENTATION TO VERIFYING THE PERCENTAGE OF GROSS SALES; AUTHORIZING REPRESENTATIVES OF AFFECTED CHURCH OR SCHOOL TO PROVIDE A LETTER WITH NO OBJECTION TO THE VARIANCE THERETO; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN VIOLATION AND AN EFFECTIVE DATE

WHEREAS, Texas Alcoholic Beverage Section 109.33 authorizes City Council to enact regulations, which prohibits the sale of alcoholic beverages within 300 feet of a church or a public or private school; and

Whereas, by ordinance, passed and approved by City Council on August 26, 2013, (Ordinance No. 1066) the City Council authorized the submission of an initiative to the voters at a special election on November 5, 2013; and

WHEREAS, at the special election the voters approved the initiative, which read:

It shall be unlawful for any person to sell or engage in the business of selling alcoholic beverages within the City where the place of business is within 300 feet of any church, public school, or private school. The measurement of the distance between the place of business where alcoholic beverages are sold and the church shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools shall be in a direct line from the property line of the public school or private school to the property line of the place of business, and in a direct line across intersections.

Said initiative being codified as Section 6.2 of the City of Cibolo's Code of Municipal Ordinances; and

WHEREAS, by ordinance, passed and approved by City Council on August 11, 2015, (Ordinance No. 1136) the City Council authorized the submission of an initiative to the voters at a special election on November 3, 2015; and

WHEREAS, at the special election the voters approved the initiative, which read:

As authorized by Texas Alcoholic Beverage Code Section 109.33(e), City Council may consider applications for variances to the prohibition against the sale of alcoholic beverages within 300 feet of any church, private school or public school only if City Council first conducts a public hearing on the matter and before the thirtieth day before the date of the public hearing notice is given by: (i) publication in the City's official newspaper; (ii) publication on the City's website; and (iii) letters mailed to each owner of property, as shown on the City's most recent tax rolls, within 300 feet of the property for which the variance is sought.

Said initiative being codified as Section 6.2 of the City of Cibolo's Code of Municipal Ordinances; and

WHEREAS, City of Cibolo, City Charter Section 6.15 provides that the City Council, upon its own motion and by the affirmative vote of a majority of the full membership of the City Council, may submit to popular vote, at any election, the adoption of a proposed ordinance; and

WHEREAS, the City Council desires to ask the voters if they wish to allow an amendment to Section 6.15 in order to allow City Council to consider other variances to the prohibition against the sale of alcoholic beverages near churches, public and private schools, after a public hearing on such variance requests.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:

SECTION I.

1. A municipal election is hereby ordered to be held on the authorized uniform election date of Tuesday, the 7th of November, 2017 at which time shall be submitted to the qualified voters of the City the following:

BALLOT LANGUAGE

As authorized by Texas Alcoholic Beverage Code Section 109.33(e), City Council may consider applications for variances to the prohibition against the sale of alcoholic beverages within 300 feet of any church, private school or public school only if City Council first conducts a public hearing on the matter and before the thirtieth day before the date of the public hearing notice is given by publication in the City's official newspaper and on the City's website, and after the conclusion of the public hearing at least ¾ of the total membership of City Council find all of the following:

- 1) The proposed sale of alcoholic beverages would constitute no more than 30% percent of the establishment's annual gross revenues; and*

- 2) *Prior to the date of the Public Hearing an authorized representative of the affected church, public school, or private school has provided the City Manager with written confirmation that the affected church, public school, or private school has no objection to the granting of the variance;*
- 3) *The granting of the variance will not have a negative effect on the health, safety or welfare of the public;*
- 4) *On or before March 15 of the year following the granting of a variance, and every March 15 thereafter, the owner of the establishment for which the variance was granted shall submit to the City Secretary all necessary documentation to verify that during the preceding calendar year no more than 30% percent of the establishment's annual gross revenues were generated by the sale of alcoholic beverages; and*
- 5) *Violations of the conditions on the Variance are punishable by criminal fine and any and all remedies available at law and or equity including but not limited to revocation of the Variance.*

*For
or
Against*

2. The foregoing municipal election is hereby ordered to be held on Tuesday, the 7th of November, 2017 in accordance with the laws of Texas, and the provisions of the Charter of the City of Cibolo, and the official ballots for said election shall be prepared in accordance with the Texas Election Code for the election.

3. The election ordered herein shall be held as prescribed by law, at the locations in Attachment A.

4. Voting at said election shall be done as determined by the County Elections Officer of Guadalupe County, Texas. The equipment necessary for voting shall be available at the voting sites for the purpose of conducting early voting by personal appearance and at the Election Day voting site established for the purpose of voting by personal appearance on Election Day, Tuesday, November 7, 2017. The County Elections Officer of Guadalupe County, Texas is authorized and charged to perform the functions provided by law in the **casting of early ballots and shall hold such elections, and ballots shall be cast commencing on October 23, 2017 and ending on November 3, 2017**; all in the method, manner and time made and provided by the Statutes of the State of Texas on this subject

Early voting by personal appearance will be conducted at the specified dates, times and locations as listed in Attachment B.

5. The Mayor and City Council shall contract with the Guadalupe County through the Guadalupe County Clerk's Elections Office for the conduct of this election. The Guadalupe County Clerk's Election Department shall appoint the election officers to hold said election, in accordance with State Election Law, including an Early Balloting Board, Signature Verification Committee and

the Central Counting Station representatives which shall count and canvass the early ballots cast at said election.

6. Notice of said election shall be given by publishing a substantial copy of this ordinance in a daily newspaper of general circulation published in the City not less than 30 days before the first date of the election.

**SECTION II.
SEVERABILITY**

THAT 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 the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION III.
PUBLIC MEETING**


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, of the Texas Government Code.

**SECTION IV.
EFFECTIVE DATE**

THIS ordinance will take effect its passage, and approval.

PASSED AND APPROVED this, the 8 day of August 2017.

CITY OF CIBOLO


Allen Dunn, Mayor

ATTEST:


Peggy Cimics, City Secretary

APPROVED AS TO FORM:

DNRBH&Z, CITY ATTORNE



NOVEMBER 7, 2017
GENERAL AND SPECIAL ELECTIONS
Election Day Vote Center Locations
Polls Open from 7:00 a.m. to 7:00 p.m.

1.	McQueeney Lions Club , 3211 FM 78, McQueeney
2.	Vogel Elementary School, 16121 FM 725, Seguin
3.	Remarkable Healthcare, 1339 Eastwood Dr., Seguin
4.	Forest Hills Baptist Church, 8251 FM 1117, Seguin
5.	Justice of the Peace Court, Pct 1, 2405 E. US Hwy 90, Seguin
6.	Kingsbury United Methodist Church, 7035 FM 2438, Kingsbury
7.	Staples Civic Center, 9615 FM 621, Staples
8.	Maranatha Fellowship Hall, 2356 S. Hwy. 80, Luling
9.	Jackson Park Student Activity Center, 824 Fleming Dr., Seguin
10.	Grace Memorial Church, 3240 FM 725, New Braunfels
11.	McQueeney VFW Post 9213, 275 Gallagher, McQueeney
12.	Knights of Columbus Hall, 1015 S. Austin Street, Seguin
13.	Our Lady of Guadalupe Church Annex, 730 N. Guadalupe St. Seguin
14.	Westside Baptist Church, 1208 N. Vaughan St., Seguin
15.	American Legion Hall, 618 E. Kingsbury, Seguin
16.	Geronimo Community Center, 280 Navarro Dr, Geronimo
17.	St. Joseph's Mission , 5093 Redwood Rd., San Marcos
18.	The Silver Center, 510 E. Court St., Seguin
19.	Central Texas Technology Center, Room 118 Conf. Room, 2189 FM 758, New Braunfels
20.	Former City of Seguin-Guadalupe County Library, 707 E. College St., Seguin
21.	Santa Clara City Hall, 1653 N. Santa Clara Rd., Santa Clara
22.	Marion Dolford Learning Center, 200 W. Schlather Lane, Cibolo
23.	Schertz Elections Office, 1101 Elbel Rd., Schertz
24.	Schertz United Methodist Church, 3460 Roy Richard Dr., Schertz
25.	Selma City Hall, 9375 Corporate Dr., Selma
26.	Crosspoint Fellowship Church, 2600 Roy Richard Drive, Schertz
27.	Immaculate Conception Catholic Church, 212 N. Barnett St., Marion
28.	Schertz Community Center, 1400 Schertz Parkway, Schertz
29.	Knights of Columbus Hall, 509 Schertz Pkwy., Schertz
30.	Schertz Community Center North, 3501 Morning Dr., Cibolo
31.	St. John's Lutheran Church, 606 S. Center St., Marion
32.	New Berlin City Hall, 9180 FM 775, New Berlin
33.	Klein Road Elementary School, 2620 W. Klein Road, New Braunfels
34.	Elaine S. Schlather Intermediate School, 230 Elaine S. Schlather Pkwy., Cibolo

NOVEMBER 7, 2017
(7 DE NOVIEMBRE DE 2017)

GENERAL AND SPECIAL ELECTIONS
(ELECCIONES GENERAL Y ESPECIAL)

LOCATIONS OF EARLY POLLING PLACES
(LA VOTACION ADELANTADA EN PERSONA SE LLEVARA A CABO EN)

Location, Dates & Hours of Main Early Voting Polling Location
(Lugar, Fechas y Horas de los Centros Principales de Votación para la Votación Anticipada)

SEGUIN ELECTIONS OFFICE

215 S. Milam St.
Seguin, TX 78155

Monday, Oct. 23 rd through Friday, Oct. 27 th , 2017 8:00 a.m. to 5:00 p.m.	Lunes, 23 de Oct. hasta el Viernes, 27 de Oct. de 2017 de 8:00 de la mañana a las 5:00 de la tarde
Saturday, Oct. 28 th , 2017 – 7:00 a.m. to 7:00 p.m.	Sabado, 28 de Oct., 2017 – de 7:00 de la mañana a las 7:00 de la tarde
Sunday, Oct. 29 th , 2017 – 1:00 p.m. to 6:00 p.m.	Domingo, 29 de Oct., 2017 – de 1:00 de la tarde a las 6:00 de la tarde
Monday, Oct. 30 th through Friday, Nov. 3 rd , 2017 7:00 a.m. to 7:00 p.m.	Lunes, 30 de Oct. hasta el Viernes, 3 de Nov. de 2017 de 7:00 de la mañana a las 7:00 de la tarde

*Emergency and Limited ballots available at this location only. (Boletas limitadas y de emergencia solamente están disponibles en esta caseta.)

Location, Dates & Hours of Branch Early Voting Polling Locations
(Lugar, Fechas y Horas de las Sucursales de los Centros de Votación para la Votación Anticipada)

GRACE MEMORIAL CHURCH

3240 FM 725
New Braunfels, TX

CENTRAL TEXAS TECHNOLOGY CENTER

Room 118 Conference Room, 2189 FM 758
New Braunfels, TX

SCHERTZ ELECTIONS OFFICE ANNEX

1101 Elbel Road
Schertz, TX

NEW BERLIN CITY HALL

9180 FM 775
New Berlin, TX

Monday, Oct. 23 rd through Friday, Oct. 27 th , 2017 8:00 a.m. to 5:00 p.m.	Lunes, 23 de Oct. hasta el Viernes, 27 de Oct. de 2017 de 8:00 de la mañana a las 5:00 de la tarde
Saturday, Oct. 28 th , 2017 – 7:00 a.m. to 7:00 p.m.	Sabado, 28 de Oct., 2017 – de 7:00 de la mañana a las 7:00 de la tarde
Sunday, Oct. 29 th , 2017 – 1:00 p.m. to 6:00 p.m.	Domingo, 29 de Oct., 2017 – de 1:00 de la tarde a las 6:00 de la tarde
Monday, Oct. 30 th through Friday, Nov. 3 rd , 2017 7:00 a.m. to 7:00 p.m.	Lunes, 30 de Oct. hasta el Viernes, 3 de Nov. de 2017 de 7:00 de la mañana a las 7:00 de la tarde

Applications for Ballot by Mail shall be mailed to: (Las solicitudes para boletas que se votaran adelantada por correo deberan enviarse a:) Lisa Adam, Elections Administrator, P. O. Box 1346, Seguin, TX 78156-1346 or earlyvotingclerk@co.guadalupe.tx.us. Applications for Ballots by Mail must be received no later than the close of business on Oct. 27, 2017. (Las solicitudes para boletas que se votaran adelantada por correo deberan recibirse para el fin de las horas de negocio el 27 de Oct., 2017.)