

## RESOLUTION NO. 854

### A RESOLUTION CALLING AN ELECTION PURSUANT TO SECTION 252.742, ALCOHOLIC BEVERAGE CODE, TO AUTHORIZE THE SALE AND CONSUMPTION OF PROHIBITED TYPES OR CLASSIFICATIONS OF ALCOHOLIC BEVERAGES WITHIN THE LEISURE AND ENTERTAINMENT DISTRICT

**WHEREAS**, Portland desires to promote the development of a district where persons of all ages can safely enjoy and be enriched by age-appropriate entertainment, shopping and leisure activities; and

**WHEREAS**, such an area should be inviting to citizens, visitors and tourists alike; and

**WHEREAS**, the commercial success of such an area will depend on the ability of businesses to sell alcoholic beverages; and

**WHEREAS**, Portland has a Leisure and Entertainment District established by Resolution No. 853 that is developing as a mixed-use area providing commercial, retail, restaurant, entertainment, office, government and business uses; and

**WHEREAS**, Section 252.742, Alcoholic Beverage Code provides for the designation of such commercial area for the sale of alcoholic beverages upon an election held for such purpose; and

**WHEREAS**, the City Council designates only the Leisure and Entertainment District for the sale and consumption of certain alcoholic beverages and no other area of the City of Portland and as further described herein; now, therefore,

#### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTLAND:**

- 1. ELECTION CALL.** The City Council hereby orders an election on the issue of whether the legal sale of one or more prohibited types or classifications of alcoholic beverages may be permitted within the Leisure and Entertainment District, that is particularly described by Exhibit "A" and depicted by Exhibit "B", both attached hereto and made a part hereof, as authorized under Section 252.742, Alcoholic Beverage Code. Such election shall be conducted within the entire boundaries of the City of Portland. The results of the election affect only the wet or dry status of the area within the Leisure and Entertainment District and does not affect the wet or dry status of any other part of the City of Portland.
- 2. OFFICIAL PROPOSITION.** At the election following the proposition, setting forth the purpose for the election, shall be submitted in accordance with law:

**PROPOSITION**

Shall the City of Portland designate the Leisure and Entertainment District as a zone to permit the legal sale of one or more prohibited types or classifications of alcoholic beverages, including the legal sale of all alcoholic beverages including mixed beverages?

3. **FORM OF BALLOT.** The official ballots for the election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the PROPOSITION described herein, with the ballots for the election to contain such provisions, markings and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

**PROPOSITION "A"**

FOR

**Authorizing the legal sale of prohibited types or classifications of alcoholic beverages within the Leisure and Entertainment District**

AGAINST

4. **TIME OF ELECTION.** A Special Election in the City shall be held between the hours of 7:00 a.m. and 7:00 p.m. on Saturday, May 7, 2022.
5. **PRECINCT AND POLLING PLACE.** The City shall hold the election on Saturday, May 7, 2022, at the precinct and polling place listed below. For the purpose of holding the election, the entire City shall constitute a single election precinct. The polling place for such precinct shall be:

**Main Early Voting Location**

Election Office  
410 W. Market St.  
Sinton, Texas 78387

**Branch Early Voting Location**

Daniel P. Moore Community Center Complex  
Portland Community Center  
2000 Billy G. Webb Dr.  
Portland, Texas 78374

6. **PRESIDING JUDGES AND ELECTION CLERKS.** The Presiding Judge, Alternate Presiding Judge and election clerks for the election precinct and polling place shall be appointed by the Election Administrator.
7. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the times and places determined by the Election Administrator. When so determined, the times and places for early voting by personal appearance shall be attached hereto as *Exhibit "C"*. The Early Voting Clerk shall be appointed by the Election Administrator.
8. **EARLY VOTING BALLOT BOARD.** An early voting ballot board shall be created by the Election Administrator to process early voting results.
9. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at said election.
10. **NOTICE OF ELECTION.** The City shall cause a copy of the Notice of Election (in English and Spanish) to be posted and published as required by Sections 4.003(a)(1)(A), (b) and (f), Texas Election Code, and Section 1251.003(d) and (e), Texas Government Code.
11. **ELECTION CODE.** In all respects said election shall be conducted in accordance with the Texas Election Code. Pursuant to the federal Help America Vote Act ("**HAVA**") and the Code, at each polling place there shall be at least one voting system that is equipped for disabled individuals, and each such voting system shall be a system that has been certified by the Texas Secretary of State as compliant with HAVA and the Code. The City Manager of the City is hereby authorized to enter into any necessary agreements with San Patricio County in order to comply with this section.
12. **BILINGUAL ELECTION MATERIALS.** All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.
13. **VOTING DEVICES.** The San Patricio County Elections Administrator may utilize a central counting station as provided by the Texas Election Code. Any central counting station presiding judge and the alternate presiding judge shall be appointed in accordance with the Election Agreement and the Texas Election Code. The San Patricio County Elections Administrator is currently using HART Verity System 2.0.3 and software certified by the Texas Secretary of State.

The City Council of the City of Portland, Texas, finds as follows:

The Texas Election Code requires that at least one accessible voting station must be provided in each polling place used in a Texas election. Such system must comply with state and federal laws setting the requirements for voting systems that (i) fully comply with applicable laws relating to accessible voting systems which make voting accessible for disabled voters; and (ii) provide a practical and effective means for voters with physical disabilities to cast a secret ballot. The Office of the Texas Secretary of State has certified that the Verity Access Touch is an accessible voting system that may legally be used in Texas elections.

The Texas Election Code authorizes the acquisition of voting systems by local political subdivisions and further mandates certain minimum requirements for contracts relating to the acquisition of such voting systems. As chief elections officer for the City of Portland, the San Patricio County Elections Administrator shall provide at least one Verity Access Touch in each polling place at every polling location used to conduct any election. The Verity Access Touch may be acquired by any legal means available to the City of Portland, including but not limited to lease or rental from San Patricio County or from any other legal source, as authorized or required by the Texas Election Code.

- 14. AGREEMENT WITH SAN PATRICIO COUNTY AND JOINT ELECTION PARTICIPANTS.** The City Manager of the City is authorized to enter into any other agreements required by San Patricio County or the Election Administrator in connection with conducting the election ordered herein, and the City is authorized to pay the fees charged by San Patricio County for services rendered in connection with the election. The City Manager is further authorized to enter into an agreement with other political subdivisions in the event it is determined that the election called by this Resolution shall be conducted as a joint election pursuant to Chapter 271 of the Texas Election Code.
- 15. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption thereof.

PASSED AND APPROVED by the City Council, the City of Portland, on this the 15<sup>th</sup> day of February, 2022.



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**Cathy Skurow**  
**Mayor**

ATTEST:

*Annette Hall*

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**Annette Hall**  
**City Secretary**



**Exhibit A.**

**CITY OF PORTLAND  
ELECTION MAY 7, 2022  
EARLY VOTING BY PERSONAL APPEARANCE  
LOCATION DATES AND TIMES**

<b>Location</b>	<b>Dates</b>	<b>Time</b>
Main Early Voting Location Election Office 410 W. Market St. Sinton, Texas 78387 and Branch Early Voting Location Daniel P. Moore Community Center Complex Portland Community Center 2000 Billy G. Webb Dr. Portland, Texas 78374	Monday, April 25, 2022 Tuesday, April 26, 2022 Wednesday, April 27, 2022 Thursday, April 28, 2022 Friday, April 29, 2022  Monday, May 3, 2022 Tuesday, May 4, 2022	8:00 a.m. to 5:00 p.m. 8:00 a.m. to 5:00 p.m. 8:00 a.m. to 5:00 p.m. 8:00 a.m. to 5:00 p.m. 8:00 a.m. to 5:00 p.m.  7:00 a.m. to 7:00 p.m. 7:00 a.m. to 7:00 p.m.

**ELECTION DAY  
LOCATION DATE AND TIMES**

<b>Location</b>	<b>Date</b>	<b>Time</b>
Daniel P. Moore Community Center Complex Portland Community Center 2000 Billy G. Webb Dr. Portland, Texas	Saturday, May 7, 2022	7:00 a.m. to 7:00 p.m.

**EXHIBIT 'A'**  
**CITY OF PORTLAND**  
**LEISURE AND ENTERTAINMENT DISTRICT**  
**BOUNDARY DESCRIPTION**

**STATE OF TEXAS                    §**  
**COUNTY OF SAN PATRICIO       §**

**FIELD NOTES** to describe the Leisure and Entertainment District of approximately 61.5 acres of land being out in the City of Portland, Texas and being in San Patricio County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point at the intersection of the approximate centerline of West Broadway Ave. and approximate the centerline of US 181 Northbound Frontage Road for the **Point of Beginning** and northwest corner of this Leisure and Entertainment District;

**Segment L1**

**THENCE**, generally in an **East** direction, along the approximate centerline of West Broadway Ave., a distance of **860'** to a point within the intersection of West Broadway Ave. and Railroad Ave. for an angle corner of this Leisure and Entertainment District;

**Segment L2**

**THENCE**, generally in a **SOUTHEASTERLY**, direction, along the approximate centerline of East Broadway Ave., a distance of **120'** to a point in the approximate east ROW of an abandoned Railroad for the northeast corner of this Leisure and Entertainment District;

**Segment L3**

**THENCE**, generally in a **SOUTHWESTERLY** direction, along the approximate east ROW of said abandoned Railroad, a distance of **405'** to a point and an angle corner of this Leisure and Entertainment District;

**Segment L4**

**THENCE**, generally in a **SOUTH** direction, along the approximate west boundary and rear lot lines of lots fronting the west boundary of Wildcat Drive, at **340'** pass the approximate centerline of 7<sup>th</sup> Ave., in all a distance of **710'** to a point in the approximate centerline of 6<sup>th</sup> Ave. for an exterior corner of this Leisure and Entertainment District; whence the approximate intersection of Wildcat Drive and 6<sup>th</sup> Ave. bears generally East approximately 180°;

**Segment L5**

**THENCE**, generally in a **WEST** direction, along the centerline of 6<sup>th</sup> Ave., a distance of **360'** to a point in the approximate east ROW of said abandoned Railroad for an interior corner of this Leisure and Entertainment District;

**Segment L6**

**THENCE**, generally in a **SOUTHWESTERLY** direction, along the approximate east ROW of said abandoned Railroad, a distance of **50'** to a point for an angle corner of this Leisure and Entertainment District;

**Segment L7**

**THENCE**, generally in a **SOUTH** direction, a distance of **320'** to a point in the approximate centerline of 5<sup>th</sup> Ave. for an exterior corner of this Leisure and Entertainment District;

**Segment L8**

**THENCE**, generally in a **WEST** direction, along the centerline of 5<sup>th</sup> Ave., a distance of **235'** to a point in the approximate east ROW of said abandoned Railroad for an interior corner of this Leisure and Entertainment District;

**Segment L9**

**THENCE**, generally in a **SOUTHWESTERLY** direction, along the approximate east ROW of said abandoned Railroad, a distance of **425'** to a point in the approximate centerline of 4<sup>th</sup> Ave. for the southeast corner of this Leisure and Entertainment District;

**Segment L10**

**THENCE**, generally in a **WEST** direction, along the centerline of said 4<sup>th</sup> Ave., a distance of **770'** to a point in the approximate intersection of 4<sup>th</sup> Ave. and Moore Ave. for an exterior corner of this Leisure and Entertainment District;

**Segment L11**

**THENCE**, generally in a **NORTHWESTERLY** direction, along the approximate centerline of Moore Ave., a distance of **50'** to the approximate intersection of Moore Ave. and 4<sup>th</sup> Ave. for an interior corner this Leisure and Entertainment District;

**Segment L12**

**THENCE**, generally in a **SOUTHWESTERLY** direction, along the approximate centerline of 4<sup>th</sup> Ave., a distance of **200'** to a point in the approximate at the approximate southwest boundary line of Lots fronting the southwest ROW of Moore Ave. for an exterior corner of this Leisure and Entertainment District;

**Segment L13**

**THENCE**, generally in a **NORTHWESTERLY** direction, along the approximate southwest rear boundary line of Lots fronting the southwest ROW of Moore Ave., a distance of **100'** to a point for an angle corner of this Leisure and Entertainment District;

**Segment L14**

**THENCE**, generally in a **NORTHWESTERLY** direction, along the approximate southwest rear boundary line of Lots fronting the southwest ROW of Moore Ave., a distance of **280'** to a point for an angle corner of this Leisure and Entertainment District;

**Segment L15**

**THENCE**, generally in a **NORTHWESTERLY** direction, along the approximate southwest rear boundary line of Lots fronting the southwest ROW of Moore Ave., a distance of **175'** to a point at the approximate centerline of 6<sup>th</sup> Ave. for an angle corner of this Leisure and Entertainment District;

**Segment L16**

**THENCE**, generally in a **NORTHWESTERLY** direction, along the approximate southwest rear boundary line of Lots fronting the southwest ROW of Moore Ave., a distance of **290'** to a point at the approximate centerline of centerline of US 181 Northbound Frontage Road for the southwest corner of this Leisure and Entertainment District;



**Segment L17**

**THENCE**, generally in a **NORTHEASTERLY** direction, along the approximate centerline of said US 181 Northbound Frontage Road, at **190'** pass the approximate intersection of the centerline of Moore Ave. and said centerline of US 181 Northbound Frontage Road, in all a total distance of **1,780'** to the **POINT OF BEGINNING** and containing approximately **61.5 acres**, more or less.

This description is compiled from information of record and does not represent a survey made upon the ground. Accompanying exhibit prepared.



02/08/2022  
Date

Albert E. Franco, Jr.  
Signed By: Albert E. Franco, Jr., R.P.L.S. #4471



CITY OF  
PORTLAND

POINT OF BEGINNING



**EXHIBIT 'B'**  
**CITY OF PORTLAND**  
**LEISURE AND ENTERTAINMENT DISTRICT**  
**BOUNDARY DESCRIPTION**

NAME: R:\\_R\FE\CAD\New WORKING Projects\Portland Entertainment Boundary\Sketch Boundary.dwg drc:tlarson Wed, Feb 09 2022 8:01 am