

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR  
RESOLUTION ADOPTED BY CITY COUNCIL.**

**A RESOLUTION**

**ORDERING A LIMITED PURPOSE ANNEXATION ELECTION TO BE  
HELD ON TUESDAY, NOVEMBER 6, 2018, FOR AN AREA LOCATED  
WITHIN FIVE MILES OF THE BOUNDARY OF THE LACKLAND AIR  
FORCE BASE AND THE LACKLAND AIR FORCE BASE – MEDINA  
TRAINING ANNEX IN THE EXTRATERRITORIAL JURISDICTION  
("ETJ") OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.**

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**WHEREAS**, consistent with the intent of the Texas Local Government Code Section 43.0117 enacted by the Texas Legislature and signed by the Governor in the 2017 85<sup>th</sup> Leg. Special Session, the City of San Antonio takes this action to protect the areas surrounding Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex and to preserve the efficacy of the bases' respective missions; and

**WHEREAS** the City Council of the City of San Antonio intends to allow the voters in areas within five miles of the boundary of Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex to vote on whether to be annexed for limited purposes into the City or to authorize the City to adopt and enforce an ordinance regulating the land use in the area in the manner recommended by the most recent joint land use study; and

**WHEREAS**, the City Council of the City of San Antonio, Texas wishes to order an election for Tuesday, November 6, 2018, for that purpose; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** An annexation election is ordered to be held in the various voting precincts of the City of San Antonio's ETJ on Tuesday, November 6, 2018, to submit the following proposition to annex certain areas within five miles of the boundary of the Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex to the qualified voters of the area that are subject to annexation:

**PROPOSITION NO. 1**

It is the intent of the City of San Antonio to annex for limited purposes the subject area within five miles of the boundary of the Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex. The subject area of the proposed annexation is as follows: An area in the Southwestern portion of Bexar County comprising an area of approximately 12,973.96 acres and generally bounded on the north by Military Drive West; on the east by the San Antonio City Limit

Line and the western boundary of the Lackland Air Force Base-Medina Training Annex; on the south by an area north of Pearsall Road, and on the west by an area east of Montgomery Road and the western right of way of Grosenbacher Road. A detailed property description and map of the area is attached (Attachment A). Upon annexation for full purposes (within three years after limited purpose annexation occurs) the following services will be provided, as applicable, in the annexation area:

- (A) police protection;
- (B) fire protection;
- (C) emergency medical services;
- (D) solid waste collection;
- (E) operation and maintenance of water and wastewater facilities in the annexed area;
- (F) operation and maintenance of roads and streets, including road and street lighting;
- (G) operation and maintenance of parks, playgrounds and swimming pools; and
- (H) operation and maintenance of any other publicly owned facility, building or service;

None of the above listed services, other than those already being provided will be provided during the three year limited purpose annexation period but will be provided upon full purpose annexation. During the three year period, a regulatory plan that delineates a schedule for the provision of services will be promulgated pursuant to Chapter 43, Subchapter F of the Tex. Loc. Gov. Code.

Shall the City of San Antonio annex for limited purposes certain areas in the City's ETJ within five miles of the Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex for the limited purposes of applying its planning, zoning, health, and safety ordinances around the military bases or alternatively, authorize the City to adopt and enforce an ordinance regulating land use in the area in the manner recommended by the most recent Joint Land Use Study, including the authority to adopt and impose fees, fines and other charges.

This Proposition seeks the approval of the voters of the proposed annexation areas to decide whether or not to annex areas as described as follows: An area in the southwestern portion of Bexar County comprising an area of approximately 12,973.96 acres and generally bounded on the north by Military Drive West; on the east by the San Antonio City Limit Line and the western boundary of the Lackland Air Force Base-Medina Training Annex; on the on the south by an area

north of Pearsall Road; and on the west by an area east of Montgomery Road and the western right of way of Grosenbacher Road.

A "FOR" vote on the proposition permits the City to implement annexation for limited purposes under Chapter 43 of the Texas Local Government Code. Limited Purpose Annexation is a form of annexation where, for a period of up to three years, the area is subject to municipal planning, zoning, health, and safety ordinances. However, there are no City taxes and no municipal services will be provided to the area. Qualified voters in the area may vote in City elections on all issues except financial matters such as bond elections. At the end of the three year period, a decision will be made by the City Council regarding the full purpose annexation of the subject area.

An "AGAINST" vote would not allow annexation, but permits the City to adopt and enforce ordinances regulating land use in the manner recommended by the most recent Joint Land Use Study, including the authority to adopt and impose fees, fines and other applicable charges.

**SECTION 2.** The official ballots for the Election shall be prepared in accordance with the Texas Election Code to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITION, with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITION to be expressed substantially as follows:

**PROPOSITION NO. 1**

**FOR** } SHALL THE CITY OF SAN ANTONIO ANNEX FOR LIMITED  
PURPOSES CERTAIN AREAS IN THE CITY'S  
EXTRATERRITORIAL JURISDICTION WITHIN FIVE MILES  
**AGAINST** } OF THE BOUNDARY OF THE LACKLAND AIR FORCE  
BASE AND THE LACKLAND AIR FORCE BASE – MEDINA  
TRAINING ANNEX FOR THE PURPOSE OF APPLYING ITS  
PLANNING, ZONING, HEALTH, AND SAFETY  
ORDINANCES AROUND THE MILITARY BASES.

**SECTION 3.** If approved, the City shall initiate limited purpose annexation proceedings pursuant to Chapter 43 of the Texas Local Government Code in the areas generally described as being within five miles of the boundary of Lackland Air Force Base and the Lackland Air Force Base – Medina Training Annex and being more particularly described in Attachment A.

**SECTION 4.** The Proposition, if approved by a majority of the resident, qualified voters of the proposed annexation areas who vote in the November 6, 2018 election, is effective when the City Council enters an order stating an effective date of the Proposition after holding the required public hearings on the subject and states on the records of the City declaring that the Proposition has been adopted.

**SECTION 5.** As soon as practicable after the election and the declaration by the City Council that the Proposition has been approved and adopted, the Mayor shall certify to the Secretary of State an authenticated copy of the Proposition, under the City's seal, showing the approval by the qualified voters of the proposed limited purpose annexation areas in the ETJ of the municipality.

**SECTION 6.** The Proposition, if disapproved by a majority of the resident qualified voters of the proposed annexation area authorizes the City to adopt and enforce ordinances regulating land use in the manner recommended by the most recent Joint Land Use Study, and the authority to impose fees, fines and other charges related to the enforcement of land use controls.

**SECTION 7.** The City Council authorizes the November 6, 2018 annexation election to be held jointly with other participating local political subdivisions located within Bexar County. The City shall execute an agreement with Bexar County to conduct the election as a joint election with the other political subdivisions identified in the agreement. An ordinance authorizing the election will be considered by the City Council at a subsequent meeting.

Pursuant to the Texas Election Code, Section 61.012, as amended, the Bexar County Elections Administrator shall provide at least one accessible voting system in each polling place used in the Election. Such voting system shall comply with Texas and federal laws establishing the requirements for voting systems that permit voters with physical disabilities to cast a confidential or secret ballot.

**SECTION 8.** The annexation election shall be held as prescribed by law. Voting precincts and hours of voting shall be established by the Bexar County Elections Administrator. An ordinance adopting the precincts and voting hours for the November 6, 2018 election will be considered at a later meeting.

**SECTION 9.** Voting on Election Day, Tuesday, November 6, 2018, shall be conducted by the use of AIS650 Tabulators, paper ballots, or the iVotronic™ touch screen voting system, as determined by the City Clerk and the Bexar County Elections Administrator.

For early voting by mail and for provisional voting at this election, the City Clerk has determined that voting shall be conducted by the use of the AIS650 Tabulators, and paper ballots.

For early voting by personal appearance, beginning on Monday, October 22, 2018, and ending on Friday, November 2, 2018, the City Clerk has determined that voting shall be conducted by the use of the iVotronic™ touch screen voting system at polling locations to be determined by the Bexar County Elections Administrator. An ordinance authorizing the polling locations for early voting within Bexar County will be considered at a later meeting. Hours of early voting shall be established by the Bexar County Elections Administrator in accordance with the applicable provisions of Texas law.

**SECTION 10.** Electors may cast their early vote by mail. Ballot applications and ballots voted by mail shall be mailed to the early voting clerk as follows:

Jacquelyn F. Callanen, Early Voting Clerk  
Bexar County Elections Administrator  
1103 S. Frio Street Ste. 100  
San Antonio, TX 78207

The last day to receive an application for a ballot to be voted by mail is Friday, October 26, 2018.

**SECTION 11.** Notice of the November 6, 2018 annexation election shall be given by publishing a substantial copy of the proposed Resolution, both in English and in Spanish, in a newspaper of general circulation on the same day in each of two successive weeks, with the first publication occurring before the 14<sup>th</sup> date of the election; and a substantial copy of this Resolution, both in English and in Spanish, shall be posted at three designated places and also at City Hall, located at the Main Plaza Complex, not less than 21 days prior to Election Day.

**SECTION 12.** All resident qualified voters of the proposed annexation areas are permitted to vote at the November 6, 2018 election and on the day of the election, the electors shall vote at the designated polling places. The election shall be held and conducted in accordance with the provisions of the Texas Election Code, as amended, and the provisions of the Texas Government Code, and as may be required by any other law. All election materials and proceedings shall be printed in both English and Spanish. The official ballots for the November 6, 2018 annexation election shall be prepared in accordance with the Texas Election Code.

**SECTION 13.** If any provision of this Resolution or its application to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and this Council declares that this Resolution would have been enacted without such invalid provision.

**SECTION 14.** It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, Texas Government Code.

**SECTION 15.** This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED and APPROVED this \_\_ day of August, 2018.**

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

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