

City of Houston Ordinance No. 2016- 605

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, RELATING TO THE LEGALIZATION OF THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY IN THE AREA FORMERLY KNOWN AS THE CITY OF HOUSTON HEIGHTS AS IT EXISTED ON FEBRUARY 19, 1918; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, Article XVI, Section 20 of the Texas Constitution directs the Texas legislature to pass laws whereby qualified voters of a county, justice precinct, or incorporated town or city may vote at an election to determine whether the sale of certain alcoholic beverages is prohibited or legalized in the prescribed limits; and

WHEREAS, Chapter 501 of the Texas Election Code and Chapter 251 of the Texas Alcoholic Beverage Code set forth the procedure for the holding of local option liquor elections; and

WHEREAS, the City of Houston Heights existed as a separate incorporated municipality, in the area described in Exhibit A, until its consolidation with the City of Houston on February 20, 1918. Prior to the consolidation, the City of Houston Heights voted to prohibit the sale of alcoholic beverages in September 1912; and

WHEREAS, in 1937 the Texas Supreme Court ruled that the area voted dry by the City of Houston Heights must remain dry until a local option election is held in the same area that originally voted dry; and

WHEREAS, on May 11, 2016, the Houston Heights Beverage Coalition ("HHBC") submitted an application for a local option election petition to the City Secretary's Office on the issue of legalizing the sale of beer and wine for off-premise consumption only in the area formerly known as the City of Houston Heights as it existed on February 19, 1918;

WHEREAS, on May 16, 2016, the City Secretary issued a local option petition to HHBC as required by Texas Election Code Section 501.023; and

WHEREAS, Section 501.032 of the Texas Election Code requires signatures on a local option petition of at least 35 percent of the registered voters in the political subdivision who voted in the most recent gubernatorial election, which equals 1,511 signatures; and

WHEREAS, on July 6, 2016, in accordance with Section 501.032 of the Texas Election Code, the City Secretary received a signed petition from HHBC; and

WHEREAS, in accordance with Section 501.031 of the Texas Election Code, by report dated August 3, 2016, the City Secretary verified that the petition was signed by 1,759 signers who are qualified voters in the area formerly known as the City of Houston Heights as it existed on February 19, 1918 and, therefore, the petition is sufficient to cause City Council to order a local option election on the issue set out in the petition on the next uniform election date; and

WHEREAS, Tuesday, November 8, 2016, is the next date that an election may be held pursuant to the provisions of the Texas Election Code; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. In accordance with Section 501.033 of the Texas Election Code, the City Council directs the City Secretary to enter into its minutes the date of presentation of the petition to the City Council, the names of the signers (as contained in the petition, attached as an exhibit to the minutes), and the City Council's determination that the petition is sufficient.

Section 3. That a special election (the "Election") shall be held in the area described in Exhibit A, formerly known as the City of Houston Heights as it existed on February 19, 1918 (the "area"), now in the City of Houston (the "City"), on Tuesday, November 8, 2016, between the hours of seven o'clock a.m. and seven o'clock p.m., for the purpose of voting on the following proposition as required by Article XVI, Section 20 of the Texas Constitution; Chapter 501, Texas Election Code; and Chapter 251, Texas Alcoholic Beverage Code: the legal sale of beer and wine for off-premise consumption only.

Section 4. That the Election shall be held under the provisions of the Charter of the City of Houston, Texas, the Constitution and laws of the State of Texas and United States, and of this Ordinance. Only voters of the area who are qualified under state and federal law shall be allowed to vote at the Election, and each voter shall vote at the polling place designated for the Election precinct in which such voter resides.

Section 5. That the Election will be held jointly with various other political subdivisions and conducted by the County Clerk of Harris County.

Section 6. That the City Secretary is hereby authorized to take all actions necessary to implement the terms of the election services contract to be entered into between the City and Harris County.

Section 7. That the City Secretary is hereby authorized and directed to have prepared and provided the ballots for the Election and any other necessary supplies and services not provided for under the terms of the election services contract to be entered into between the City and Harris County in accordance with the provisions of the Texas Election Code and other applicable law. On such ballots shall appear a proposition with provision on such ballots to vote "For" or "Against" as follows:

PROPOSITION NO. 1

[Relating to the area formerly known as the City of Houston Heights as it existed on February 19, 1918.]

The legal sale of beer and wine for off-premise consumption only.

Section 8. That the voting at the Election shall utilize voting systems approved pursuant to the provisions of the Texas Election Code and/or the United States Department of Justice, as applicable (“an approved voting system”).

Section 9. That portion of each Harris County election precinct that lies partly within and partly without the area shall constitute a City of Houston Election Precinct with the same number and the identical boundaries (excluding that portion not within the area) as established by the appropriate order of the Harris County Commissioners’ Court. All qualified voters in the area shall cast their ballots at their designated precinct locations on Election Day as determined by the County Clerk of Harris County. The Election Day polling locations are as follows:

Precinct Number	Election Day Polling Location
0053	First Baptist Church Heights Fellowship Hall 201 East 9 th St., Houston, 77007
0054	SPJST Lodge #88 1435 Beall St., Houston, 77008
0055	Saint Marks United Methodist Church 1615 Patterson St., Houston, 77007
0057	John H Reagan High School Auditorium 413 East 13 th St., Houston, 77008
0058	Love Park Community Center 1000 West 12 th St., Houston, 77008
0059	Field Elementary School 703 East 17th St., Houston, 77008
0075	Helms Community Learning Center 503 W 21 st St., Houston, 77008
0086	To Be Determined
0501	Mount Sinai Baptist Church Family Life Center 902 West 8 th St., Houston, 77007

In the case of a precinct established in Section 9 for which the polling place is shown as "To Be Determined," the Mayor shall be authorized to designate a polling place or places,

giving such notice as he deems sufficient. In the event the Mayor shall find that one or more of the polling places designated by this Ordinance have become unavailable or unsuitable for use at the Election, he is hereby authorized to designate, in writing, substitute polling places, giving such notice as he deems sufficient. In the further event that one or more precincts including territory in the area are not included in the list set out in Section 9, the Mayor is authorized to designate, in writing, a polling place location for that precinct, the final decision of which shall be the Mayor's, as if the precincts were set out in Section 9.

Section 10. That the County Clerk of Harris County is designated as the Early Voting Clerk and to perform that function for City voters of the area in Harris County who are qualified under state and federal law; provided, however, that in the event the City is unable to execute a final agreement with Harris County, pursuant to Chapters 31 and 271, Texas Election Code, the Mayor is authorized to order any changes necessary to facilitate early voting by qualified City voters of the area.

Section 11. That early voting by personal appearance shall utilize an approved voting system and shall be conducted at the following locations and times shown below, and at such other locations and hours as the City Council may hereafter designate:

Harris County Voters - Main Early Voting Polling Place

Harris County Administration Building
1001 Preston Street, 1st Floor
Houston, TX 77002

Harris County Branch Early Voting Locations

Moody Park Community Center 3725 Fulton St., Houston, 77009	Kashmere Multi-Service Center 4802 Lockwood Dr., Houston, 77026
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Ripley House Neighborhood Center 4410 Navigation Blvd., Houston, 77011	H.C.C.S. Southeast College 6960 Rustic St., Parking Garage, Houston, 77087
Justice of the Peace Entry 5300 Griggs Rd., Houston, 77021	Fiesta Mart 8130 Kirby Dr., Houston, 77054
Metropolitan Multi-Service Center 1475 W. Gray St., Houston, 77019	Harris County Public Health Environmental Services 2223 West Loop South Fwy, Houston, 77027
SPJST Lodge #88 1435 Beall St., Houston, 77008	Northeast Multi-Service Center 9720 Spaulding St., Building #4, Houston, 77016
Alvin D. Baggett Community Center 1302 Keene St., Galena Park, 77547	John Phelps Courthouse 101 S. Richey St., Pasadena, 77506
Sunnyside Multi-Purpose Center 9314 Cullen Blvd., Houston, 77051	Hiram Clarke Multi-Service Center 3810 W. Fuqua St., Houston, 77045
Bayland Park Community Center 6400 Bissonnet St., Houston, 77074	Tracy Gee Community Center 3599 Westcenter Dr., Houston, 77042
Trini Mendenhall Community Center 1414 Wirt Rd., Houston, 77055	Lone Star College – Victory Center 4141 Victory Dr., Houston, 77088
Acres Homes Multi-Service Center 6719 W. Montgomery Rd., Houston, 77091	Hardy Senior Center 11901 West Hardy Rd., Houston, 77076
Octavia Fields Branch Library 1503 South Houston Ave., Humble, 77338	Kingwood Branch Library 4400 Bens View Lane, Kingwood, 77345
Lone Star College – Atascocita Center 15903 W. Lake Houston Pkwy, Houston, 77044	Crosby Branch Library 135 Hare Rd., Crosby, 77532
North Channel Branch Library 15741 Wallisville Rd., Houston, 77049	Baytown Community Center 2407 Market St., Baytown, 77520
Kyle Chapman Courthouse Annex 7330 Spencer Highway, Pasadena 77505	Freeman Branch Library 16616 Diana Lane, Houston, 77062
Harris County Annex 67 10851 Scarsdale Blvd., Houston, 77089	Alief ISD Administration Building 4250 Cook Rd., Houston, 77072
Harris County MUD 81 805 Hidden Canyon Rd., Katy, 77450	Nottingham Park 926 Country Place Dr., Houston, 77079
Franz Road County Annex 19818 Franz Rd., Katy, 77449	Lone Star College – Cypress Center 19710 Clay Rd., Katy, 77449
City of Jersey Village – City Hall 16327 Lakeview Dr., Jersey Village, 77040	Richard & Meg Weekley Community Ctr. 8440 Greenhouse Rd., Cypress, 77433
Juergen’s Hall Community Center 26026 Hempstead Hwy, Cypress, 77429	Prairie View A&M University – Northwest 9449 Grant Rd., Houston, 77070
Fallbrook Church 12512 Walters Rd., Houston, 77014	Champion Forest Baptist Church/Multi-Purpose Building 4840 Strack Rd., Houston, 77069

Tomball Public Works Building 501B James St., Tomball, 77375	Lone Star College – Creekside 8747 West New Harmony Trail, Tomball, 77375
Champion Life Centre 3031 FM 2920 Rd., Spring, 77388	Baldwin Boettcher Branch Library 22248 Aldine Westfield Rd., Humble 77338
Bear Creek Park Community Center 3055 Bear Creek Dr. at Patterson Rd., 77084	

**Hours for Early Voting by Personal Appearance
Harris County Voters**

Monday	October 24, 2016	8:00 a.m. - 4:30 p.m.
Tuesday	October 25, 2016	8:00 a.m. - 4:30 p.m.
Wednesday	October 26, 2016	8:00 a.m. - 4:30 p.m.
Thursday	October 27, 2016	8:00 a.m. - 4:30 p.m.
Friday	October 28, 2016	8:00 a.m. - 4:30 p.m.
Saturday	October 29, 2016	7:00 a.m. - 7:00 p.m.
Sunday	October 30, 2016	1:00 p.m. - 6:00 p.m.
Monday	October 31, 2016	7:00 a.m. - 7:00 p.m.
Tuesday	November 1, 2016	7:00 a.m. - 7:00 p.m.
Wednesday	November 2, 2016	7:00 a.m. - 7:00 p.m.
Thursday	November 3, 2016	7:00 a.m. - 7:00 p.m.
Friday	November 4, 2016	7:00 a.m. - 7:00 p.m.

Additionally, each Early Voting Clerk, in his or her discretion, may establish one or more additional early voting locations throughout the City, and the City Secretary shall cause notice of all early voting locations and the hours of operation to be given as required by law.

Section 12. That, for the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk of the county of the voter's residence shall receive applications for early voting ballots to be voted by mail in accordance with the Election Code.

Applications for ballot by mail for the Election for City of Houston, Harris County residents can be mailed, emailed, or faxed to:

Stan Stanart, Harris County Clerk
P.O. Box 1148
Houston, Texas 77251 – 1148
BBM@cco.hctx.net
Fax: (713)-755-4983 or (713)-437-8683

Section 13. That, in the event the Mayor shall, from time to time, find that additional matters require designation or substitution prior to the Election, the Mayor shall be authorized to make such substitutions or designations as may be necessary, giving such notice as the Mayor deems sufficient and to make such other provision for the orderly conduct of the Election as the Mayor may deem necessary.

Section 14. That, in accordance with all applicable federal and state law, the County Clerk of Harris County shall also provide to the City voters of the area Spanish, Vietnamese, and Chinese translations of all ballots where appropriate; and all other election materials shall be available and distributed in Spanish, Vietnamese, and Chinese as well as English, as required by applicable law.

Section 15. That this Ordinance shall constitute the election order for the Election and notices of the Election shall be given by publication and posting as required by the Texas Election Code and other applicable law.

Section 16. That if any portion or portions of the Proposition are determined, found or held to be violative of any provision of any state or federal constitution, statute, law, code or regulation, then it is the intention of the City Council that the remainder of such Proposition, if sufficient for the intended purpose and in accordance with applicable

law, shall be severable from the portion deemed, found or held to be violative of any applicable law.

That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 17. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall Annex of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 18. That there exists a public emergency requiring this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor;

therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 10th day of August, 2016.

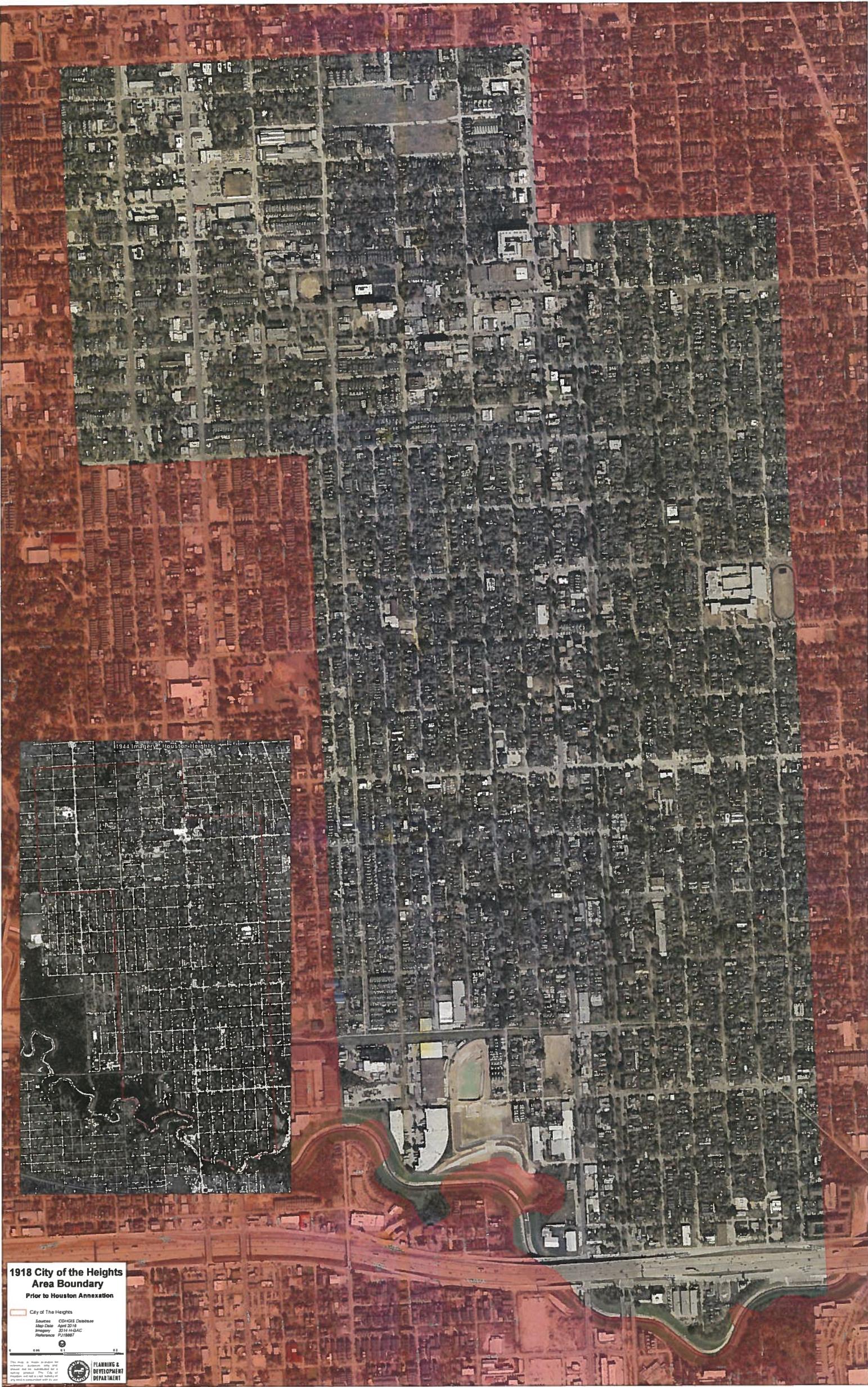


 Mayor of the City of Houston

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 Prepared by Legal Dept. *Danielle Johnson*
 DRF: 8/4/2016 11:23:00 AM Assistant City Attorney
 Requested by Anna Russell, City Secretary
 L.D. File No. 0231600002001

AYE	NO	
<input checked="" type="checkbox"/>		MAYOR TURNER
....	COUNCIL MEMBERS
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ABSENT-ON PERSONAL BUSINESS		MARTIN
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<input checked="" type="checkbox"/>		CHRISTIE
CAPTION	ADOPTED	

EXHIBIT A



1944 Imagery of Houston-Heights

1918 City of the Heights Area Boundary

Prior to Houston Annexation

City of The Heights
 Source: CDWGS Database
 Map Date: April 2018
 Imagery: 2014 H2A/C
 Reference: 7-11887



PLANNING & DEVELOPMENT DEPARTMENT

This map is made available for reference purposes only. It is not intended to be used as a legal document. The City of Houston will not be liable for any errors or omissions on this map.