

AN ORDINANCE

ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 7, 2000, IN THE CITY OF CORPUS CHRISTI ON THE QUESTIONS OF AUTHORIZING OBLIGATIONS OF THE CITY SUPPORTED BY AD VALOREM TAXES AND AUTHORIZING A SALES AND USE TAX PURSUANT TO SECTION 4A OF ARTICLE 5190.6, VERNON'S TEXAS CIVIL STATUTES; PROVIDING FOR PROCEDURES FOR HOLDING SUCH ELECTION; PROVIDING FOR NOTICE OF ELECTION AND PUBLICATION THEREOF; PROVIDING FOR ESTABLISHMENT OF BRANCH EARLY POLLING PLACES; DESIGNATING POLLING PLACE LOCATIONS; AUTHORIZING A JOINT ELECTION WITH NUECES COUNTY; AND ENACTING PROVISIONS INCIDENT AND RELATING TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE

WHEREAS, the City Council finds that the citizens of Corpus Christi should have the opportunity to approve the issuance of obligations of the City supported by ad valorem taxes for needed public improvements and to approve a program for economic betterment of the community; and

WHEREAS, the City is authorized by Article VIII of the City Charter to issue general obligation bonds in accordance with State law; and

WHEREAS, the Texas Legislature in Section 4A of Article 5190.6, Vernon's Texas Revised Civil Statutes, has empowered local communities with the means of improving the economic health and prosperity of their citizens and the City Council finds that the projects to be presented to the voters, as specified in Propositions 4, 5, and 6 of Section 7 below, are each authorized by Section 4A of Article 5190.6; and

WHEREAS, a public hearing shall be held before the election to inform the residents of the City of the cost and impact of the projects proposed to be authorized in Propositions 4, 5, and 6 of Section 7, below, with notice as required by law, and the public shall be invited to speak at said public hearing; and

WHEREAS, it is provided in Section 3.004 of the Texas Election Code that the governing body shall order elections pertaining to municipal affairs, give notice and appoint election officers to hold the election; and

WHEREAS, Nueces County will also be conducting a general election on November 7, 2000.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

SECTION 1. A special City election (hereinafter the "Election") shall be held in the City of Corpus Christi, Texas, on November 7, 2000, for the purpose of submitting to the voters of the

City ballot propositions that authorize the issuance of obligations supported by ad valorem taxes and authorize a corporation governed by Section 4A of Article 5190.6, Vernon's Texas Civil Statutes, to use a sales and use tax of up to three-eighths of one percent for projects authorized by said statute.

SECTION 2. At the Election all the qualified voters of the City of Corpus Christi shall be permitted to vote.

SECTION 3. Precinct ballot counters shall be employed at the election in accordance with the Texas Election Code and the Election shall be held at the polling places in the regularly prescribed precincts of the City of Corpus Christi, as set forth on Attachment A hereto incorporated by reference and made part of this ordinance (said Attachment A to be approved and attached when the polling places in the regularly prescribed precincts are finally determined by Nueces County). The Election shall be held in accordance with the election laws of the State of Texas. The polls shall be open from 7:00 a.m. to 7:00 p.m. on the day of the Election. Testing of the precinct ballot counting equipment shall be conducted as prescribed by the Secretary of State's directive "Alternate Method of Testing Precinct Ballot Equipment".

SECTION 4. The City Secretary shall conduct the Election as directed by ordinance of the City Council and by law in accordance with the joint election agreement to be entered into with Nueces County. He is directed to request consideration by the U. S. Department of Justice of the submission of any change herein which requires preclearance, and to provide such demographic data and information as required by law.

SECTION 5. Paper ballots and precinct ballot counters shall be used for the conduct of the Election on election day and for early voting. Early voting in person at each of the temporary branch polling places shall be conducted as follows:

Such early voting in person may be conducted at the main early voting polling place located in the first floor lobby of Nueces County Courthouse, 901 Leopard, or at the temporary branch polling places set forth in Attachment B, incorporated by reference and made a part of this ordinance (said Attachment B to be approved and attached when the temporary branch polling places are determined by Nueces County) hereby established as follows:

In addition, early voting in person may be conducted at the mobile temporary branch polling places set forth in Attachment C, incorporated by reference and made a part of this ordinance, during the days and hours specified therein (said Attachment C to be approved and attached when the mobile temporary branch polling places are determined by Nueces County). The City Secretary is authorized, in the event of an emergency, preventing any of the designated polling places from being utilized, to provide for suitable replacement locations.

Each branch polling place and the main early polling place shall serve all election precincts.

SECTION 6. The City Secretary is directed to post and publish such election notices as are required by the Election Laws of the State of Texas. The City Secretary is further appointed as the authority and officer responsible for the conduct of said election and is hereby authorized and directed to make all necessary arrangements for the holding of said election in accordance with and

subject to the laws of this State including but not limited to coordinating the election process, including use of tabulation equipment, supplies and printing of ballots, in accordance with the joint election agreement to be executed with Nueces County.

SECTION 7. At the Election, the voters shall be presented with the following propositions (in English and Spanish) in the form prescribed by the Texas Election Code:

PROPOSITION NO. 1
STREET IMPROVEMENTS

FOR _____
AGAINST _____

Authorizing the City Council of the City of Corpus Christi to issue the bonds and notes of said City in one or more series or issues, in the aggregate principal amount of \$20,776,000, for the purpose of IMPROVING THE STREETS OF THE CITY, INCLUDING:

*STREET IMPROVEMENTS FOR:

- McARDLE ROAD PHASE 3 (EVERHART ROAD TO HOLMES DRIVE),
- HORNE ROAD (AYERS STREET TO KOSTORYZ STREET),
- CLIFF MAUS ROAD PHASE 1A (FM 665 TO JUST SOUTH OF ROCKFORD ROAD),
- YORKTOWN BOULEVARD (LAKE TRAVIS DRIVE TO WEBER ROAD),
- CITY SHARE OF CONSTRUCTION IN NEW SUBDIVISIONS,
- STREET LIGHTING,
- GUARDRAILS/PEDESTRIAN BRIDGES/SCHOOL ZONE,
- INTERSECTION APPROACH IMPROVEMENTS;

*STREET RESURFACING AND RELATED IMPROVEMENTS FOR:

- UP RIVER ROAD (IH 37 TO LEOPARD STREET),
- ALAMEDA STREET (PARADE DRIVE TO OCEAN DRIVE),
- AYERS STREET (SOUTH PADRE ISLAND DRIVE TO PORT AVENUE),
- GOLLIHAR ROAD (CROSTOWN EXPRESSWAY TO KOSTORYZ ROAD),
- SOUTH STAPLES STREET (GOLLIHAR ROAD TO WILLIAMS DRIVE);

*NEIGHBORHOOD STREET RECONSTRUCTION ON:

- LYONS STREET,
- BIRMINGHAM STREET,
- ANNAVILLE ROAD/CATCAY/AZORE,
- JAMAICA/BROOKDALE,
- WOODLAWN/LAGUNA SHORES/WHITING;

*SIDEWALK ACCESSIBILITY IMPROVEMENTS FOR THE DISABLED;

*TRAFFIC SIGNAL IMPROVEMENTS AT CONGESTED INTERSECTIONS WITH HIGH ACCIDENT RATES;

*CITY SHARE OF COST PARTICIPATION IN STATE HIGHWAY

DEPARTMENT PROJECTS ON

- FM 624 (US 77 TO FM 1889),
- McKINZIE ROAD PHASE 2 (HAVEN TO SOUTH CITY LIMITS),
- FUTURE PROJECTS;

with the bonds and notes of each such series or issue, respectively, to mature serially within not to exceed 25 years from their date, and to be sold at such prices and bear interest at such lawful rates as shall be determined to be most advantageous to the public in the judgment of the City Council, and authorizing said City Council to levy and cause to be assessed and collected annual ad valorem taxes in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay said bonds and notes at maturity, to the extent required by law.

PROPOSITION NO. 2

PARK AND RECREATION AND MUSEUM IMPROVEMENTS

FOR _____
AGAINST _____

Authorizing the City Council of the City of Corpus Christi to issue the bonds and notes of said City in one or more series or issues, in the aggregate principal amount of \$4,694,000, for the purpose of IMPROVEMENTS TO PARK AND RECREATION AND MUSEUM FACILITIES, INCLUDING:

*RENOVATION OF FIVE SENIOR AND SIX RECREATION CENTERS, INCLUDING:

- ETHEL EYERLY COMMUNITY & SENIOR CENTER,
- OAK PARK RECREATION CENTER,
- OSO RECREATION CENTER,
- JOE GARZA RECREATION CENTER,
- LINDALE RECREATION CENTER,
- T.C. AYERS RECREATION CENTER,
- BEN GARZA GYMNASIUM,
- BROADMOOR SENIOR CENTER,
- GREENWOOD SENIOR CENTER,
- LINDALE SENIOR CENTER;

*YOUTH OUTDOOR SPORTS FACILITIES, INCLUDING:

- H.P. GARCIA PARK,
- PRICE PARK,
- SOUTH GUTH PARK,
- WALDRON PARK,
- BILL WITT PARK;

*RENOVATION/DEVELOPMENT OF EXISTING PARKS, INCLUDING:

- LOS ENCINOS PARK (\$100,000),
- NUECES RIVER PARK (\$100,000),
- OAK PARK (\$100,000),
- PARKER PARK (\$100,000),
- SOUTH BLUFF PARK (\$100,000),

- ST. ANDREWS PARK (\$75,000),
- SURFSIDE PARK (\$100,000),
- WEST GUTH PARK (\$200,000),
- BRIGHTON PARK (\$25,000);

- *H.E.B. TENNIS CENTER PAVILION;
- *CORPUS CHRISTI SCIENCE AND HISTORY MUSEUM FIRE SUPPRESSION AND HEATING & AIR CONDITIONING SYSTEMS;

with the bonds and notes of each such series or issue, respectively, to mature serially within not to exceed 25 years from their date, and to be sold at such prices and bear interest at such lawful rates as shall be determined to be most advantageous to the public in the judgment of the City Council, and authorizing said City Council to levy and cause to be assessed and collected annual ad valorem taxes in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay said bonds and notes at maturity, to the extent required by law.

PROPOSITION NO. 3
PUBLIC HEALTH AND SAFETY IMPROVEMENTS

FOR _____
AGAINST _____

Authorizing the City Council of the City of Corpus Christi to issue the bonds and notes of said City in one or more series or issues, in the aggregate principal amount of \$5,330,000, for the purpose of PUBLIC HEALTH AND SAFETY IMPROVEMENTS, INCLUDING:

- *ANIMAL AND VECTOR CONTROL FACILITY,
- *FIRE/POLICE TRAINING FACILITY (PHASE ONE - FIRE TOWER AND RANGE),
- *IMPROVEMENTS TO FIRE STATIONS (ADA, COED),
- *CONSTRUCTION OF MUSTANG ISLAND FIRE SUB-STATION,
- *HEALTH DEPARTMENT MAJOR ROOF REPAIRS,

with the bonds and notes of each such series or issue, respectively, to mature serially within not to exceed 25 years from their date, and to be sold at such prices and bear interest at such lawful rates as shall be determined to be most advantageous to the public in the judgment of the City Council, and authorizing said City Council to levy and cause to be assessed and collected annual ad valorem taxes in an amount sufficient to pay the annual interest on said bonds and notes and provide a sinking fund to pay said bonds and notes at maturity.

PROPOSITION NO. 4
SEAWALL IMPROVEMENTS

FOR _____
AGAINST _____

The adoption of a sales and use tax (under Section 4A of the Development Corporation Act of 1979) for the promotion and development of improvements to the downtown Seawall and for maintenance and operating costs of said Seawall improvements for the life thereof at the

rate of one-eighth of one percent to be imposed for 25 years.

PROPOSITION NO. 5
MULTIPURPOSE ARENA

FOR _____
AGAINST _____

The adoption of a sales and use tax (under Section 4A of the Development Corporation Act of 1979) for the promotion and development of construction of a Multipurpose Arena and for maintenance and operating costs of said Multipurpose Arena for the life thereof at the rate of one-eighth of one percent to be imposed for 25 years.

PROPOSITION NO. 6
ECONOMIC DEVELOPMENT SALES TAX

FOR _____
AGAINST _____

The adoption of a sales and use tax (under Section 4A of the Development Corporation Act of 1979) for the promotion and development of new and expanded business enterprises at the rate of one-eighth of one percent to be imposed for 12 years.

SECTION 8. The voter-approved obligations issued pursuant to Propositions 1, 2, and 3 of Section 7 shall be secured by the full tax rate authorized by the Texas Constitution, in accordance with Article VIII, Section 1(b) of the City Charter.

SECTION 9. Monies collected from Proposition Nos. 4, 5, and 6, respectively, shall be maintained in separate funds, each fund to be used only for the purposes authorized by that proposition as limited by this ordinance.

SECTION 10. Monies maintained in the separate fund for Proposition No. 6 shall be expended only to attract and secure facilities and employers who contractually agree 1) to add new facilities or expand existing facilities in Corpus Christi, and 2) to permanently hire or maintain employees in Corpus Christi. Criteria shall be developed to assure that employers assisted with said funds meet the requirements of this section, and such criteria shall include provision for repayment of incentives and/or economic sanctions for failure to meet the criteria. Further, monies maintained in the separate fund for Proposition No. 6 shall never be used for projects associated with the dredging of Packery Channel or for the projects proposed to be authorized in Propositions 4 and 5 of Section 7 of this Ordinance. This paragraph is intended to be a contract with the voters that monies from Proposition No. 6 will only be expended for the purposes stated in this paragraph.

SECTION 11. The City Council finds that the Seawall Improvements proposed in Proposition No. 4 serve multiple purposes which meet the economic development objectives of Section 4A of the Development Corporation Act (which objectives the statute also defines to include projects authorized by Section 4B of the Act). The findings specifically include, but are not limited to, the following: First, the Seawall is a facility and improvement which promotes new and expanded

business development. The downtown area protected by the Seawall consists of approximately 551 acres with private property tax valuation of \$203,000,511, including: major office buildings, the City's largest hotels, Convention Center, Memorial Coliseum, Art Center, Art Museum, Science and History Museum, Harbor Playhouse, Museum of Oriental Cultures, Selena Bayfront Auditorium, and Heritage Park, the City's primary entertainment district with numerous nightclubs and restaurants, the city marina, and warehouses and terminal facilities of the Port of Corpus Christi Authority. The Seawall is essential to maximizing new and expanded commercial and retail business development and retaining commercial business activity in the area. Maximizing development in the area is critical to employment and the long-term economic health of the City and its residents. Second, the Seawall meets the Section 4B criteria of promoting or developing new or expanded business enterprises, including a project to provide public safety (storm and flood protection) facilities, streets (the Seawall sidewalk is an essential part of the Shoreline Drive right-of-way serving hundreds of thousands of pedestrians, and is part of the Bayfront Hike and Bike Trail), drainage (connecting with the City's stormwater system, it is a fundamental part of draining the commercial areas behind the Seawall), general municipally owned improvements, related improvements, and other projects determined to promote or develop new or expanded business enterprises. Third, it meets the Section 4B purpose of being required or suitable for use for entertainment (for example, hundreds of thousands gather there to watch and participate in events such as Buccaneer Days, Bayfest, parades, sailing regattas, the Fourth of July and Millennium Celebration fireworks displays, and the East-West Powerboat Races), tourist, convention, and public park purposes and events. As a place conducive to gatherings of hundreds of thousands of people, the Seawall serves the function of an auditorium, amphitheater, or concert hall. In addition, it serves as a public park and supports facilities and open space improvements. In addition, the Seawall complex (including the Marina) serves, and has the capacity to expand its services of, store, restaurant, concession, automobile parking facilities, and area transportation facilities. Fourth, the seawall is a port-related facility which supports waterborne commerce.

SECTION 12. The election is expected to be conducted in accordance with an agreement between Nueces County and the City of Corpus Christi to hold a joint election on November 7, 2000, (which shall be approved and attached hereto as Attachment D and incorporated herein). The City Secretary is authorized to approve all lawful changes and additions to the procedures provided herein in order to implement such agreement, including but not limited to provisions for substations and mobile voting sites.

SECTION 13. By approving and signing this ordinance, the Mayor officially confirms as his action all matters recited in this ordinance which by law come within his jurisdiction.

SECTION 14. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance or the ballot herein shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, work, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

ATTEST:

Amador Lopez
City Secretary

Samuel B. Matz
Mayor
The City Of Corpus Christi

Approved this 19 day of July, 2000

James R. Bray, City Attorney

J. R. Bray

That the foregoing ordinance was read for the first time and passed to its second reading on this the 18th day of July, 2000, by the following vote:

Samuel L. Neal, Jr.	<u>Aye</u>	Rex A. Kinnison	<u>Aye</u>
Javier D. Colmenero	<u>Aye</u>	Betty Jean Longoria	<u>Aye</u>
Melody Cooper	<u>Aye</u>	John Longoria	<u>Aye</u>
Henry Garrett	<u>Aye</u>	Mark Scott	<u>Aye</u>
Dr. Arnold Gonzales	<u>Aye</u>		

That the foregoing ordinance was read for the second time and passed finally on this the 20th day of July, 2000, by the following vote:

Samuel L. Neal, Jr.	<u>Aye</u>	Rex A. Kinnison	<u>Aye</u>
Javier D. Colmenero	<u>Aye</u>	Betty Jean Longoria	<u>Aye</u>
Melody Cooper	<u>Aye</u>	John Longoria	<u>Absent</u>
Henry Garrett	<u>Aye</u>	Mark Scott	<u>Aye</u>
Dr. Arnold Gonzales	<u>Aye</u>		

PASSED AND APPROVED this the 25th day of July, 2000.

ATTEST:

Armando Chapa
Armando Chapa
City Secretary

Samuel L. Neal, Jr.
Samuel L. Neal, Jr.
Mayor, The City of Corpus Christi