



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, September 8, 2015

11:30 AM

Council Chambers

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**Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

**A. Mayor Nelda Martinez to call the meeting to order.**

Mayor Martinez called the meeting to order.

**B. Invocation to be given by Father Paul Hesse, Pastor - St. Pius Catholic Church.**

Father Paul Hesse gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Sandra Thaxton, Assistant Director - Strategic Management.**

Mayor Martinez led the Pledge of Allegiance.

**D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**

City Secretary Rebecca Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Ron Olson, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

**Present:** 9 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, Council Member Lucy Rubio, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

**E. Proclamations / Commendations**

1. Proclamation declaring September 11, 2015, "9/11 Day of Service & Remembrance".  
Proclamation declaring September 1, 2015, "Childhood Cancer Awareness Day" and September 2015, "Childhood Cancer Awareness Month".  
Proclamation declaring September 8, 2015, "International Literacy Day" and September 2015, "International Literacy Month".

Mayor Martinez presented the proclamations.

**CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

Mayor Martinez deviated from the agenda and referred to City Manager's Comments.

**b. OTHER**

Executive Director of Utilities Mark Van Vleck provided an update on the status of the water system. Mr. Van Vleck reported that a water boil notification was issued for three (3) areas with low chlorine levels. No E. coli has been found in the water system. The City made a change on Monday to an alternate water disinfectant for the entire water system. In an effort to improve chlorine levels and move water through the water system more quickly, the City of Corpus Christi has suspended the once-a-week watering restrictions. Mr. Van Vleck stated that if residents experience cloudy or discolored water as the chlorine is increased, they should flush faucets indoors and outdoors by opening for five (5) minutes to clear the water lines. If the water remains cloudy, Mr. Van Vleck advised that residents should contact the City to flush the system.

**F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

Mayor Martinez deviated from the agenda and referred to comments from the public. Abel Alonzo, 1701 Thames, spoke regarding the "I Believe in Me Foundation" and encouraged the community to sponsor the organization to help children in our community. Jack Gordy, 4118 Bray, spoke regarding the palm trees located on Airline Road that are not in compliance with the Americans with Disabilities Act (ADA). Vernon Lucich, 449 Eldon, spoke regarding: trapping of feral cats and wild animals instead of Animal Care Services doing so and the condition of the streets. Manuel Garcia spoke in opposition to raising property taxes. Mr. Garcia also spoke regarding the streets being damaged by the Regional Transportation Authority's (RTA) buses. Rick Milby, 4412 High Ridge Drive, thanked the City Council for their service to the City and spoke regarding the following topics: cutting the budget; the City being in financial crisis; the issuance of debt; and in opposition to tax and water rate increases. Arthur Billings, 333 Clearview, spoke in opposition to increasing taxes. Kyle Pape, 1801 Hosea, spoke regarding the proposed tax increase; annual increases in assessed property values; and managing the City's budget. Rick Roberson, 315 Del Mar Boulevard, spoke regarding charges for utilities and city services, water conservation, and reducing the budget. Guadalupe Garcia, 5709 Park Street, requested an exemption from Code Enforcement for two (2) efficiency units located on his property. Rodney Paige, 1519 Leopard, commended the City Council, City Manager, and Police Department for their work with the homeless and spoke regarding caliche blowing onto his property due to the re-routing of RTA buses. Susie Luna Saldana, 4701 Hakel, spoke regarding the effects that raising water and tax rates will have on senior citizens and individuals on a fixed income. Greg Smith, 1746 Glenoak, provided an update on the Island

Strategic Action Committee's support of the 2nd draft of the Comprehensive Plan. Steve Monroe, 4017 Nichols, spoke in opposition to the proposed increase in ad valorem taxes and about street fees, and balancing the budget. Marty Martinez, 509 Ronson, spoke in opposition to the proposed tax increase and providing the public with more information on the City's website. Ken Baker, Rancho Vista Subdivision, commended the City Council for their service and spoke regarding the condition of the streets and the need for a gasoline tax. Mr. Baker recommended a moratorium on taxes until the next legislative session. Michael Vargas, 6737 Deerwood, spoke regarding the increase in taxes and water rates and code-related restrictions on citizens. Shirley Thornton, 1917 Woodcrest Drive, thanked the City Council for listening to the citizens and their decision to not continue the Citizens Collection Center - Flour Bluff/Padre Island as proposed. Ms. Thornton also spoke regarding the City being more transparent and making decisions that will provide a return on investment. Joshua Tijerina, 1413 Ray Drive, thanked the City Council for their service and the hard decisions they make for the City. Mr. Tijerina acknowledged the City's efforts to provide access to the City's budget information on the website and executive staff going out to inform the community.

**G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

Mayor Martinez returned to City Manager's Comments. City Manager Olson introduced Executive Director of the Port Industries, Bob Paulison.

**a. INDUSTRIAL DESALINATION UPDATE**

**2. Port Industries of Corpus Christi Industrial Desal Update presented by Bob Paulison, Executive Director of Port Industries**

Mr. Paulison stated that the purpose of this item is to provide an update on the scoping study and evaluation being conducted by Port Industries of Corpus Christi. Mr. Paulison provided a background on the five different aspects of the study: the industry assessment, the scoping assessment, the development of desal in the region, site location, and cost for the delivery of water. Mr. Paulison presented the following information: the Port's interest in industrial desal, the industrial desal study partners, the concept, the scoping study, and the study milestones.

**BRIEFINGS: (ITEM 37)**

**37. Update on Desalination Projects**

Mayor Martinez deviated from the agenda and referred to Item 37. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to provide an overview of the City's current desalination pilot project and the relationship to and difference from the industrial desalination project. Mr. Van Vleck provided the following information: the increase in supply and demand projections; the City's Variable Salinity Desal Project and timeline; the industrial desalination feasibility study; and a comparison of the variable salinity pilot and the industrial desalination project.

Council members spoke regarding the following topics: the possibility of

building two desal plants, one on the Ship Channel and one in San Patricio County; the decision point to consider possibly eliminating a potable desal plant; water rate increases due to the Mary Rhodes Pipeline; the pilot program for potable water; future conversations on blended rates and reuse; current demand projections; the need for desal in the area as an insurance policy to continue to have industry invest in the region; the impact on water rates; the water supply components; seawater desal being more predictable; the collaboration between the City of Corpus Christi and industry; the rate model and governance; data collection; the diversity of the water supply; future industrial demands; the cost to distribute non-potable water to San Patricio County customers; and pulling back on conservation efforts.

**I. MINUTES:**

6. Regular Meeting of August 25, 2015 and Special Meeting of September 1, 2015.

Mayor Martinez referred to approval of the minutes.

Council Member Magill made a motion to approve the minutes, seconded by Council Member Rubio and passed unanimously.

**J. BOARD & COMMITTEE APPOINTMENTS: (NONE)**

**K. EXPLANATION OF COUNCIL ACTION:**

**L. CONSENT AGENDA: (ITEMS 7 - 19)**

**Approval of the Consent Agenda**

Mayor Martinez referred to the Consent Agenda Items. There were no comments from the public. Council Member Rubio requested that Items 10 and 18 be pulled for individual consideration. City Secretary Huerta announced that Council Member Magill would be abstaining on Item 10.

A motion was made by Council Member McIntyre, seconded by Council Member Scott, to approve the Consent Agenda items. The consent agenda items were passed and approved by one vote as follows:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**7. Engineering Construction Contract for the City Hall Fire Detection and Alarm System**

Motion authorizing the City Manager or designee to execute a construction contract with TBC Commercial Construction of Portland, Texas in the amount of \$344,921.45 for the City Hall Fire Detection

and Alarm System for the Base Bid with Deductive Alternate No. 1.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2015-093

**8. Engineering Construction Contract for the Museum Roof Replacement (Bond 2012)**

Motion authorizing the City Manager or designee to execute a construction contract with Haeber Roofing Company in the amount of \$1,331,271 for the Museum Roof Replacement (Bond 2012) for the total Base Bid plus Additive Alternate Nos.1 and 2.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2015-094

**9. Engineering Construction Contract for JFK Causeway Area Improvements (Bond 2012)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Bridges Specialties, Inc. of Robstown, Texas in the amount of \$1,271,906.13 for the JFK Causeway Area Improvements for the total Base Bid plus alternate 1. (Bond 2012)

**This Motion was passed on the Consent Agenda.**

Enactment No: M2015-095

**11. Approve the FY2015-2016 HOME Program set-aside funds.**

Motion to approve the allocation of FY2015-2016 HOME Program set-aside funds to 911 Glenoak Apartments in the amount of \$300,000.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2015-096

**12. Second Reading Ordinance - Rezoning property located at 5425 Old Brownsville Road (1st Reading 8/25/15)**

Case No. 0715-04 Peterson Properties, Ltd.: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property to be rezoned is described as being a 2.65 Acre tract being portions of Lot 10, Section 5, Range VIII, of the Gugenheim & Cohn's Farm Lots, and Tract 1-B and Tract 6, M.M. Gabriel Land, a 9.80 Acre Tract, described as Tract II, conveyed in a warranty deed from Patricia Ray Peterson Nuss to Peterson Properties, LTD., recorded in Document Number 837113, Official Public Records of Nueces County, Texas, a 2.083 Acre Tract conveyed in a warranty

deed from Page J. Gabriel and wife, Virginia Mae Gabriel to Gulfway Shopping Center Inc. recorded in Volume 1310, Page 177, Deed Records of Nueces County, Texas, and all of a 0.446 Acre Tract conveyed in a Warranty Deed from J.V. Gabriel and wife, Wanda Gabriel to Ray E. Peterson recorded in Volume 903, Page 352, Deed Records of Nueces County, Texas, located on the southeast corner of Old Brownsville Road and North Padre Island Drive (SH 358).

Planning Commission and Staff Recommendation (July 29, 2015):

Approval of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Peterson Properties, Ltd. ("Owner") by changing the UDC Zoning Map in reference to a 2.65 Acre tract being portions of Lot 10, Section 5, Range VIII, of the Gugenheim & Cohn's Farm Lots, and Tract 1-B and Tract 6, M.M. Gabriel Land, a 9.80 Acre Tract, described as Tract II, conveyed in a warranty deed from Patricia Ray Peterson Nuss to Peterson Properties, LTD., recorded in Document Number 837113, Official Public Records of Nueces County, Texas, a 2.083 Acre Tract conveyed in a warranty deed from Page J. Gabriel and wife, Virginia Mae Gabriel to Gulfway Shopping Center Inc. recorded in Volume 1310, Page 177, Deed Records of Nueces County, Texas, and all of a 0.446 Acre Tract conveyed in a Warranty Deed from J.V. Gabriel and wife, Wanda Gabriel to Ray E. Peterson recorded in Volume 903, Page 352, Deed Records of Nueces County, Texas (the "Property") from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030597

**13. Second Reading Ordinance - Rezoning property at 1557 Waldron Road (1st Reading 8/25/15)**

Case No. 0715-05 John Kendall and The Boston Group: A change of zoning from the "RM-1" Multifamily 1 District to the "CG-2" General Commercial District. The property to be rezoned is described as being a 10.293-acre tract of land out of Lot 13 and 14, Section 55, Flour Bluff Encinal Farm and Garden Tracts, located along the south side of Graham Road approximately 260 feet east of Waldron Road.

Planning Commission and Staff Recommendation (July 29, 2015):

Approval of the change of zoning from the "RM-1" Multifamily 1 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by John Kendall and The Boston Group on behalf of Cloudcroft Land Ventures ("Owner") by changing the UDC Zoning Map in reference a 10.293-acre tract of land out of Lot 13 and 14, Section 55, Flour Bluff Encinal Farm and Garden Tracts from the "RM-1" Multifamily 1 District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030598

**14. Second Reading Ordinance - Rezoning property at 401 Graham Road (1st Reading 8/25/15)**

Case No. 0715-06 John Kendall and The Boston Group: A change of zoning from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District. The property is described as being 2.257 acres of land being out of Lot 14, Section 55, Flour Bluff Encinal Farm & Garden Tracts, located along the south side of Graham Road between Waldron Road and Humble Road.

Planning Commission and Staff Recommendation (July 29, 2015):

Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District and, in lieu thereof, approval of a change of zoning to the "CC" Commercial Compatible District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by John Kendall and The Boston Group on behalf of Cloudcroft Land Ventures ("Owner"), by changing the UDC Zoning Map in reference to 2.257 acres of land being out of Lot 14, Section 55, Flour Bluff Encinal Farm & Garden Tracts, from the "RM-1" Multifamily 1 District to the "CC" Commercial Compatible District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030599

**15. Second Reading Ordinance - Lease Agreement for Merriman-Bobys House in Heritage Park (1st Reading 8/25/15)**

Ordinance authorizing the City Manager or designee to execute a lease with Lindy Burns dba Youga Yoga Studio for the

Merriman-Bobys House in Heritage Park for one year term with an option to renew annually for two years with rent of \$600 per month.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030600

**16. Second Reading Ordinance - Amending the City Code for "Motion Picture Event" to add Article III, Procedures, Guidelines and Fees for Commercial Filming (1st Reading 8/25/15)**

Ordinance repealing Chapter 53, Article VII, Section 53-208 "Motion Picture Event"; Amending the City Code of Ordinances Chapter 36, Parks, Recreation, Cultural and Leisure Time Activities by adding Article III, Procedures, Guidelines and Fees for Commercial Filming; Establishing the Corpus Christi Film Commission; Providing for severance; Providing for penalty; Providing for an effective date; and Providing for publication.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030601

**17. Second Reading Ordinance - Closing an undeveloped and unsurfaced public right-of-way, located west of Airline Road and north of Empire State Drive (1st Reading 8/25/15)**

Ordinance abandoning and vacating an undeveloped and unsurfaced 5,445.00-square foot portion (0.125 acres) of public right-of-way, out of Lots 13, 14, 19 and 20, Section 20, Flour Bluff and Encinal Farm and Garden Tracts and requiring the owner, MPM Development, LP to comply with specified conditions.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030602

**19. Second Reading Ordinance - Revision of Municipal Marina Boundary Contradiction in City Code of Ordinances (1st Reading 8/25/15)**

Ordinance amending City Code of Ordinances Section 2-260 regarding Marina Advisory Committee membership and Sections 2-264 and 12-40 regarding Corpus Christi Marina definitions.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030604

**10. Agreement for temporary tax abatement for the development located in the 6000 Block of Bear Lane**



Resolution authorizing the execution of an agreement with Cameron International Corporation providing for temporary property tax abatement.

**Mayor Martinez** referred to **Item 10. Mike Culbertson, Corpus Christi Regional Economic Development Corporation**, stated that the purpose of this item is to authorize the execution of a temporary property tax abatement with Cameron International Corporation. Mr. Culbertson said the project will add 40 new jobs and retain 177 jobs. There were no comments from the public.

**Council Member Rubio** thanked Cameron International Corporation for developing their company in District 3.

**Council Member Rubio** made a motion to approve the resolution, seconded by **Council Member Rosas**. This Resolution was passed and approved with the following vote:

**Aye:** 8 - Mayor Martinez, Council Member Garza, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 1 - Council Member Magill

Enactment No: 030596

**18. Second Reading Ordinance - Ground Lease for Haas-Anderson Construction, Ltd. vehicle storage (1st Reading 8/25/15)**

Ordinance authorizing the City Manager or his designee to execute a five (5) year ground lease with Haas-Anderson Construction, Ltd for 3.89 acres out of a 25.06 acre tract formerly known as the Hala Pit Landfill located next to the City's vehicle impound yard off of Greenwood Drive and approving the cash rental fee of \$9,600 per year from October 1, 2015, to September 30, 2020; providing for an effective date; and providing for severance.

**Mayor Martinez** referred to **Item 18. In response to a council member, Executive Director of Public Works Valerie Gray** stated that there has never been a discussion with Haas-Anderson Construction, Ltd to purchase the property rather than lease.

**Council members** spoke regarding the following topics: leasing the property is providing a general revenue; the property previously being a landfill; limited uses for the property; and the possibility of using the property in the future to expand the vehicle impound lot. There were no comments from the public.

**Council Member Rubio** made a motion to approve the ordinance, seconded by **Council Member Scott**. This Ordinance was passed on second reading and approved with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: 030603

**H. EXECUTIVE SESSION: (ITEMS 3 - 5)**

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session.

- 3. Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining negotiations and/or the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters' Association and/or Corpus Christi Police Officers' Association.

This E-Session Item was discussed in executive session.

- 4. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to Interstate 37, State Highway 286, U.S. Highway 181, and existing and proposed sewer, water, street, bridge, park, and other public infrastructure in or near said highways.

This E-Session Item was discussed in executive session.

- 5. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to economic development agreements involving tourism-related development and pursuant to Texas Government Code § 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a tourism-related development business prospect(s) that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and/or financial or other incentives involving said business prospect(s).

This E-Session Item was discussed in executive session. City Secretary Huerta announced that Council Member Scott recused himself from the discussion on Item 5.

**FIRST READING ORDINANCES: (ITEM 28)**

- 28. First Reading Ordinance - Joint-Use Agreement for Zavala Senior Center and Joe Garza Recreation Center**

Ordinance authorizing the City Manager or designee to execute a five-year Joint Use Agreement with WellMed Charitable Foundation for operation and use of the Zavala Senior Center located at 510 Osage Street and Joe Garza Recreation Center located at 3204 Highland

Avenue.

Mayor Martinez deviated from the agenda and referred to Item 28. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to establish a public/private collaboration between the Parks and Recreation Department and WellMed Charitable Foundation for the operation and use of the Zavala Senior Center and Joe Garza Recreation Center to bring wellness to the community. Mayor Martinez called for comments from the public. Regina Torres Chapa, 1216 Florida, said she visited a similar center in San Antonio, Texas and is excited to support a fitness and wellness program for the community.

Council members spoke regarding the following topics: relocating the seniors; improvements to the kitchen at the recreation center; improvements that will be made by WellMed; separation of the seniors from latchkey participants; and creating a healthy environment for seniors.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Riojas. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

#### **M. PUBLIC HEARINGS: (ITEMS 20 - 23)**

##### **20. Second Public Hearing on Fiscal Year 2016 Ad Valorem Tax Rate**

Public Hearing on Fiscal Year 2016 Ad Valorem Tax Rate

Mayor Martinez referred to Item 20. Assistant City Manager Wes Pierson stated that the purpose of this item is to hold the second public hearing on the proposed FY2016 ad valorem tax rate. The City of Corpus Christi is proposing a tax rate of \$0.606264 per \$100 valuation. Since this rate exceeds the effective tax rate, the Property Tax Code requires that two public hearings be held. The vote for the final adoption of the tax rate is scheduled for September 15, 2015.

Mayor Martinez opened the public hearing. There were no comments from the public. Mayor Martinez closed the public hearing and read the following statement: "During the September 15, 2015 City Council meeting, beginning at 11:30 a.m. at City Hall, the City Council will vote on the proposed tax rate." In response to council members, Assistant City Manager Pierson provided an explanation of the effective tax rate and the 2.1 cent increase as a result of voter-approved bonds.

##### **21. Public Hearing on Fiscal Year 2015-2016 Operating Budget**

Public hearing for the City of Corpus Christi Fiscal Year 2015-2016 Operating Budget for September 8, 2015 during the regular City Council meeting beginning at 11:30 am at City Hall, 1201 Leopard

Street, Corpus Christi, Texas.

Mayor Martinez referred to Item 21. Assistant City Manager Wes Pierson stated that the purpose of this item is to hold a public hearing for the proposed FY2015-2016 Operating Budget. Mr. Pierson provided a brief overview of the following information: the guiding fiscal principles; the total number of full-time equivalents; revenues; total expenditures by fund; the five-year property tax rates; the property tax rate distribution; highlights of the general fund and the internal service/special revenue funds; the projected change in fund balance for all of the funds; the sample water bills; other utility rates; a summary of the amendments; and future key dates. Mayor Martinez opened the public hearing. There were no comments from the public. Mayor Martinez closed the public hearing.

Council members spoke regarding the following topics: the property tax rate distribution; the actual fund balance for FY2015; an explanation of the water rate increases; the three components of the rate increase; concern regarding the recent water boil notices; the timeline and implementation process to separate storm water from the water rate; the inclusion of the annual water system burnout cost in the budget; including the increase in hotel occupancy tax for beach cleaning in the financial policies; a history of the general fund balance targets; the affect that the fund balance has on bond ratings; an explanation of restricted and unrestricted fund balances; the policy on purchase orders and manipulation of the system at fiscal year ends; increases to the fund balances; maintenance of buildings; pension funding and employee raises; technology improvements; and best practices.

22.

**Second Public Hearing to consider the proposed Municipal Services Plan for annexing 4.08 acres of land into the territorial limits of the City of Corpus Christi**

Local Government Code, Chapter 43.063(a) requires the City to conduct two public hearings prior to First Reading of an Annexation Ordinance.

Mayor Martinez referred to Item 22. Director of Development Services Dan Grimsbo stated that the purpose of this item is to hold the second public hearing on the proposed annexation. Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing.

23.

**Public Hearing and First Reading Ordinance - Rezoning property located at 14333 Northwest Boulevard (FM 624)**

Case No. 0815-01 Balusek-Frankson: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan from medium density residential to commercial uses. The property is described as being 2.968 acres out of Lot 1, Encino Park, located south of Northwest Boulevard (FM 624) between River Hill Drive and County Road 69.

Planning Commission and Staff Recommendation (August 12, 2015):

Approval of the change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Balusek-Frankson on behalf of Fox Tree and Landscape Nursery, Inc. ("Owner"), by changing the UDC Zoning Map in reference to 2.968 acres out of Lot 1, Encino Park, from the "FR" Farm Rural District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 23. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow a commercial use, such as a self-storage facility. Mr. Grimsbo stated that the Planning Commission and staff are in favor of the zoning change. Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing.**

**Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member Riojas, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member McIntyre and Council Member Scott

**Abstained:** 0

**N. REGULAR AGENDA: (ITEM 24)**

**24. Second Reading Ordinance - Adopting Utility Rates for FY 2015-2016 and FY 2016-2017 (1st Reading 8/25/15)**

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, Utilities, regarding water, gas, and wastewater rates; providing for publication and effective date of January 1, 2016.

**Mayor Martinez referred to Item 24. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to revise the water, gas, and wastewater rates. There were no comments from the Council or the public.**

**Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 5 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member Riojas and Council Member Scott

**Nay:** 3 - Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 1 - Council Member McIntyre

**Abstained:** 0

Enactment No: 030605

**O. FIRST READING ORDINANCES: (ITEMS 25 - 27 and 29)**

**25. First Reading Ordinance - To allow golf cart operation on North Beach**

Ordinance amending Chapter 53, Section 53-109 "Operation of golf cart" to allow golf cart operation on North Beach; Providing for severance; Providing for publication; Providing for penalty; and Providing an effective date.

Mayor Martinez referred to Item 25. Mayor Martinez announced that she would recuse herself from this item. Interim Police Chief Mike Markle stated that the purpose of this item is to allow for the operation of golf carts on North Beach east of U.S. 181 and north of the Harbor Bridge. There were no comments from the public. Council members spoke regarding the following topics: golf carts being restricted from operation on the boardwalk; stipulations on the types of golf carts; and the requirement for drivers to hold a valid driver's license to operate a golf cart.

Council Member Scott made a motion to approve the ordinance, seconded by Council Member Vaughn. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 6 - Council Member Garza, Council Member Magill, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 2 - Council Member McIntyre and Council Member Riojas

**Abstained:** 1 - Mayor Martinez

**26. First Reading Ordinance - Amending City Code for Animal Care to modify dangerous dog regulations and to adopt tethering standards**

Ordinance amending Chapter 6 of the Corpus Christi Code of Ordinance modifying the collar requirements for dangerous dogs; Requiring security fencing and leashes for dangerous dogs; Establishing tethering standards; Providing for severance; Providing for publication; Providing for penalty; and Providing an effective date.

Mayor Pro Tem Rubio referred to Item 26. Interim Police Chief Mike Markle stated that the purpose of this item is to amend Chapter 6 of the City of Corpus Christi Code of Ordinances regarding animal care. The changes to the ordinance include: definig secure enclosure; changing the collar and lease color for dangerous dogs; and tethering standards to better match the Texas Health and Safety Code. There was no comment from the public.

Council members spoke regarding the following topics: the definition of dangerous dog; classification of dangerous dogs based on incident and not breed; the Municipal Court process through which a dog is deemed "dangerous"; the number of dogs allowed in a household; the labeling of collars to make citizens aware of a dangerous dog; tethering; the criteria for Animal Care to remove a dangerous dog; and the results of a situation presented at a previous public comment period regarding an owner's dangerous dog.

Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member Riojas and Council Member Scott

**Abstained:** 0

**27. First Reading Ordinance - Accepting and appropriating grant funds for the FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$149,112 for the FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and Appropriating the \$149,112 in the No. 1061 Police Grants Fund to fund the enhancement of law enforcement efforts by the Police Department and Nueces County under an established interlocal agreement which provides that 50% of the funds be distributed to Nueces County.

Mayor Martinez referred to Item 27. Interim Police Chief Mike Markle stated that the purpose of this item is to accept and appropriate the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Rosas. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member Riojas and Council Member Scott

**Abstained:** 0

**29. First Reading Ordinance - Interlocal Agreement for Gap Analysis in programs and services for families and youth**

Ordinance authorizing the City Manager or designee to execute an Interlocal Agreement in the amount of \$31,192.80 with Texas A&M University - Corpus Christi for the development of an action plan to identify gaps in locally available programs and services to strengthen families and youth development; accepting and appropriating \$5,000 donation from Port Industries of Corpus Christi into the No. 1020 General Fund to be used by the City for payment of services provided under the Interlocal Agreement; and changing the FY 2014-2015 Operating Budget adopted by Ordinance number 030294 to increase revenues and expenditures.

Mayor Martinez referred to Item 29. Assistant Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to execute an interlocal agreement with Texas A&M University - Corpus Christi for the development of a gap analysis study on youth services and to appropriate a \$5,0000 donation from Port Industries of Corpus Christi. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Council Member Rosas

**Abstained:** 0

**P. RECESS FOR CORPORATION MEETING: (ITEM 30)**

Mayor Martinez recessed the regular Council meeting to hold the annual meeting of the Corpus Christi Community Improvement (CCCC) Corporation.

**30. Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation**

Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation (CCCC).

The Corporation Meeting was held.

**Q. RECONVENE COUNCIL MEETING:**

Mayor Martinez reconvened the regular Council meeting.

**R. FUTURE AGENDA ITEMS: (ITEMS 31 - 36)**

Mayor Martinez referred to Future Agenda Items. City Manager Olson stated that staff had planned presentations on Items 34, 35, and 36. A council member requested information on Item 32.



**31. Contract for 9-1-1 Location Data Management**

Motion authorizing the City Manager or his designee to execute a contract with Intrado Systems Corporation in the amount of \$465,312.85 of which \$27,954.25 for one time cost is required for the remainder of FY2014-2015 for 9-1-1 Location Data Management software and services. The term of the contract is three years with two automatic 12 month renewals. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC).

The Motion was recommended to the consent agenda.

**32. Developer Participation Agreement to reimburse developer for the City's portion of extending Brockhampton Street located along Brockhampton, south of Saratoga Boulevard (SH 357) and east of Cimarron**

Resolution authorizing the City Manager to execute a developer participation agreement with MPM Development, LP., ("Developer"), to reimburse the Developer up to \$135,766.13 for the City's share of the cost to extend Brockhampton Street, in accordance with the Unified Development Code.

The Resolution was recommended to the consent agenda.

**33. Engineering Construction Contract for Santa Fe Street from Elizabeth Street to Hancock Street (Bond 2014)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson, Inc. of Corpus Christi, Texas in the amount of \$1,240,447.35 for Santa Fe Street from Elizabeth Street to Hancock Avenue for the total Base Bid for a mill and overlay roadway with full depth repairs as required and recommended by the design engineer. (Bond 2014)

The Motion was recommended to the consent agenda.

**34. Resolution in support of the proposed Barisi Village project**

Resolution in support of the proposed Barisi Village Project, which will result in the redevelopment of the vacant Pharaoh Valley Golf Course.

The Resolution was recommended to the consent agenda.

**35. Collective Bargaining Agreement - Corpus Christi Police Officers' Association**

Motion authorizing the City Manager to enter into a collective

bargaining agreement with the Corpus Christi Police Officers' Association for wages, benefits and working conditions based on the Tentative Agreement

The Motion was recommended to the consent agenda.

**36. Amending Type A Guidelines adopted in 2010**

Resolution adopting amended Corpus Christi Business and Job Development Corporation Guidelines and Criteria for Granting Business Incentives

The Resolution was recommended to the consent agenda.

**S. BRIEFINGS: (ITEMS 37 - 38)**

**38. Coastal Bend Mitigation Action Plan Annual Update**

Mayor Martinez referred to Item 38. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to present the annual report on the City's portion of the Coastal Bend Mitigation Action Plan. The City is required to provide an annual report to fulfill the requirements of the community rating system. Mr. Dimas presented the following information: a brief history of the Coastal Bend Mitigation Plan; an overview of the mitigation activities; and the status of the mitigation action items.

Council members spoke regarding the following topics: the six (6) maintenance projects; the three (3) projects that have not been started; Sunfish Island; and the Storm Water Design Master Plan.

**T. POTENTIAL CHARTER AMENDMENT: (ITEM 39)**

**39. Discussion and possible action regarding the City Charter Amendment Process**

Mayor Martinez referred to Item 39. City Secretary Rebecca Huerta stated that at the last Council meeting on August 25, 2015, the City Council provided direction to present a timeline outlining the charter amendment process. City Secretary Huerta stated that staff has prepared two timelines for discussion and input. Timeline 1 - "Two Step" would include a charter amendment issue with the authority to levy property taxes to fund residential street reconstruction. Timeline 2 - "Three Step" would include a charter amendment for a binding referendum to fund residential streets.

Council members spoke regarding the following topics: the difference between the two processes and their timelines; Charter related housekeeping items; the willingness of the City Council to define a specific amount to fund residential streets; appointments to the Charter Review Commission; development of a plan to present to the voters through town hall meetings; possible future legislation for a Gasoline Tax; having the Charter Review Commission and town hall meetings run parallel; alternatives to the creation of an Infrastructure Commission such as repurposing the Planning Commission or the Transportation Advisory Committee; using social media to receive input and

collect data from the community; creating the Infrastructure Commission as a ad hoc committee; the need for multiple funding streams; and the in-house and outside capacity to handle residential road reconstruction.

**MOTION OF DIRECTION**

Council Member Magill made a motion directing the City Manager to move forward with Timeline 1, seconded by Council Member Garza and passed unanimously.

**MOTION OF DIRECTION**

Council Member Magill made a motion directing the City Manager to bring back a resolution to structure the Infrastructure Commission, appointed by Council, as an ad hoc committee, seconded by Council Member Vaughn and passed unanimously.

**U. LEGISLATIVE UPDATE:**

None.

**V. ADJOURNMENT**

City Manager Olson clarified his comments regarding purchase orders during the discussion on Item 21.

The meeting was adjourned at 8:10 p.m.