



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 16, 2016

11:30 AM

Council Chambers

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 Pastor Richard Mendiola, La Mision de Cristo.

Pastor Richard Mendiola gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Peter Davidson, Marina Superintendent.

Marina Superintendent Peter Davidson 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 Margie C. Rose; Senior Assistant City Attorney Lisa Aguilar; City Secretary Rebecca Huerta

(Note: City Attorney Miles K. Risley arrived at 12:15 p.m.)

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

E. Proclamations / Commendations

1. Proclamation declaring September 10, 2016, "Operation K.E.Y.S. - Keeping Every Youth in School Day".

Mayor Martinez presented the proclamation.

H. MINUTES:

2. City Council Workshop Session of August 9, 2016 and Regular Meeting of August 9, 2016.

Mayor Martinez deviated from the agenda and referred to approval of the minutes. Council Member Garza made a motion to approve the minutes, seconded by Council Member Scott and passed unanimously.

I. BOARD & COMMITTEE APPOINTMENTS:

3. Board of Adjustment
Parks and Recreation Advisory Committee

Mayor Martinez referred to board and committee appointments. The following appointments were made:

Board of Adjustment

Council Member Magill made a motion reappointing Cliff Atnip, Burris McRee, Taylor Mauck; and the two Alternate members, Shawn Karaca and Tim Voorkamp to Regular members; seconded by Council Member McIntyre and passed unanimously.

Council Member Magill made a motion to appoint Ryan P. Armstrong and David Lee Walker as Alternate members, seconded by Council Member Garza and passed unanimously.

Park and Recreation Advisory Committee

Council Member McIntyre made a motion to reappoint Dotson Lewis, Jr. and Jerry Plemons, seconded by Council Member Magill and passed unanimously.

Mayor Martinez made a motion to appoint Amy H. McCoy, seconded by Council Member Scott and passed unanimously.

Council Member McIntyre made a motion to appoint Damla Eytemiz, seconded by Council Member Hunter and passed unanimously.

Council Member Rosas made a motion to reinstate Carlos Valdez, Sr., seconded by Council Member Rubio and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:**K. CONSENT AGENDA: (ITEMS 4 - 15)**

Mayor Martinez referred to the Consent Agenda. A citizen requested to speak on Item 10.

10. Second Reading Ordinance - Rezoning property located at 2002 and 2020 Ramfield Road (1st Reading 8/9/16)

Case No. 0716-01 The Estate of Joan Wakefield Urban: A change of zoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “IL” Light Industrial District on Tract 1 and from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “RS-22” Single-Family 22 District on Tract 2. Tract 1 is described as being 4.64 acres and Tract 2 being 23.59 acres with both tracts being out of Lots 31 and 32, Section 39, Flour Bluff and Encinal Farm and Garden Tracts, located on the northeast corner of Roscher Road and Ramfield Road.

Planning Commission and Staff Recommendation (July 13, 2016): Tract 1: Denial of the change of zoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “IL” Light Industrial District and, in lieu thereof, approval of the “RS-22/SP” Single-Family 22 District with a Special Permit, and Tract 2: Approval of the change of zoning from the “RS-6” Single-Family 6 District and “FR” Farm Rural District to the “RS-22” Single-Family 22 District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by The Estate of Joan Wakefield Urban (“Owner”), by changing the UDC Zoning Map from the “FR” Farm Rural District and the “RS-6” Single-Family 6 District to the “RS-22/SP” Single-Family 22 District with a Special Permit in reference to Tract 1 and to the “RS-22” Single-Family 22 District in reference to Tract 2, Tract 1 being 4.64 acres and Tract 2 being 23.59 acres with both tracts being out of Lots 31 and 32, Section 39, Flour Bluff and Encinal Farm and Garden Tracts, amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 10, Zoning Case No. 0716-01 The Estate of Joan Wakefield Urban. Cheryl Stubblefield, 2101 Richland, spoke in opposition to the zoning change; how rezoning would affect nearby property owners; whether the special permit is transferable with the sale of the property; and the subject property not being in compliance. Ms. Stubblefield said she would like to see a Special Permit limitation of 100 animals of which no more than 90 shall be dogs.

A council member asked questions regarding the current size of the facility and whether the Animal Care permit has a limit on capacity.

Council Member McIntyre made a motion to table the vote on this item until later in the meeting to allow Development Services staff to talk with the applicant about lowering capacity, seconded by Council Member Scott and passed unanimously.

NOTE: The following Enactment No. results from action taken on this Item later in this agenda.

Enactment No: 030923

Approval of the Consent Agenda

Mayor Martinez referred to the remaining consent agenda items. In response to a council member regarding Item 15, Assistant City Manager Mark Van Vleck stated that the crosswalks located near Fannin Elementary School were re-stripped.

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

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

Abstained: 0

4. **Amendment No. 1 to Master Services Agreement for Water and Wastewater Treatment On-Call Support project**

Motion authorizing the City Manager, or designee, to continue Water and Wastewater Treatment On-Call Support services by executing Amendment No. 1 to a Master Services Agreement (MSA) with LNV Inc. of Corpus Christi, Texas in the amount of \$600,000, for a total restated fee not to exceed \$635,000 for the Water and Wastewater Treatment On-Call Support project. The project provides for a one-year base contract and allows for two (2) optional one-year administrative renewals/extensions beyond the original one-year base contract, subject to availability of funding and satisfactory consultant performance.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-093

5. **Construction contract and materials testing contract for O. N. Stevens Water Treatment Plant High Service Pump Building No. 3**

Motion authorizing the City Manager, or designee, to execute a construction contract with PLW Cadagua Partners of The Woodlands, Texas in the amount of \$21,650,000 for the O.N. Stevens Water Treatment Plant High Service Pump Building No. 3 for the Base Bid plus Additive Alternates No. 1 through 4 and to execute a construction materials testing contract with Rock Engineering and Testing Laboratory, Inc. of Corpus Christi, Texas in the amount of \$54,765 for the O.N. Stevens Water Treatment Plant High Service Pump Building No. 3.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-094

6. Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in The Promenade Subdivision

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners in The Promenade Subdivision to provide public water to their respective properties pursuant to Chapter 55, Article VIII, Code of Ordinances.

This Resolution was passed on the Consent Agenda.

Enactment No: 030919

7. Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in the Melvin Estates Unit 1 Subdivision

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners in the Melvin Estates Unit 1 Subdivision to provide public water to their respective properties pursuant to Chapter 55, Article VIII, Code of Ordinances.

This Resolution was passed on the Consent Agenda.

Enactment No: 030920

8. Resolution approving a Homebuyer Assistance Program Agreement for Type A Affordable Housing Program

Resolution approving an agreement in the amount of \$221,000 between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi for the Type A Affordable Housing Program - Homebuyer Assistance Program and authorizing the City Manager or Designee to execute said agreement.

This Resolution was passed on the Consent Agenda.

Enactment No: 030921

9. Resolution to sponsor a policy resolution for the Texas Municipal League Resolutions Committee to support Defense Economic Adjustment Assistance Grant (DEAAG) program

Resolution authorizing the City of Corpus Christi to sponsor a policy resolution for the Texas Municipal League Resolutions Committee recommending the 85th Texas Legislature appropriate \$60 million for the Fiscal Years 2018-2019 biennium for the State of Texas to the Defense Economic Adjustment Assistance Grant (DEAAG) program.

This Resolution was passed on the Consent Agenda.

Enactment No: 030922

11. Second Reading Ordinance - Rezoning property located at 9525 Leopard Street (1st Reading 8/9/16)

Case No. 0716-02 Shaws Development Joint Venture: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District. The property is described as being an 11.84-acre tract of land out of Lots 1, 8 and 9, Artemus Roberts Subdivision, located on the west side of Rand Morgan Road between Goodnight Loving Trail and McNorton Road.

Planning Commission and Staff Recommendation (July 13, 2016): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Shaws Development Joint Venture ("Owner"), by changing the UDC Zoning Map in reference to an 11.84-acre tract of land out of Lots 1, 8 and 9, Artemus Roberts Subdivision, from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 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: 030924

12. Second Reading Ordinance - Ratifying Acceptance of Emergency Management Performance Grant (EMPG) (1st Reading 8/9/16)

Ordinance ratifying acceptance of a grant from the Texas Department of Public Safety, Governor's Division of Emergency Management, in the amount of \$70,159.20 for the Emergency Management Performance Grant (EMPG); and appropriating \$70,159.20 from the Emergency Management Performance Grant Program in the no. 1063 Emergency Management Grants Fund to improve mitigation, preparedness, response, and recovery capabilities for the City of Corpus Christi.

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

Enactment No: 030925

13. Second Reading Ordinance - Closing a portion of a utility easement located north of Williams Drive and west of Airline Road (1st Reading 8/9/16)

Ordinance abandoning and vacating a 0.060 acre portion of an existing 15-foot wide utility easement out of a part of Lot H5, Wilkey Addition Unit 2 Corpus Christi Subdivision, located north of Williams Drive and west of Airline Road; and requiring the owner, Williams Airline Partners, Ltd. to comply with the specified conditions

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

Enactment No: 030926

14. Second Reading Ordinance - Advance Funding Agreement and contract for professional services for Padres Island Mobility and Access Management Study (1st Reading 8/9/16)

Ordinance appropriating \$192,000 of anticipated revenues from the Texas Department of Transportation (TxDOT); authorizing the City manager or designee to execute an Advance Funding Agreement with TxDOT for an estimated local participation cost of \$9,600; and execute a contract for professional services with Maldonado-Burkett Intelligent Transportation Systems, LLP (MBITS) in an amount not to exceed \$239,643 for a mobility and access management study on Padre Island. (Bond 2014 Proposition 2)

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

Enactment No: 030927

15. Second Reading Ordinance - Amending City Code to improve traffic circulation for Fannin Elementary School (1st Reading 8/9/16)

Ordinance amending the Code of Ordinances, Chapter 53, Article VIII, Section 53-250 Schedule I - One Way Streets and Alleys by altering the direction of one-way traffic on Alexander Street from west to east and removing the one-way designation from Devon Drive, from Gollihar Road to Alexander Street; providing for severance; and providing for publication.

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

Enactment No: 030928

PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:

1. MAKE A STATEMENT OF FACTUAL INFORMATION.
2. RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.
3. ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.

PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.

Mayor Martinez deviated from the agenda and referred to comments from the public. Cheryl Martinez, 3938 Surfside Blvd., spoke in support of the management and staff at Animal Care Services and discussed the following topics: the current categorization of animals and how changes can be made with additional funding; a grant provided to People Assisting Animal Control (PAAC) for spaying and neutering; and the Owner Surrender Program. Robert Cagle, 6322 Grandvilliers Drive, requested that the City stop spending funds on "happy projects" and focus on taking care of the basic maintenance and operations of the City. Susie Luna Saldana, 4710 Hakel, asked the City Council to consider the burden on taxpayers when discussing the Solid Waste fees and Residential Rebuild Program. Betty Lamb, 2910 Leopard, Mayor's Council on Aging and the Director of the Area Agency on Aging, announced the availability of the Coastal Bend Aging and Disability Resource Directory. Rick Milby, 4412 High Ridge Drive, announced a joint meeting between the Texas Senate and Texas House of Representatives, to be held on August 25, 2016 at 10:00 a.m. at the Solomon Ortiz Center, regarding information on cruise lines possibly coming to the Coastal Bend area and the "Remember 9/11" Luncheon to be held on September 9, 2016 at 11:30 a.m. at the Solomon Ortiz Center for first responders. John Stubblefield, 2101 Richland, spoke regarding the accuracy of information on the City's website and telephone system for the Call Center.

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

c. OTHER

Utility crews have been working to clean up the area around La Volla Creek. This area has been prone to flooding during heavy rains events which cause the creek to overflow. The work performed has included removing brush and trash from the outfalls. The project is scheduled to be complete within the next few weeks.

a. UPDATE ON WATER QUALITY

Assistant City Manager Mark Van Vleck provided an update on water quality. The conversion back to the use of chloramines as the City's disinfectant was completed on August 8, 2016. Staff is currently finalizing the update to the nitrification action plan and meeting with the Texas Commission on Environmental Quality (TCEQ) to review the proposed changes. One of the triggers in the plan will require the City to begin a free-chlorine disinfectant conversion once there are total chlorine residuals between one milligram per liter and .6 milligram per liter. Staff is monitoring the system to determine the exact number to use in the plan. This action means that conversions may be taking place more frequently and possibly within the next few months. Staff is buying the chlorine dioxide equipment and once this equipment is installed and operational, the City may go through a chlorine conversion to clean the system out before implementing the use of that disinfectant.

b. WATER TASK FORCE BRIEFING

Ed Martin, Chairman of the Water Task Force, provided a briefing on the committee's findings. Mr. Martin stated that the committee, comprised of himself, City Manager Margie C. Rose, and Bob Bowcock, were charged at looking at what happened during the recent water boil and what steps should be taken to prevent this issue from happening again. The findings included: rebuilding public trust; build trust with the Texas Commission on Environmental Quality (TCEQ) through open communication; move forward aggressively to correct operational reporting and testing practices; resolve leadership and staffing issues, and deliver on the promise of the needed capital improvements.

M. PUBLIC HEARINGS: (ITEMS 20 - 21)

20. Public Hearing for the FY 2016/2017 budget for the Corpus Christi Crime Control and Prevention District

Mayor Martinez deviated from the agenda and referred to Item 20. Police Chief Mike Markle stated that the purpose of this item is to hold a public hearing on the FY2016-2017 Crime Control and Prevention District budget. Chief Markle presented the following information on the budget: the continued focus on core programs; election costs; assignment of 63 officers; total expenditures; revenues; the ending fund balance; budget reductions; and the adoption schedule.

Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing.

21. Public Hearing and First Reading Ordinance - Approving the Fiscal Year 2016-2017 Capital Budget and Capital Improvement Planning Guide

Ordinance approving the Fiscal Year 2016-2017 Capital Budget and Capital Improvement Planning Guide in the amount of \$214,979,600.

Mayor Martinez referred to Item 21, a public hearing on the FY2016-2017 Capital Budget and Capital Improvement Planning (CIP) Guide. Assistant City Manager Mark Van Vleck stated that the purpose of the capital improvement budget and

planning guide is to identify, prioritize, fund and construct capital projects. It provides the scopes and schedules for projects planned over the next ten years and details specific information on projects programmed through fiscal year 2019. Assistant City Manager Van Vleck presented information on the following: a breakdown of the year-one projects; the amount of work in backlog; and FY17 proposed CIP work.

Council members spoke regarding the following topics: programmed water line service life extension; Oso South Area Water Line project; instead of funding the Oso South Area Water Line, use those funds to replace the distribution of existing water lines in the City; the requirement to start construction as set out in the service plan for the recently annexed Chapman Ranch area; the future costs associated with the the recent annexation of Chapman Ranch; an executive session discussion on the Chapman Ranch annexation; the report from the Navy regarding wind farms; consideration to de-annex the Chapman Ranch area; and that a project listed in the CIP does not require expenditure of the funds and must return for City Council approval.

Mayor Martinez opened the public hearing. John Stubblefield, 2101 Richland, spoke regarding the negative impact wind farms have on air traffic. Mayor Martinez closed the public hearing.

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: 5 - Mayor Martinez, Council Member Garza, Council Member McIntyre, Council Member Scott and Council Member Vaughn

Nay: 4 - Council Member Hunter, Council Member Magill, Council Member Rubio and Council Member Rosas

Abstained: 0

N. REGULAR AGENDA: (ITEMS 22 - 24)

22. Second Reading Ordinance - Ordering General Election for Mayor and Eight Council Members - November 8, 2016 (1st Reading 8/9/16)

Ordinance ordering a general election to be held on November 8, 2016, in the City of Corpus Christi for the election of Mayor and Eight Council Members; 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 a runoff election, if one is necessary; and enacting provisions incident and relating to the subject and purpose of this ordinance.

Mayor Martinez referred to Item 22. City Secretary Rebecca Huerta stated that the purpose of this item is to approve an ordinance ordering a general election to be held on November 8, 2016 for the election of Mayor and eight council members. The joint election agreement is included with the item. The estimate for the general election is \$150,000 and the run-off election is \$200,000. City

Secretary Huerta advised the Council that this estimate is a moving number based on costs from the previous election that were not included in the bill and Nueces County Clerk Kara Sands is reviewing those numbers which may be included in the election cost. When the actual invoices are provided in March of next year, staff will provide those invoices to City Council. City Secretary Huerta provided information on how costs will be based on the number of registered voters and costs associated with out-sourcing programming. There were no comments from the Council or the public.

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

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

Abstained: 0

Enactment No: 030929

23. Second Reading Ordinance - Ordering Special Election Replacing Type A Sales Tax to be administered by Type B Corporation; Continuing Crime Control and Prevention District; Consideration of Charter Amendments (1st Reading 8/9/16)

Ordinance ordering a special election to be held on November 8, 2016, in the City of Corpus Christi on the questions of: (1) replacing the portion of the Type A sales tax that expires in 2018 with the adoption of a one-eighth of one percent sales and use tax to be administered by a Type B Corporation under Chapter 505 of the Texas Local Government Code, to be effective for 20 years, with the use of the proceeds for economic development, affordable housing, and streets; (2) continuing the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and (3) providing for consideration of amendments to the Charter of the City of Corpus Christi; 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.

Mayor Martinez referred Item 23, an ordinance calling for a Special Election to be held on November 8, 2016 for Type B, Crime Control and Prevention District and Charter Amendments. Mayor Martinez stated that, prior to discussing this item, a presentation would be made on a possible solid waste fee.

Director of Solid Waste Lawrence Mikolajczyk stated that the purpose of this presentation is to present information on a proposed solid waste residential street reconstruction fee. Mr. Mikolajczyk presented the following information: the number of current solid waste customers; the fee applied to residential

customers only; the revenue associated with the proposed fee; the components of a resident's bill; a sample collection fee; and next steps.

Council members discussed the following topics regarding the presentation: the possible reduction of revenue from apartment users; the City's competitiveness on fees; the difference between City rates and commercial hauler rates; the average tax value of an apartment unit; and how a solid waste rate increase would compare to an ad valorem tax increase.

City Secretary Huerta stated that the ordinance presented includes the amendment made at the August 9, 2016 Council meeting to the Type B ballot language to include the verbiage "(maintaining current levels of sales and use tax)".

A council member spoke regarding Proposition 3, Residential Street Reconstruction Tax, and requested input from the City Council on this proposition. Mayor Martinez recessed the discussion on this item to hear a presentation on the Street Improvement Plan, Agenda Item 33.

NOTE: The following Enactment No. results from action taken on this Item later in this agenda.

Enactment No: 030930

Q. BRIEFINGS: (ITEM 33)

33. Street Improvement Plan

Mayor Martinez deviated from the agenda and referred to Item 33. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to provide a brief overview of the actions taken for improvement of the City's streets. Ms. Gray presented the following information: the aging street infrastructure; the street improvement plan developed as a multi-strategy approach; and the four quadrants of the plan: policy provisions; the street preventative maintenance program; reconstruction of arterials and collectors; and local/residential reconstruction. Ms. Gray stated that staff will be bring back a request to City Council to obtain current data to finalize residential reconstruction program costs.

Mayor Martinez discussed the following topics: the street preventative maintenance program; the policy considerations to adopt 30-year design standards and punitive costs; reconstruction of arterials and collectors and the amount of work still needed; identifying a revenue stream and vetting the residential reconstruction program; and traffic signalization.

N. REGULAR AGENDA: (ITEMS 23 - 24)

23. Second Reading Ordinance - Ordering Special Election Replacing Type A Sales Tax to be administered by Type B Corporation; Continuing Crime Control and Prevention District; Consideration of Charter Amendments (1st Reading 8/9/16)

Ordinance ordering a special election to be held on November 8, 2016,

in the City of Corpus Christi on the questions of: (1) replacing the portion of the Type A sales tax that expires in 2018 with the adoption of a one-eighth of one percent sales and use tax to be administered by a Type B Corporation under Chapter 505 of the Texas Local Government Code, to be effective for 20 years, with the use of the proceeds for economic development, affordable housing, and streets; (2) continuing the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and (3) providing for consideration of amendments to the Charter of the City of Corpus Christi; 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.

Mayor Martinez referred to the discussion on Items 23 and 24 related to propositions on the ballot. Mayor Martinez called for comments from the public on Item 23 and there were none.

Council members spoke regarding the following topics: consideration to remove Proposition 3, Residential Street Reconstruction Tax; the need for state legislative changes for a local option gas tax or vehicle registration tax; bonding capacity; needed improvements to Everhart Road; the possible solid waste fee to address residential streets; cash flow for residential street reconstruction; Proposition 3 is a charter amendment tool to ask voters for permission to address residential streets; and consideration to remove Proposition 3 only with the commitment from the City Council to implement a solid waste fee.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the City Manager to bring back an ordinance tied to a solid waste increase of \$6, with the ordinance requiring the same restrictions in the charter amendment including: no debt service; for construction, engineering, and utility costs; in a dedicated fund with a sunset time corresponding to the street preventative maintenance program, seconded by Council Member Scott.

Discussion topics on the motion of direction include: the challenges associated with the charter amendment, Proposition 3; removal of Proposition 3; concern with the charge of \$6 for the solid waste fee; concern with competitiveness of solid waste rates versus commercial haulers; the solid waste base fees comparison with other Texas cities; consideration for a 2016 Bond program to address residential re-build program; the need to stop looking at debt capacity as an income stream; how debt capacity impacts maintenance and operations; ad valorem tax increases affecting property owners; the commitment to \$55 million every two years for arterials and collectors; the anticipated \$3.4 in Type B sales tax covering the \$55 million bond project for 2016; and the ability to decrease the debt rate.

Council Member McIntyre amended the motion of direction to state a solid waste fee of a minimum of \$4 and have staff come back with a recommendation after looking at commercial vendor rates and area

communities. The amendment was accepted by Council Member Scott.

RESTATED MOTION OF DIRECTION

Council Member McIntyre made a motion directing the City Manager to bring back an ordinance to create a solid waste fee increase of a minimum of \$4 that encompasses all of the requirements of the charter amendment such as a dedicated fund; no debt service; covering engineering fees and associated utility costs and to sunset with a timeframe the same as the street preventative maintenance program, seconded by Council Member Scott.

The motion of direction failed with the following vote: Mayor Martinez, Council Members McIntyre, Scott and Garza, voting "Aye"; Council Members Hunter, Magill, Rosas, Rubio, and Vaughn, voting "No".

Council Member Vaughn made a motion to remove Proposition 3 charter amendment from the ballot, seconded by Council Member McIntyre. A brief discussion ensued regarding removing Proposition 3 and not having any option for residential streets; the possibility of a 2016 Bond Residential Re-build program; and a future conversation on the solid waste fee should a bond proposal not be supported. Council Member Vaughn rescinded her motion to have the discussion on Item 24 regarding the bond proposition.

NOTE: The following Enactment No. results from action taken on this Item later in this agenda.

Enactment No: 030930

K. CONSENT AGENDA: (ITEM 10)

10. Second Reading Ordinance - Rezoning property located at 2002 and 2020 Ramfield Road (1st Reading 8/9/16)

Case No. 0716-01 The Estate of Joan Wakefield Urban: A change of zoning from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "IL" Light Industrial District on Tract 1 and from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "RS-22" Single-Family 22 District on Tract 2. Tract 1 is described as being 4.64 acres and Tract 2 being 23.59 acres with both tracts being out of Lots 31 and 32, Section 39, Flour Bluff and Encinal Farm and Garden Tracts, located on the northeast corner of Roscher Road and Ramfield Road.

Planning Commission and Staff Recommendation (July 13, 2016): Tract 1: Denial of the change of zoning from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "IL" Light Industrial District and, in lieu thereof, approval of the "RS-22/SP" Single-Family 22 District with a Special Permit, and Tract 2: Approval of the change of zoning from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "RS-22" Single-Family 22 District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by The Estate of Joan Wakefield Urban (“Owner”), by changing the UDC Zoning Map from the “FR” Farm Rural District and the “RS-6” Single-Family 6 District to the “RS-22/SP” Single-Family 22 District with a Special Permit in reference to Tract 1 and to the “RS-22” Single-Family 22 District in reference to Tract 2, Tract 1 being 4.64 acres and Tract 2 being 23.59 acres with both tracts being out of Lots 31 and 32, Section 39, Flour Bluff and Encinal Farm and Garden Tracts, amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and returned to Item 10, Zoning Case No. 0716 The Estate of Joan Wakefield Urban. Interim Director of Development Services Daniel McGinn stated that staff has talked with the applicant and neighbors in the area and is recommending the following change to the ordinance: Section 1. Uses: The only uses authorized by this Special Permit other than uses permitted in the base zoning district is an indoor/outdoor kennel limited to 17,000 square feet and 165 animals total.

Mayor Martinez called for comments from the public. John Stubblefield, 2101 Richland, spoke in opposition to the zoning change. Cheryl Stubblefield, 2101 Richland, appreciated the recommendation on the change of uses and requested that the number of dogs on the property be lowered. Jim Urban, executor of the Estate, stated that the kennel has had a maximum of 225 animals on holiday weekends and he is willing to compromise a reduction to 165 animals.

Council Member McIntyre made a motion to amend Section 2, 1. Uses, to limit to 17,000 square feet and no more than 165 animals, seconded by Council Member Magill and passed unanimously.

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

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

Abstained: 0

Enactment No: 030923

L. EXECUTIVE SESSION: (ITEMS 16 - 19)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session. Council Members Magill and Scott recused themselves from the discussion on Items 17 and 18.

- 16. Executive session pursuant to Texas Government Code § 551.071 for consultation with attorneys regarding collective bargaining matters, (including litigation) between the City of Corpus Christi and the Corpus Christi Firefighters Association.**

This E-Session Item was discussed in executive session.

17. **Executive Session pursuant to Section Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to annexation, the provision of utility services, agreements related to the sale of water, and certificates of convenience and necessity in the City's extraterritorial jurisdiction and interlocal agreements with other cities and/or districts.

This E-Session Item was discussed in executive session. City Secretary Huerta announced that Council Members Magill and Scott recused themselves from the discussion on this item.

18. **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 potential economic development agreement(s) with entities that are considering the construction and/or ownership of industrial facilities, including, but not limited to, the production of ethylene glycol, petrochemicals, and/or other chemicals pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s)

This E-Session Item was discussed in executive session. City Secretary Huerta announced that Council Members Magill and Scott recused themselves from the discussion on this item.

19. **Executive Session pursuant to Section 551.071** of the Texas Government Code and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to disposal of waste in Type IV Landfill (as described in 30 TAC § 330.5) located at/near 1435 County Road 26 (also known as Gulley-Hurst Landfill) and municipal solid waste fees.

This E-Session Item was discussed in executive session.

N. **REGULAR AGENDA: (ITEMS 23 - 24)**

24. **Second Reading Ordinance - Calling for Special Election - Bond 2016 Proposition (1st Reading 8/9/16)**

Ordinance ordering a special election to be held on November 8, 2016, in the City of Corpus Christi, authorizing bond issuances of the City supported by ad valorem taxes; providing for the procedures for holding such an election; providing for notice of election and

publication thereof; providing for the 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.

Mayor Martinez deviated from the agenda and referred to Item 24, an ordinance calling for a special election to be held on November 8, 2016 for a Bond 2016 Proposition. There were no comments from the public. City Secretary Rebecca Huerta stated that on August 9, 2016, the City Council approved the proposition in the packet in the amount of \$20,350,000. The developer participation projects were included in the proposition. Council requested that staff improve the project description for developer participation, which was included in a powerpoint provided to Council. The motion of direction also directed the City Manager to come back with a \$16.1 million residential program and information on debt capacity was provided in a report. In response to a council member, Director of Financial Services Constance Sanchez provided an overview of available debt capacity.

Council members and staff discussed the following topics: the current bond capacity of \$30 million will not require a property tax increase; adding a Residential Street Re-build program to Bond 2016 in the amount of \$16.1 million; consideration to trim the proposed project list; Traffic Signal Communication & Network Improvements; the importance of vetting bond projects three to five years ahead of an election; the impact on debt capacity if the contribution to operations and maintenance was increased by one cent; a long-term objective or financial policy to shift more into the operations and maintenance fund; the commitment to bring \$55 million in bond projects for arterials and collectors every two years; the solid waste fee option to fund residential streets; the last time property values decreased; the last time debt capacity dropped \$35 million in eight months; the City of San Antonio creating a committee for 2018 for residential streets; and letting the voters decide to support residential streets.

Council Member Vaughn made a motion to remove Item 3, Traffic Signal Communications & Network Improvements in the amount of \$10,000,000 from the ballot proposition, seconded by Council Member Rubio.

Council members and staff discussed the following topics regarding the motion: the project description for Traffic Signal Communication & Network Improvements; the project affecting the entire arterial system; that the project reduces traffic congestion; and the number of intersections in the City.

The motion passed with the following vote: Council Members Magill, McIntyre, Rosas, Rubio, Scott, and Vaughn, voting "Aye"; Mayor Martinez, Council Members Hunter, and Garza, voting "No".

Council Member Magill made a motion to include a Residential Street Re-build Program, for a total of \$16.1 million, in the proposed Bond 2016 projects; seconded by Council Member Rosas.

Council members and staff discussed the following topics regarding the motion: concern that this action impacts bonding ability for arterials and collectors and that the residential street program has not been vetted; the need to build capacity; the residential street re-build program is a short-term plan to address residential streets and the need to find a dedicated funding source;

the pending bond projects for FY2017 including: the potential bond election projects, the certificates of obligation to complete Bond 2014 projects; the facility certificates of obligation Year 2 of the facility plan projects and that approval of this action will exceed debt capacity by \$8.1 million; the amount of debt capacity in 2018 if the total \$30 million is spent; the pilot project for residential streets; consideration to amend the motion to remove Item 2 Traffic Signal & Intersection Infrastructure Improvements from the proposed Bond 2016 project list; include the property tax valuation percentage in the equation of debt capacity; the general obligation debt; consideration to replace the Traffic Signal Communications & Network Improvements back on the bond list and continue with the proposed bond 2016 projects as listed in the ordinance in a reduced amount of \$4.7 million; the project description of the completion of Rodd Field Road and Six Points, and street lighting; disagreement with staff on debt capacity; and concern with being over the City's debt capacity.

Council Member Magill considered amending the motion to remove Item 2, Traffic Signal & Intersection Infrastructure Improvements to save \$3 million and to add a Residential Street Re-build Program of \$16.1 million.

Council members and staff discussed the following: the debt service payment with this motion; a calculation of the debt capacity; consideration to remove street lighting from the certificates of obligation to complete Bond 2014 projects in the amount of \$2 million; residential re-build program versus the safety of street lighting; the timeframe to begin the Resident Street Re-build Program; the reasons for considering \$16.1 million; and consideration to reduce the amount of the Residential Street Re-build Program.

Council Member Magill restated his motion to remove Item 2, Traffic Signal & Intersection Infrastructure Improvements to save \$3 million and to add a Residential Street Re-build Program of \$11 million, seconded by Council Member Rosas.

The motion was passed and approved with the following vote: Council Members Hunter, Magill, Rosas, Rubio, Vaughn, and Garza, voting "Aye"; Mayor Martinez, Council Members McIntyre, and Scott, voting "No".

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

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

Nay: 2 - Council Member McIntyre and Council Member Scott

Abstained: 0

Enactment No: 030931

NOTE: The Enactment No. above results from action taken on this Item later in this agenda. The Council returned to discussion on Item 24 at the end of the meeting. Please see last item on the minutes for the final action on Item 24.

23. Second Reading Ordinance - Ordering Special Election Replacing Type A Sales Tax to be administered by Type B Corporation; Continuing Crime Control and Prevention District; Consideration of Charter Amendments (1st Reading 8/9/16)

Ordinance ordering a special election to be held on November 8, 2016, in the City of Corpus Christi on the questions of: (1) replacing the portion of the Type A sales tax that expires in 2018 with the adoption of a one-eighth of one percent sales and use tax to be administered by a Type B Corporation under Chapter 505 of the Texas Local Government Code, to be effective for 20 years, with the use of the proceeds for economic development, affordable housing, and streets; (2) continuing the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and (3) providing for consideration of amendments to the Charter of the City of Corpus Christi; 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.

Mayor Martinez deviated from the agenda and returned to Item 23, an ordinance calling for a Special Election to be held on November 8, 2016 for Type B, Crime Control and Prevention District and Charter Amendments.

Council members spoke regarding the following topics: confusion with having Proposition 3 regarding a Residential Street Reconstruction Tax on the ballot along with the Residential Street Re-build Program 2016 Bond; and Proposition 3 being an option to get permission from voters on a property tax increase to fund residential streets.

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

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

Abstained: 0

Enactment No: 030930

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

25. First Reading Ordinance - Accepting the Texas Department of Health Services Community Preparedness Section-Laboratory Response Network Ebola Equipment (CPS/LRN-EBOLA) grant and ratifying acceptance of the grant agreement to begin June 10,

2016

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend and appropriate a grant contract for the Community Preparedness Section - Laboratory Response Network Ebola Equipment (CPS/LRN-EBOLA) grant in the amount of \$200,000, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to purchase equipment to support accelerated local public health preparedness planning and operational readiness for responding to Ebola virus disease for the contract period June 10, 2016, through June 30, 2017; and ratifying acceptance of the grant agreement to begin June 10, 2016.

Mayor Martinez referred to Item 25. Assistant Director of Public Health William Uhlarik stated that the purpose of this item is to accept and appropriate a grant contract from the Texas Department of State Health Services in the amount of \$200,000 to support accelerated preparedness planning and operational readiness in responding to the Ebola virus. 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 Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio and Council Member Rosas

Absent: 2 - Council Member Scott and Council Member Vaughn

Abstained: 0

26.**First Reading Ordinance - Approving the sale of Penn Place Park (4302 Aaron)**

Ordinance approving the sale of Penn Place Park (4302 Aaron) to Apostolic Assembly of the Faith in Christ Jesus for \$100,000 and authorizing the City Manager to execute documents necessary to complete the real estate sales transaction.

Mayor Martinez referred to Item 26. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to approve the sale of Penn Park Place to Apostolic Assembly of the Faith in Christ Jesus for \$100,000 and authorize the City Manager to execute documents to finalize real estate sales transactions. There were no comments from the Council or the public. City Secretary Huerta announced that Council Member Magill was abstaining from the vote on this item.

Council Member McIntyre 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 Hunter, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Scott

Absent: 1 - Council Member Vaughn

Abstained: 1 - Council Member Magill

27. First Reading Ordinance - Ordinance authorizing the City Manager or designee to execute a license with the River View at Calallen, LP located at 11930 Leopard Street

Ordinance authorizing the City Manager or designee to execute a License with River View at Calallen, LP ("Permittee") to install, operate, maintain, and remove a private two-inch sanitary sewer force main encased in six-inch Steel Pipe ("Wastewater Line") across the Leopard Street public street right-of-way, located west of Western Drive public right-of-way, subject to the Permittee' compliance with specified conditions.

Mayor Martinez referred to Item 27. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to execute a license with the developer to install a sanitary sewer force main across Leopard Street to provide sanitary sewer service to Riverview Apartments. Staff recommends a one-time payment of \$1,053 for the license. There were no comments from the Council or the public.

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

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member McIntyre

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 28 - 31)

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that staff did not have any planned presentations.

28. Engineering Construction contract for pavement markings Indefinite Delivery/Indefinite Quantity (IDIQ)

Motion authorizing the City Manager or designee, to execute a construction contract with Highway Barricades and Services, LLC. of Corpus Christi, Texas in the amount of \$173,250 for Pavement Markings Indefinite Delivery/Indefinite Quantity (IDIQ) for total base bid.

This Motion was recommended to the consent agenda.

29. Engineering Contract Amendment No. 3 for Nueces Bay System Salinity and Freshwater Inflow Monitoring

Motion authorizing the City Manager or designee to execute Amendment No. 3 to the monitoring services contract with the Conrad Blucher Institute at Texas A&M University-Corpus Christi in the amount of \$97,835 for a total restated fee not to exceed \$386,555 for the Nueces Bay System Salinity and Freshwater Inflow Monitoring 2016-2017.

This Motion was recommended to the consent agenda.

30. Engineering Contract Amendment No. 6 for Nueces River Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring

Motion authorizing the City Manager or designee to execute Amendment No. 6 to the monitoring services contract with the Conrad Blucher Institute at Texas A&M University-Corpus Christi in the amount of \$121,022 for a total restated fee not to exceed \$775,696 for the Nueces River Water Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring 2016-2017.

This Motion was recommended to the consent agenda.

31. Authorizing Collection Fee Contract for the collection of delinquent Municipal Court fees

Motion to authorize the City Manager or designee to execute a contract for the collection of delinquent Municipal Court fees, fines and court costs with the law firm of Linebarger, Goggan, Blair, & Sampson, LLP for a fee of 30% of amounts collected on delinquent accounts turned over to law firm, with collection fee to be paid by defendants. This is a one-year contract and may be extended for up to three additional one-year terms.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 32)

32. Remaining Budget Workshop Items

As the remaining budget items were presented during the City Council Workshop Session at 9:00 a.m. on Tuesday, August 16, 2016, this Presentation was unnecessary and was not presented.

REGULAR AGENDA: (ITEM 24)

24. Second Reading Ordinance - Calling for Special Election - Bond 2016 Proposition (1st Reading 8/9/16)

Ordinance ordering a special election to be held on November 8, 2016, in the City of Corpus Christi, authorizing bond issuances of the City supported by ad valorem taxes; providing for the procedures for holding such an election; providing for notice of election and publication thereof; providing for the 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.

Mayor deviated from the agenda and returned to Item 24, an ordinance calling for a special election to be held on November 8, 2016 for Bond 2016 proposition. City Attorney Miles K. Risley provided the revisions to the bond ordinance with the amendments in the amount of \$18,350,000 for Council review.

Council Member Magill made a motion to amend the ordinance on pages 2 and 4 to put the Residential Street Re-build Program first on the list, seconded by Council Member Rubio.

The motion was passed and approved with the following vote: Mayor Martinez, Council Members Hunter, Magill, Rosas, Rubio, Vaughn, and Garza, voting "Aye"; Council Member Scott voting "No"; Council Member McIntyre - absent.

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

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

Nay: 1 - Council Member Scott

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 030931

R. ADJOURNMENT

The meeting was adjourned at 7:17 p.m.