



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 9, 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 Reverend Gloria Lear, First United Methodist Church.

Reverend Gloria Lear gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Roxana Stevens, Assistant City Attorney.

Assistant City Attorney Roxana Stevens 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, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

Present: 8 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Michael Hunter, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

Absent: 1 - Council Member Lucy Rubio

E. Proclamations / Commendations

1. Proclamation declaring August 9, 2016, "Coastal Bend State Veterans Cemetery Memorial Service Detachment Day".
Proclamation declaring August 8-12, 2016, "National Forensic Science Week".
Goodwill Ambassador Recognition Presented to Coastal Bend State Veterans' Honor Guard.

Mayor Martinez presented the proclamations and Goodwill Ambassador Recognition to the Coastal Bend State Veterans' Honor Guard.

- 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 choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

Mayor Martinez referred to comments from the public. Libby Edwards, 15309 E. Chesapeake, provided an update on the topics discussed at the Island Strategic Action Committee's (ISAC) August meeting: approval of the draft ordinance regarding banning plastic bags and a discussion on a new bike and hike trail at Padre Balli Park. William Goldston, 13721 Tajamar, on behalf of the Corpus Christi Chapter of American Council of Engineering Companies, spoke in support of a \$5 per month user fee in lieu of ad valorem taxes as a funding mechanism for residential street reconstruction. Jack Gordy, 4118 Bray, spoke regarding the enforcement of the City ordinance requiring address numbers to be visible on buildings. Lee Brame, 505 Cole Street, and Dorothy Spann, 505 Del Mar, spoke regarding the Corpus Christi Regional Transportation Authority (RTA) buses traveling down the residential streets near the Six Points area and asked the City Council to address this issue with the RTA. Claude Axel thanked the City Council for appointing Margie C. Rose City Manager. Betty Clark, 3033 Brawner Parkway, spoke regarding the charges on her water/wastewater bill. Erica Gerdes requested that the City provide more awareness to the homeless when water boil issues occur and make water accessible to the homeless in the community. Rachel O'Reilly, 925 Park, on behalf of For the Greater Good spoke regarding corporations profiting from the City's water supply and the ability to recycle plastic for money. Rolando Garza, 401 Staples, encouraged the City Council to leave the bond issues on the ballot for voters to consider. Rey Madrigal, 4253 Dody, requested a discount on water service in the month of December as a credit for unused water during the recent water boil.

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

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

a. OTHER

1) City Manager Rose and Director of Municipal Court Gilbert Hernandez recognized several Municipal Court Clerks who recently received their Municipal Court Clerk Certification from the Texas Municipal Court Education Center. To be certified, clerks have to participate in several hours of training and must pass a three-part exam that can take four hours to complete. The training and certification is part of the continuous improvement process at Municipal Court. It is important for employees to stay current on court process, statute changes, and costs. 2) The Waldron Road Completion Celebration will be held on Friday, August 12, 2016 at 9:00 a.m. at the corner of Waldron Road

and Glenoak Drive. The \$2.6 million reconstruction project from Glenoak Drive to Caribbean Drive, includes new sidewalks, ADA curbs and ramps, and underground utility improvements. 3) United Airlines will be bringing in new, larger planes to the Corpus Christi International Airport (CCIA). Nearly half of the United Airlines flights out of CCIA have been upgraded with the number of available seats increasing by 40% to 50% depending on the plane. This represents a gradual change from some of the smaller planes that average about 50 seats. CCIA encourages citizens to use these larger planes to increase demand and allow more options in the future.

H. MINUTES:

2. Regular Meeting of July 26, 2016

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

I. BOARD & COMMITTEE APPOINTMENTS:

3. Food Service Advisory Committee Planning Commission

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

Food Service Advisory Committee

Council Member Magill made a motion to reappoint Patricia Polastri (Community At-Large), seconded by Council Member McIntyre and passed unanimously.

Council Member Magill made a motion to appoint Ted Schroeder (Food Industry), seconded by Council Member McIntyre and passed unanimously.

Planning Commission

Council Member Scott made a motion to reinstate Carl Crull, seconded by Council Member McIntyre and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 -15)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public.

A motion was made by Council Member Magill, seconded by Council Member Garza, to approve the Consent Agenda. The consent agenda items were

approved by one vote as follows:

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

Absent: 1 - Council Member Rubio

Abstained: 0

4. Resolution for the purchase of Body Worn Video Cameras for the Police Department

Resolution authorizing the City Manager, or designee, to purchase body worn video cameras for the Police Department from Coban Technologies Inc., of Houston, Texas, for a total cost of \$130,414.00, with funding available in the FY 2015-2016 Police Grants Fund.

This Resolution was passed on the Consent Agenda.

Enactment No: 030909

5. Purchase of 37 Ford Explorer Vehicles for the Police Department

Motion approving the purchase of 37 Ford Explorer Vehicles from Caldwell Country Ford-Chevrolet, Caldwell, Texas for a total amount of \$1,077,680.90. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative (TLGPC), dba BuyBoard. Funds have been budgeted by CC Crime Control and Fleet Maintenance Services in FY 2015-2016.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-089

6. Renewal of state and federal external legislative consultant contracts

Motion authorizing the City Manager to execute 24-month renewal agreements for governmental relation services with Focused Advocacy for state governmental relations services for \$108,000 per year plus reasonable expenses and with Meyers & Associates for federal governmental relations services for \$78,000 per year plus reasonable expenses.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-090

7. Second Reading Ordinance - Rezoning property located located on the south side of Compton Road approximately 1,250 feet west of Waldron Road (1st Reading 7/26/16)

Case No. 0616-05 CCSemloh Partnership, Ltd.: A change of zoning from the “RE” Residential Estate District and “CG-1” General Commercial District to the “CG-2” General Commercial District. The property to be rezoned is described as Tract 1: Being 10.536 acres out of Lots 6 and 11, Section 48, Flour Bluff and Encinal Farm and Garden Tracts and Tract 2: Being 0.552 acres out of Lots 7 and 10, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, located on the south side of Compton Road approximately 1,250 feet west of Waldron Road.

Planning Commission and Staff Recommendation (June 29, 2016):

Tract 1: Denial of the change of zoning from the “RE” Residential Estate District and “CG-1” General Commercial District to the “CG-2” General Commercial District, and in lieu thereof, approval of a “RE/SP” Residential Estate District with a Special Permit for a boat and recreational vehicle storage facility subject to compliance with the setbacks and buffering elements identified in the site plan and thirteen conditions.

Tract 2: Approval of the rezoning from the “RE” Residential Estate District and “CG-1” General Commercial District to the “CG-2” General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by CCSemloh Partnership, Ltd. (“Owner”), by changing the UDC Zoning Map in reference to 10.536 acres out of Lots 6 and 11, Section 48, Flour Bluff and Encinal Farm and Garden Tracts (Tract 1) from the “RE” Residential Estate District and “CG-1” General Commercial District to the “RE/SP” Residential Estate District with a Special Permit for a boat and recreational vehicle storage facility, and in reference to 0.552 acres out of Lots 7 and 10, Section 48, Flour Bluff and Encinal Farm and Garden Tracts (Tract 2) from the “RE” Residential Estate District and “CG-1” General Commercial 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: 030910

8. Second Reading Ordinance - Rezoning property located at 1322 Rhew Road (1st Reading 7/26/16)

Case No. 0616-06 Isaias Franco: A change of zoning from the “R-MH” Manufactured Home District to the “IL/SP” Light Industrial District with a Special Permit on Tract 1 for a concrete batching plant and to the

“IL” Light Industrial District on Tract 2. Tract 1 is described as a 4.00-acre tract and Tract 2 is described as a 25.003-acre tract, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018. The subject property is located on the east side of Rhew Road between Leopard Street and Sedwick Road.

Planning Commission and Staff Recommendation (June 29, 2016):

Tract 1: Approval of the “IL/SP” Light Industrial District with a Special Permit subject to nine conditions.

Tract 2: Approval of the “IL” Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Isaias Franco (“Owner”), by changing the UDC Zoning Map in reference to Tract 1, described as a 4.00-acre tract, to the “IL/SP” Light Industrial District with a Special Permit for a concrete batching plant, and in reference to Tract 2, described as a 25.003-acre tract, to the “IL” Light Industrial District, both tracts being out of the Anthony C. Page Survey 591, Abstract 1010 and the A.M. French Survey 312, Abstract 1018; 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: 030911

9. Second Reading Ordinance - Accepting a grant from KaBOOM! and a donation from Beautify Corpus Christi Association (BCCA) to build a playground and improve Dr. H. C. Dilworth Park (1st Reading 7/26/16)

Ordinance authorizing the City Manager or designee to execute documents to apply for and accept park equipment estimated value of \$300,000 from KaBOOM! for park improvements at Dr. H. C. Dillworth Park and to accept \$8,500 in donated funds from Beautify Corpus Christi Association, and to appropriate said funds in the no. 4720 Community Enrichment Fund for the park improvements.

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

Enactment No: 030912

10. Second Reading Ordinance - Amending City Code regarding Sister City Committee (1st Reading 7/26/16)

Ordinance amending City Code of Ordinances regarding Sister City Committee and authorizing the City Manager or designee to execute a

Memorandum of Agreement with the Corpus Christi Convention and Visitors Bureau regarding management of the committee

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

Enactment No: 030913

11. Second Reading Ordinance - Exemption from the Wastewater Acreage/Lot Fees for Nueces Garden No.2, Lot 49A located south of Leopard Street and west of Starlite Lane within Allison Service Area (1st Reading 7/26/16)

Ordinance exempting Nueces Garden No.2, Lot 49A located south of Leopard Street and West of Starlite Lane, from the payment of wastewater lot and acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

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

Enactment No: 030914

12. Second Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for the construction of a water distribution main located alongside Up River Road, south of Interstate Highway 37, east of McKenzie Road and north of Leopard Street. (1st Reading 7/26/16)

Ordinance authorizing city manager or designee to execute a distribution main extension and construction and reimbursement agreement ("Agreement") with Vantage at Corpus Christi, LLC., ("Developer"), for the construction of a water distribution main line and appropriating \$4,154.50 from the No. 4030 Water Distribution Main Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 030915

13. Second Reading Ordinance - Closing a utility easement located at 4000 S. Staples (1st Reading 7/26/16)

Ordinance abandoning and vacating a 0.041-Acre portion of an existing utility easement out of a part of Lots 7 and 8, Block 5 of Hamlin Place Unit 2-Corpus Christi Subdivision, located at 4000 S. Staples and requiring the owner, American Electric Power (AEP) Texas Central Company, to comply with the specified conditions.

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

Enactment No: 030916

14. Second Reading Ordinance - Authorizing a Participation Agreement for Bicycle Sharing Program with the Corpus Christi Downtown Management District (1st Reading 7/26/16)

Ordinance authorizing the City Manager or designee to execute a participation agreement for Bicycle Sharing program with the Corpus Christi Downtown Management District for \$90,000 over 3 years; and authorizing the City Manager or his designee to execute Licenses for Use of City Property to install bicycle racks for bicycle sharing service with Zagster, Inc ("Licensee")

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

Enactment No: 030917

15. Second Reading Ordinance - Appropriating estimated increased revenues related to Warehouse merchandise sold (1st Reading 7/26/16)

Ordinance appropriating estimated increased revenues of \$700,000 in the No. 5010 Stores Fund to cover projected increased expenses in the City's Warehouse related to the cost of Warehouse merchandise sold and amending the FY 2015-2016 operating budget adopted by Ordinance No. 030620 by increasing revenues and expenditures by \$700,000 each.

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

Enactment No: 030918

O. FIRST READING ORDINANCES: (ITEM 27)

SPECIAL ELECTION ITEMS (RELATED ITEMS 27)

27. First 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

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 referred to Item 27, ordinance calling for a Special Election - Type B, Crime Control and Prevention District, and Charter Amendments. Iain Vasey, President/CEO of the Corpus Christi Regional Economic Development Corporation (EDC), spoke on behalf of the EDC and requested that the proposition regarding the language to replace the Type A sales tax with Type B be amended to include the language "(maintaining current levels)" to provide clarity to the public that this is not an increase or decrease in taxes. City Attorney Miles K. Risley recommended the language to read "(maintaining current levels of sales and use tax)".

Council Member Scott made a motion to amend the proposition as stated, seconded by Council Member McIntyre and passed unanimously.

City Secretary Rebecca Huerta stated that purpose of this item is to order a special election on November 8, 2016 to submit to the voters the ballot propositions for the following measures: the Type B Corporation tax; continuation of the Corpus Christi Crime Control and Prevention District and associated sales tax for 10 years; and providing for consideration of amendments to the City Charter.

Council members spoke regarding the following topics: the Charter amendment regarding the new tax for residential streets; inclusion of a sunset clause in the Charter amendment for residential streets; an alternative to fund residential streets that is a flat rate and an inclusive method that distributes the cost to residential street users versus an ad valorem tax; a request to engage in a discussion and investigate the possibility of a flat residential street reconstruction funding source; the methodology regarding how to spend funds to repair residential streets; the need for multiple revenue sources to address residential streets; consideration to remove Proposition 3, the new tax for residential streets; confidence in City staff to complete the work; discussion of a user fee in executive session; the matrix used in 2014 to fund the street preventative maintenance program; giving the option to the voters to decide; and the 3D (Discuss, Discover, and Decide) process to address residential streets.

Mayor Martinez read the following executive session language:

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 taxation and the use of municipal funds for streets.

L. EXECUTIVE SESSION: (ITEMS 16 - 17)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session on Items 27, 16 and 17.

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 the TxDOT Harbor Bridge Project and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, related to the TxDOT Harbor Bridge Project.

This E-Session Item was discussed in executive session.

O. **FIRST READING ORDINANCES: (ITEM 27)**

SPECIAL ELECTION ITEMS (RELATED ITEMS 27)

27. **First 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**

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.

The Council returned from executive session. Mayor Martinez returned to the discussion on Item 27, an ordinance calling for a Special Election for Type B, Crime Control and Prevention District, and Charter Amendments.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the City Manager to bring back a recommendation for an increase to the Solid Waste fee to reimburse the residential street reconstruction fund for damage to residential streets to enable reconstruction, seconded by Council Member Scott.

Discussion on the motion of direction included: concerns with utilizing the Solid Waste rate; a 2016 Bond option to address residential street reconstruction; the relationship between Solid Waste and the impact on residential streets; payment assistance exemptions on utility bills for low-income residents; and a request to bring back information on how funds would be spent, by next Council meeting.

The motion of direction passed unanimously.

Mayor Martinez called for comments from the public. John Stubblefield, 2101 Richland, spoke regarding recent street repairs made on a portion of Yorktown Boulevard from Rodd Field Road to Fred's Folley that are already coming apart and asked if subsurface work would be part of the rate considerations. Executive Director of Public Works Valerie Gray stated that this section of Yorktown Boulevard was done under the Street Preventative Maintenance program and staff is working with the contractor to address the issue.

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

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

Absent: 1 - Council Member Rubio

Abstained: 0

M. PUBLIC HEARINGS: (ITEMS 18 - 19)**18. Public Hearing and First Reading Ordinance - Rezoning property located at 2002 and 2020 Ramfield Road**

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 referred to Item 18. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to bring an existing kennel into compliance with the current zoning regulations on Tract 1 and allow for half-acre single-family residential lots on Tract 2. The property is located in the Navy’s Air Installation Compatible Use Zone (AICUZ). Mr. McGinn stated that the Planning Commission and staff recommend on Tract 1: denial of the change of zoning to the “IL” Light Industrial District and, in lieu thereof, approval of the “RS-22/SP” Single-Family District with a Special Permit subject to five conditions.

Mayor Martinez opened the public hearing. John Stubblefield, 2101 Richmond, and Cheryl Stubblefield, 2101 Richmond, spoke in opposition to the zoning change for the following reasons: residential estate zoning would be more comparable to the area; concern for the conservation of wildlife; and the existing kennel not being in compliance. Jim Urban, Executor for the subject property, stated that the rezoning request was made to support his mother’s wishes to continue operation of the kennel and currently has no interest in developing Tract 2. Mayor Martinez closed the public hearing.

Council Members spoke regarding the following topics: the distinction between Tracts 1 and 2; the applicant’s desire to not develop Tract 2; the reasons for staff’s recommendation to rezone Tract 2 at this time; allowable uses in the current zoning of “RS-6”; there being no access to City wastewater at this time; changing the zoning to be consistent with the Flour Bluff Area development and complying with the land use goals of the Joint Land Use Study (JLUS).

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

Aye: 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rosas and Council Member Scott

Nay: 1 - Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

19. Public Hearing and First Reading Ordinance - Rezoning property located at 9525 Leopard Street

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.

Mayor Martinez referred to Item 19. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow development of a single-family subdivision with small lot sizes consistent with the subdivision to the north of the property. Mr. McGinn 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 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 McIntyre, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

N. REGULAR AGENDA: (ITEMS 20 - 21)

20. Setting the City Council Meeting Date to Adopt the Property Tax Rate

Motion setting September 13, 2016 as the date of the adoption of the ad valorem tax rate of \$0.606264 per \$100 valuation.

Mayor Martinez referred to Item 20. Director of Financial Services Constance Sanchez stated that Items 20 and 21 are the first in a series of agenda items in relation to setting the property tax rate for FY16-17. The truth-in taxation guide for setting the property tax rate outlines specific steps necessary to be in compliance with the Texas Constitution and the Tax Code. The proposed FY2017 budget includes a property tax rate of \$0.606264 per \$100 valuation, which is the same rate as the current fiscal year. The purpose of Item 20 is to set September 13, 2016 as the date of adoption of the ad valorem tax rate. The purpose of Item 21 is to set the public hearings on the ad valorem tax rate for August 23, 2016 and August 30, 2016. There were no comments from the Council or the public.

Council Member Garza made a motion to approve the motion, seconded by Council Member Magill. This Motion was passed and approved with the following vote:

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: M2016-091

21. Scheduling Two Public Hearings Related to Fiscal Year 2016-2017 Property Tax

Motion setting a public hearing on the ad valorem tax rate for August 23, 2016 and a second public hearing for August 30, 2016 during the City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

This Motion was passed and approved with the following vote:

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: M2016-092

O. FIRST READING ORDINANCES: (ITEMS 22 - 26 and 28)

22. First Reading Ordinance - Ratifying Acceptance of Emergency Management Performance Grant (EMPG)

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.

Mayor Martinez referred to Item 22. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a grant from the Texas Department of Public Safety in the amount of \$70,159.20 for the Emergency Management Performance Grant (EMPG) for emergency operations. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Hunter. 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 McIntyre, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

23. First Reading Ordinance - Closing a portion of a utility easement located north of Williams Drive and west of Airline Road

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

Mayor Martinez referred to Item 23. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a portion of an existing 15-foot wide utility easement located north of Williams Drive and west of Airline Road. The owner is proposing to replat the property into two smaller lots. Staff recommends the owner pay no fair market value because the owner will be dedicating additional easements. 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 McIntyre, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

24. First Reading Ordinance - Advance Funding Agreement and contract for professional services for Padres Island Mobility and Access Management Study

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)

Mayor Martinez referred to Item 24. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to appropriate grant funding from the Corpus Christi Metropolitan Planning Organization (MPO) and Texas Department of Transportation (TxDOT); execute an Advance Funding Agreement with TxDOT; and execute a professional services agreement with Maldonado-Burkett Intelligent Transportation System, LLP for a mobility and access management study on Padre Island. There were no comments from the public.

Council members spoke regarding the following topics: whether the study includes corridors at Commodores onto Park Road 22 and leaving Park Road 22 to State Highway 361 in both directions; straightening Encantada; the study encompassing the entire corridor; and the project being recommended by the Island Strategic Action Committee.

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

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

Absent: 1 - Council Member Rubio

Abstained: 0

25. First Reading Ordinance - Amending City Code to improve traffic circulation for Fannin Elementary School

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.

Mayor Martinez referred to Item 25. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to amend the City's Code of Ordinances to improve traffic circulation during school zone hours of Fannin Elementary School by altering the direction of one-way traffic on Alexander Street from west to east and removing the one-way designation on Devon Drive, from Gollihar Road to Alexander Street. The Transportation Advisory Commission approved the proposed amendment at their June 27, 2016 meeting. There were no comments from the public.

Council members spoke regarding the following topics: appreciation for the coordinated efforts between the City and Corpus Christi Independent School District to improve safety; and repainting of the crosswalks at Alexander Street and Devon Drive.

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 McIntyre, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

SPECIAL ELECTION ITEMS (RELATED ITEMS 26 and 28)

26.

First Reading Ordinance - Ordering General Election for Mayor and Eight Council Members - November 8, 2016

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 26. City Secretary Rebecca Huerta stated that the purpose of this item is to allow for the general election to be held on November 8, 2016 to elect a mayor and eight council members; and to allow the City to enter into a joint election with Nueces County. The joint election agreement was not included in the packet. The agreement and cost estimates were received by Nueces County today and was provided to the City Council for review. The joint election agreement establishes that the City's portion of the cost of the election will be based on the number of registered voters. This is a different format from past elections where the cost was determined by the number of polling places and number of entities. The estimated amount for the general election cost estimate is approximately \$150,000. If there is a need for a run-off election, that election date will be December 13, 2016. City Secretary

Huerta explained that the general election will potentially be conducted with county-wide polling places. Early voting for the general election will be held from October 24 – November 4, 2016. There were no comments from the public.

Council members spoke regarding the following topics: whether other entities that join the election will help lower the cost; in the case a runoff election, the City will probably pay for the entire cost; how the county-wide polling places would be determined for a runoff election; and the cost of the last runoff election.

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

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

Absent: 1 - Council Member Rubio

Abstained: 0

28. First Reading Ordinance - Calling for Special Election - Bond 2016 Proposition

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 referred to Item 28. City Secretary Rebecca Huerta stated that the purpose of this item is to approve an ordinance calling for a special election for the Bond 2016 proposition. On July 26, 2016 the city council made two motions of direction: 1) directing the City Manager to bring forward a series of bond continuation projects presented in an amount of \$30 million and 2) directing the City Manager to investigate the feasibility of adding Laguna Shores Road to the list of bond continuation projects. An ordinance was prepared by bond counsel with a single bond proposition for Council review based on the City Council's direction.

Executive Director of Public Works Valerie Gray reiterated the motion of directions by the City Council regarding the bond continuation projects, including Laguna Shores Road, and stated that the total for the projects was \$38,900,000. City Manager Margie Rose informed the City Council that since the last meeting, staff has learned that there is a state law that went into effect on January 1, 2016 which indicates that if the City has bond items on the ballot that are not approved by the voters, certificates of obligation cannot be utilized for three years on those projects.

Ms. Gray stated that in light of this new information, staff proposes the

following Bond 2016 alternative for city council's consideration: Proposed Proposition 1: 1) TxDOT Participation & Mobility Improvements; 2) Traffic Signal & Intersection Infrastructure Improvements; 3) Traffic Signal Communications & Network Improvements; and 4) ADA Improvements, totaling \$17,850,000. Proposed Proposition 2: 1) Developer Participation, totaling \$2,500,000. The total proposed bond projects are \$20,350,000.

Staff recommends funding Rodd Field Road & Yorktown Boulevard Intersection Improvements, Six Points Intersection Improvements, and Street Lighting Improvements in the amount of \$9,650,000 to be funded by the sale of Certificates of Obligation (CO) and plan to identify the Laguna Shores Road Improvements in the amount of \$8,900,000 as a priority project for future Bond 2018.

Council members spoke regarding the following topics: the importance of developer participation and concern with placing it on the ballot as a separate proposition; identifying Laguna Shores as a priority project for Bond 2018; timing of issuance of the COs; improving the project description for developer participation to clarify that currently there is not a funding source; and consideration for a residential rebuild project in the amount of \$16.1 million in Proposition 1.

MOTION OF DIRECTION

Council Magill made a motion directing the City Manager to bring back information next week on including a \$16.1 million Residential Rebuild Program to the Alternative Bond 2016 proposal; information specifically on debt capacity and future debt capacity for 2018; and other pending bond projects in the works, seconded by Council Member Vaughn.

Discussion topics on the motion of direction included: whether the bond language would include a list of specific streets; the 2014 Arlington, Texas residential rebuild program bond language; how eligible projects would be defined; debt capacity; prematurely supporting a residential rebuild program until the program has been vetted and the criteria for eligibility has been determined through the 3D (Discover, Discuss, and Decide) process; other pending bond projects in the works; and the number of arterials/collectors that have not been completed.

The motion of direction was passed unanimously.

Council members and staff continued discussion on Item 28: how streets are determined to be placed on a bond proposition; City Council not having the opportunity to have input on the projects for Bond 2016; street issues in the Calallen area that need repair; discussion during the City Council retreat on bond projects; the project description for Traffic Signal Communication & Network Improvements; the map of work detailing street work being completed throughout the City; whether there is a legal reason Developer Participation is listed as a separate proposition; street work for Districts 1, 2, and 3; improvements to the Capital Improvement Program by developing a matrix for decision making; the improvements needed for Everhart Road; and the challenges associated with Bond 2012.

Council Member Magill made a motion to amend the Alternative Proposal recommended by staff to include Developer Participation in Proposition 1 and

have one proposition on the ballot, seconded by Council Member Garza and passed unanimously; Council Member Vaughn voting "No".

There were no comments from the public.

Council Member Magill made a motion to approve the ordinance as amended, 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 Magill, Council Member McIntyre, Council Member Rosas and Council Member Scott

Absent: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 29 - 34)

Mayor Martinez referred to Future Agenda Items. City Manager Rose stated that staff had planned presentations on Items 29, 33, and 34.

29. 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 recommended to the consent agenda.

30. 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 recommended to the consent agenda.

31. 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 recommended to the consent agenda.

32. 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 recommended to the consent agenda.

33. 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 recommended to the consent agenda.

34. 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 recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 35)

35. Cole and Ropes Park (CARP) Implementation Plan Update

Mayor Martinez referred to Item 35. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to provide an update on the Coles and Ropes Park (CARP) Implementation Plan to improve water quality within Corpus Christi Bay and the areas around Coles and Ropes Park. Luz Lumb, Chair of the CARP Coordination Committee, presented the following information: the members and support staff of the CARP Coordination Committee; the problem of enterococcus bacteria levels exceeding TCEQ water quality standards for recreation at Cole and Ropes Parks and results; the location of the problem; a site map of the drainage area of the Louisiana Parkway Watershed; the history of the total maximum daily load or TMDL Program for reducing bacteria and the implementation plan; the reason the implementation plan is important; how the implementation plan was developed; the total stakeholder hours invested; the implementation strategy's management measures and control activities; and projected target dates. Teresa Carrillo with the Center for Coastal Studies was available to respond to questions.

Council members discussed the following topics: the investment from stakeholders; input from staff; the implementation plan and potential financial implications.

MOTION OF DIRECTION

Council Member Scott made a motion directing the City Manager to bring back a resolution of support for the Coles and Ropes Parks (CARP) Implementation Plan, seconded by Council Member McIntyre and passed unanimously.

R. ADJOURNMENT

The meeting was adjourned at 6:35 p.m.