



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, February 28, 2017

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.

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

A. Mayor Pro Tem Carolyn Vaughn to call the meeting to order.

Mayor Pro Tem Carolyn Vaughn called the meeting to order at 11:31 a.m.

B. Invocation to be given by Mr. Chuck Goodwin, Fish for Life Ministries.

Mr. Chuck Goodwin gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Madeleine Gonzalez, Tuloso - Midway High School Senior Class President and Cheer Captain.

Ms. Madeleine Gonzalez 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.

City Manager Margie C. Rose, City Attorney Miles K. Risley and City Secretary Rebecca Huerta.

Present: 8 - Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Joe McComb, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

E. Proclamations / Commendations

1. Proclamation declaring March 1, 2017 "Southwest Airlines 40th Anniversary at Corpus Christi International Airport".
Proclamation declaring March 5-11, 2017 "Women in Construction Week" Council Chambers.
Proclamation declaring March 10th, 17th and 24th as "Fill-the-boot For The Muscular Dystrophy Association".
Commendation recognizing the Arlington Heights Christian Boys High School Six-man Football Team as State Champions.
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor Pro Tem Vaughn presented the proclamations and a Certificate of Commendation and conducted the swearing-in ceremony for newly appointed board and committee members.

- J. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. 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. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.**

Mayor Pro Tem Vaughn referred to comments from the public. Chris Phelan, 3806 Kingston and on behalf of For the Greater Good, spoke regarding the following topics: the recent water situations; refinancing of Mary Rhodes Pipeline Phase II; the formula used to set water rates for industrial customers; and resources to plan for the Zika Virus. Isabel Araiza, 326 Poenish and on behalf of For the Greater Good and the Water Coalition, spoke regarding the following topics: the Water Coalition is organizing a water forum for the mayoral candidates on March 23, 2017 and extended an invitation to City Council; and the water rates for large volume users. Michelle McDaniel, 5301 Crossridge, spoke regarding Agenda Item 20, a proposed affordable housing project known as The Avanti Bayside, and requested that the vote be tabled to allow the neighborhood an opportunity to receive information on the project and conduct research on the development. Johnny French, 4417 Carlton, spoke regarding the following topics: the transferring of funds from existing bond projects to fund other projects; the Packery Channel six pack projects; and placing a proposition on the ballot to fund Park Road 22. Robert Pinkstaff, 4509 Grand Lake Drive, spoke regarding the agenda items related to proposed affordable housing developments and the impact those projects could have to housing values and infrastructure. John Helm, 8030 Villefranche, spoke regarding Agenda Items 25 and 30, related to disannexation and wind turbines,

and requested that the City review the contract terms before disannexing located areas south of FM 2444. Richard Troop, 14202 Encantada, provided statistics regarding housing values and prices in Corpus Christi. Joan Veith, 5701 Cain, thanked City Manager Rose for holding the "Conversations with the City Manager" forums and spoke regarding citizens comments at the forum related to Code Enforcement and response times by the Corpus Christi Police Department. Clark Colvin, Executive Vice President of The ITEX Group, spoke regarding Agenda Item 21, an affordable housing development called Sea Gulf Villa Apartments, and the Texas Department of Housing and Community Affairs' tax credit program and requested that the City Council consider the project. Gloria Scott, 4422 S. Alameda, asked questions regarding the procedures for public comment on consent agenda items. Edalio Salinas, 7026 Ridge Stone, spoke regarding Agenda Items 20 and 22, proposed affordable housing developments, and expressed concerns regarding the impact the projects will have on schools and neighborhoods in the area. Linda Gibeaut, 410 Southern, spoke regarding the following issues related Corpus Christi Animal Care Services: Animal Care being a kill shelter; addressing the three-day stray hold; the use of temporary workers at the facility; and the need for an additional veterinarian. Christina Cacey, 7050 Clubgate, spoke regarding the agenda items related to affordable housing developments and expressed concerns with overcrowding in schools and student-to-teacher ratios.

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

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

a. OTHER

1) The Storm Water Department maintains a Texas Commission on Environmental Quality (TCEQ) permit for the City's storm water system which includes discharge, maintenance, operations, environmental programs and education. Recently, TCEQ conducted a three-day audit to ensure compliance with all necessary regulations and permit requirements. City Manager Rose announced that there were no violations and the City is in full compliance with TCEQ regulations for the Municipal Storm Water System. 2) Liza Wisner, Human Resources Learning and Development Manager, was invited to be a speaker at the Annual World Class Workforce Experience 2017 Conference. Ms. Wisner will be discussing transforming employees' jobs and citizens lives through sharing tools, providing recognition, and promoting community engagement. 3) The Police Department's K-9 Unit recently took part in the annual training competition in Hildago County. Senior Officer Jason Lavastida and his K-9 partner Indy placed third in the Patrol Division and second in the Obedience Division. Indy won the award for Top Dog Champion for the Patrol and Detection Division and received a ballistic vest worth approximately \$1,500. Senior Officer Bernie Moss and his K-9 partner Vingo won third place in the Fastest Dog Race. City Manager Rose introduced the department's first female K-9 officer, Senior Officer Josie Ressler.

G. MINUTES:

2. Regular Meeting of February 21, 2017

Mayor Pro Tem Vaughn referred to approval of the minutes. Council Member

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

H. **BOARD & COMMITTEE APPOINTMENTS:**

I. **EXPLANATION OF COUNCIL ACTION:**

K. **CONSENT AGENDA: (ITEMS 3 - 14)**

Approval of the Consent Agenda

Mayor Pro Tem Vaughn referred to the Consent Agenda. City Secretary Rebecca Huerta announced that Council Member Molina would be abstaining from the vote on Item 5. A citizen requested information on Item 14. Council members requested that Items 3 and 6 be pulled for individual consideration.

Mayor Pro Tem Vaughn referred to Item 14, one-way traffic flow along Booty Street. Gloria Scott, 4422 S. Alameda, asked questions and expressed concerns from an office and doctor's clinic on Booty Street regarding the impact one-way traffic flow will have on property taxes and access to the clinic.

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

Aye: 7 - Council Member Garza, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Guajardo

Abstained: 0

4. **Supply Agreement for the Purchase of Meter Transmission Units for Water Utilities and Gas Department (Council Priority - Water)**

Motion authorizing City Manager, or designee, to execute a supply agreement with Aclara Technologies LLC, of Hazelwood, Missouri for the purchase of meter transmission units (MTUs), based on the cooperative purchasing agreement with the Houston-Galveston Area Council for a total amount not to exceed \$1,079,680.00, with an estimated expenditure of \$629,813.33 in FY2016-17. The term of the agreement is a term of 12 months, with an option to extend for up to one additional 12-month period, subject to the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-033

5. Construction Contract for Taxiway "K" (Kilo) Extension for Coast Guard Operations at Corpus Christi International Airport

Motion authorizing the City Manager, or designee, to execute a construction contract with SpawGlass Civil Construction, Inc. of Houston, Texas in the amount of \$2,203,523.71 for the Corpus Christi International Airport (CCIA) Taxiway "K" (Kilo) Extension for Base Bid I (Concrete Option).

This Motion was passed and approved with the following vote:

Aye: 6 - Council Member Garza, Council Member Hunter, Council Member McComb, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Guajardo

Abstained: 1 - Council Member Molina

Enactment No: M2017-034

7. Establish Waste Acceptance Contract with Mark Dunning Industries, Inc.

Motion authorizing the City Manager or designee to execute an 11-year contract with Mark Dunning Industries, Inc., guaranteeing the delivery of specific tonnage of acceptable waste collected within the boundaries of the Coastal Bend Council of Governments' region to the City's Cefe Valenzuela Municipal Landfill, and ratifying the start date of the contract to be November 12, 2016.

This Motion was passed on the consent agenda.

Enactment No: M2017-036

8. Second Reading Ordinance - Rezoning property located at 7564 Brooke Road (1st Reading 2/21/17)

Case No. 0117-04 Palm Land Investment: A change of zoning from the "RS-4.5" Single Family Residential District to the "RS-TH" Residential Townhouse District. The property to be rezoned is described as a 5.824 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 26, Lots 10 and 11, located on the west side of Oso Parkway and south of Dove Hollow Drive.

Planning Commission and Staff Recommendation (January 11, 2017): Approval of the change of zoning from the "RS-4.5" Single Family Residential District to the "RS-TH" Residential Townhouse District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Palm Land Investment (“Owner”), by changing the UDC Zoning Map in reference to 5.824 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 26, Lots 10 and 11, from the “RS-4.5” Single Family Residential District to the “RS-TH” Residential Townhouse 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: 031074

9. Second Reading Ordinance - Rezoning property located at 4343 Ocean Dr (1st Reading 2/21/17)

Case No. 0117-02 Carriage Management, Inc.: A change of zoning from the “RM-AT” Multi-Family Apartment Tourist District to the “RS-10/SP” Single-Family 10 District with a Special Permit. The property is described as being 2.24-acres out of Seaside Subdivision and Riviera Condo, Block 1, Lot 6B, located along the south side of Ocean Drive between Robert Drive and Airline Road.

Planning Commission and Staff Recommendation (January 11, 2017): Approval of the change of zoning from the “RM-AT” Multi-Family Apartment Tourist District to the “RS-10/SP” Single-Family 10 District with a Special Permit.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by CLA Realtors for Carriage Management, Inc. (“Owner”), by changing the UDC Zoning Map in reference to a 2.24-acre tract of land out , Seaside Subdivision and Riviera Condo, Block 1, Lot 6B, from the “RM-AT” Multi-Family Apartment Tourist District to the “RS-10/SP” Single-Family 10 District with a Special Permit; 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: 031075

10. Second Reading Ordinance - Rezoning property located at 4401 Ocean Dr (1st Reading 2/21/17)

Case No. 0117-03 Carriage Management, Inc.: A change of zoning from the “RM-AT” Multi-Family Apartment Tourist District to the “RS-10/SP” Single-Family 10 District with a Special Permit. The

property is described as being 3.09 acres out of Seaside Subdivision, Block 2, Lots 1 and 2, located along the south side of Ocean Drive between Robert Drive and Airline Road.

Planning Commission and Staff Recommendation (January 11, 2017):
Approval of the change of zoning from the "RM-AT" Multi-Family Apartment Tourist District to the "RS-10/SP" Single-Family 10 District with a Special Permit.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by CLA Realtors for Carriage Management, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 3.09-acre tract of land out , Seaside Subdivision, Block 2, Lots 1 and 2, from the "RM-AT" Multi-Family Apartment Tourist District to the "RS-10/SP" Single- Family 10 District with a Special Permit; 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: 031076

11. Second Reading Ordinance - Appropriating Funds for Repairs to the Violet Radio Transmission Tower (1st Reading 2/21/17)

Ordinance appropriating \$12,075.64 from the Radio System Capital Replacement Reserve Fund to pay for repairs to transmission lines at the Violet radio transmitter site which serves the City, County, and RTA radio systems; amending the FY16-17 budget adopted by Ordinance No. 030965 to increase expenditures by \$12,075.64.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031077

12. Second Reading Ordinance - Accepting and Appropriating the High Intensity Drug Trafficking Area (HIDTA) Grant Award for the Police Department (1st Reading 2/21/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant award in the amount of \$170,815 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Department's role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA) for the salary and benefits of a full-time program coordinator, one administrative assistant, overtime for 4 Corpus Christi Police Officers, and 4 lease vehicles; and appropriating the \$170,815 in the No. 1061 Police Grants Fund.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031078

13. Second Reading Ordinance - Closing a Utility Easement Located at 5921 Saratoga Boulevard (1st Reading 2/21/17) (Council Priority - Economic Development)

Ordinance closing, abandoning, and vacating a 0.071-Acre portion of an existing utility easement out of a part of Lot 1A, Block 1 of Saratoga Heights Subdivision, located at 5921 Saratoga Blvd. and requiring the owner, PlainsCapital Bank, to comply with the specified conditions.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031079

14. Second Reading Ordinance - Creating One-Way Traffic Flow Along Booty Street (Bond 2014, Proposition 1) (1st Reading 2/21/17) (Council Priority - Streets)

Ordinance amending the Code of Ordinances, Chapter 53, Section 53-250 Schedule I - One Way Streets and Alleys by changing designated portions of Booty Street from a two-way traffic pattern to a one-way traffic pattern and Schedule III - Parking prohibited at all times on certain streets by adding Booty Street; providing for severance; and providing for publication.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031080

3. Engineering Contract Amendment No. 2 for On-Call Technical Services Related to Water Supply Planning (Council Priority - Water)

Motion authorizing the City Manager, or designee, to execute Amendment No. 2 with HDR Engineering, Inc. of Corpus Christi, Texas in the amount of \$31,700, for a total restated fee of \$81,600, for the On-Call Technical Services Related to Water Supply Planning.

Mayor Pro Tem Vaughn referred to Item 3, on-call technical services related to water supply planning. Director of Engineering Services Jeff Edmonds and Water Resources Manager Steve Ramos responded to the following council member discussions: previous presentations provided by HDR Engineering related to the water supply; the original contract and Amendment No. 1 with HDR Engineering; the reason for Amendment No. 2 to the contract; and the scope of work for Amendment No. 2.

Council Member Rubio made a motion to approve the motion. The motion failed for lack of second.

City Manager Rose requested that City Council continue the dialogue on this item to allow staff to clarify council member's concerns. Council members and staff discussed the following topics: the City currently not being in a drought contingency; recommendations from the new Water Director; whether there is a negative impact if the contract is not approved; the Water Contingency Plan; managing the water supply versus water demand; water supply increased by conservation efforts; the components of the on-call technical services; request for a copy of the request for proposal (RFP) for this contract; consideration to possibly table this item; the consultant being able to assist the City with applying for SWIFT Funds; the scope of the water management strategy; operation of Lake Corpus Christi and Choke Canyon water releases; the Texas Water Development Board's refinancing of Mary Rhodes Pipeline Phase II; the agreed order for Choke Canyon; asking for forgiveness from the Bureau of Reclamation for releases from Choke Canyon; encouraging citizens to use water; and the daily consumption of water.

Council Member Molina made a motion to table Item 3, seconded by Council Member Garza. This Motion was tabled with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

6. Lease-Purchase of One 2018 Freightliner M2-112 Service Truck for the Wastewater Department

Motion authorizing the City Manager, or designee, to lease-purchase one 2018 Freightliner M2-112 service truck from Houston Freightliner, of Houston, Texas, based on the cooperative purchasing agreement with Houston-Galveston Area Council for a total amount not to exceed \$202,497.38, with an estimated expenditure of \$20,199.72 in FY 2016-2017.

Mayor Pro Tem Vaughn referred to Item 6, lease-purchase of one 2018 Freightliner M2-112 Service Truck. Director of Fleet Maintenance Jim Davis and council members discussed the following topics: whether all fleet purchases are coordinated with the Finance Department; interest rate for lease payments; concern that the recent lease-purchases were not budgeted; and the vehicles being replacements to the fleet.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-035

M. PUBLIC HEARINGS: (ITEMS 15 - 17)**15. Public Hearing and First Reading Ordinance - Rezoning property located at 7306 and 7242 South Padre Island Drive (Highway 358).**

Case No. 0117-07 Oceanic Development, LTD: A change of zoning from the "RM-1" Multi-family 1 District to the "CG-2" General Commercial District. The property is described as being a 2.98 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 28, Lots 1 and 2, located on the north side of South Padre Island Drive (State Highway 358) between Rodd Field Road and Lexington Road.

Planning Commission and Staff Recommendation (January 25, 2017): Approval of the change of zoning from the "RM-1" Multi-family 1 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Oceanic Development, LTD. ("Owner"), by changing the UDC Zoning Map in reference to a 2.98 acre tract of land out of a portion of Flour Bluff and Encinal Farm and Garden Tracts, Section 28, Lots 1 and 2; from the "RM-1" Multi-family 1 Residential District to the "CG-2" General Commercial District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Vaughn referred to Item 15. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow for development of a Carmax Auto Superstore. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the Council or the public. Mayor Pro Tem Vaughn closed the public hearing.

Council Member Molina 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 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

16. Public Hearing and First Reading Ordinance - Rezoning property located at 3115 South Padre Island Drive (SPID) (State Highway

358)

Case No. 0117-06 Port City Pontiac-GMC, Inc.: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property to be rezoned is described as Boulevard Acres Lots E2, G, and F2, located on the south side of South Padre Island Drive (State Highway 358) between Larcade Drive and Kostoryz Road.

Planning Commission and Staff Recommendation (January 25, 2017): Denial of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, in lieu thereof approval of the "CG-2" General Commercial District with a Special Permit (SP) with conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Port City Pontiac-GMC, Inc. ("Owner"), by changing the UDC Zoning Map in reference to 5.46 acre tract of land composed of three lots in Boulevard Acres Lots E2, G, and F2 from the "CG-2" General Commercial to the "CG-2/SP" General Commercial District with a Special Permit for all three lots; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Vaughn referred to Item 16. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow a vehicle sales dealership with an ancillary vehicle repair facility, including a paint and body shop, subject to ten conditions. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the public. Mayor Pro Tem Vaughn closed the public hearing.

In response to a council member, Mr. Dimas stated that construction work currently being performed to the building could be independent from the zoning change or to prepare the building should the rezoning be approved.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

17.

Public Hearing and First Reading Ordinance - Urban Transportation Plan Amendment - Realigning a Planned C1 Collector Street System Involving Norchester Drive, Zenith Drive,

Evans Road and Acushnet Drive (Council Priority - Streets)

Ordinance amending the Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by realigning a proposed C1 Minor Residential Collector street system proposed south of Saratoga Boulevard from intersecting at Norchester Drive to intersecting at Zenith Drive and connecting with Evans Road to the south and Acushnet Drive to the east; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Mayor Pro Tem Vaughn referred to Item 17. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to amend the Urban Transportation Plan map of Mobility CC, to realign a proposed C1 Minor Residential Collector street system proposed south of Saratoga Boulevard intersecting Norchester Drive at the intersection of Zenith Drive to accommodate a proposed development. Mr. Dimas presented the following information: a map of the subject property; the current plan; the proposed map amendment; a comparison of the current and proposed plan; and the preliminary plat. Mr. Dimas stated that staff, the Transportation Advisory Committee and Planning Commission recommend deleting the segment of the proposed C1 Collector along the west property line aligned with Norchester Drive and the using the extension of Zenith Drive to the west to connect with Acushnet Drive.

Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the public. Mayor Pro Tem Vaughn closed the public hearing.

In response to a council member, Mr. Dimas responded that Zenith Drive will open all the way to the south to Acushnet Drive.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

L. RECESS FOR LUNCH

Mayor Pro Tem recessed the Council meeting at 1:28 p.m. Mayor Pro Tem Vaughn reconvened the Council meeting at 2:01 p.m.

REGULAR AGENDA: (ITEM 18)**18. Second Reading Ordinance - Calling a Special Election to be held on May 6, 2017 for the Election of Mayor (1st Reading 2/21/17)**

Ordinance ordering a special election to be held on May 6, 2017 in the

City of Corpus Christi for the election of Mayor to fill remainder of the unexpired term; authorizing a runoff election, if one is necessary, on June 24, 2017; providing for procedures for holding such election; authorizing a joint election agreement with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.

Mayor Pro Tem Vaughn referred to Item 18, an ordinance calling for a special election on May 6, 2017. City Secretary Huerta stated that the Joint Election agreement was received from Nueces County and will need to be added to the ordinance as Exhibit D. Additional amendments include: amending Section 9 to reflect that Nueces County Clerk Kara Sands will be appointed Manager of the Central Counting Station and adding Section 16 regarding the filing period for application for a place on the ballot.

Mayor Pro Tem Vaughn stated that she has received several emails regarding the election; eligibility of candidates; and the opinion provided to the City Council by Charles Zech regarding Mark Scott. Mayor Pro Tem Vaughn introduced Jon Mureen.

Mr. Mureen stated that he was representing Carolyn Vaughn and was asked to review the legal opinion by Mr. Zech regarding term limits. At this point, Council Member McComb recused himself from the discussion and action on this item. Mr. Mureen presented the following information: a background of Mark Scott's terms as a council member, his resignation, the opinion provided by Mr. Zech, and the City Council's reprimand of Mr. Scott for circumventing the intent of the voters; a definition of term; the City Council's role related to the City Charter; various factors to consider when interpreting statutes; an assessment that Mr. Scott served four terms; the intent of the voters regarding the two-year term; and Charter provisions. Mr. Mureen concluded his presentation by stating that Mark Scott served four two-year terms; this triggered the term limit provision; and his resignation in September 2016 does not avoid term limits.

Mayor Pro Tem Vaughn called for comments from the public. Laura Ballew, 10730 Atlanta; Sam Dalton, 8002 Villafranche; Bill Word, 6018 Pinehurst; Bob White, 4502 Congressional; and Rick Milby, 4412 High Ridge Drive; spoke regarding the intent of the voters regarding term limits and Mark Scott being ineligible to run for the position of Mayor.

City Secretary Huerta provided an overview regarding the authority that determines candidate eligibility, Texas Election Code Section 145.003.

Council members spoke regarding the following topics: the agenda item not listing the presentation by Mr. Mureen; respect for due process and hearing both sides of the issues; the first and second opinions from Mr. Zech; the reprimand given to Mr. Scott and City Council's intent; the City Council being judges of the election; the intent of the Charter Commission; the term limits for former Council Members John Marez and Priscilla Leal; and clarification on the four consecutive two-year terms.

MOTION OF DIRECTION

Mayor Pro Tem Vaughn made a motion directing the City Secretary to administratively declare the ineligibility of Mark Scott should he file to run for Mayor or City Council until, as stated in the City Charter, three consecutive

terms of office for the council have expired, seconded by Council Member Rubio.

The motion of direction was passed and approved with the following vote: Council Members Vaughn; Guajardo, Hunter; Molina; Rubio; and Garza voting "Aye"; Council Member Smith voting "No"; Council Member McComb abstained.

Council Member Garza made a motion to amend the ordinance to include the Joint Election Agreement; amend Section 9 to reflect that Nueces County Clerk Kara Sands will be appointed Manager of the Central Counting Station and add Section 16 regarding the filing period for application for place on the ballot, seconded by Council Member Molina and passed unanimously; McComb abstained.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 1 - Council Member McComb

Enactment No: 031081

BRIEFINGS: (ITEM 32)

32.

Discussion - Car Ports

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 32. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to discuss carports. Mr. Dimas provided an overview of options for new carports: creation of a Special Use Exception to allow carports in the street yard and creation of standards for review of proposed carports. Mr. Dimas presented the proposed criteria for existing carports including: existing carports would be exempt from front street yard requirements; carports would have to be self-registered by current owners, with owners providing drawings and dimensions, photographs identifying the carport, proof of windstorm compliance; and a grace period of 12 months. After the grace period, all existing, non-registered carports are subject to Code Enforcement violations.

Council members and staff discussed the following topics: wind storm compliance; whether the City would accept a manufacturer's certification on existing structures as proof of windstorm compliance; installation of structures being a key component of windstorm compliance; providing a list of wind storm engineers to residents with non-conforming carports that were built without proper inspection; options for existing carports to be modified to meet windstorm requirements; and the grace period.

MOTION OF DIRECTION

Council Member Molina made a motion directing the City Manager to move forward with the recommendations as presented, seconded by Council Member Rubio and passed unanimously (Hunter - absent).

N. REGULAR AGENDA: (ITEMS 19 - 24)**19. Service Agreement for Cost Allocation Plans and User Fee Study**

Motion authorizing the City Manager or designee to execute a service agreement with MGT of America Consulting, LLC, of Austin, Texas for cost allocation plans and a user fee study for a total amount not to exceed \$101,630, of which \$74,280.00 will be paid in Fiscal Year 2016-2017. The term of the agreement is for 36 months with up to two additional 12-month extension option periods, subject to the sole discretion of the City.

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 19. Assistant Director of Strategic Management Sandra Thaxton stated that the purpose of this item is to establish a service agreement to prepare cost allocation plans, as required by state and federal law, and a User Fee Analysis to identify the true costs of providing services. Ms. Thaxton presented the following information: the four criteria that a user fee must meet; examples of user fee services, including revenues and expenditures; the definition of indirect costs; the legal implications when developing fees; user fee study benefits; and a list of the General Fund departments that will be included in the comprehensive cost analysis including: Fire, Emergency Medical Services (EMS), Libraries, Police, Animal Care, Code Enforcement, and Parks and Recreation. Ms. Thaxton stated that a professional fee analysis will help the City make better financial and budgetary decisions, enables discussion on setting appropriate fees versus tax subsidies, provides a better legal framework for setting the annual adoption of fees, and provides a sound legally defensible basis for the City's fees. There were no comments from the public.

Council members and staff discussed the following topics: review of the full cost allocation plan and fee analysis; and the ability to have in-house expertise and make it an on-going program.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-037

20. Resolution in support of an Affordable Housing development to satisfy the requirement set forth by the Texas Department of Housing and Community Affairs (TDHCA) (Council Priority - Economic Development)

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as The Avanti Bayside to be developed by MDS Housing Lipes, Ltd.

Mayor Pro Tem Vaughn referred to Item 20. Director of Housing and Community Development Rudy Bentancourt stated that Items 20 through 23 are resolutions of support for housing tax credits which are administered through the Texas Department of Housing and Community Affairs. The proposed developments compete through a competitive process, through which points are generated for their application to the state. Receiving a resolution of support from Corpus Christi's governing body is a point factor in the developer's overall score. The developments include: The Avanti Bayside; Sea Gulf Villa; Village at Henderson; and Samuel Place Apartments. Mr. Bentancourt presented an overview of each project and examples of photos of other developments from each developer.

Mayor Pro Tem Vaughn called for comments from the public on Item 20. Henry Flores, representing Avanti Bayside, provided information on the proposed development and requested support for the project.

Council members discussed the following topics: the construction that is occurring near Lipes Boulevard and Rivergate Drive; the two proposed developments on Lipes Boulevard; the public not being notified because the subject properties are already zoned for this allowable use; the process lacking transparency; the need to develop a process to address affordable housing projects, locations for projects, and notification to the public; the number of affordable housing projects already built in District 5; whether crime statistics have increased in the Calallen/Tuloso-Midway area where a recent affordable housing project was built; the points generated by the resolution of support; and the legal issues and ramifications if the Council does not provide support.

Mayor Pro Tem Vaughn called for an executive session on Item 20 pursuant to Texas Government Code Section 551.071. The Council went into executive session at 4:13 p.m. The Council returned from executive session at 4:36 p.m.

Council members discussed the following topics: tax credit projects offering an opportunity to providing affordable housing for families; the misconception on tax credit complexes; the need for affordable housing; the amenities provided in affordable housing projects; the point system; and Items 23 and 24 regarding the City Central Corridor Community Revitalization Plan.

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

Aye: 7 - Council Member Garza, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Nay: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031082

21. Resolution in support of an Affordable Housing development to satisfy the requirement set forth by the Texas Department of Housing and Community Affairs (TDHCA) (Council Priority - Economic Development)

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Sea Gulf Villa Apartments to be developed by Corpus Christi SGV, LP.

Mayor Pro Tem Vaughn referred to Item 21, a resolution in support of the proposed affordable housing project known as Sea Gulf Villa Apartments to be developed by Corpus Christi SGV, LP. The presentation on this item was provided during the discussion on Item 20.

Mayor Pro Tem Vaughn called for comments from the public. Will Moyers, Vice President of ITEX Group, provided an overview of the project located at 416 N. Chaparral; historic renovation of the building; and requested support for the resolution. Clark Colvin, Executive Vice President of ITEX Group, responded to questions regarding the historical designation of the building.

Council members discussed the following topics: code enforcement violations on the building; the current condition and structure of the building; the historical designation; concern that the project is not adding additional inventory of affordable housing; whether the project will have enough funding to complete the renovations; the total cost of the development; the purchase price of the building; previous renovations on the property; whether the developer is a for-profit organization; and whether the project would remain on the City's tax roll.

Council Member Molina made a motion to approve the resolution, seconded by Council Member Rubio. This Resolution failed and was not approved with the following vote:

Aye: 2 - Council Member Molina and Council Member Rubio

Nay: 6 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Smith and Council Member Vaughn

Abstained: 0

Q. BRIEFINGS: (ITEMS 31 - 32)

31. Regional Parkway Planning & Environmental Linkages Study (Council Priority - Streets)

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 31. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to provide an update on the Regional Parkway Planning & Environmental Linkages Study. Ms. Gray introduced the presentation team including: Robert Leahey, Vice President of HDR, and Jeff Pollack, Transportation Planning Director for the Corpus Christi Metropolitan Planning Organization (MPO). Ms. Gray stated that the project is good for the future of

transportation in Corpus Christi and addresses development growth and traffic congestion along one of the City's major corridors, State Highway 358. The presentation team presented the following information: a background of the Regional Parkway; the study overview; the process; the purpose and need for the Regional Parkway; the cost of doing nothing; the alternatives analysis; the results of the alternatives analysis; the highest-ranked alternatives; the potential vision; and recommendations. The recommendations include: amending the City's Urban Transportation Plan to include the alignments; further evaluation of the environmental mitigation strategies; connecting with additional arterials; and continuing stakeholder outreach.

In response to a council member, Mr. Pollack said he would provide information on the MPO's work regarding the Harbor Bridge Project.

N. REGULAR AGENDA: (ITEMS 22 - 24)

22. Resolution in support of an Affordable Housing development to satisfy the requirement set forth by the Texas Department of Housing and Community Affairs (TDHCA) (Council Priority - Economic Development)

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Village at Henderson to be developed by TG 110 Village at Henderson, LP.

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 21, a resolution in support of the proposed affordable housing project known as Village at Henderson to be developed by TG 110 Village at Henderson, LP. The presentation on this item was provided during the discussion on Item 20.

Mayor Pro Tem Vaughn called for comments from the public. Brad McMurray, Development Director for Prosper Housing Community Services, provided an overview of the project and requested support for the project.

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

Aye: 7 - Council Member Garza, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Nay: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031083

23. Resolution in support of an Affordable Housing development to satisfy the requirement set forth by the Texas Department of Housing and Community Affairs (TDHCA) (Council Priority - Economic Development)

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Samuel Place Apartments to be developed by TG 110 Samuel Place, LP.

Mayor Pro Tem Vaughn referred to Item 23, a resolution in support of the proposed affordable housing project known as Samuel Place Apartments to be developed by TG 110 Samuel Place, LP. The presentation on this item was provided during the discussion on Item 20.

Mayor Pro Tem Vaughn called for comments from the public. Brad McMurray, Development Director for Prosper Housing Community Services, provided an overview of the project and requested support for the project.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031084

24. Resolution identifying a development in the City Central Corridor Community Revitalization Plan which will contribute to revitalization efforts. (Council Priority - Economic Development)

Resolution of the City Council of the City of Corpus Christi, Texas identifying the project known as Samuel Place Apartments as a development that will contribute most significantly to the concerted revitalization efforts of the City in the City Central Corridor; and providing for an effective date.

Mayor Pro Tem Vaughn referred to Item 24. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to identify the proposed development of Samuel Place Apartments as contributing most significantly to the concerted revitalization efforts of the City Central Corridor Plan. There were no comments from the Council or the public.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031085

O. FIRST READING ORDINANCES: (ITEM 25)**25. First Reading Ordinance - To Remove Previously Annexed Areas in Southside FM 2444**

Ordinance disannexing Laureles Farm Tracts adjacent to the City limits located along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41, commonly referred to as a portion of the Chapman Ranch and a portion of the previously proposed Apex wind farm from the City of Corpus Christi, Texas; adjusting the City boundaries accordingly; providing for severance, publication, and an effective date.

Mayor Pro Tem Vaughn referred to Item 25. Assistant City Manager Mark Van Vleck stated that Item 25 and Future Agenda Item 30 are related. The purpose of Item 30 is to execute an agreement with Chapman Ranch Wind I, LLC with the following key parameters: the term is for 25 years; the developers have agreed not to construct or allow to be constructed any turbines in excess of 100 feet tall; the less than 100 feet was to allow private, residential-type turbines to be constructed in the area; and the City agrees to disannex the property within six months of the agreement. The purpose of Item 25 is to disannex the properties that were annexed by Ordinance No. 030307 on October 14, 2014.

Mayor Pro Tem Vaughn called for comments from the public. Shane Torno, 6830 Windy Creek, spoke regarding the rush to disannex the property and the need to make sure that the development agreement is airtight. Mr. Torno requested that the City Council table this item to make sure that it is compatible with the military.

Council members spoke regarding the following topics: whether the agreement provides for the ability to re-annex the property; the flexibility in the contract; whether the City could annex the property after the development has occurred; the effective date of the contract; questions raised for discussion in executive session; concern with the terms of the agreement; and what would occur if the City Council took no action.

S. EXECUTIVE SESSION: (ITEM 35)

Mayor Pro Tem Vaughn deviated from the agenda and referred to Executive Session Item 35. The Council went into executive session at 5:38 p.m. The Council returned from executive session at 6:11 p.m.

35. 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 annexation, deannexation, provision of utility services in annexed areas, municipal authority in the City's extraterritorial jurisdiction, wind turbines, agreements related to aforementioned items, and other legal matters related to the aforementioned matters in areas annexed by the City in 2014.

This E-Session Item was discussed in executive session.

O. FIRST READING ORDINANCES: (ITEM 25)

25. First Reading Ordinance - To Remove Previously Annexed Areas in Southside FM 2444

Ordinance disannexing Laureles Farm Tracts adjacent to the City limits located along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41, commonly referred to as a portion of the Chapman Ranch and a portion of the previously proposed Apex wind farm from the City of Corpus Christi, Texas; adjusting the City boundaries accordingly; providing for severance, publication, and an effective date.

Mayor Pro Tem Vaughn referred to Item 25. There were no further questions from the City Council.

Council Member Rubio 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: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Nay: 1 - Council Member McComb

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 26 - 30)

Mayor Pro Tem Vaughn referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Item 27 and 28.

26. Resolution submitting a grant application to the State for the Justice Assistance Grant (JAG) Program

Resolution authorizing the submission of a grant application in the amount of \$288,116 to the State of Texas, Criminal Justice Division, for funding eligible under the FY2016 Justice Assistance Grant (JAG) program for law enforcement equipment; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

This Resolution was recommended to the consent agenda.

27. Resolution Approving Street Selection Process for Residential Street Rebuild Program (RSRP) (Council Priority - Streets)

Resolution approving the concepts, direction and selection criteria for

the Residential Street Rebuild Program (RSRP).

This Resolution was recommended to the consent agenda.

28. Construction Contract for Ennis Joslin Road Extension (Holly to Williams) (Bond 2014 Proposition 2) (Council Priority - Streets)

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson Construction, Ltd. of Corpus Christi, Texas in the amount of \$4,683,389.20 for Ennis Joslin Road Extension (Holly to Williams) for the total base bid. (BOND 2014 Proposition 2)

This Motion was recommended to the consent agenda.

29. Supply Agreement for Sludge Dewatering Polymer for Wastewater Plants

Motion authorizing City Manager, or designee, to execute a supply agreement with Polydyne, Inc., of Riceboro, Georgia for the purchase of Sludge Dewatering Polymer ("chemical") in response to Request for Bid No. 991 based on the lowest, responsive, responsible bid for a total amount not to exceed \$96,946.20, with an estimated expenditure of \$48,473.10 in FY2016-2017 and funded by the Wastewater Fund. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

This Motion was recommended to the consent agenda.

30. Resolution Authorizing a Disannexation Agreement to Restrict Wind Turbines within the Disannexed Area

Resolution authorizing the City Manager or designee to execute a disannexation agreement with Chapman Ranch Wind I, LLC, a Delaware limited liability company, for annexed parts of Laureles Farm Tracts adjacent to the City limits located along and on both sides of FM 2444, areas south of FM 2444 and west of County Road 41.

This Resolution was recommended to the consent agenda.

R. LEGISLATIVE UPDATE:

None.

S. EXECUTIVE SESSION: (ITEMS 33, 34 and 36)

Mayor Pro Tem Vaughn referred to the day's executive sessions. The Council went into executive session at 6:34 p.m. The Council returned from executive session at 7:29 p.m.

- 33. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys regarding legal issues related to City Council procedures and laws and regulations related to the aforementioned provisions.

This E-Session Item was discussed in executive session.

- 34. 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 the regulation of weapons and pursuant to **Texas Government Code § 551.076** to discuss the deployment or specific occasions for implementation of security personnel or devices.

This E-Session Item was discussed in executive session.

- 36. 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 businesses that are considering the construction, expansion, maintenance, and/or ownership of industrial facilities that will be consumers of water and wastewater services, reuse, desalination, utility rate design, and water and wastewater treatment and distribution and 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.

T. ADJOURNMENT

The meeting was adjourned at 7:29 p.m.