



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
forward.cctexas.com

Meeting Minutes

City Council

Tuesday, July 25, 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 Joe McComb to call the meeting to order.

Mayor McComb called the meeting to order.

B. Invocation to be given by Reverend Mike Morris, St. John's Methodist Church.

Reverend Mike Morris gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Robert Rocha, Fire Chief.

Fire Chief Robert Rocha led the Pledge of Allegiance.

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

City Secretary Rebecca L. Huerta called the roll and verified that a quorum of the City 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 L. Huerta.

Present: 9 - Mayor Joe McComb, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Debbie Lindsey-Opel, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

E. Proclamations / Commendations

1. Proclamation declaring July 29, 2017, "Feria de Las Flores Day".
Presentation of Honorary Citizen Certificates to Seven 2017 Sister City Exchange Students.
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.
Commendation recognizing Joan Veith as a Dedicated Public Servant on 86th Birthday.

Mayor McComb presented the proclamation, honorary citizen certificates, 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 McComb deviated from the agenda and referred to comments from the public. Shirley Thornton, 1917 Woodcrest, spoke regarding Agenda Item 45, a briefing on homelessness and litter in the community; future expansion of the Litter Critter Program in Flour Bluff; and the reduction of homeless at Parker Park. DeeLynn Torres, Express Soccer Club, thanked the City for helping make the 12th Annual Beach Soccerfest Tournament, held at McGee Beach, a success and expressed appreciation for the installation of the irrigation system at Salinas Park. Susie Luna Saldana, 4710 Hakel, spoke regarding Agenda Item 10, an amendment to the Urban Transportation Plan by deleting Bronx Avenue, and requested that the item be tabled to allow the City Council to review the future growth of the area. Abel Alonzo, 1701 Thames, spoke regarding Item 20, reinstating Municipal Court Judge, and expressed support for the reinstatement of Young Min Burkett. Lydia Rios, 7469 Convair, spoke regarding her property being a host home through Air BNB and requested assistance regarding issues related to City Code compliance and zoning.

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

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

a. OTHER

1) The Bay Jammin' Movie and Music Night Series continues to be a successful event for visitors and local residents. The most-watched movies were Moana, with approximately 12,000 attendees, and Angry Birds, with approximately 9,000 attendees. The most-attended concert event, Aloha Dave and the Tourists, had approximately 1,000 attendees. The Series will continue through mid-August at Cole Park on Thursday and Friday nights. Additional information regarding upcoming movies and concerts are available on the City's website.

2) The City of Corpus Christi is conducting a fair housing assessment and invites residents and interested stakeholders. The assessment is a requirement of the U.S. Department of Housing and Urban Development in order to receive fair housing and community development funding. An on-line survey is available at www.cctexas.com/fairhousingassessment or citizens may pick up a hard copy survey at the Housing and Community Development Department located on the 2nd floor of City Hall. For more information, contact 361-826-3010.

3) There are currently 65 city-wide projects underway, including streets, facilities, and parks. The following engineering construction projects have been recently completed: Navigation Boulevard - Up River Road to Leopard, Bond 2012; Collier Pool, Bond 2012; and Swantner Park, Bond 2012.

3) A tour will be held at the City's DNA Lab, located at the O.N. Stevens Water Treatment Plant, 13101 Leopard, on Friday, July 28, 2017 at 10:00 a.m. This lab is the first in the country to be utilized as part of a public water system's water quality program testing for parasites, bacteria, and other elements affecting water quality.

4) Thanks to the Demolition Replacement Loan Program, the City's Housing and Community Development Department will soon be unveiling three reconstructed homes. The Demolition Replacement Loan Program assists homeowners with demolition and reconstruction of homes. In order to be demolished or rebuilt, structures must be over 50% deteriorated, or the cost to rehabilitate the home must exceed its value. Staff expects to complete five homes by the end of the year. More information about the program is available by calling 361-826-3010.

G. MINUTES:

2. Regular Meeting of July 18, 2017 and Workshop of July 13, 2017.

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

H. BOARD & COMMITTEE APPOINTMENTS:

3. Oil and Gas Advisory Committee
Water Resources Advisory Committee

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

Oil and Gas Advisory Committee

Council Member Molina made a motion to reappoint Armando Mendez

(Alternate - Oil Industry), William Moffitt (Oil Industry), Elizabeth Perez (General Public) and Randy Schnettler (General Public), seconded by Council Member Rubio and passed unanimously.

Water Resources Advisory Committee

Council Member Vaughn made a motion to realign Lucia Sosa from Citizen At-Large to School District; reappoint Joelle Francois (Residential Customer), Rocky Freund (Nueces River Representative), Robert A. Reece (Military Facility), and Brian Williams (Wholesale Treated); and appoint Leah Tiner (Citizen At-Large) and Faren K. Von Duben (Large Commercial Customer), seconded by Council Member Lindsey-Opel and passed unanimously.

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 16)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 8, 9, 10 and 15 be pulled for individual consideration.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

4. Resolution ratifying the submission of a grant application to purchase a fire safety trailer

Resolution ratifying the submission of a grant application in the amount of \$58,082 with a hard match of \$2,765 to the US Department of Homeland Security, Federal Emergency Management Agency to purchase a fire safety trailer; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

This Resolution was passed on the consent agenda.

Enactment No: 031188

5. Construction Contract for Gollihar Outfall Repairs (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with Bridges Specialties, Inc. of Robstown, Texas

in the amount of \$349,187 for the Gollihar Outfall Repairs for the Total Base Bid. (Capital Improvement Program) (CIP)

This Motion was passed on the consent agenda.

Enactment No: M2017-104

6. Amendment No. 2 to the Service Agreement for Preventative Maintenance of Breakpoint Chlorination System

Motion authorizing the City Manager, or designee, to approve Amendment No. 2 to the Preventative Maintenance of the Breakpoint Chlorination System Service Agreement with Grace Water Services, LLC, for a total amount not to exceed \$436,876.00 with an estimated expenditure of \$218,438.00 in FY2016-2017 funded by the Wastewater Fund.

This Motion was passed on the consent agenda.

Enactment No: M2017-105

7. Amendment No. 1 to Contract for the Tax Increment Reinvestment Zone (TIRZ) No. 3 Integrated Traffic and Planning Study

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to a contract for professional services with Gateway Planning Group, Inc. of Dallas, Texas in the amount of \$175,500 for a restated fee of \$225,000 for the TIRZ #3 Integrated Traffic and Planning Study project.

This Motion was passed on the consent agenda.

Enactment No: M2017-106

11. Second Reading Ordinance - Amending City Code to Exempt Certain City Owned Vehicles from Inscription Requirements (1st Reading 7/18/17)

Ordinance amending Chapter 43, Article 1 of the Corpus Christi Code of Ordinances by adding Section 43-12 to exempt certain city owned vehicles from inscription requirements; and providing an effective date, for severance, and for publication.

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

Enactment No: 031191

12. Second Reading Ordinance - Accepting and Appropriating funds for the Aerial and Emerging Robotics Team (1st Reading 7/18/17)

Ordinance authorizing the City Manager or designee to accept a grant from NuStar Energy L.P. in the amount of \$2,300 to purchase

equipment for the Aerial and Emerging Robotics team; and appropriating \$2,300 from NuStar Energy L.P into the No. 1062 Fire Grant Fund to be used specifically to purchase equipment for the Aerial and Emerging Robotics team.

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

Enactment No: 031192

13. Second Reading Ordinance - Appropriating funds for replacement of the golf cart barn at Oso Beach Golf Course (1st Reading 7/18/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to transfer \$54,265.76 from the No. 5611 General Liability Fund to the No. 4691 Golf Capital Reserve Fund to be used to replace damaged Golf Cart Barn at Oso Golf Course and amending the Fiscal Year 2017 operating budget adopted by Ordinance No. 030965 by increasing revenues and expenditures in the No. 4691 Golf Capital Reserve Fund by \$54,265.76 and authorizing settlement of claims arising from the unforeseen damage to this property in a total amount of \$13,487.14.

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

Enactment No: 031193

14. Second Reading Ordinance - Cash Loan from General Fund to Golf Fund for improvements at Gabe Lozano Golf Complex (1st Reading 7/18/17)

Ordinance advancing \$655,910 in cash from the No. 1020 General Fund and appropriating it in the No. 4690 Golf Fund as a loan to fund improvements to the 9-hole executive golf course at Gabe Lozano Golf Complex; loan to be repaid from the No. 4690 Golf Fund in the principal amount of \$93,701.43 per year for seven years at a simple interest rate of 3.5% annually; and amending the FY2016-2017 Operating Budget adopted by Ordinance 030965 to increase expenditures in the No. 4690 Golf Fund by \$655,910.

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

Enactment No: 031194

16. Second Reading Ordinance - Appropriating funds for the purchase of a Kubota Front Loader Tractor for the Solid Waste Operations (1st Reading 7/18/17)

Ordinance appropriating \$81,363.92 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of a Kubota

front loader tractor; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$81,363.92; authorizing the City Manager or designee to execute all necessary documents to purchase a Kubota front loader tractor for \$81,363.92 from Kubota Tractor Corporation, of Grapevine, Texas, based on a cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard, for a total amount not to exceed \$81,363.92, for use by Solid Waste Operations.

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

Enactment No: 031196

8. Enterprise Licensing Renewal for Microsoft Office 365 Suite of Applications

Motion authorizing the City Manager or designee to execute a three-year Microsoft Enterprise license agreement with Software House International, Inc. of Austin, Texas, through the Texas DIR Cooperative Purchasing Program (DIR-SDD-2503), for an amount not to exceed \$2,100,000 of which \$658,229 is funded for FY2016-2017, with license fees for years two and three of \$647,813 annually and an estimated contingency of \$146,000 for additional cloud infrastructure and license expenses subject to future annual budget appropriations.

Mayor McComb referred to Item 8. In response to a council member, Director of Information Technology Belinda Mercado stated that staff would research options for alternative technology at a lower cost.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-107

9. Resolution Amending Financial Budgetary Policies

Resolution amending financial budgetary policies adopted by Resolution 030790 and providing financial policy direction on preparation of the annual budgets.

Mayor McComb referred to Item 9, amendment to Financial Budgetary Policies. Director of Management and Budget Eddie Houlihan, City Manager Margie C. Rose and council members discussed the following topics: the minimum and maximum reserve fund balance in the General Fund; the Internal Services Fund not having a maximum reserve balance allowing each of the Internal Service

Fund balances to grow; the total Unreserved Fund balance in the Internal Services funds of \$2,575,023; concerns that the needs of the City are not being addressed with the Unreserved Fund balances; consideration of a decision package relating to the Unreserved Fund balances for Stores, Fleet, Facilities, Information Technology and Engineering departments; addressing the Unreserved Fund balance during the future budget discussions; and directing staff to identify a maximum cap for the Internal Services Unreserved Fund balance.

Council Member Vaughn made a motion to amend the language in Section 4.1, Internal Service Funds, to remove the words "at least" to read clearly "It is the goal of the City Council to build and maintain a reserve in each Internal Service Fund of 3% of the annual Internal Service Fund appropriations"; and for the City Manager to create a decision package for the City Council to consider with the Unreserved Fund balances totaling \$2,575,023 from the Stores, Fleet, Facilities, Information Technology, and Engineering Departments; and setting a maximum cap amount, seconded by Council Member Guajardo and passed unanimously.

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

Aye: 8 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: 031189

10.

Second Reading Ordinance - Amending the Urban Transportation Plan for the Deletion of Bronx Avenue between Master Channel 31 and Yorktown Blvd (1st Reading 7/18/17)

Ordinance amending the Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by deleting Bronx Avenue a proposed C1 Minor Residential Collector between Yorktown Boulevard and Master Channel Ditch 31; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Mayor McComb referred to Item 10, an amendment to the Urban Transportation Plan to delete Bronx Avenue between Master Channel 31 and Yorktown Boulevard.

Council members and staff discussed the following: the urgency of the amendment; Del Mar College having future plans to develop the area and anxiously waiting to know if they have to build the road in order to assist with their site planning; the concerns raised by the Corpus Christi Independent School District (CCISD); access in the area; and the traffic impact analysis.

Murf Hudson, Urban Engineering, and Dr. Mark Escamilla, President of Del Mar

College, spoke regarding the urgency of the City Council's decision to be able to move forward with the site plan and development of the southside campus. Dr. Escamilla said Del Mar College is committed to working with CCISD.

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

Aye: 8 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio and Council Member Vaughn

Nay: 1 - Council Member Smith

Abstained: 0

Enactment No: 031190

15. Second Reading Ordinance - Pilot license agreement with Mobilitie, LLC (1st Reading 7/18/17)

Ordinance authorizing the City Manager or designee to execute a pilot license agreement between the City of Corpus Christi and Mobilitie, LLC for wireless facilities and poles in the right-of-way.

Mayor McComb referred to Item 15, a pilot license agreement with Mobilitie, LLC. Interim Director of Development Services Bill Green, Katie DeShelter with Mobilitie, LLC, and council members discussed the following topics: the annual fee of \$1,500 per small cell to be paid with the pilot license agreement and the maximum amount of \$250 per small cell effective September 1, 2017 per Senate Bill 1004; the number of sites; ownership of the poles; concern with other mobile companies requesting use of public rights-of-way; the ability to set design standards; the minimum spacing criteria; how Mobilitie will address damaged equipment; concern with the aesthetics of the poles on City streets; the proposed equipment to be used; whether equipment can be placed underground; whether attachments can be added to the equipment in the future; and the City's ability to remove damaged equipment for the public's safety and charge Mobilitie for the associated fees.

Mayor McComb called a recess for lunch.

L. RECESS FOR LUNCH

The Council recessed at 1:37 p.m. The Council returned from recess at 2:03 p.m.

M. APPEALS OF DECISIONS OF THE BUILDING STANDARDS BOARD (ITEMS 17 - 18) To be held at approximately 2:00 p.m.

Mayor McComb deviated from the agenda and referred to Items 17 and 18. City Attorney Miles K. Risley provided an overview of the procedures for the Building Standards Board appeals as stated in the agenda. City Attorney Risley explained the three options available to Council: 1) To deny the appeal (upholding the Building Standards Board's decision); 2) To sustain the appeal

(reversing the decision of the Building Standards Board); or 3) To amend the decision of the Building Standards Board (in whole or in part).

17. Resolution denying Adriana Jimenez, aka Adriana Orozco's appeal, thereby upholding Building Standards Board order to demolish the buildings and structures on the property located at 1203 Sabinas Street.

Mayor McComb referred to Item 17. Police Commander David Blackmon presented a statement of facts regarding the property located at 1203 Sabinas Street including: the location of the property; evidence photos of the subject property; attempts to contact the multiple siblings on behalf of the deceased homeowner Jose Orozco; the case timeline; the City's abatement costs; and delinquent taxes. The Building Standards Board (Board) met on July 28, 2016 and recommended that the structure be removed or demolished within 30 days.

Adriana Jimenez, Appellant, stated that on August 10, 2016, she submitted an appeal of the Building Standards Board's decision to demolish the property. Ms. Jimenez explained that she has been working to clean up the property and attempting to address the code violations. Ms. Jimenez stated that she has been making monthly payments on the delinquent taxes.

Council members asked the Appellant and staff questions regarding the following topics: whether the Appellant addressed the code violations; the current condition of the property; whether Ms. Jimenez is the only one of her siblings to make arrangements to maintain the property; the Building Standards Board's actions to demolish the property because the family could not come to a consensus on who would be responsible for performing the corrective actions to bring the property into compliance with code; proper notification to the homeowners; whether the appellant has been working on the inside of the home; the amount of work left to complete the corrective actions and timeline; the reasons Code Enforcement officials have not gone out to re-inspect the property since corrections have been addressed; and an explanation of undue hardship.

Mayor McComb opened the public hearing. Henry Ingram, spoke on behalf of the appellant and her efforts to improve the property and pay the taxes. Susie Luna Saldana, 4710 Hakel, spoke regarding the Appellant's efforts to improve the property to make the home livable. Mayor McComb closed the public hearing.

Assistant City Attorney Yvette Aguilar provided a packet to City Council containing the relevant laws applicable to the case. Assistant City Attorney Aguilar stated that the City Council has the arduous task of determining whether to uphold, reverse or modify the order of the Building Standards Board as it relates to the structures located at 1203 Sabinas Street. Assistant City Attorney Aguilar stated that the following are the facts of the appeal: the Appellant has not alleged and shown that the Boards' decision is erroneous; the Appellant has not alleged and shown that the Board's decision would cause undue hardship; and the Appellant has not alleged and shown that enforcement of the Board's order or any provision of the Code would be manifestly unjust and contrary to the the Code, the Corpus Christi Property Maintenance Code or the public's interest.

Council members discussed the following topics: the appellant's inability to hire an attorney to put her case together; whether the City has a program to assist residents with compliance issues; consideration of the surrounding neighbors impacted by the neglected property; the timeframe for the notification of violations; whether the public would be better served by demolishing the property or allowing the Appellant an opportunity to make improvements; the Appellant's inability to qualify for City assistance because she is not the established owner of the property; whether the appellant has a path moving forward to address the ownership issues; the Appellant's attempt to make improvements to the property after the decision of the Building Standards Board; the Appellant's responsibility to present an action plan for the property during the Building Standards Board meeting; the total amount of delinquent taxes and abatements; the age of the Appellant's siblings; the cause for hardship must be written in the appeal that was filed with the City Secretary; what the Appellant's plans are for the home; options to sell the property; and the additional hurdles the Appellant would have to overcome regarding the property.

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

Aye: 6 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Smith and Council Member Vaughn

Nay: 3 - Council Member Hunter, Council Member Molina and Council Member Rubio

Abstained: 0

Enactment No: 031197

- 18.** Resolution denying Linda Reyes appeal, thereby upholding Building Standards Board order to demolish the buildings and structures on the property located at 4918 Bonner Drive.

Mayor McComb referred to Item 18. Police Commander David Blackmon presented a statement of facts regarding the property located at 4918 Bonner Drive including: the location of the property; evidence photos of the subject property; initial notice of violations; the case timeline; and the City's abatement costs. The Building Standards Board (Board) met on March 23, 2017 and the owner did not appear or send an authorized representative. The Building Standards Board recommended that the structure be removed or demolished within 30 days. Commander Blackmon stated that the property owner has a clear pattern of neglecting this property that began in 2009 causing an adverse affect on the community and negatively impacting the neighborhood.

Linda Reyes Benavides, Appellant, 8106 Calgary Drive, stated that she never received notification of the violations and was provided the letter regarding the demolition order by a renter of her property located on Williams Drive. Ms. Benavides explained that since submitting the appeal, she did find a stack of notices under the front step of the property on Bonner Drive. Ms. Benavides advised the City Council that she has received offers to repair the roof and is in the position to improve the property should the City Council sustain the appeal

and remove the holds on the property. Ms. Benavides indicated that she has made repairs on the property, but cannot have contractors at the property without access to water.

Council members and City Attorney Miles K. Risley asked questions regarding the following topics: the Appellant's claim of not receiving notification of violations; the return receipt for the notice of violation that was signed by the Appellant on January 19, 2017; whether the Appellant was aware that the mailing address shown, by the Nueces County Appraisal District, for the owner of 4918 Bonner Drive is 4925 Williams Drive; whether the Appellant attended the Building Standards Board hearing; the timeline to get the property up-to-code; whether the property has ever been rented; payment of abatements; other properties in the neighborhood that are in worse shape; whether the Appellant can get the property up-to-code within 90 days; how long the Appellant has owned the property; the expectations of the City to maintain the property; and questions related to the electricity on the property where there is no record of permits being issued.

Mayor McComb opened the public hearing. There were no comments from the public. Mayor McComb closed the public hearing.

Assistant City Attorney Yvette Aguilar provided a packet to the City Council containing the relevant laws applicable to the case. Assistant City Attorney Aguilar stated that the City Council has the arduous task of determining whether to uphold, reverse or modify the order of the Building Standards Board as it relates to the structures located at 4918 Bonner Drive. Assistant City Attorney Aguilar stated that the following are the facts of the appeal: the Appellant has not alleged and shown that the Board's decision is erroneous; the Appellant has not alleged and shown that the Board's decision would cause undue hardship; and the Appellant has not alleged and shown that enforcement of the Board's order or any provision of the Code would be manifestly unjust and contrary to the the Code, the Corpus Christi Property Maintenance Code or the public's interest.

Council Member Rubio made a motion to amend the decision of the Building Standards Board by allowing the Appellant 90 days to bring the property up-to-code, seconded by Council Member Molina.

Council members discussed the following topics regarding the motion: whether the Appellant has the financial resources to repair the home within 90 days; the Appellant's ability to pay the abatement and liens on the property; the Appellant's lack of visiting or maintaining the property; and Local Government Code Section 214 which requires municipalities that allow the owner, lien holder or mortgagee more than 30 days to remove, repair or demolish the building, to establish time schedules for the commencement and performance for the work and shall require the owner, lien holder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

Council Member Rubio amended her motion to amend the decision of the Building Standards Board to suspend the Board's order for 90 days and determine that the Board's order will be effective after 90 days following this date unless the property passes all inspections showing that it complies with the City's building code, other technical codes and the City's current Property

Maintenance Code, and further, within 10 days, all the liens on the property that are payable and due to the City are paid, and within 45 days, the roof is completely replaced and the property is 50% renovated, and by the 90th day it will be 100% renovated and pass all city inspections and comply with the City's building code, other technical codes and the City's current Property Maintenance Code, and if any of those aforementioned conditions are not met, the suspension will be lifted and the Building Standards Board's order will be effective and the structure may be demolished, seconded by Council Member Molina. A brief discussion ensued regarding whether there was a conflict of interest for council members who know Ms. Benavides.

The motion failed with the following vote: Council Members Garza, Molina, and Rubio, voting "Aye"; Council Members McComb, Hunter, Lindsey-Opel, Smith, and Vaughn, voting "No"; Council Member Guajardo - absent.

Assistant City Attorney Aguilar presented an amended resolution for Item 18 which included additional photos and language in the findings to include that the buildings are considered dangerous "and deemed substandard".

Council Member Lindsey-Opel made a motion to amend the resolution as stated by staff and deny Linda Reyes' appeal, thereby upholding the Building Standards Board's order to demolish the building and structures on the property located at 4918 Bonner Drive, seconded by Council Member Smith.

The resolution failed with the following vote: Council Members McComb, Lindsey-Opel, Smith, and Vaughn, voting "Aye"; Council Members Garza, Hunter, Molina, and Rubio, voting "No"; Council Member Guajardo - absent.

Mayor McComb called for a brief recess at 4:30 p.m. Mayor McComb recovered the meeting at 4:45 p.m.

Mayor McComb made a motion to amend the resolution as stated by staff and deny Linda Reyes' appeal, thereby upholding the Building Standards Board's order to demolish the building and structures on the property located at 4918 Bonner Drive, seconded by Council Member Lindsey-Opel. This Resolution was passed as amended and approved with the following vote:

Aye: 6 - Mayor McComb, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Smith and Council Member Vaughn

Nay: 3 - Council Member Garza, Council Member Molina and Council Member Rubio

Abstained: 0

Enactment No: 031198

K. CONSENT AGENDA: (ITEM 15)

15. Second Reading Ordinance - Pilot license agreement with Mobilitie, LLC (1st Reading 7/18/17)

Ordinance authorizing the City Manager or designee to execute a pilot license agreement between the City of Corpus Christi and Mobilitie,

LLC for wireless facilities and poles in the right-of-way.

Mayor McComb deviated from the agenda and returned to the discussion on Item 15, a pilot license agreement with Mobilitie, LLC. Interim Director of Development Services Bill Green responded to council members' questions regarding the following topics: the Texas Legislature's passage of Senate Bill 1004 which limits cities from assessing and collecting fees for use of public rights-of-way for wireless facilities; whether the City has any control over the location of the poles; the terms in the contract related to placement and aesthetic requirements; consideration to include lighting on poles; the use of wooden, concrete or steel poles; requiring that power services be underground; clarification of the terms of the contract related to "grant of permission"; and amending the language in the contract to be more specific on the use of steel poles.

Council Member Guajardo made a motion to amend the ordinance by changing Section 3.5.5 of the contract to read "Licensee shall not install wooden poles, but use steel poles at all leased locations", seconded by Council Member Vaughn and passed unanimously.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031195

N. PUBLIC HEARINGS: (ITEM 19)

19. Public Hearing and First Reading Ordinance - Amending the Unified Development Code Codifying Community Home use

Ordinance amending the Unified Development Code to codify Community Home use in residential districts; providing for severance; providing for penalty; providing for publication; and effective date.

Mayor McComb referred to Item 19. Assistant Director of Planning and ESI Daniel McGinn stated that the purpose of this item is to amend the Unified Development Code (UDC) to codify Community Home use in residential districts. Mr. McGinn presented the following information: the definition of community home; use regulations; the permitted zoning districts; the zoning districts where community homes are not permitted; the specific standards for community homes; and the staff and Planning Commission's recommendation to approve the amendment to the UDC to codify community home use in residential districts pursuant to Texas Human Resources Code § 123.003 (a).

Council members and staff discussed the following topics: how the definition of bedrooms is determined; the difference between community homes and

group homes; the distance between community homes in the City; community homes' licensing process with the state; the state requiring that community homes be allowed in residential districts; placement of a community home in an industrial area similar to Haven for Hope, a facility to address homelessness in San Antonio, Texas; whether drug addiction is considered a disability; whether homeless individuals would qualify to reside in a community home; how the state regulates community homes; the permitted zoning districts.

Mayor McComb opened the public hearing. There were no comments from the public. Mayor McComb closed the public hearing.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

O. REGULAR AGENDA: (ITEMS 20 - 25)

20. Second Reading Ordinance - Reinstating Municipal Court Judge

Ordinance reinstating Young Min Burkett as Municipal Judge of the Municipal Court of Record in the City of Corpus Christi, Texas; determining salary; providing a term of office; and declaring an effective date.

Mayor McComb referred to Item 20, reinstatement of Young Min Burkett as a Judge of the Municipal Court. City Attorney Miles K. Risley presented an amended ordinance changing the effective date of the ordinance to August 9, 2017. Young Min Burkett will return to work on August 14, 2017. Under the Texas Constitution's definition, Ms. Burkett is currently qualified to be a Municipal Court Judge. However, the Texas Election Code narrows the definition of qualified voter requiring that a person be a registered voter. To ensure that the paperwork is fully valid and cannot be challenged by a criminal defendant relating to orders or warrants that the judge would sign in the future, staff is recommending reinstatement of the judge pursuant to an ordinance effective August 9, 2017. There were no comments from the Council or the public.

Council Member Garza made a motion to amend the ordinance, seconded by Council Member Molina and passed unanimously.

Council Member Garza 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 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

Enactment No: 031199

21. Second Reading Ordinance - Amending membership and meeting requirements of the Corpus Christi Museum of Science and History Advisory Board (1st Reading 7/18/17)

Ordinance amending Chapter 2 of the Corpus Christi Code of Ordinances to change the membership of the Corpus Christi Museum of Science and History Advisory Board and change the Board's meeting requirements from quarterly to bimonthly; providing an effective date, for severance, and for publication.

Mayor McComb referred to Item 21. Assistant to the City Manager Esther Velazquez stated that the purpose of this item is to amend the City's Code of Ordinances, Chapter 2, to change the meeting frequency and membership makeup of the Corpus Christi Museum of Science and History Advisory Board. During the first reading of the ordinance, a question was raised regarding the inclusion of superintendents of the other school districts in Corpus Christi, in addition to Corpus Christi Independent School District, as ex-officio board members. The Advisory Board was made aware of Council's request and concurred with the change. The Advisory Board will place the amendment on their agenda for confirmation. The ordinance has been amended to include superintendents of Corpus Christi Independent School District; Calallen Independent School District, Flour Bluff Independent School District, Tuloso-Midway Independent School District and West Oso Independent School District. There were no comments from the public.

Council Member Lindsey-Opel made a motion to amend the ordinance, seconded by Council Member Hunter and passed unanimously.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031200

22. Second Reading Ordinance - Rezoning property located at 4626 Weber Road (1st Reading 7/11/17) (Reconsideration and 1st Reading 7/18/17) (Requires 3/4 Vote)

Case No. 0317-07 Mohammed Motaghi: A change of zoning from the "RS-6/SP" Single-Family 6 District with a Special Permit to the "CN-1"

Neighborhood Commercial District. The property is described as being a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, located along the east side of Weber Road, south of Gollihar Road, and north of McArdle Road.

Planning Commission and Staff Recommendation (May 17, 2017):

Denial of the change of zoning from "RS-6/SP" Single-Family 6 District with a Special Permit to the "CN-1" Neighborhood Commercial District, in lieu thereof approval of the "RS-6/SP" Single-Family 6 District with a Special Permit with conditions.

Reconsidered Ordinance by City Council on July 18, 2017: (Requires 3/4 Vote)

Ordinance amending the Unified Development Code ("UDC"), upon application by Mohammed Motaghi ("Owner"), by changing the UDC Zoning Map in reference to a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, from the "RS-6/SP" Single-Family 6 District with a Special Permit to the "ON" Neighborhood Office District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb referred to Item 22. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property from the "R-S-6/SP" Single-Family 6 District with a Special Permit to the "ON" Neighborhood Office District. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031201

23. Second Reading Ordinance regarding the City of Corpus Christi's proposed FY2017-2018 Consolidated Annual Action Plan (1st Reading 7/11/17)

Ordinance to adopt the fiscal year (FY) 2017-2018 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize the City

Manager or designee to submit the FY2017-2018 CAAP to the U.S. Department of Housing and Urban Development (HUD), and to amend if required by HUD; to authorize the City Manager or designee to execute all documents necessary to accept and appropriate upon receipt of the grants from HUD into the Grant Fund No. 1059 for the approved FY2017-2018 CAAP projects and further to execute funding agreements, amendments and all other documents necessary to implement the FY2017-2018 CAAP with organizations for approved projects.

Mayor McComb referred to Item 23. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to adopt the FY2017-2018 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG) and the HOME Investment Partnerships (HOME) Programs. Mr. Bentancourt provided memos in the packet in response to requests from council members made at the July 11, 2017 Council meeting. Mr. Bentancourt presented an overview of the changes made to CDBG recommendations from the July 11, 2017 Council meeting.

Council members and staff discussed the following topics: the importance of showing program income; a focus on the ability to address housing projects; which of the HOME funds could be repurposed to explore a different approach to affordable housing; exploring what other communities of similar make-up to the City are doing regarding affordable housing; use of the Homebuyer Gap Financing Program allocation as an alternative for affordable housing or to fund an existing program; funding for Code Enforcement; consideration to set aside the HOME funds related to Gap funding for 90 days to explore affordable housing alternatives; whether funding can be used for the acquisition of parkland to be used for affordable housing; ways to acquire property to target low-income families; discussions with builders to address affordable housing; consideration to create a committee to research affordable housing alternatives and evaluation of subdivisions created by the Nueces County Community Action Agency and the Corpus Christi Housing Authority; and support for the Homebuyer Gap Financing Program to assist the moderate-income population.

Council Member Lindsey-Opel made a motion to set aside HOME funds in the amount of \$375,000, which were recommended for use in the City's Homebuyer Gap Financing Program, for 90 days to allow staff to research alternative affordable housing methods, with the ability to redistribute the funds to current programs or fund the Gap program, seconded by Council Member Smith and passed unanimously.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031202

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

Motion setting September 12, 2017 as the date of the adoption of the ad valorem tax rate of \$0.606264 per \$100 valuation.

Mayor McComb referred to Item 24. Director of Financial Services Constance Sanchez stated that the purpose of this item is to set the City Council meeting date to adopt the property tax rate. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-108

25. Setting Two Public Hearings Related to Fiscal Year 2017-2018 Property Tax

Motion setting a public hearing on the ad valorem tax rate for August 22, 2017 and a second public hearing for August 29, 2017 during the City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

Mayor McComb referred to Item 25. Director of Financial Services Constance Sanchez stated that the purpose of this item is to schedule two public hearings related to the FY2017-2018 Property Tax. In response to a council member, Ms. Sanchez explained that the proposed tax rate utilized in the current FY2017-2018 is the current tax rate. The public hearings proposed for August 22, 2017 and August 29, 2017 allows for the public to make comments regarding the rate. Action regarding the property tax will take place at the September 12, 2017 council meeting. There were no comments from the public.

Council Member Lindsey-Opel made a motion to approve the motion, seconded by Council Member Vaughn. This Motion was passed and approved with the following vote:

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-109

P. FIRST READING ORDINANCES: (ITEMS 26 - 35)**26. First Reading Ordinance - Accepting and appropriating funds for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities (HPCDP/TXHC) grant amendment for the Health Department**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities (HPCDP/TXHC) grant in the amount of \$50,000.00, increasing the total amount to \$150,000.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund to provide funds to implement systems and strategies that address one or more Texas Healthy Communities priority indicators for the amended contract period October 1, 2015, through September 30, 2018; and appropriating the increased grant amount.

Mayor McComb referred to Item 26. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept an amendment to a grant contract for the Health Promotions and Chronic Disease Prevention/Texas Health Communities grant in the amount of \$50,000, increasing the total amount to \$150,000 and extending the contract period from October 1, 2015 to September 30, 2018. There were no comments from the Council or the public.

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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

27. First Reading Ordinance - Accepting and appropriating grant funds for the Immunization Branch-Locals (IMM/LOCALS) grant for the Health Department

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Immunization Branch-Locals (IMM/LOCALS) grant in the amount of \$241,637.00 from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to provide for personnel costs and other expenses to fund an immunization program for children, adolescents, and adults, with special emphasis on children three years of age or younger for the contract period September 1, 2017, through August 31, 2018; and appropriating

related program income in the estimated amount of \$70,000.00 in the Health Grants Fund No. 1066.

Mayor McComb referred to Item 27. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept, amend and appropriate a grant to fund an immunization program in the amount of \$241,637 for the contract period September 1, 2017 through August 31, 2018. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

28. First Reading Ordinance - Accepting and appropriating grant funds for Infectious Disease Control Unit/Surveillance and Epidemiology Ebola (IDCU/SUREB) grant for the Health Department

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Infectious Disease Control Unit/Surveillance and Epidemiology Ebola (IDCU/SUREB) grant in the amount of \$204,855.00, from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to perform surveillance and epidemiology activities for infectious diseases for the contract period September 1, 2017, through August 31, 2019.

Mayor McComb referred to Item 28. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept a grant contract for Infectious Disease Control Unit/Surveillance and Epidemiology Ebola in the amount of \$204,855 for the contract period September 1, 2017 through August 31, 2019. There were no comments from the Council or the public.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

29. First Reading Ordinance - Executing a Lease Agreement for Heritage Park Properties

Ordinance authorizing the City Manager or designee to execute a five-year lease agreement with Corpus Christi Convention & Visitors Bureau for the following Heritage Park properties in consideration of total monthly rental payment of \$3,000.00 with annual increase of 2%, and authorizing credit for improvements: (1) the Jalufka House located at 1513 North Chaparral Street; (2) the Merriman-Bobys House located at 1521 North Chaparral Street; and (3) the McCampbell House located at 1501 North Chaparral; with one five-year extension option upon agreement of the parties.

Mayor McComb referred to Item 29. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute a five-year lease agreement with the Corpus Christi Convention and Visitors Bureau (CVB) for the use of three houses located in Heritage Park. Mr. Ellington provided information on the terms of the agreement; total cost of rent; and the CVB's ability to receive rent credit for improvements to the properties. There were no comments from the public.

Council members spoke regarding the following topics: cost of construction; the City's ability to oversee improvements; and responsibility for payment of utilities and insurance. Paulette Kluge, CVB, provided information on the CVB's use of the properties for office space and plans to revitalize Heritage Park.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

30.

First Reading Ordinance - Purchase of Three 2017 Ford F-250 CNG Trucks for Parks and Recreation

Ordinance appropriating \$153,814.00 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of three 2017 Ford F-250 CNG trucks; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$153,814.00; authorizing the City Manager or designee to execute all necessary documents to purchase a total of three 2017 Ford F-250 CNG trucks for \$153,814.00 from Rush Truck Center, of New Braunfels, through a Local Government Purchasing Cooperative dba Buyboard, for use by the Parks and Recreation Department for park operations.

Mayor McComb referred to Item 30. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to purchase three 2017 Ford F-250 CNG trucks in the amount of \$153,814 for use by the Parks and Recreation

Department for park operations. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

31. First Reading Ordinance - Purchase of Five Brush Trucks for Solid Waste Operations

Ordinance appropriating \$832,628.52 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of two brush trucks, two rear steer loader brush trucks and one self-loader brush truck; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$832,628.52; authorizing the City Manager or designee to execute all necessary documents to purchase a total of five 2018 Freightliner Chassis for \$510,871.00 from Houston Freightliner, of Houston, Texas, and five brush truck bodies for \$321,757.52 from Petersen Industries, Lake Wales, Florida, based on the cooperative purchasing agreements with Houston-Galveston Area Council and National Joint Powers Alliance, for a total amount not to exceed \$832,628.52, for use by the Solid Waste Operations.

Mayor McComb referred to Item 31. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to purchase five brush trucks for Solid Waste Operations. There were no comments from the public.

Council members and staff discussed the following topics: the difference between unit price and extended price; the vehicles being replacements to the fleet; the impact on current operations; the number of crews and brush trucks in operation; and the brush collection schedule.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

32. First Reading Ordinance - Appropriating Grant Funds for the Purchase of Aircraft Rescue Fire Fighting (ARFF) Vehicle

Ordinance appropriating \$765,790 from Federal Aviation Administration Grant No. 3-48-0051-055-2017 in the No. 3020 Airport Capital Improvement Fund for the purchase of a Class 4 Aircraft Rescue Fire Fighting (ARFF) vehicle for use at Corpus Christi International Airport; amending the FY2016-2017 Capital Budget by increasing revenues and expenditures by \$765,790 each; authorizing the City Manager or designee to execute a supply agreement with Oshkosh Airport Products, LLC, of Appleton, Wisconsin, to purchase the ARFF vehicle in accordance with Request for Bid (RFB) No. 1093 based on the lowest responsive, responsible bid of \$855,155, with the 10% match and additional funds for the purchase paid from Airport fund reserves.

Mayor McComb referred to Item 32. Director of Aviation Fred Segundo stated that the purpose of this item is to appropriate \$765,790 from Federal Aviation Administration Grant No. 55 for the purchase of a Class 4 Aircraft Rescue Fire Fighting Vehicle and execute a supply agreement with OshKosh Airport Products, LLC. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

33. First Reading Ordinance - Appropriating funds to extend Taxiway "K" (Kilo) Construction at the Corpus Christi International Airport

Ordinance appropriating \$274,267 from Federal Aviation Administration Grant No. 3-48-0051-050-2013, Amendment No. 5, in the No. 3020 Airport Capital Improvement Fund for additional funding for construction of approximately 7,150 square yards of new pavement to expand and extend Taxiway Kilo at the Corpus Christi International Airport and necessary drainage, electrical, lighting and signage improvements, with the 10% match provided from the Airport Capital Reserve Fund; amending the FY2016-2017 Capital Budget by increasing revenues and expenditures by \$274,267 each.

Mayor McComb referred to Item 33. Director of Aviation Fred Segundo stated that the purpose of this item is to appropriate \$274,267 from Federal Aviation Administration Grant No. 50, Amendment No. 5, to expand and extend Taxiway "K" (Kilo) Construction. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

34. First Reading Ordinance - Amending City Code to Allow 24-hour Commercial Loading Zones

Ordinance amending Chapter 53, Section 163 "Standing or parking in commercial loading zones; restrictions" of the Corpus Christi Code of Ordinances to allow 24-hour commercial loading zones; and providing an effective date, for severance, for penalty and for publication.

Mayor McComb referred to Item 34. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to amend the City's Code of Ordinances, Section 53-163 to allow 24-hour commercial loading zones. The management of the American Bank Center requested a designation for a 24-hour commercial loading zone on the west side of Shoreline Drive to allow commercial vehicles to park during all hours for freight materials pickup and delivery. Corpus Christi Fire, Police, Street Operations and Legal staff all concur with the amendment. The Transportation Advisory Commission recommended approval at their May 22, 2017 meeting. There were no comments from the public.

Council members and staff discussed the following topics: the location of the loading zone at the American Bank Center; utilization of commercial loading at the American Bank Center; and the amendment assisting the American Bank Center by deterring citizens from standing or parking unnecessarily in the area designated for commercial loading.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

35. First Reading Ordinance - Construction Contract for Residential Street Rebuild Program (RSRP) Test Projects for Ralston Avenue from Staples to Alameda

Ordinance amending the Fiscal Year 2017 Operational Budget adopted by Ordinance No. 030965 by increasing expenditures in the amount of \$1,000,000 in Fund 1042 Residential / Local Streets and authorizing the City Manager, or designee, to execute a construction contract with J.E. Construction Services of Corpus Christi, Texas in the amount of \$1,453,476.33 for the Ralston Avenue - Staples Street to

Alameda Street for Base Bid B - HMAC (Asphalt) as part of the Residential Street Rebuild Program (RSRP) test projects.

Mayor McComb referred to Item 35. Executive Director Valerie Gray stated this discussion will be regarding Item 35 and 36 related to the Residential Street Rebuild Program (RSRP) Test Project for Ralston Avenue and Rogerson Drive. Ms. Gray presented the following information: background on RSRP; a map of the project locations; work products; highlighted points as a result of the bidding process; communications and branding of the program; and timelines.

Ms. Gray stated that the purpose of Item 36 is to execute a construction contract with J.E. Construction Services for the Rogerson Drive Project - McArdle Road to Sunnybrook Road for Base Bid 2. Ms. Gray provided an overview of the project's scope; bidding process; staff's recommendation to waive irregularities in the bids; the recommendation to use concrete; and the project's schedule.

Ms. Gray stated that the purpose of Item 35 is to amend the FY2017 Operating budget by increasing expenditures in the amount of \$1,000,000 in Residential / Local Streets Fund and execute a construction contract with J.E. Construction Services for the Ralston Avenue - Staples Street to Alameda Street for Base Bid B. Ms. Gray provided an overview of the project's scope; bidding process; staff's recommendation to waive irregularities in the bids; the recommendation to use asphalt; and the project's schedule.

Council members and staff discussed the following topics: notification to residents in the project areas; the irregularities in the bids; whether the improvements to Ralston Avenue address drainage issues; the use of concrete on Rogerson Drive; the reasons for the difference in engineering design costs between the two projects; use of design-build on future projects; protocol relating to bid irregularities and the criteria that must be satisfied; and the life span of streets. There were no comments from the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Q. FUTURE AGENDA ITEMS: (ITEMS 36 - 43)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 39.

36. Construction Contract for Residential Street Rebuild Program (RSRP) Test Project for Rogerson Drive from McArdle Road to Sunnybrook Road

Motion authorizing the City Manager, or designee, to execute a construction contract with J.E. Construction Services of Corpus Christi,

Texas in the amount of \$699,807.62 for the Rogerson Drive Project - McArdle Road to Sunnybrook Road for Base Bid 2 - Portland Cement Concrete (PCC) as part of the Residential Street Rebuild Program (RSRP) test projects.

This Motion was recommended to the consent agenda.

37. Construction Contract for Corona Drive from Flynn Parkway to Everhart Road (Bond 2014, Proposition 1)

Motion authorizing the City Manager, or designee, to execute a construction contract with Berry Contracting, L.P. dba Bay LTD. of Corpus Christi, Texas in the amount of \$4,679,371.25 for Corona Drive from Flynn Parkway to Everhart Road for the total Base Bid. (Bond 2014 Proposition 1)

This Motion was recommended to the consent agenda.

38. Construction Contract and Professional Services Contract for Lifecycle Curb and Gutter Replacement Project

Motion authorizing the City Manager, or designee, to execute a construction contract with A. Ortiz Construction & Paving, Inc. of Corpus Christi, Texas in the amount of \$536,850 and to execute a professional services contract with Engineering and Construction Management Services, LLC (ECMS) of Corpus Christ, Texas in the amount of \$95,040 for the Lifecycle Curb & Gutter Replacement project. Both contracts will be executed for one base year with two (2) administrative one-year options.

This Motion was recommended to the consent agenda.

39. Resolution for executing the Regional Transportation Authority (RTA) Notification for Additional Funding in 2017 Street Preventative Maintenance Program (SPMP)

Resolution authorizing the City Manager or designee to execute the "Notification for Additional Funding in 2017 (Street Maintenance Program)" in an amount of \$2,716,127.00 accepting the Corpus Christi Regional Transportation Authority's fiscal year 2017 allocation to the City's Street Preventative Maintenance Program (SPMP) projects.

This Resolution was recommended to the consent agenda.

40. Purchase of Four Chevrolet Spark Vehicles for the Police Department

Motion approving the purchase of four Chevrolet Spark vehicles from Caldwell Country Chevrolet, from Caldwell, Texas, based on a

cooperative purchasing agreement with Local Government Purchasing Cooperative, dba BuyBoard for the total amount not to exceed \$65,458.60. Funds are budgeted in FY2016-2017.

This Motion was recommended to the consent agenda.

41. Purchase of One Freightliner Flatbed Crew Truck and One Freightliner 5-Yard Dump Truck for Utilities Wastewater Department

Motion authorizing the City Manager, or designee, to purchase one Freightliner flatbed crew truck and one Freightliner 5-yard dump truck from Houston Freightliner, Inc., of Houston, Texas, based on the cooperative purchasing agreement with Houston-Galveston Area Council, for a total amount not to exceed \$219,914. Funds are budgeted in FY2016-2017.

This Motion was recommended to the consent agenda.

42. Service Agreement for Pump and Motor Repairs for Water Utilities Department

Motion authorizing City Manager, or designee, to execute a service agreement with Smith Pump Company, Inc., of Woodway, Texas for pump and motor repairs in response to Request for Bid (RFB) No. 1048 based on the lowest, responsive, responsible bid for a total amount not to exceed \$301,230, with an estimated expenditure of \$ 50,205 in FY2016-2017 funded by the Water Department 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.

43. Lease Purchase Agreements for Computers, Laptops and Peripherals and Purchase of Servers and Monitors for Information Technology Services

Motion authorizing the City Manager, or designee, to execute lease-purchase agreements with Hewlett Packard Enterprise Financial Services, of Berkeley Heights, New Jersey, for approximately 575 desktop computers for a lease-purchase term of 48-months, 420 laptop computers for a lease-purchase term of 36-months and peripherals, respectively, in accordance with the State of Texas cooperative purchasing program DIR-TSO-2538 for a total expenditure not to exceed \$1,190,712; and to purchase ten servers and 300 monitors for an amount \$92,850. No funds are required for FY2016-17; however, the total expenditure not to exceed \$1,283,562

will be requested in future budget years.

This Motion was recommended to the consent agenda.

R. BRIEFINGS: (ITEMS 44 - 45)

44. "Public Private Partnerships" (P3s) and Wastewater Treatment

Mayor McComb referred to Item 44. Director of Engineering Services Jeff Edmonds stated that this item is a follow-up presentation to the resolution approved by City Council on June 13, 2017 regarding the Wastewater Management Plan. The purpose of this item is to review background on wastewater treatment; provide an overview of the Public-Private Partnerships (P3s); and gain a consensus on next steps. Mr. Edmonds presented the following information: the progress to date; the wastewater treatment plant consolidation path; the Stantec Report; the current status of the wastewater consolidation; the resolution approved by City Council on June 13, 2017; the definition of a public-private partnership; the types of public-private partnerships; the potential benefits of a P3; potential risks of P3s; P3 characteristics; process description; the P3 procurement steps and timeframe; key points and next steps.

Council members and staff discussed the following topics: the conclusion that a single-plant scenario was not economically feasible; the City Council's decision on the wastewater treatment plants was determined by what was most cost effective to the ratepayers; focus on improvements to the collection system; the public misperception that the Greenwood Wastewater Treatment Plant was the reason for the sewage in the Las Colonias subdivision in 2010; capital improvement projects related to the Greenwood Wastewater Treatment Plant; whether the City Council would like to pursue the P3 alternative and the need to obtain a program manager to help guide staff and City Council regarding the P3 process; the cost to move forward on the Request for Information (RFI); the contract scope and variations to consider as part of the P3; the RFI process will trigger the provisions of the anti-lobbying clause; odor control improvements at the Greenwood Wastewater Treatment Plant; flow from the ditch at the airport into La Volla Creek; potential risks of a P3; use of engineering students to evaluate or review what other cities are doing regarding P3s; and development of an RFI that is open to all options.

MOTION OF DIRECTION

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

45. Homelessness and Litter in Our Community

Mayor McComb referred to Item 45, a briefing on homelessness and litter in our community. Police Chief Mike Markle provided an overview of how the Police Department interacts with the homeless including: the type of homeless individuals; police initiatives; the Crime Reduction Unit which addresses criminal issues surrounding the homeless in the uptown/downtown areas; enforcement of the panhandling ordinance; enforcement by patrol units and the Narcotics/Vice Investigations Division; community collaboration; education; the challenges for police; and steps moving forward.

Council members asked questions regarding the following topics: the homeless meter donation program; the panhandling ordinance; whether frontage roads can be added to the panhandling ordinance; the distinction between homelessness and panhandling; what the City Council can do as community leaders; the increase in the homeless population; communications with the District Attorney's Office regarding the use of marijuana; the use of synthetic cannabinoid by the homeless and the Police Department's related efforts; increased enforcement efforts in City parks and community areas; concern with the homeless population around City Hall; and concern from a citizen regarding a program that is feeding the homeless and cutting hair on Leopard Street near the Expressway.

Director of Solid Waste Operations Lawrence Mikolajczyk provided an update on Litter Clean-Up efforts including: Solid Waste Operations; brush and bulky services; litter critter services; event services; street sweeping; resident education; school education efforts; code compliance; additional efforts; and future projects.

Director of Parks and Recreation Jay Ellington provided an update on the work release/community service pilot program and the proposed future program for homeless/indigent labor.

Council members and staff discussed the following topics: the Albuquerque, New Mexico model related to homeless/indigent labor program; the work release/community service pilot program; enforcement of trash receptacles that are overflowing; what happens when garbage is placed in recycle containers; consideration of additional bulky services dates; what other cities are doing regarding bulky trash collection; compliance regarding illegal dumping; and an ordinance regarding failure to secure a load.

S. LEGISLATIVE UPDATE:

T. EXECUTIVE SESSION: (ITEMS 46 - 47)

Mayor McComb referred to the day's executive sessions. The Council went into executive session at 9:35 p.m. The Council returned from executive session at 10:45 p.m.

- 46. 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 (including TCEQ and EPA regulations) related to the provision of utility services in industrial districts, desalination, reuse, 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 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), including, but not limited to, potential extension to agreement for exclusive reservation of recycled

water.

Mayor McComb referred to Item 46 and the following motion was considered:

Motion to authorize the City Manager to execute a six-month extension to the Agreement for Exclusive Reservation of Recycled Water with Valero Refining - Texas L.P. for 4 million gallons per day.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-110

- 47. 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 water supplies for industrial and other development, desalination, potential interlocal agreements with water districts and other governmental entities involving water or other utility services, potential agreements for the economic development agreement(s) with business prospects that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and/or wastewater services, potential creation of entities that could provide or assist in the provision of the aforementioned services, including, but not limited to local government corporation(s), 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), including, but not limited to, the provision of water to said business prospect(s).**

This E-Session Item was discussed in executive session.

U. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

V. ADJOURNMENT

The meeting was adjourned at 10:48 p.m.