



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, November 17, 2015

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Pastor David Bendett, Rock City Church.

Pastor David Bendett gave the invocation.

Mayor Martinez called for a moment of silence for the community and victims of the recent attacks in Paris, France.

C. Pledge of Allegiance to the Flag of the United States to be led by Terry Teri, Assistant Director of Municipal Court.

Assistant Director of Municipal Court Terry Teri led the Pledge of Allegiance.

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

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

Charter Officers:

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

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

E. Proclamations / Commendations

1. Resolution in support of Law Enforcement

Mayor Martinez referred to Item 1. Mayor Martinez stated that this item was brought to her attention by Scott Leeton, President of the Corpus Christi Police Officers' Association, as a small way to communicate the City's support for the

men and women of our nation's law enforcement agencies who wear their uniforms with honor, dedication, and integrity in the line of duty while protecting our communities and safeguarding our democracy.

Mayor Martinez read the resolution and stated that to honor those who currently serve, as well as those who have paid the ultimate sacrifice, the City of Corpus Christi is asking every officer of the Corpus Christi Police Department to turn on their red and blue lights for one minute on Tuesday, November 17, 2015 at 8:00 p.m.

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

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

Abstained: 0

Enactment No: 030683

2. Proclamation declaring November 19, 2015, the American Cancer Society's "Great American Smokeout".
Proclamation declaring November 14-22, 2015, "National Hunger and Homelessness Awareness Week".
Proclamation declaring December 1, 2015, "World AIDS Day 2015".
Commendation presented to Noreen Hammerick - Shining Example of "Leave It Better Than You Found It".

Mayor Martinez presented the proclamations and Certificate of Commendation to Noreen Hammerick.

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

Mayor Martinez referred to comments from the public. Jack Gordy, 4118 Bray Drive, stated that the mediation concerning the palm trees on Airline Road is set for Thursday, December 17, 2015 at 9:00 a.m. at City Hall. Mr. Gordy said he will be asking again for the legal document from the United States Department of Justice that states that the palm trees on Airline Road are grandfathered from being removed until the street is reconstructed. Rick Milby, 4417 High Ridge Drive, thanked the City Council for their service and spoke regarding the metal detectors that will be installed to increase safety at City Hall. Mr. Milby encouraged the City Council to consider a process at City Hall, similar to the State Capital in Austin, Texas, to accommodate customers with a concealed hand gun license to enter City Hall. Dorothy Spann, 502 Del Mar, made comments on the desired qualities to consider when hiring the new Police Chief. Susie Luna Saldana, 4710 Hakel, spoke regarding Plan CC 2035 and said the plan should address the uniqueness of Corpus Christi. Shirley Thornton,

1917 Woodcrest Drive, asked the City Council to vote against Plan CC 2035 and suggested that the 1987 Comprehensive Plan be altered to fit the current needs of the City. Mark Gurgevich, 4502 Janssen Drive, commended the City Council and City Manager Olson for implementing new security measures to protect the staff and citizens at City Hall. Errol Summerlin, Citizens Alliance for Fairness and Progress, spoke regarding the following topics related to the Hillcrest neighborhood: an inaccurate article by the Caller Times regarding the number of residents; the impacts of the new Harbor Bridge; and Plan CC 2035 draft designating Hillcrest as a transition neighborhood. Scott Leeton, 3122 Leopard, spoke regarding Plan CC 2035 and said he would like the plan to address public safety. Warren Andrich, 4825 Everhart Road, provided the following information, on behalf of the Association of Realtors, regarding Plan CC 2035: include specific and measurable goals for each section of the plan, with a timeframe and financial impacts; opposition to impact fees; and apply a code of ethics during the evaluation and planning. Dan Hogan, 818 Oriole, spoke regarding Plan CC 2035 and asked the City Council to put their focus on the City's infrastructure, pollution, public safety and the water system. James Skrobarczyk, 714 Oriole, spoke regarding Plan CC 2035 and said the current plan is not formulated for our community. Mr. Skrobarczyk said he believes Goody Clancy provided a generic plan and the City did not receive fair and impartial service. Bart Braselton, 5337 Yorktown, spoke in opposition to Plan CC 2035. Mr. Braselton said the plan, in its present form, is flawed and has many challenges that will affect property values. Andy Taubman, 5601 SPID, spoke regarding Plan CC 2035 and related policy implications and imprecise law. Gloria Scott, 4422 Alameda, spoke regarding the following topics: request that the Plan CC 2035 reference the Washington, Coles, and Hillcrest neighborhoods as three separate neighborhoods; request to obtain the Plan CC 2035 draft; streets; and the new Harbor Bridge.

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

Mayor Martinez referred to City Manager's Comments. City Manager Ron Olson reported on the following topics:

1) Last week, The Parks and Recreation Department held their 2nd Annual Volunteer Recognition Event. The Parks and Recreation Department honored volunteers' outstanding contributions and thanked them for their time, talent and dedication. Volunteers honored included: 72 Adopt-A-Park volunteer groups and individuals; 100 youth coaches; and approximately 80 residents that serve on Parks and Recreation's various boards and commissions. 2) City Manager Olson recognized the City employees for their substantial contribution to United Way, with this year's contribution exceeding \$106,000. 3) The Cooper's Alley L-Head Pier is completed with 14 boat slips currently leased and functioning.

a. CITY HALL SECURITY UPGRADES - Senior Officer Denise Pace, Corpus Christi Police Department

Senior Officer Denise Pace presented information on the City Hall Security Upgrades. The Sam Rankin and Staples Streets entrances will be an employee-only entrance and employees will access these doors by using their employee identification badges. The Lipan Street entrance will be the public entrance where all guests will be required to walk through a metal detector. The Leopard Street entrance will remain locked. The implementation timeline will include notification to the employees and public, the hiring of two

additional security officers, and installation of the metal detector. The new security upgrades will go into effect on December 21, 2015.

b. OTHER

City Manager Olson recognized Assistant City Manager Wes Pierson and publicly thanked him for his service to the City of Corpus Christi. Assistant City Manager Pierson has accepted the City Manager position for the City of Addison, Texas.

H. MINUTES:

3. Regular Meeting of November 10, 2015

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

I. BOARD & COMMITTEE APPOINTMENTS:

**4. Building Standards Board
Citizens Advisory Health Board
Corpus Christi Business and Job Development Corporation (Type A)
Reinvestment Zone No. 2**

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

Building Standards Board

Council Member McIntyre made a motion to appoint Joel E. De La Garza, seconded by Council Member Magill and passed unanimously.

Citizens Advisory Health Board

Council Member McIntyre nominated Hannah M. Chipman. Council Member Magill nominated Christy Berry. Council Member McIntyre made a motion to appoint Hannah M. Chipman and Christy Berry, seconded by Council Member Magill and passed unanimously.

Corpus Christi Business and Job Development Corporation

Council Member McIntyre nominated Richard Burns. Council Member Garza nominated Randy L. Maldonado. Council Member Riojas nominated Sandra L. Alvarez.

Randy L. Maldonado was appointed with Council Members Garza, Rubio, Magill, Rosas, and Vaughn voting for Randy L. Maldonado; Council Members McIntyre and Scott voting for Richard Burns; and Mayor Martinez and Riojas voting for Sandra L. Alvarez.

Reinvestment Zone No. 2 Board

Council Member McIntyre made a motion to reappoint Rudy Garza, Colleen McIntyre, Chad Magill, Nelda Martinez, Lillian Riojas, Brian Rosas, Lucy Rubio, Mark Scott, and Carolyn Vaughn, seconded by Council Member Magill and passed unanimously.

Council Member Garza made a motion to appoint Colleen McIntyre as Chairperson beginning January 1, 2016, seconded by Council Member Magill and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:**K. CONSENT AGENDA: (ITEMS 5 - 19)****Approval of the Consent Agenda**

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. Council Member Riojas announced that she was abstaining from the vote on Item 11 and Mayor Martinez pulled Item 11 for an individual vote.

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

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

Abstained: 0

5. Purchase of Emulsified Polymerized Asphalt for use in street sealcoating

Motion authorizing the City Manager, or designee, to enter a supply agreement with Ergon Asphalt & Emulsions, Inc., Austin, Texas for emulsified polymerized asphalt in accordance with Bid Event 75, based on only bid, for an estimated 6-month expenditure of \$349,450.00. The term of the agreement shall be for six (6) months with options to extend for up to five (5) additional six-month periods, subject to the approval of the supplier and the City Manager or designee. Funds are available in the Material Inventory Fund by the Street Operations Department in FY 2015-2016.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-130

6. Resolution approving a Developer Participation Agreement for the

City's cost to extend North Oso Parkway located east of Ennis Joslin and north of Wooldridge Road

Resolution authorizing the City Manager or designee to execute a developer participation agreement with MPM Development, L.P., ("Developer"), to reimburse the Developer up to \$304,508.60 for the City's share of the cost to extend North Oso Parkway, in accordance with the Unified Development Code.

This Resolution was passed on the Consent Agenda.

Enactment No: 030684

7. Engineering Contract for McBride Lift Station and Force Main Improvements

Motion authorizing the City Manager or designee to execute an engineering contract with Coym, Rehmet & Gutierrez of Corpus Christi, Texas in the amount of \$391,870 for the McBride Lift Station and Force Main Improvements for design, bid and construction phase services.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-131

8. Resolution to approve repair and completion of preventative maintenance of the LED lighting system on the Harbor Bridge

Resolution finding that competitive bids are not required for procurement from Pfeiffer & Son, Ltd, and authorizing the City Manager, or designee, to execute an agreement with Pfeiffer & Son, Ltd. in the amount of \$69,064.50 for the repair and preventative maintenance of the LED lighting system on the Harbor Bridge.

This Resolution was passed on the Consent Agenda.

Enactment No: 030685

9. Resolution authorizing the submission of a grant application to the Governor's office for the Defense Economic Adjustment Assistance Grant (DEAAG) program

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of up to five million dollars (\$5,000,000) to the Office of the Governor for funding from the Texas Military Preparedness Commission's Defense Economic Adjustment Assistance Grant Program.

This Resolution was passed on the Consent Agenda.

Enactment No: 030686

10. Second Reading Ordinance - Rezoning Property located at 9001 Leopard Street (1st Reading 11/10/15)

Case No. 0915-07 City of Corpus Christi: A change of zoning from the interim "FR" Farm Rural District after annexation to the permanent zoning district of "IH" Heavy Industrial District. The property is described as being a 70.25 acre tract of land, described in Nueces County Deed Records by Warranty Deed Document # 2013016625, owned by SKB Acquisition Company, LLC (formerly Sam Kane Beef Processors) and located on the southwest corner of Leopard Street and North Clarkwood Road.

Planning Commission and Staff Recommendation (September 23, 2015):

Approval of the change of zoning from the "FR" Farm Rural District to the "IH" Heavy Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by the City of Corpus Christi for property owned by SKB Acquisition Company, LLC (formerly Sam Kane Beef Processors), by changing the UDC Zoning Map in reference to a 70.25 acre tract of land, described in Nueces County Deed Records by Warranty Deed Document # 2013016625, from the interim "FR" Farm Rural District after annexation to the permanent zoning district of "IH" Heavy Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030687

12. Second Reading Ordinance - Accepting and appropriating State grant funds for the 16th program year of the Violence Against Women Act (VAWA) program within the Police Department (1st Reading 11/10/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$34,645.86 for the 16th program year of the Violence Against Women Act (VAWA) Program within the Police Department with a City match of \$27,800.14 and an in-kind match of \$5,520 from the No. 1020 Police General Fund; appropriating the \$34,645.86 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$27,800.14 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of

\$67,966.00.

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

Enactment No: 030689

13. Second Reading Ordinance - Accepting and appropriating grant funds for CPR training of graduating seniors within Corpus Christi Independent School District (CCISD) (1st Reading 11/10/15)

Ordinance authorizing the City Manager or designee to accept a grant from NuStar Energy L.P. in the amount of \$2,500 to support a joint pilot program between CCFD and CCISD to provide CPR training to all graduating seniors; and appropriating \$2,500 from NuStar Energy L.P into the No .1062 Fire Grant Fund to be used specifically to purchase any equipment and/or supplies to directly benefit Fire Departments' CPR Pilot Program.

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

Enactment No: 030690

14. Second Reading Ordinance - Reimbursement agreement for the construction of water arterial transmission and grid main line located along North Oso Parkway, east of Ennis Joslin Road and north of Wooldridge Road (1st Reading 11/10/15)

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with MPM Development, L.P., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$79,747.60 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 030691

15. Second Reading Ordinance - Closing a portion of a utility easement located east of Fort Worth Street and South of Campbell Street (1st Reading 11/10/15)

Ordinance abandoning and vacating a 1,094-square foot portion of an existing 10-foot wide utility easement out of a part of Lot 1B, Hospital Tracts Subdivision, located east of the Fort Worth Street and south of Campbell Street; and requiring the owner, Driscoll Children's Hospital to comply with the specified conditions.

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

Enactment No: 030692

16. Second Reading Ordinance - Appropriating funds to continue construction/safety enhancements/safety modification for Runway 17/35 at Corpus Christi International Airport (1st Reading 11/10/15)

Ordinance appropriating \$665,021 from the Federal Aviation Administration Grant No. 3-48-0051-049-2012 Amendment No. 1 in the No. 3020 Airport Capital Improvement Fund for the Runway 17/35 600-ft Extension Displacement and Associated Taxiways and the Runway 13/31 Connecting Taxiway Projects; amending the FY2015-2016 Capital Budget adopted by Ordinance No. 030621 by increasing revenues and expenditures by \$665,021 each. With a 10% match with Airport Fund Reserves.

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

Enactment No: 030693

17. Second Reading Ordinance - Appropriating funds to continue construction/runway safety for Runways 17/35 and 13/31 at Corpus Christi International Airport (1st Reading 11/10/15)

Ordinance appropriating \$1,733,597 from the Federal Aviation Administration Grant No. 3-48-0051-050-2013 Amendments No. 2 and 3 in the No. 3020 Airport Capital Improvement Fund for Runway 13/31, 1,000-ft extension displacement and connecting taxiways, reconstruct and expand north general aviation apron, reconstruct air carrier taxiway, extend Taxiway F, Runway 17/35, NAVAIDS site work, and Gate 10B projects; amending the FY2015-2016 Capital Budget adopted by Ordinance No. 030621 by increasing revenues and expenditures by \$1,733,597 each. With a 10% match from the Airport Fund Reserves.

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

Enactment No: 030694

18. Second Reading Ordinance - Approving the Proposed 2016 Annual Audit Plan (1st Reading 11/10/15)

Ordinance to approve the 2016 Annual Audit Plan

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

Enactment No: 030695

19. Second Reading Ordinance - Accepting and Appropriating Partial Reimbursement for Election Services Overbilling (1st Reading 11/10/15)

Ordinance accepting payment from Nueces County in the amount of \$73,616.52 as partial reimbursement for election services overbilling and appropriating in the No. 1020 General Fund; changing the FY2015-2016 operating budget adopted by Ordinance 030620 to increase revenues and expenditures by \$73,616.52.

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

Enactment No: 030696

11. Second Reading Ordinance - Rezoning of seven newly annexed properties in Industrial District No. 1 (1st Reading 11/10/15)

Case No. 0915-08 City of Corpus Christi: A change of zoning from the Interim "FR" Farm Rural District after annexation to the "IH" Heavy Industrial District. The properties to be rezoned are described as **Tract 1:** Being a 1.095-acre tract of land, more or less, being out of a 34.54 acre tract out of Survey 421, Abstract No. 572 in Nueces County, Texas, such 34.54 acre tract recorded at Volume 1482, Page 1029, Deed Records of Nueces County, Texas owned by ABTEX Brinkerhoff Oil Company and said landlocked tract generally located between IH-37 and Hearn's Ferry Road and east of Carbon Plant Road; **Tract 2:** Being a tract of land containing 42,000 square feet (0.96 acre) of land out of a 3.23 acre tract recorded in Volume 1722, Page 552 of the Deed Records of Nueces County, Texas, owned by Coastal States Petroleum and said landlocked tract generally located east of North Navigation Boulevard and north of Up River Road; **Tract 3:** Being a tract of land containing 25,185 square feet (0.58 acre) of land out of a 3.23 acre tract recorded in Volume 1722, Page 552 of the Deed Records of Nueces County, Texas, owned by Coastal States Petroleum and said landlocked tract generally located east of North Navigation Boulevard and north of Up River Road; **Tract 4:** Being a 0.095 acre tract of land situated in the Rincon Del Oso Grant, Nueces County, Texas and being out of that certain 6.985 acre tract of land described in a Warranty Deed to Valero Energy Corporation recorded in Volume 2327, Page 543, Nueces County Deed Records and owned by Coastal Liquids Partners, LP and said landlocked tract generally located east of North Navigation Boulevard and north of Up River Road; **Tract 5:** Being a 0.92 acre tract of land situated in the Rincon Del Oso Grant, Nueces County, Texas and being out of that certain 6.985 acre tract of land described in a Warranty Deed to Valero Energy Corporation recorded in Volume 2327, Page 543, Nueces County Deed Records and owned by Coastal Liquids Partners, LP and said landlocked tract generally located east of North Navigation Boulevard and north of Up River Road; **Tract 6:** Being a 0.187 acre (8,138.134 square feet) out of Lot 7-B of the Oak Lawn Subdivision as recorded in Volume 33, Page 63 of the Map Records of Nueces County, Texas and owned by Exxon Pipeline Company and located on

the south corner of Buddy Lawrence Drive and Oak Park Avenue; and **Tract 7:** Being a 0.25 acre tract of land out of Lot 7-B of the Oak Lawn Subdivision as recorded in Volume 33, Page 63 of the Map Records of Nueces County, Texas and owned by Koch Gathering Sys, Inc. and located between Oak Park Avenue and Buddy Lawrence Drive and north of Huisache Street.

Planning Commission and Staff Recommendation (September 23, 2015):

Approval of the re-zoning from the Interim "FR" Farm Rural District after annexation to the "IH" Heavy Industrial District on Tracts 1-7.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by the City of Corpus Christi for seven tracts of land described and owned as follows: **Tract 1:** ABTEX Brinkerhoff Oil Co. (1.09 acres); **Tracts 2 and 3:** Coastal State Petroleum Co. (0.96 and 0.58 acres); **Tracts 4 and 5:** Coastal Liquids Partners LP (0.10 and 0.92 acres); **Tract 6:** Exxon Pipeline Co. (0.18 acres); and **Tract 7:** Koch Gathering Sys Inc. (0.25 acres), by changing the UDC Zoning Map in reference to the seven tracts encompassing 4.08 acres of land, more specifically described by City Council Ordinance 030640, from the interim "FR" Farm Rural District after annexation to the permanent zoning district of "IH" Heavy Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 11. City Secretary Huerta announced that Council Member Riojas submitted a conflict disclosure form and was abstaining on this item.

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

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

Abstained: 1 - Council Member Riojas

Enactment No: 030688

Q. BRIEFINGS: (ITEM 35)

35. Development Services Customer Survey Results by Dr. Dan Jorgensen

Mayor Martinez deviated from the agenda and referred to Item 35. Director of Development Services Dan Grimsbo stated that the purpose of this item is to provide an overview of the Development Services Customer Survey Results.

Mr. Grimsbo provided the following information: a history of the Development Services Department; improvements made to the department over the last three years; metrics on the number of permits and total inspections; and a sampling of customer testimonials. Dr. Daniel Jorgensen, Texas A & M University - Corpus Christi, provided an overview of the results of the 2015 Customer Survey of Development Services including a comparison with the same survey conducted in 2013. The survey gathered data on the respondents' overall experience, web access, the Early Assistance Program (EAP) and inspection services. The survey results included the following: a 75% or higher level of favorable attitudes across-the-board; an increased use of web access; more awareness and utilization of the EAP; and recognition of professionalism among the staff.

In response to City Manager Ron Olson, Dr. Jorgensen stated that a 75% positive approval rating is about as good as can be expected. Council members spoke regarding the following topics: the strides made in the Development Services Department; regularly conducting a survey every two years; encouraging community awareness of the EAP; and training programs for customers.

N. REGULAR AGENDA: (ITEM 27)

27. Resolution requesting Corpus Christi Regional Transportation Authority Forensic Audit

Resolution authorizing issuance of a letter to the Corpus Christi Regional Transportation Authority requesting a forensic audit of the Corpus Christi Regional Transportation Authority's finances and accounting practices.

Mayor Martinez deviated from the agenda and referred to Item 27. City Attorney Miles K. Risley stated that the purpose of this item is to authorize issuance of a letter to the Corpus Christi Regional Transportation Authority (RTA) requesting a forensic audit of the RTA's finances and accounting practices.

Council Member Magill made a motion to amend the documents to remove the word "forensic", seconded by Council Member Garza and passed unanimously.

Mayor Martinez called for comments from the public. John Bell, RTA Legal Counsel, stated that the RTA appreciates the amendment made to remove the word "forensic". The RTA was the victim of fraudulent activities by employees who set up a fictitious company and charged CNG parts to the RTA. The Corpus Christi Police Department is working on the case and requested that an audit be performed to confirm that the parts were not delivered or installed. Mr. Bell said the RTA has hired an outside auditor, Collier Johnson and Woods, to review whether there are material weaknesses in their processes and procedures. Mr. Bell stated that the RTA's financial information is very complete and available on their website. Mr. Bell explained that state law already requires that the audit findings be released to the Mayor and County Judge and can also be made available for public inspection. Mr. Bell said the RTA already has an Audit Committee comprised of board members and if any additional work is recommended in the audit, the RTA would consider the work if it is needed. Jorge Cruz-Aedo, CEO for the RTA, provided information on the

completion of the financial audit report and findings regarding the management practices. Abel Alonzo, 1701 Thames, spoke regarding the importance of public transportation and said he believes the City Council is over-stepping its bounds by requested an audit from another agency. Dorothy Spann, 502 Del Mar, asked the City Council to proceed with a forensic audit.

Council members spoke regarding the following topics: the timeline for completion of the RTA's on-going audit; the RTA's initiative to hire an external auditor and continue to be transparent; communication with the City Council; the distinction between a forensic audit and a standard audit; the letter submitted to the Mayor by the RTA; that RTA and City of Corpus Christi's check registers be available on their respective websites; clarification on whether the letter from the City Council is requesting that the RTA conduct a separate audit in addition to the RTA's existing audit; creation of an audit review team to review the auditor's recommendations; communication with the City's board appointees regarding the request for an audit; and whether consideration was given to hire a different auditor than the RTA currently uses.

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

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

Abstained: 0

Enactment No: 030697

M. PUBLIC HEARINGS: (ITEMS 25 - 26)

25. Public Hearing and First Reading Ordinance - Street Closure for a portion of Hacala Street which is located east of Greenwood Drive, south of Frio Street and west of Martin Street

Ordinance abandoning and vacating an undeveloped and unsurfaced 37,786-square foot (0.87 acres) portion of a 60-foot wide public right-of-way, as shown and dedicated by Plat of Los Encinos 10 Acre School Tract, a map of which is recorded in Volume 26, Page 63, Map Records of Nueces County, Texas, and requiring the owners, Corpus Christi Independent School District, and Seaside Builders, LLC to comply with specified conditions.

Mayor Martinez deviated from the agenda and referred to Item 25. Director of Development Services Dan Grimsbo stated that the purpose of this item is to abandon and vacate a portion of a 60-foot wide public right-of-way in conjunction with the future plat of Los Encinos. Mr. Grimsbo stated that staff is in favor of the ordinance.

Mayor Martinez opened the public hearing. There were no comments from the public. A council member spoke in support of this item and the future development of the new school on this property. Mayor Martinez closed the

public hearing.

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

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

Abstained: 0

Enactment No: 030701

26. Public Hearing and First Reading Ordinance - Rezoning Property Located at 6810 South Staples Street (FM 2444)

Case No. 1015-01 Golden Real Estate and Construction Consulting Group, Inc.: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District. The property to be rezoned is described as being a 12.00 acre tract of land deeded to Golden Real Estate and Construction Group, Inc., in document File No. 2012038800 Official Public Records Nueces County, Texas and being out of Lots 18, 19, 20, 29, 30 and 31, Section 11 of the Flour Bluff & Encinal Farm Garden Tracts, located approximately 850 feet east of South Staples Street (FM 2444) between Corsica Road and Timbergate Drive.

Planning Commission and Staff Recommendation (October 21, 2015): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Golden Real Estate and Construction Consulting Group, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 12.00 acre tract of land deeded to Golden Real Estate and Construction Group, Inc., in document File No. 2012038800 Official Public Records Nueces County, Texas and being out of Lots 18, 19, 20, 29, 30 and 31, Section 11 of the Flour Bluff & Encinal Farm Garden Tracts, from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 26. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for the construction of a detached single-family subdivision. Mr. Grimsbo said the Planning Commission and staff were in favor of the zoning change.

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

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

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

Abstained: 0

Enactment No: 030702

O. FIRST READING ORDINANCES: (ITEMS 28 - 29)

28. First Reading Ordinance - Exemption from the Wastewater Acreage/Lot Fees for property located east of Flour Bluff Drive and north of Ramfield Road within the Flour Bluff Service Area

Ordinance exempting the Layton Manor, Block 1, Lot 4 property located east of Flour Bluff Drive and north of Ramfield Road, from the payment of the wastewater lot/acreage fees under section 8.5.2.G.1 of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

Mayor Martinez deviated from the agenda and referred to Item 28. Director of Development Services Dan Grimsbo stated that the purpose of this item is to exempt the owner of Layton Manor, Block 1, Lot 4 from paying \$7,902.13 in wastewater lot and acreage fees subject to execution of a Sanitary Sewer Connection Agreement. There were no comments from the Council or the public.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030703

29. First Reading Ordinance - Accepting grant funds to benefit the Corpus Christi Fire Department's WebEOC

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of

\$10,000 for the benefit of the City's WebEOC operations; and appropriating \$10,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

Mayor Martinez referred to Item 29. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a grant from the Coastal Bend Advisory Regional Council in the amount of \$10,000 for the benefit of the City's WebEOC operations. There were no comments from the Council or the public.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030704

P. FUTURE AGENDA ITEMS: (ITEM 33)

Mayor Martinez referred to Future Agenda Item 33. A presentation was provided on the Wastewater Treatment Plant Consolidation Program Development.

33. Professional Services Contract for Wastewater Treatment Plant Consolidation Program Development

Motion authorizing the City Manager or designee to execute a professional services contract with Stantec Consulting Services, Inc. of San Antonio, Texas in the amount of \$1,427,186 for the Wastewater Treatment Plant Consolidation Program to develop a phased project implementation plan.

This Motion was recommended to the consent agenda.

Enactment No: M2015-133

L. EXECUTIVE SESSION: (ITEMS 20 - 24)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session. Council Members Magill and Riojas abstained from the discussion on Item 21.

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

This E-Session Item was discussed in executive session.

21. **Executive session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05** to consult with attorneys concerning legal issues related to economic development agreements, industrial district agreements, entities that are signatories to the City's industrial district agreements, annexation, and disannexation, **and pursuant to Texas Government Code § 551.087** to discuss or deliberate regarding commercial or financial information relating to some or all of the aforementioned matters and entities that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and/or financial or other incentives involving said business prospect.

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

22. **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 conveyance, lease, and sale of City property and pursuant to Texas Government Code § 551.072 to discuss and deliberate the purchase, exchange, lease, and value of real property located at 5151 McArdle Road known as Mt. Vernon Park when deliberation in open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

23. **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05** to consult with attorneys concerning litigation and other legal matters related to Municipal Court, including *Nora Rodriguez v. City of Corpus Christi*, *Rene Mendiola, et al v. City of Corpus Christi, et al*, *Frances Rios v. City of Corpus Christi, et al*, and *Michael Cantu v. City of Corpus Christi*; and *Patrick Gonzales v. City of Corpus Christi, et al*.

This E-Session Item was discussed in executive session.

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

This E-Session Item was discussed in executive session.

P. FUTURE AGENDA ITEMS: (ITEMS 30 - 32 and 34)

Mayor Martinez referred to the remaining Future Agenda Items. City Manager Olson stated that staff did not have any additional planned presentations. A council member requested information on Item 30.

30. Aviator Memorial Donation Agreement for Ropes Park

Motion authorizing the City Manager or designee to execute an agreement with NAS Corpus Christi Aviator Memorial Association for the donation and acceptance of the aviator statue made by Total Statue to be placed in Ropes Park.

This Motion was recommended to the consent agenda.

Enactment No: M2015-132

31. Approval of a Developer Participation Agreement for the City's cost to extend Brooke Road located along Airline Road, east of Cimarron Boulevard and south of Saratoga Boulevard (SH 357) along Airline Road, south of Saratoga Boulevard (SH 357) and east of Cimarron.

Resolution authorizing the City Manager or designee to execute a developer participation agreement with MPM Development, LP., ("Developer"), to reimburse the Developer up to \$77,536.80 for the City's share of the cost to extend Brooke Road, in accordance with the Unified Development Code.

This Resolution was recommended to the consent agenda.

Enactment No: 030698

32. Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in Nottingham Acres Subdivision

Resolution authorizing the City Manager or his designee to enter into outside city limits water contracts, which is attached to this resolution and incorporated herein for all purposes, with property owners of up to 31 lots in the Nottingham Acres Subdivision to provide public water to their respective properties located outside the city limits pursuant to Section 55-113 of the City Code of Ordinances.

This Resolution was recommended to the consent agenda.

Enactment No: 030699

34. Interlocal Agreement with Del Mar College for training services and facilities use

Resolution authorizing the City Manager, or his designee, to execute an Interlocal Agreement with Del Mar College for the training of City employees and the use of Del Mar training facilities.

This Resolution was recommended to the consent agenda.

Enactment No: 030700

Q. BRIEFINGS: (ITEM 36)

36. Discussion of Plan CC Comprehensive Plan 2035

Mayor Martinez referred to Item 36. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to provide an overview of the comprehensive planning process and the proposed Plan CC 2035 Comprehensive Plan. Mr. Van Vleck presented the following information: the language in the City Charter requiring that the City Council adopt a comprehensive plan; hierarchy of the plans; a background on the last update to the Comprehensive Plan, area development plans, and master plans; the steps taken since the fall of 2013; a background of the selection process and award to Goody Clancy & Associates; the work performed; the creation of the Citizen Advisory Committee (CAC), community outreach, plan review, and production of reports; the documents that make up the Plan CC 2035 documents; the implementation process; and the proposed schedule.

Council members discussed the following topics: the timeframe to receive briefings on the cost of services, fiscal impact and revenue strategies; commending the work performed by staff; extension of the proposed schedule to allow each council member to submit written comments and direction; allowing staff the flexibility to filter through the comments; and the deadline date for City Council to provide their written comments.

MOTION OF DIRECTION

Council Member Magill made a motion directing the City Manager to extend the timeframe for council members to submit written comments for 30 more days, (until December 17, 2015) and to convey all council members' written comments to the Planning Commission, seconded by Council Member Vaughn and passed unanimously.

R. LEGISLATIVE UPDATE:

None.

S. ADJOURNMENT

The meeting was adjourned at 7:40 p.m.