



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, May 12, 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 Claude Axel, Mount Pilgrim Baptist Church.

Pastor Claude Axel gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Jeffrey Edmonds, Director of Capital Programs.

Director of Capital Programs Jeff Edmonds 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 Council and the required Charter Officers were present to conduct the meeting.

(Note: Council Member Scott arrived at 11:47 a.m.)

Charter Officers:

Deputy City Manager Margie Rose, 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. Proclamation declaring May 3-9, 2015, "National Children's Mental Health Awareness Week"
Proclamation declaring May 11-15, 2015, "Corpus Christi Small Business Week"
Proclamation declaring May 2015, "Corpus Christi Tourism Industry Appreciation Month"
Proclamation declaring May 2015, "Elder Abuse Prevention Month"

Proclamation declaring May 2015, "Older Americans Month"

Mayor Martinez presented the proclamations.

Mayor Martinez acknowledged General Manager of the American Bank Center Jim Salamenta and staff, Interim Police Chief Mike Markle, Assistant Chief Mark Schauer, Commander Mike Alanis, the Corpus Christi Police Department, city employees, and the community for coming together to show respect and support to honor Police Chief Floyd Simpson. Assistant Chief Schauer read a letter on behalf of Interim Police Chief Markle thanking City leadership, police personnel, City staff, and the community for supporting the memorial tribute to Chief Simpson. Mr. Salamenta gave special thanks to DJ Skip, Starsky Leal, LNF Distributors, Nestle, Pat Dunn and the Corpus Christi Ice Rays.

Mayor Martinez called for a brief recess to address technical issues. Mayor Martinez reconvened the Council meeting.

The Corpus Christi Hispanic Chamber of Commerce presented Mayor Martinez with the "Women of Distinction Award" from the Texas Association of Mexican-American Chambers of Commerce.

- 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 called for comments from the public. Jack Gordy presented a letter to the City Council regarding the possibility of a lawsuit being filed by the U.S. Department of Justice related to the City's failure to cut down the palm trees that are blocking the sidewalk on Airline Road. Mr. Gordy also spoke regarding the lawsuit between the City and the Friends of the Coliseum. Jeff Rank, President of the Flour Bluff Business Association, spoke regarding Item 19, the Citizens' Collection Center - Flour Bluff/Padre Island, and thanked the City Council for being responsive to the community's needs. Mr. Rank stated that a majority of the Association are in support of the project, however, there are still members that do not support the collection center or need additional information. Mr. Rank asked that this item be tabled to facilitate a dialogue regarding citizens' concerns. Susie Luna Saldana expressed appreciation to the City's leadership for their assistance in putting together the memorial for Chief Floyd Simpson. Greg Smith, Chairman of the Island Strategic Action Committee (ISAC), provided an update on the ISAC Committee's discussion regarding the volume of sand in Packery Channel, the amount reserved in the Tax Reinvestment Zone No. 2 for maintenance and dredging, and the proposed plan for a traffic signal at South Padre Island Drive and Aquarius Street. Mark Thomas spoke in support of Item 19, the Citizens' Collection Center.

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

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

a. OTHER

1) The Emergency Operations Center (EOC) was activated at 3:00 a.m. today in response to the bad weather that moved through the area. At this point, the City is monitoring and making preparations in the event the City receives additional rainfall. The primary concern is the anticipated flood stage at Oso Creek. The EOC will remain activated as the City continues to monitor and respond as needed. 2) City Manager Ron Olson and Chief Floyd Simpson shared a passion for riding motorcycles. In 2012, they decided to get together with the City employees, their families and retirees who are also motorcycle enthusiasts for the inaugural City of Corpus Christi Employees' Annual Motorcycle Ride. This event will take place again this year on May 23, 2015 at 1201 Leopard Street at 8:00 a.m. and will honor of Police Chief Floyd Simpson.

I. **MINUTES:**

6. Regular Meeting of April 28, 2015

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

J. **BOARD & COMMITTEE APPOINTMENTS:**

7. Animal Care Advisory Committee
Citizens Advisory Health Board
Commission on Children and Youth
Mayor's Fitness Council
Planning Commission

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

Animal Care Advisory Committee

Council Member Garza made a motion to reappoint Megan Winn (Community at Large) and Cheryl Martinez (Animal Welfare), seconded by Council Member McIntyre and passed unanimously.

Council Member McIntyre made a motion to appoint Megan Tisdale (Community at Large), seconded by Council Member Garza and passed unanimously.

Citizens Advisory Health Board

Council Member Scott made a motion to appoint Cristian Radaneata (Joint position), seconded by Council Member McIntyre and passed unanimously. Council Member Magill made a motion to reappoint Charles A. Pendlyshok and Elizabeth Sefcik, seconded by Council Member McIntyre and passed unanimously. Council Member Magill made a motion to appoint Damla Eytemiz, seconded by Council Member Vaughn and passed unanimously.

Commission on Children & Youth

Council Member Magill made a motion to reappoint Donine Schwartz (At Large) and Clarissa Silva (D.A.'s Office), seconded by Council Member McIntyre and passed unanimously.

Council Member McIntyre made a motion to appoint Joseph N. Miller (Youth and Family Services), seconded by Council Member Magill and passed unanimously.

Mayor's Fitness Council

Mayor Martinez recommended the reappointment of Rodney Brown (At Large), Kimberly Cook (Disability Networks), and Dr. Misty Kesterson (Worksite Wellness). Council Member Scott made a motion to approve the recommendation, seconded by Council Member McIntyre and passed unanimously. Mayor Martinez recommended the new appointment of Victor M. Betancourt (At Large). Council Member Scott made a motion to approve the recommendation, seconded by Council Member Riojas and passed unanimously.

Planning Commission

Council Member McIntyre made a motion to reinstate Heidi Hovda, seconded by Council Member Riojas. Heidi Hovda was reinstated with Council Members Martinez, Scott, Garza, McIntyre, and Riojas voting "Aye" and Council Members Rosas, Rubio, Vaughn and Magill voting "No".

Council Member Scott made a nomination to appoint Jeremy R. Baugh. Council Member Garza made a nomination to appoint Gilbert "Gil" Hernandez. Jeremy R. Baugh was appointed with Council Members McIntyre, Vaughn, Scott, Martinez, Magill, and Riojas voting for Jeremy R. Baugh and Council Members Rubio, Garza, and Rosas voting for Gilbert "Gil" Hernandez.

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 8 - 13)

Approval of the Consent Agenda

Mayor Martinez referred to to the Consent Agenda. There were no comments from the public. Council Member Vaughn requested that Item 13 be pulled for individual consideration. Council Member McIntyre made a motion to approve the consent agenda, seconded by Council Member Rosas. The consent agenda items were passed 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

8. **Approving the submission of a grant application for the Automobile Burglary and Theft Prevention Authority to continue the motor vehicle theft enforcement grant in the Police**

Department

Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$822,504 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 15 with a City cash match of \$457,926, in-kind match of \$52,439, and program income match of \$3,546 for a total project cost of \$1,336,415 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030494

9. Interlocal Agreement with Del Mar College for training emergency medical service students

Resolution authorizing the City Manager, or his designee, to execute an Interlocal Agreement with Del Mar College for the training of emergency medical service students.

This Resolution was passed on the Consent Agenda.

Enactment No: 030495

10. Approving submission of grant applications for Schanen Ditch Hike & Bike Trail Phase II Project and Dr. Hector P. Garcia Hike & Bike Trail Phase I Project

Resolution approving submission of grant applications with Corpus Christi Metropolitan Planning for the Schanen Ditch Hike & Bike Trail - Phase II Project and Dr. Hector P. Garcia Hike & Bike Trail - Phase I Project.

This Resolution was passed on the Consent Agenda.

Enactment No: 030496

11. Second Reading Ordinance - Accepting and appropriating the Click It or Ticket Grant from the State of Texas, Department of Transportation (TXDOT) (1st Reading 4/28/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$19,988.20 from the State of Texas, Department of Transportation for the FY2014 Click It Or Ticket program grant; and appropriating the \$19,988.20 in the No. 1061 Police Grants Fund.

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

Enactment No: 030497

12. Second Reading Ordinance - Amendment No. 1 to lease agreement with United Airlines for three year extension (1st Reading 4/28/15)

Ordinance ratifying and authorizing the City Manager to execute a first amendment to the lease agreement with United Airlines to extend the term of the lease; providing for an effective date; providing for severance; and providing for publication.

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

Enactment No: 030498

13. Second Reading Ordinance - Type A Grant for QSROnline.com, Inc. Located at 817 Ayers (1st Reading 4/28/15)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and QSROnline.com, Inc. ("QSROnline") to provide a grant of up to \$129,500, for the creation and retention of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the QSROnline Business Incentive Agreement for the creation and retention of jobs; and appropriating \$129,500 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to QSROnline; and changing the FY 2014-2015 operating budget, adopted by Ordinance No. 030294, by increasing expenditures by \$129,500.

Mayor Martinez referred to Item 13 regarding the Type A grant for QSROnline.com. Council Member Vaughn asked questions regarding the number of current employees at QSROnline.com and the total number of employees the company will have as part of this contract. Emily Martinez with the Corpus Christi Regional Economic Development Corporation (EDC) stated that the company current has 17 full-time employees and the contract will create an additional 10-full-time years over a five-year period, for a total of 27 employees. In response to Council Member Vaughn, President/CEO of the EDC Iain Vasey said the EDC is currently working with staff to develop the criteria and guidelines for use of Type A funds to provide a briefing to the Type A Board next month and present to the City Council in June or July. There were no comments from the public. This Ordinance was passed on second reading and approved with the following vote:

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

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

Enactment No: 030499

N. REGULAR AGENDA: (ITEM 19)

19. Second Reading Ordinance - Approving a Real Estate Sales Contract for the Citizen's Collection Center for Flour Bluff/Padre Island (1st Reading 4/21/14)(Tabled 4/28/15)

Ordinance amending the FY 2015 Capital Improvement Program Budget adopted by Ordinance No. 030303 by transferring \$78,000.00 from Fund 3365 Sanitary Landfill 2008 Certificate of Obligation Project Reserves to Project #E12190 Citizens Collection Center - Flour Bluff/Padre Island; increasing expenditures in the amount of \$78,000.00; and authorizing the City Manager or designee to execute a Real Estate Sales Contract with Alamo Concrete Products Company in the amount of \$275,000 plus \$3,000 in estimated closing costs for a total expenditure of \$278,000, for the purpose of acquiring a tract of land containing 5.320 acres located at the northeast corner of the intersection of Flour Bluff Drive and Division Road, to be used for the Citizens Collection Center - Flour Bluff/Padre Island Area Project #E12190.

Mayor Martinez referred to Item 19. Executive Director of Public Works Valerie Gray stated that the purpose of this item is authorize approval to acquire 5.320 acres of land located at the northeast corner of the intersection of Flour Bluff Drive and Division Road to be used for the Citizen Collection Center - Flour Bluff/Padre island Area Project. This item was tabled on April 28th. Ms. Gray said this is the best site to meet all of the requirements for the proposed collection center. Ms. Gray reported that staff met with Charlotte Hearn, the originator of the petition that was presented at the last meeting, and several other residents on May 6th to answer questions and address questions and concerns. Ms. Gray stated that staff has met with the Head of Air Operations at Naval Air Station - Corpus Christi and there were no problems at this time with the location. Mayor Martinez called for comments from the public. John Michael said he was grateful that the City Council has made the collection center a priority for the community and spoke in support of the project and site location. Shirley Thornton, asked questions and expressed concerns regarding the following topics: the residents in the immediate vicinity not being involved in this issues; odor issues; the site attracting vermin; drainage; the ability to dispose of materials during special events; the high price for the property; and code enforcement. Ms. Thornton requested that this item be tabled and requested that the neighborhood be allowed to provide input. Flo East spoke in support of the collection center and asked that stakeholders be involved in the input. Mike Lehnert spoke regarding property values in the Flour Bluff area and expressed support for the project.

Council members spoke regarding the following topics: the hours of operation; the disparity between the assessed tax and market values for the property; the collection center addressing illegal dumping and excessive setout; other cities in Texas that have collection sites closer to residents than this project; the possibility to allow apartment residents to use the collection center for recycling; the process at the facility; the design concept and the commitment

to include the residents on the input for design; patrolling and monitoring at the facility during closed times and the use of cameras; the need for the collection center in this area; the funding mechanism; the affect on Solid Waste rates; the site and cost analysis; ways to improve the communication process; and additional equipment costs associated with this project. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Riojas. This Ordinance was passed on second reading and approved with the following vote:

Aye: 5 - Mayor Martinez, Council Member Garza, Council Member McIntyre, Council Member Riojas and Council Member Rosas

Nay: 3 - Council Member Magill, Council Member Rubio and Council Member Vaughn

Abstained: 1 - Council Member Scott

Enactment No: 030501

H. EXECUTIVE SESSION: (ITEMS 2 - 5)

Mayor Martinez referred to the day's executive sessions. The Council went into executive session.

- 2. Executive Session pursuant to Texas Gov't Code § 551.071 and Texas Gov't Code § 551.087 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to negotiations for economic development incentives for transportation, warehousing, equipment manufacturing, and a regional headquarters operation and to deliberate regarding commercial or financial information that the governmental body has received from a business prospect 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 and the aforesaid incentives; with possible action and discussion in open session**

This E-Session Item was discussed in executive session.

- 3. Executive session pursuant to Texas Government Code § 551.071 for consultation with attorneys regarding collective bargaining negotiations, the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters Association and/or Corpus Christi Police Officers' Association, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.**

This E-Session Item was discussed in executive session.

- 4. Executive session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning status and potential settlement of**

litigation, including SOAH Docket No. 473-14-4431 and PUC Docket No. 42467 *Application of Electric Transmission Texas, LLC to Amend Its Certificates of Convenience and Necessity for the Proposed Barney Davis to Naval Base Single-Circuit 138 KV Transmission Line in Nueces County, Texas*, with additional discussion and possible action in open session concerning any matters related thereto.

Mayor Martinez referred to item 4 and stated that the following was discussed in executive session:

Resolution recommending adoption of a settlement addressing the proposed Electric Transmission Texas, LLC, 138-kilovolt (KV) electric power transmission line connecting the Barney Davis Substation to Naval Base Substation near Naval Air Station Corpus Christi by the Public Utility Commission of Texas.

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

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

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: 030493

- 5. Executive session pursuant to Texas Gov't Code § 551.074** to deliberate the employment, evaluation, and duties of public officers or employees, including, but not limited to, the City Manager, City Secretary, Municipal Court Judges, and City Auditor, with possible action and discussion in open session.

Mayor Martinez referred to Item 5 and stated that the following was discussed in executive session:

Motion that the City Council appointees (City Manager, City Secretary, City Auditor, and Municipal Court Judges) receive compensation increases separately from the City's STEP system used for its other employees.

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

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

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: M2015-045

M. PUBLIC HEARINGS: (ITEMS 14 - 17)**14. Public Hearing and First Reading Ordinance - Rezoning from Single-Family and Farm Rural to General Commercial at 2101 and 2139 Rodd Field Road**

Case No. 0415-03 Related Investors, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan from low density residential to commercial uses. The property to be rezoned is described as being a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, located on the southwest corner of Holly Road and Rodd Field Road.

Planning Commission and Staff Recommendation (April 8, 2015): Approval of the change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 14. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow a commercial use. Mr. Grimsbo said that the Planning Commission and staff recommend approval 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 Magill 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: 8 - Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: 030503

15. Public Hearing and First Reading Ordinance - Rezoning from

Neighborhood Commercial to General Commercial at 2901 Airline Road

Case No. 0415-04 Gulfway Shopping Center: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District on Lot 2, Block 14, Brighton Village Unit 2, located on the southwest corner of Airline Road and Saratoga Boulevard (SH 357).

Planning Commission and Staff Recommendation (April 8, 2015): Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Gulfway Shopping Center ("Owner"), by changing the UDC Zoning Map in reference to Lot 2, Block 14, Brighton Village Unit 2, from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 15. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for a more intensive commercial use. Mr. Grimsbo stated that the Planning Commission and staff were in favor 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 McIntyre made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: 030504

16.

Public Hearing and First Reading Ordinance - Rezoning from Single-Family 6 to Single-Family 4.5 at 817 Graham Road (Requires 3/4 vote)

Case No. 0415-02 Superior N&R Development, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and Garden Tracts,

located south of Graham Road between Ruddock Drive and Dove Lane.

Staff Recommendation: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Planning Commission Recommendation (April 8, 2015): Denial 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 Superior N&R Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and 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 16. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow the construction a single-family subdivision. Mr. Grimsbo said that the Planning Commission recommended denial of the change of the zoning. The Planning Commission had concerns regarding increased density and the impact to existing wetlands. Staff recommended approval of the zoning change because the currently zoning allows for single-family development. Mr. Grimsbo stated that the opposition totaled more than 20% and a vote for approval would require a super-majority vote. Mayor Martinez opened the public hearing. Debby Krause and Dee Poses spoke in opposition to the zoning change and expressed concern with the natural wetlands and drainage. Clyde Mahavier said he did not support the zoning change because it will cause flooding issues for the current residents on Dove Lane and changing the lots to a smaller size will negatively affect the price of land. Moses Mostaghasi, representing the owner said the owner has no intention of touching the pond area and explained that the zoning change would only increase the number of homes by 16 more than the current zoning allows. Mayor Martinez closed the public hearing. Council members spoke regarding the following topics: the location of the pond in relation to the subject property; the setback for the proposed zoning; whether the current residents are aware that the subject property is currently zoned single-family residential; whether the zoning change would increase the density; the procedures for mitigating wetlands; adequate drainage during the platting process; the impact the zoning change would have on the neighborhood regarding drainage; the possibility that rezoning the property to "RS-4.5" could limit the ability to have a bed and breakfast; whether wastewater is currently available on Graham Road; drainage requirements; the change in lot size requiring that wastewater be available; and requesting that staff provide information prior to second reading on the plan for wastewater and if residents can tap into the wastewater line. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

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

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

Enactment No: 030507

17. Public Hearing and First Reading Ordinance - Rezoning from Farm Rural to Single-Family on Tract 1, Neighborhood Commercial on Tract 2, and Multifamily on Tract 3 at 3401, 3421, and 3513 Airline Road

Case No. 0415-01 MPM Development, LP: A change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, located east of Airline Road at the intersection of Brooke Road.

Planning Commission and Staff Recommendation (April 8, 2015): Approval of the change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MPM Development, LP ("Owner"), by changing the UDC Zoning Map in reference to Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 17. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for single-family, multi-family, and commercial development. Mr.

Grimsbo stated that the Planning Commission and staff were in support of the zoning change. Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing. Council Member Garza made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 1 - Council Member Rubio

Abstained: 0

Enactment No: 030505

N. REGULAR AGENDA: (ITEMS 18 and 20)

18. Second Reading Ordinance - Type A Grant for Govind Development, LLC Located at 9359 IH 37 (1st Reading 4/28/15)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Govind Development, LLC ("Govind") to provide a grant of up to \$908,000, for the creation and retention of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Govind Business Incentive Agreement for the creation and retention of jobs; and appropriating \$908,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Govind; and changing the FY 2014-2015 operating budget, adopted by Ordinance No. 030294, by increasing expenditures by \$908,000.

Mayor Martinez referred to Item 21. Emily Martinez with the Corpus Christi Regional Economic Development Corporation stated that the purpose of this item is to approve a Type A grant for Govind Development, LLC in the amount of \$908,000. Council Member McIntyre made a motion to amend the contract, Section 3.a to include the following language, "company agrees that they shall provide adequate documentation that they comply with the guidelines and criteria for creation of primary jobs (Type A Guidelines) as approved by Council, November 9, 2010."; seconded by Council Member Scott and passed unanimously. Council Member Vaughn stated that she applauded the success of the company, but could not support this item because she is afraid it would be an unfair disadvantage to other engineering firms. Council Member Garza made a motion to approve the ordinance, seconded by Council Member Riojas. This Ordinance was passed on second reading as amended and approved with the following vote:

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

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

Enactment No: 030500

20. Engineering Contract Amendment No. 1 for Construction Material Testing for the Citywide Street Preventative Maintenance (SPMP) Program Year 2

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with Rock Engineering & Testing Laboratory, Inc. of Corpus Christi, Texas in the amount of \$75,306.00 for a restated fee of \$181,250.00 for the Citywide Street Preventative Maintenance Program (SPMP) Year 2 project.

Mayor Martinez referred to Item 20. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute an amendment with Rock Engineering and Testing Laboratory, Inc. for the Citywide Street Preventative Maintenance Program Year 2 project. The material testing is associated with the overlay and sealcoat work associated with the project. Ms. Gray stated that when this item was presented as a future agenda item, it was listed incorrectly on the agenda as an Amendment No. 3. This contract should be an Amendment No. 1. There were no comments from the Council or the public. Council Member Rubio made a motion to approve the motion, seconded by Council Member McIntyre. This Motion 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: M2015-046

O. FIRST READING ORDINANCES: (ITEMS 21 - 22)

21. First Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for construction of off-site wastewater collection line for subdivision located on the south side along Holly Road, east of Rodd Field Road (SH 357) and west of Encino Drive.

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Palm Land Investment, Inc. ("Developer"), for the construction of

a wastewater collection line and appropriating \$245,864.14 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor Martinez referred to Item 21. Director of Development Services Dan Grimsbo stated that the purpose of this item is to execute a wastewater collection line extension construction and reimbursement agreement with Palm Land Development for the construction of an off-site wastewater collection line for Sandy Creek Subdivision. In response to Council Member Rubio, Mr. Grimsbo stated that the line has been installed and the project qualified for a reimbursement. The City entered into an agreement with the developer and reimbursed only the funds available in the Sanitary Sewer Collection Fund. The funds are now available and this agreement is for the remaining balance owed to the developer. There were no comments from the public. Council Member Garza made a motion to approve the ordinance, seconded by Council Member McIntyre. 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: 030506

22. First Reading Ordinance - Amending City Code to add Article IV, Public Works Contracts to Chapter 17 related to debarment, suspension and ineligibility of contractors

Ordinance amending the Code of Ordinances by adding Article IV, Public Works Contracts to Chapter 17 to provide for policies and procedures related to public works contracts related to debarment, suspension and ineligibility of contractors; authorizing the City Manager or designee to make rules and establish methods and procedures necessary to implement the article; providing for severance; and providing for an effective date.

Mayor Martinez referred to Item 22. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to amend the Code of Ordinances to provide for policies and procedures related to debarment, suspension and ineligibility of contractors. This process will help protect the City's interests and from fraud, waste and abuse and helps the City to avoid doing business with non-responsible contractors and bidders. The Ordinance was posted on the City's website and emailed to a list of vendors to provide awareness and receive input. There were no comments from the public. Council members spoke regarding the following topics: clarification on the communication with stakeholders; the need for a process to debar and suspend vendors; concerns with implementation and language; clarification on which staff member has the ability to recommend suspension or debarment; the ordinance allowing for subjectivity; the criteria and procedures to evaluate contractors; having the

procedures available for review to allow the City Council to consider prior to supporting the ordinance and for stakeholders to provide input; whether this ordinance focuses solely on public works projects or other department vendors; whether the ordinance can be delayed until June 9th; development of a flow chart to better understand the process; and the appeal process. Council Member Mark Scott made a motion to table Item 22 to June 9, 2015, seconded by Council Member Colleen McIntyre and passed unanimously.

P. FUTURE AGENDA ITEMS: (ITEMS 23 - 27)

Mayor Martinez referred to Future Agenda Items. Deputy City Manager Margie Rose stated that staff had planned presentations on Items 24, 25, and 27.

23. Mutual Aid Agreement with Naval Air Station Corpus Christi, Fire Departments and Emergency Service districts in Nueces County for fire fighting assistance

Resolution authorizing the City Manager, or his designee, to execute a Mutual Aid Agreement with the Naval Air Station Corpus Christi and the fire departments and emergency service districts located in Nueces County for the provision of fire fighting assistance.

This Resolution was recommended to the consent agenda.

Enactment No: 030502

24. Approving use of Type A Seawall Sales Tax Funding and approving job order construction contract for Miradores Improvement Project

Motion authorizing the City Manager or designee to execute a Job Order Contract with Barcom Commercial, Inc. in the amount of \$318,624.56 for the Miradores Improvement Project, for improvements to the eight Miradores located on the Seawall.

This Motion was recommended to the consent agenda.

Enactment No: M2015-050

25. Engineering Contract Amendment No. 1 - Engineering services for the installation of two diesel power generators at Navigation and Staples Pump Stations for the Alternative Capacity Power Generation

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Bath Engineering of Corpus Christi, Texas in the amount of \$90,955 for a total restated fee not to exceed \$123,455 for the Alternative Capacity Power Generation.

This Motion was recommended to the consent agenda.

Enactment No: M2015-047

26. Engineering Construction Contract and Engineering Professional Services Contract for the 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 \$445,950 for the Lifecycle Curb and Gutter Replacement for base bid and to execute a Contract for Professional Services with Engineering & Construction Management Services, LLC (ECMS, LLC) in the amount of \$88,440.00 for the Lifecycle Curb and Gutter Replacement project.

This Motion was recommended to the consent agenda.

Enactment No: M2015-048

27. Change Order No. 15 for the Runway 17-35 Extension/Displacement and Connecting Taxiway Project

Motion authorizing the City Manager or designee to execute Change Order No. 15 with Bay, Ltd. of Corpus Christi, Texas in the amount of \$298,651.24 for a total restated fee of \$15,361,021.36 for the Runway 17-35 Extension/Displacement and Connecting Taxiway project.

This Motion was recommended to the consent agenda.

Enactment No: M2015-049

Q. BRIEFINGS: (ITEM 28)

28. Corpus Christi Convention & Visitors Bureau - Fiesta de la Flor

Mayor Martinez referred to Item 28. Paulette Kluge, CEO of the Corpus Christi Convention and Visitors Bureau stated that the purpose of this item is to provide a summary of the Fiesta de la Flor event to celebrate the life and legacy of Selena. Ms. Kluge began the presentation with a picture taken on Saturday evening of the event capturing the amount of people in attendance. Ms. Kluge presented information on the following: the marketing efforts used to promote the event; the total number in attendance, advance ticket sales, hotel information and CCRTA Park-n-Ride Ridership; the various states represented based on ticket sales; social media results; total media circulation and ad value; and the economic impact. Ms. Kluge announced that the next Fiesta de la Flor event will be held May 6-7, 2016.

Council members spoke regarding the following topics: the success of the event; the assistance provided by the Emergency Operations Center (EOC) during Friday night's storm event; fireworks display; and informing the public that next year's event will not conflict with the annual Buc Days parade which will be held on an early week.

R. LEGISLATIVE UPDATE:

Legislative Update

Mayor Martinez referred to the Legislative Update. Director of Intergovernmental Relations Tom Tagliabue stated that the purpose of this item is to provide an update on the City Legislative agenda. Mr. Tagliabue reported on the City Council's priority issues that are still being considered including: the statewide transportation funding increase; military value funding; raising the Defense Economic Adjustment Assistance Grant (DEAGG); securing 2% portion of HOT tax for beach cleaning; and windstorm insurance. Mr. Tagliabue provided a status on the issues the City actively supports including no changes to the school start date and the House defeating the Marina Jobs Build. Mr. Tagliabue provided a brief overview City endorsed projects. Mr. Tagliabue presented an update on the annexation bill, HB 221; revenue cap legislation; the red light camera bans; and HB 2594 regarding Blackard Global. Mayor Martinez spoke on the indirect impact of the annexation bill HB 2221 and encouraged the City Council to express written support opposing the bills regarding revenue caps including SB182, SB 1760, and HB1965.

S. ADJOURNMENT

The meeting was adjourned at 6:19 p.m.