



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, November 15, 2016

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Pastor Steve Sorenson, Bridgeway Church.

Pastor Steve Sorenson gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Captain Anthony Sanders - Uniform/Neighborhood Services/K9.

Police Captain Anthony Sanders led the Pledge of Allegiance.

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

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

Charter Officers:

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

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

E. Proclamations / Commendations

1. Proclamation declaring November 15, 2016, "Coastal Bend Day of Giving".
Proclamation declaring November 16, 2016, "18th Annual World-Wide GIS Day of the Coastal Bend 2016 - Discovering the World Through GIS".
Proclamation declaring November 17, 2016, "Great American Smokeout".

Proclamation declaring November 19, 2016, "Corpus Christi Black Chamber of Commerce Day and Celebration with a 73rd Anniversary Gala".

Proclamation declaring November 12-20, 2016, "National Hunger and Homelessness Awareness Week".

Proclamation declaring November 2016, "Prematurity Awareness Month" and November 17, 2016, "Prematurity Awareness Day".

Mayor Martinez presented the proclamations.

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

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

a. OTHER

1) Over the past few weeks, the Development Services and Information Technology Departments have implemented the next phase of the Infor software conversion. The new module, Inspection Schedule, is operational and located on the Development Services Department web page. The online program will allow all requests for home and business inspections to be completed electronically. Staff is working on an information video and how-to guide to help residents and business owners navigate the new system. Questions on the process may be directed to 361-826-3240. 2) The City Hall parking lot entrance on Leopard Street will be closed for reconstruction of the driveway and sidewalk beginning Thursday, November 17, 2016 through Saturday, November 19, 2016. Employees and visitors can access the other entrances located on Staples Street and Lipan Street. This temporary closure is part of the ongoing Americans with Disabilities Act (ADA) improvements along Leopard Street.

F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

Mayor Martinez deviated from the agenda and referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council Chambers. Sherry Sells, 5014 Wingfoot, spoke regarding the City ensuring that buildings have permits that are compliant with the Americans with Disabilities Act regulations. Gloria Scott, 4422 S. Alameda, presented outgoing Council Members Magill and Rosas and Mayor Martinez with a commendation and drawings on behalf of the Corpus Christi Juneteenth Coalition for their support of the Juneteenth celebrations. Laura Ballew, 10730 Atlantic, thanked Mayor Martinez and Council Members Magill and Rosas for their service to the City. Libby Edwards, 15309 E. Chesapeake, reported on the Island Strategic Action Committee's (ISAC) safety concerns regarding the light at Aquarius Street and

approval of a motion for an advanced warning system. Flo East, 1605 Yorktown, thanked Council Member McIntyre and Mayor Martinez for their service to District 4 and Flour Bluff. Maybeth Christensen, 15521 Cuttysark, expressed appreciation to Council Member McIntyre for her work for the Island and thanked Mayor Martinez and Council Members Scott and Magill for their service. Sylvia Tryon Oliver, 2814 Rogen Street, presented Mayor Martinez with a Certificate of Commendation on behalf of the Corpus Christi Black Chamber and expressed well wishes to the outgoing Council Members. Jack Gordy, 4118 Bray, spoke regarding the palm trees on Airline Road. Carter Tate, 13710 Primavera, thanked the City Council for their service and spoke regarding the safety concerns with the light on Aquarius Street. Arnold Valdez, spoke regarding the improvements needed for the westside and central areas of Corpus Christi. Carolyn Burger, 3821 Dunstain, spoke regarding water problems at her residence and the need for assistance from the Texas Commission on Environmental Quality. Abel Alonzo, 1701 Thames, spoke regarding the diversity of the City and the need for the community to work together to better the community. Richard Wills, 1621 Daly, spoke regarding the City's refusal to issue a general repair permit until he receives a windstorm report.

H. MINUTES:

2. Regular Meeting of November 1, 2016.

Mayor Martinez deviated from the agenda and referred to approval of the minutes.

A motion was made by Council Member Magill, seconded by Council Member Garza, that the Minutes be passed. The motion carried by a unanimous vote.

I. OUTGOING COUNCIL MEMBER SPEECHES AND PRESENTATION OF GIFTS

Mayor Martinez referred to outgoing Council Member speeches and presentation of gifts. The outgoing council members thanked their families, friends, supporters, constituents, and City staff for their assistance and support during their time of service.

City Secretary Rebecca Huerta presented outgoing Council Members Rosas, McIntyre, and Scott and Mayor Martinez with a gift on behalf of the City of Corpus Christi.

Mayor Martinez called for a brief recess at 1:15 p.m. Mayor Martinez reconvened the meeting at 1:28 p.m.

J. BOARD & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 3 - 8)

Approval of the Consent Agenda

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

A motion was made by Council Member McIntyre, seconded by Council Member Garza, 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 Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

3. Approving a supply agreement for the purchase of fire hydrants for new and replacement installations (Requires 2/3 vote)

Motion approving a supply agreement with HD Supply Waterworks, Ltd., a Florida limited partnership, with a branch in Corpus Christi, Texas as HD Supply Waterworks, for fire hydrants in accordance with Request for Bid No.126 based on the lowest, responsive responsible bid for an estimated annual expenditure of \$178,690.00, of which \$148,908.34 will be funded in FY2016-2017. 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 approval of the supplier and the City Manager or designee.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-149

4. Developer's Agreement for Downtown Streets - Chaparral project (Bond 2008, Proposition 1) (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a developer's agreement with Cosmopolitan Corpus, LLC. of Corpus Christi, Texas in the amount of \$142,235.89 for work associated with the Downtown Streets - Chaparral project. (BOND 2008 Proposition 1).

This Motion was passed on the Consent Agenda.

Enactment No: M2016-150

5. Second Reading Ordinance - Rezoning property located at 3838 Acushnet Drive (1st Reading 11/1/16) (Requires 3/4 vote)

Case No. 1016-02 Jose and Hector Sanchez: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property to be rezoned is described as Block 7, Lot 13, Saratoga Weber Plaza, located on the north side of Acushnet Drive between Weber Road and Jefferson Street.

Planning Commission and Staff Recommendation (October 5, 2016):
Approval of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Jose and Hector Sanchez ("Owners"), by changing the UDC Zoning Map in reference to Saratoga Weber Plaza, Block 7, Lot 13 from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Plan CC 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: 031002

6. Second Reading Ordinance - Rezoning property located at 701 East Port Avenue (1st Reading 11/1/16) (Requires 2/3 vote)

Case No. 1016-03 Durrill Farms, LLC: A change of zoning from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District. The property to be rezoned is described as a 2.6-acre tract of land out of Port Addition, Block 2, Lot 1, located between Port Avenue and Brewster Street and between Tancahua Street and Broadway Street.

Planning Commission and Staff Recommendation (October 5, 2016):
Approval of the change of zoning from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Durrill Farms, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 2.6-acre tract of land out of Port Addition, Block 2, Lot 1, from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District; amending the Plan CC 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: 031003

7. Second Reading Ordinance - Accepting and appropriating grant funds for the Violence Against Women Act (VAWA) Program within the Police Department (1st Reading 11/1/16) (Requires 2/3 vote)

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 \$46,226.82 for the Violence

Against Women (VAWA) Program within the Police Department with a cash match of \$20,000.52 and an in-kind match of \$6,900.00 for a total project cost of \$73,127.34; appropriating the \$46,226.82 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$20,000.52 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$73,127.34.

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

Enactment No: 031004

8. Second Reading Ordinance - Approving the 2017 Annual Audit Plan (1st Reading 11/1/16) (Requires 2/3 vote)

Ordinance to Approve the 2017 Annual Audit Plan.

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

Enactment No: 031005

N. PUBLIC HEARINGS: (ITEMS 11 - 12)

11. Public Hearing and First Reading Ordinance - Rezoning property located at 5151 McArdle Road (Requires 2/3 vote)

Case No. 1016-05 The City of Corpus Christi: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District. The property is described as being a 6.36 acre tract, out of a 7.245 acre public park, Mt. Vernon Subdivision Unit 3, located on the southeast corner of McArdle Road and Holmes Drive.

Planning Commission and Staff Recommendation (November 2, 2016):

Tract 1: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District except for that portion of the tract abutting Holmes Drive and extending to a depth of 50 feet measured from the Holmes Drive right-of-way line. (See Tract Exhibit)

Tract 2: Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District and in lieu thereof approval of the "CN-1" Neighborhood Commercial District for that portion of the property abutting Homes Drive to a depth of 50 feet measured from the Homes Drive right-of-way line. (See Tract Exhibit).

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Corpus Christi Retail Venture, LP and Corpus Christi

Area Council for the Deaf, Inc., on behalf of The City of Corpus Christi ("Owner"), by changing the UDC Zoning Map in reference to a 6.36 acre tract, out of a 7.245 acre public park, Mt. Vernon Subdivision Unit 3, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1, and to the "CN-1" Neighborhood Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 11. City Secretary Rebecca Huerta announced that Council Member Scott would be abstaining from this item. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property, formerly Mt. Vernon Park, for Corpus Christi Council for the Deaf Center and commercial uses. Mr. McGinn stated that the Planning Commission and staff recommend approval of the change of zoning from the "RS-6" to "CG-2" for Tract 1 and denial of the change of zoning for Tract 2 from "RS-6" to "CG-2" and in lieu thereof, approval of the "CN-1" for that portion of the property abutting Holmes Drive to a depth of 50 feet from the right-of-way line. The deed restrictions on the property include: a landscaping buffer; building height requirement; driveway restriction access on Holmes Drive; and the restrictions of uses such as bars, taverns, pubs, or nightclubs for the future development of the tract.

Mayor Martinez opened the public hearing. The following individuals spoke in support of the zoning change: Andrew Wilson, La Palmera Mall; Beth Schlueter, Executive Director of the Corpus Christi Council for the Deaf and Hard of Hearing Center; and Abel Alonzo, 1701 Thames. The following individuals spoke in opposition to the zoning change: Leon Maternaek, 4910 Andover and John Kelley, 3621 Austin. Mayor Martinez closed the public hearing.

Council members discussed the following topics: removal of the electrical box on the subject property; whether the playground equipment could be used at Crestmont Park; the restriction that driveways cannot be placed on Holmes Drive; and consideration to increase the zoning notification signs.

Mr. McGinn stated that the ordinance presented would need to be amended to include the metes and bounds.

Council Member McIntyre made a motion to amend the ordinance to include the metes and bounds, seconded by Council Member Rubio and passed unanimously.

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

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

Abstained: 1 - Council Member Scott

located at 10329 Kingsbury Drive (Requires $\frac{3}{4}$ vote)

Case No. 0916-01 Coastal Bend Grace House, Inc.: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-1/SP" General Commercial District with a Special Permit. The property is described as Block 3, Lot 4, Hill Country Estates, located on the southeast corner of Kingsbury Drive and McKinzie Road.

Planning Commission and Staff Recommendation (September 7, 2016):

Denial of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-1/SP" General Commercial District with a Special Permit and, in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit subject to seven conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Coastal Bend Grace House, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 0.86-acre tract of land described as Block 3, Lot 4, Hill Country Estates, from the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit for a social service use; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 12. Mayor Martinez stated that this item would require a three-fourths vote of the City Council in order to pass. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow for the construction of an approximately 4,100-square foot single-family home that would be utilized for a social service use. The residence would contain up to 10 women and an on-site director. The women would receive life-skills training that lasts for 9 months. Mr. McGinn stated that the Planning Commission and staff recommend denial of the "CG-1/SP" General Commercial District with a Special Permit and, in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit subject to seven conditions.

Mayor Martinez opened the public hearing. The following individuals spoke in support of the zoning change: Keith Lawrence, 10801 Timbergrove and Founder/CEO of Coastal Bend Grace House; Dorothy Dundas, 7617 Rancho Vista; Abel Alonzo, 1701 Thames; Joel Perritte, 6922 Roseland Drive; Rick Milby, 4421 High Ridge; Bill Word; and Anson Nash, 56 Virginia Hills and Executive Director of the Corpus Christi Baptist Association. The following individuals spoke in opposition to the zoning change: Juan Guerra, 10318 Kingsbury Drive; Kimberly Guerra, 10318 Kingsbury Drive; Sandra Lara, 10417 Pioneer; Dr. Sue Nelson, Superintendent of Tuloso-Midway Independent School District; and Janet Forbes, 2522 McKinzie. Mayor Martinez closed the public hearing.

Council members spoke regarding the following topics: the community's

concerns regarding the use of transitional housing in the neighborhood and the close proximity to a school; a social service use not included in any of the districts in the Unified Development Code (UDC) where they are automatically permitted; a recommendation that zoning for transitional housing facilities to be included in the UDC; concern that the property will be converted to an alternative transitional housing should Coastal Bend Grace House no longer occupy the residence; allowable uses in "CN-1"; the success rate not being high in transitional housing; the size of the entire site; whether there has been anything communicated to the City stating that this specific site is the best site for the Grace House to be located or whether there is a particular reason this site is important to the applicant; a public appeal to the community to find a similarly sized location for this program; and a request for staff to review the properties listed in the Sheriff's Sale for an appropriate site.

MOTION OF DIRECTION

Council Member Vaughn made a motion directing the City Manager to bring back a recommendation for an amendment to the UDC to increase the zoning areas available for social service programs and further differentiate types of social programs, if necessary, seconded by Council Member Hunter and passed unanimously.

Council Member Garza made a motion to deny approval of the Ordinance on first reading, seconded by Council Member Vaughn. This Motion to deny approval passed with the following vote:

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

Abstained: 0

M. EXECUTIVE SESSION: (ITEMS 9 - 10)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session at 3:04 p.m. The Council returned from executive session at 4:36 p.m.

- 9. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to potential settlement in *Janet Cormier, et al v. City of Corpus Christi*.**

Mayor Martinez referred to Item 9 and the following motion was considered:

Motion to authorize the City Manager to execute all documents necessary to settle the claim of Janet Cormier in the lawsuit of Janet Cormier, et al. vs. City of Corpus Christi in an amount not to exceed \$100,000.

Council Member McIntyre 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 Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: M2016-151

- 10. 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 emergency service districts, the provision of fire and ambulance services, dispatching, 911 services, Chapter 143 of the Texas Local Government Code, and collective bargaining.**

This E-Session Item was discussed in executive session.

O. REGULAR AGENDA: (ITEMS 13 - 14)

- 13. One Reading Action Item - Opposing proposed Texas Commission on Environmental Quality (TCEQ) rule amendments that give TCEQ broader discretion to order boil water notices**

Resolution authorizing submission of comments in proposed rulemaking at Texas Commission on Environmental Quality ("TCEQ") regarding revised total coliform rule plus, TCEQ Rule Project No. 2015-035-290-OW, to oppose proposed rules that allow discretionary issuance of boil water notices and request clarification with regard to other proposed amendments.

Mayor Martinez deviated from the agenda and referred to Item 13. Director of Intergovernmental Relations Tom Tagliabue stated that the purpose of this item is to oppose rules proposed by the Texas Commission on Environmental Quality (TCEQ) that allow discretionary issuance of boil water notices and request clarification with regard to other proposed amendments before the comment submission periods ends on November 22, 2016. Mr. Tagliabue provided the following information: the TCEQ summary and the City's concerns. Interim Director of Water Utilities Dan Grimsbo and Water Quality Manager Gabriel Ramirez were available to respond to questions. There were no comments from the public.

Council members spoke regarding the following topics: the proposed amendment to provide discretionary issuance of boil water notices; increased discretion would cause harm to the community; to provide a report on the areas of focus from other cities; whether water samples are taken by licensed employees; and the cause for backflush off of Callicoate Road.

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

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

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: 031006

14. Discussion and consideration of "Petition for Removal according to City Charter Sec. 11(6)(b)" of Council Member At-Large Mark Scott.

Mayor Martinez referred to Item 14. City Secretary Rebecca Huerta stated that Council Member Scott would be abstaining from this item. City Secretary Huerta stated that the purpose of this item is to discuss and consider a citizen initiative petition for the removal of Council Member At-Large Mark Scott. Article II, Section 11 of the City Charter establishes requirements the City Council may use in removing a council member from office. The section cites that the Council may initiate a removal action on its own or five or more registered voters can initiate the process by petition. A citizen-initiated petition was filed with the City Secretary's Office on October 31, 2016 and the petition requested the removal of Council Member Scott. City Attorney Miles K. Risley stated that the City Charter provides that the City Council may reprimand, suspend, refer or remove a member who is subject to a removal proceeding. The Charter specifies that the challenged member, prior to taking any action, shall have the right to: written articles of impeachment, an opportunity to be heard, to summon witnesses, to be represented by counsel, and to receive reasonable advance notice of a hearing. In addition, the City Council must comply with all requirements of the Open Meetings Act.

Mayor Martinez called for comments from the public. Rick Milby, 4412 High Ridge Drive and John Kelley, 3621 Austin, spoke in support of the removal of Council Member Scott.

Council members and staff discussed the following topics: clarification on the difference between removal and impeachment; the process for impeachment; the number of times the City Council has gone through the removal process; the history on previous removal processes for council members; the importance of addressing the intent of the term limits in the City Charter; the first available opportunity to change the Charter language; whether language to change the City Charter can be proposed at the next uniform election date in 2017, to be effective in November 2018; the meetings where Council Member Scott was absent; whether Council Member Scott was paid during his "resignation" period; the full cost for an election; correspondence provided by staff to City Council during Council Member Scott's "resignation" period which excluded Council Member Scott; the reason Council Member Scott was not included in correspondence if he was still a council member; when City Council received a legal opinion regarding Council Member Scott and the holdover provision; when City Council received the second legal opinion regarding Council Member Scott; when Council Member Scott received the legal opinion; the executive session items related to Council Member Scott; the distinction between term and tenure; and whether City Council voted as a body to ask for the second legal opinion.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the City Attorney to waive executive session confidentiality on the executive session in question, seconded by Council Member Vaughn and passed unanimously; Council Member Garza - absent; Council Member Scott - abstained.

Council members discussed the following topics: clarification from City Attorney Risley on how the City Council came about the information regarding outside legal counsel's legal opinion regarding the 18-month term; the footnote provided on the original opinion; the formal opinion being released to the public; the appearance of collusion; whether it is possible for the City Council to speak as a body in executive session; whether any City Council member asked to not seek the second legal opinion while in executive session; Council Members Priscilla Leal and John Marez termed out during the 18-month term; and whether the footnote regarding term limits affects current terms.

Council Member Vaughn made a motion to impeach Council Member Scott, seconded by Council Member Rubio. City Attorney Risley reiterated the City Charter requirements that the City Council provide the challenged member with rights as outlined in the Charter. In response to a council member, City Attorney Risley stated that a council member that is no longer in office cannot be impeached. Council Member Vaughn withdrew her motion and Council Member Rubio withdrew her second.

No action was taken on this Item.

P. FIRST READING ORDINANCES: (ITEMS 15 - 18)

15. First Reading Ordinance - Final Reimbursement of Election Services Overbilling (Requires 2/3 vote)

Ordinance accepting payment from Nueces County in the amount of \$73,616.52 as the final reimbursement for election services overbilling and appropriating in the No. 1020 General Fund; changing the FY2016-2017 operating budget adopted by Ordinance 030965 to increase revenues by \$73,616.52.

Mayor Martinez referred to Item 15. City Secretary Rebecca Huerta stated that the purpose of this item is to accept and appropriate the second of two \$73,616.52 reimbursements from Nueces County for overbilling of election services. In November 2015, Nueces County Clerk Kara Sands advised the City that Nueces County had completed an audit of election costs between October 2012 through December 2014. The audit revealed that the City had been overbilled \$147,233.04 which the Nueces County Commissioners Court approved to be reimbursed. 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 first reading and approved with the following vote:

Aye: 7 - Mayor Martinez, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 2 - Council Member Garza and Council Member Scott

Abstained: 0

16. First Reading Ordinance - Accepting and appropriating a grant amendment for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities grant and ratifying acceptance to begin October 1, 2016 (Requires 2/3 vote)

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 \$100,000.00, 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, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant agreement to begin October 1, 2016.

Mayor Martinez referred to Item 16. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept an amendment to the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities grant to extend the grant an additional 12 months to expire September 30, 2017 and increase funding by \$50,000. There were no comments from the Council or the public.

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

Aye: 7 - Mayor Martinez, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 2 - Council Member Garza and Council Member Scott

Abstained: 0

17. First Reading Ordinance - Appropriating funds and approving Engineering Design Contracts for Residential Reconstruction Test Projects - Ralston Avenue and Rogerson Drive (Requires 2/3 vote)

Ordinance appropriating \$2,500,000 from the Unreserved Fund Balance in No. 1042 Residential and Local Street Fund for the Residential Reconstruction Test Projects - Ralston Avenue and Rogerson Drive; amending the FY 2017 Operating Budget adopted by Ordinance No. 030965; authorizing the City Manager, or designee, to

execute a contract for engineering design services with Urban Engineering of Corpus Christi, Texas in the amount of \$88,420 for design of Ralston Avenue and Freese & Nichols, Inc. of Corpus Christi, Texas in the amount of \$97,764 for the design of Rogerson Drive.

Mayor Martinez referred to Item 17. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to appropriate \$2.5 million from the Residential and Local Street Fund for the Residential Reconstruction Test Projects - Ralston Avenue and Rogerson Drive and to execute two design service contracts, one with Urban Engineering for the design of Ralston Avenue from Staples Street to Alameda, and one with Freese and Nichols for the design of Rogerson Drive from McArdle to Sunnybrook. Staff will use these two projects to provide better pricing information and data to further develop the program. Projects are planned to go out for bid in the May/June 2017 timeframe with construction projected for July 2017. There were no comments from the public.

Council members spoke regarding the following topics: storm water drainage improvements for both projects; concerns with Swantner being a collector without drainage; the process for memorializing data and communicating to the public; whether bids will include additive alternatives; and appreciation to staff for the selection of the two projects.

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

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

Absent: 1 - Council Member Garza

Abstained: 0

18. First Reading Ordinance - Continuing Texas Municipal Retirement System (TMRS) Updated Service Credits for Current Participants and Increases for Prior and Current Annuities (Requires 2/3 vote)

Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

Mayor Martinez referred to Item 18. Interim Director of Human Resources Steven Viera stated that the purpose of this item is to continue the Texas Municipal Retirement System (TMRS) updated service credits for current participants and increases for current and prior annuities. These provisions adhere to the terms of the collective bargaining agreement with the Corpus

Christi Police Officers' Association. Mr. Viera provided a brief update regarding the City's TMRS implementation plan and stated that in October 2016, the City increased its contribution to 19.46% to address the liability and will continue increase this amount by 2% every year to get back to annual repeating status by 2019. There were no comments from the public.

Council members spoke regarding the accomplishments of the Council to address the liability and return to annual repeating contributions.

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

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

Absent: 1 - Council Member Garza

Abstained: 0

Q. FUTURE AGENDA ITEMS: (ITEMS 19 - 27)

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 26.

19. Lease Agreement for 150 parking spaces for Police Department and Municipal Court Facilities

Motion authorizing the City Manager or designee to renew a five-year Parking Space Lease Agreement with 101 Shoreline Limited for 150 parking spaces located at 221 South Water Street, necessary to support the Police Department and Municipal Court facilities, and approving monthly lease payments of \$6,620 per month inclusive of the City's share of utilities, property taxes, mowing, and parking lot maintenance.

This Motion was recommended to the consent agenda.

20. Resolution ratifying the submission of a grant application for the Assistance to Firefighters Grant Program

Resolution ratifying the submission of a grant application in the amount of \$391,200 to the US Department of Homeland Security, Federal Emergency Management Agency for the Assistance to Firefighters Grant Program.

This Resolution was recommended to the consent agenda.

21. Service Agreement for Elevator Maintenance and Repairs for 17 elevators

Motion authorizing the City Manager, or designee, to approve a

Service Agreement with Schindler Elevator Corporation, of Morristown, New Jersey, to perform maintenance and repairs to 17 elevators for an amount of \$95,324.84. In addition to Contractor's repair cost, this motion also included a 10% contingency of \$9,532.48 to address unforeseen conditions. The award is based on the cooperative purchasing agreement with the State of Texas Multiple Award Schedule (TxMas).

This Motion was recommended to the consent agenda.

22. Construction Contract for the Sharpsburg Lift Station Upgrade and Up River Road Force Main Rehabilitation (Capital Improvement Project)

Motion authorizing the City Manager, or designee, to execute a construction contract with Associated Construction Partners, Ltd. of Boerne, Texas in the amount of \$3,042,665 for the Sharpsburg Lift Station Upgrade and Up River Road Force Main Rehabilitation for the Total Base Bid.

The Motion was recommended to the consent agenda.

23. Resolution authorizing Advance Funding Agreement for 2014 Highway Safety Improvements Program (Bond 2014, Proposition 2)

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for 2014 Highway Safety Improvements Program with the City's local participation in the amount of \$779,877.60 from the Bond 2012 and Bond 2014 programs.

This Resolution was recommended to the consent agenda.

24. Construction Contract for the Choke Canyon Dam Sluice Gate Stem Repairs

Motion authorizing the City Manager, or designee, to execute a construction contract with Huffman Contractors, LLC of Nederland, Texas in the amount of \$189,999 for the Choke Canyon Dam Sluice Gate Stem Repairs for the Total Base Bid.

This Motion was recommended to the consent agenda.

25. Engineering Construction Contract for Alternative Capacity Power Generation Staples and Navigation Water Pump Station (Capital Improvement Project)

Motion authorizing the City Manager, or designee, to execute a construction contract with McDonald Municipal & Industrial of Houston,

Texas in the amount of \$868,869 for the Alternative Capacity Power Generation - Staples and Navigation Water Pump Station for the Total Base Bid.

This Motion was recommended to the consent agenda.

26. Approving Cellular Services for Phones, Wireless Devices, and Connectivity

Motion authorizing the City Manager or designee to execute a contract with T-Mobile USA, Inc., of Bellevue, Washington, based on a cooperative purchasing agreement with the Texas Department of Information Resources (DIR), for a total estimated expenditure of \$1,650,348 for three years, of which \$412,587 is funded in FY2016-2017, with options to extend for up to one additional one-year period subject to renewals of the State's DIR contract (DIR-TSO-3416) with T-Mobile, sufficient annual appropriations, and mutual consent of the vendor and City Manager.

This Motion was recommended to the consent agenda.

27. Establishing Waste Acceptance Contract with Killian Calderon Disposal LLC

Motion authorizing the City Manager or designee to execute an 11-year contract with Killian Calderon Disposal, LLC, guaranteeing the delivery of specific tonnage of acceptable waste collected within the boundaries of the Coastal Bend Council of Governments region to the City's Cefe Valenzuela Municipal Landfill, with a termination date of November 12, 2027.

This Motion was recommended to the consent agenda.

R. BRIEFINGS: (ITEMS 28 - 29)

28. Water Quality Projects Update

Mayor Martinez referred to Item 28. Interim Director of Water Utilities Dan Grimsbo introduced the presentation team including: Water Quality Manager Gabriel Ramirez, Utilities System Manager Rafael Martinez, and Assistant Director of Maintenance and Lines Wes Nebgen. Mr. Grimsbo stated that the purpose of this item is to provide a presentation on the actions that have been taken and projects started to improve water quality and plant operations. Mr. Grimsbo provided information on the actions the City has implemented and current and future actions to be taken to address the three major areas of the water system including raw water, treatment and distribution. Mr. Grimsbo provided the location, cost, and estimated timeline for the current capital improvement plan projects.

29. Ethics Commission Ethics Code Recommendations

Mayor Martinez referred to Item 29. Assistant City Attorney Lisa Aguilar stated that the purpose of this item is to provide a report on the Code of Ethics recommendations. Ethics Commission Chair Dr. Haysam Dawod was available to respond to questions. On July 19, 2016, the City Council received a presentation from the Ethics Commission Chair regarding their proposed recommendations. During that presentation, several questions were raised and taken back to the Ethics Commission on September 15, 2016. The Ethics Commission reviewed the questions raised by City Council and provided recommendations for the City Council's consideration.

Question 1 regarding the definition of "client" for the purposes of changes recommended to the conflict of interest section in the Ethics Code. Answer: The Ethics Commission recommend that the term "client" be redefined to refer to a fiduciary relationship, but not an ordinary customer relationship.

Question 2 regarding Restrictions on Appointments and whether the proposed amendment to Section 2-311(21)(E) regarding restrictions on appointments related to contributions in excess of \$2,700 applies to a contribution by a political action committee. Answer: No. The Ethics Commission states that this amendment only applies to a contribution made by an individual and recommends no changes to their initially proposed amendment.

Question 3 regarding appointments to non-profit boards and the intent regarding the proposed amendment to Section 2-311(8)(A)9 regarding appointments to non-profit boards. Answer: The Ethics Commission discussed and voted to remove this proposed amendment.

Question 4 regarding what was the intent regarding the Human Resources Department's responsibilities in the definition of "official" in Section 2-311(8)(D) for the purpose of identifying City officials for Ethics Code provisions. Answer: The Ethics Commission revised their recommendation and shifted the responsibility from the Human Resources Department to the City Manager to update the list and post annually to the City's website.

Question 5 regarding the proposed amendment to include the Preamble into the Ethics Code as one of the potential rules of conduct violation. Answer: The Ethics Commission voted to remove this recommendation, therefore, the language in Section 2-330(a) would remain the same.

Council members spoke regarding the following topics: appreciation for staff and the Ethics Commission for their work on these recommendations; the difference between a fiduciary relationship and an ordinary customer relationship; the fields in which a fiduciary relationship is likely to occur; questions regarding removing the preamble from Section 2-330, Complaints but continuing to have a portion of the preamble language "to avoid the appearance of impropriety" remain in Section 2-11...(8)(A); a letter written by David Loeb to the Caller Times regarding the composition of the Ethics Commission; the composition of the Ethics Commission in other Texas cities and how violations are handled; the percentage of the recommendations that came from the Mureen Report; and whether the language in the Ethics Code is airtight.

S. ADJOURNMENT

The meeting was adjourned at 7:01 p.m.