



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 30, 2018

11:30 AM

Council Chambers

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

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

- A. Mayor Joe McComb to call the meeting to order.**

Mayor McComb called the meeting to order at 11:30 a.m.

- B. Invocation to be given by Pastor Kevin Jennings, Mt. Olive Lutheran Church.**

Mayor McComb gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Peter Davidson, Marina Superintendent.**

Marina Superintendent Peter Davidson led the Pledge of Allegiance.

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

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

Charter Officers:

City Manager Margie C. Rose, Senior Assistant City Attorney Buck Brice, and City Secretary Rebecca L. Huerta.

*City Attorney Miles K. Risley arrived at 12:02 p.m.

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

E. Proclamations / Commendations

1. Proclamation declaring February 2, 2018, "National Wear Red Day".
Commendation for Dr. Maria Luisa Garza - Honoring Her Career in Education.
Commendation for the 83rd Annual Nueces County Junior Livestock Show Queen's Contest.

Mayor McComb presented the proclamation and commendations.

- J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.**

Mayor McComb deviated from the agenda and referred to comments from the public. Mandy Cox, 1601 Sea Oak Dr.; Alyce Oblad, 7721 Van Zandt Dr.; Tim Oblad, 7721 Van Zandt Dr.; Tom Cecil, 339 Baycliff Dr.; Jessica Barber, 4380 Aaron; Alissa Meija, 4302 Ocean; and Marilyn Broder, 13905 Flintlock Dr.; spoke regarding Agenda Item 31, Parks & Recreation Department Overview, and expressed the following concerns: consideration for splash pads, shade structures, and fences at City parks; maintenance and safety of playground equipment; and funding. Mirna Salinas, 4609 Bluebelle, spoke regarding issues at Cunningham Middle School. Wendy Herman, 5325 Yorktown and on behalf of the Coastal Bend Homebuilders Association, spoke regarding Agenda Item 35, an update on the proposed annexation policy, and stated that the homebuilders and neighborhood developers are against the policy and recommended Option 3, directing staff to cease work on this item. Kendra Kinnison, 425 Poenisch; Jim Kunau, 802 S. Carancahua; Darcy Schroeder, 409 Dolphin; Melody Brice, Embassy Suites; and Brad Lomax, 309 N. Water St.; spoke regarding Agenda Item 30, a presentation from the Corpus Christi Convention and Visitors Bureau (CVB) related to ReDiscover Coastal Bend, and expressed support for the CVB's request to advance hotel occupancy tax (HOT) funding to market Corpus Christi as a tourist destination that is open for business after Hurricane Harvey. Robert Brisco, 601 Miramar; Jim Rosenkild, 730 Brock; Sherry Rizzo, 513 Coral Pl.; Theresa Casey, 4217 Cott; Carrol Russel, 3552 Aransas St.; and Angela Luce, 5318 Sugar Creek Drive; spoke regarding

Collier Pool including: chemical problems; bathroom ventilation; maintenance of facility; inadequate staffing at the facility; the continuous closure of the pool; and additional funding for aquatics. Judy Telge, 3554 Santa Fe and representing Bay Area Smart Growth, spoke regarding Agenda Item 35, an update on the proposed annexation policy, and expressed support for moving forward with the policy. Aislynn Campbell, 510 McClendon, spoke regarding the following: comments made at the Council meeting held on January 23, 2018 during the discussion related to the Bayfront Master Plan; and her support for the local downtown farmers market and community revitalization. Cheryl Martinez, 3938 Surfside, spoke regarding Agenda Item 32, a briefing regarding Animal Care Services, including: the job description for the Animal Care Services Program Manager and various ordinances approved by the Animal Care Advisory Committee that have not be presented to City Council for consideration. Janette Parks Rankin, 13817 Gunwale, and Andrea Holley, 13854 Topsail, spoke regarding a proposed dog park at Aquarius Park and comments made during previous meetings by a citizen speaking in opposition to the project. Richard Troop, Corpus Christi Board of Realtors, spoke regarding the 2017 Annual Housing Report. Joe Hilliard, 510 McClendon, spoke regarding the Bayfront Master Plan, the Shoreline Realignment project and urged the City Council to research how other cities have used parks to improve economic development, increase tourism, and enhance quality of life. Frank Arriaga, 1045 Ponder, and Julie Roger, 1324 N. Mesquite, spoke regarding the Shoreline Realignment project and the stakeholders' resolution for the area. Barbara Baker, 334 Ohio Ave, spoke regarding Agenda Item 33, a briefing regarding Animal Care Services, including: addressing adequate funding and staffing; moving forward with suggestions made by the Animal Care Advisory Committee; a protocol for dealing with dog packs; and the spay/neuter program. Linda Gibeaut, 410 Southern, spoke regarding Agenda Item 33, a briefing regarding Animal Care Services, and addressed the following: volunteers at Animal Care Services; public safety related to dangerous dogs; responsible pet ownership; and future ordinance changes.

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

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

a. COLLIER POOL

City Manager Rose stated that the purpose of this report is to provide information regarding Collier Pool. Director of Parks and Recreation Jay Ellington stated that the construction of Collier Pool is complete and presented a video of the completed project. Mr. Ellington listed the issues currently being addressed at Collier Pool: the chlorination and temperature of the pool water; bath house issues including: peeling paint, ventilation, an un-level concrete pad, heat and hand dryers not included in the project's scope, phone services connectivity issues; and hours of operation and staffing.

Council members and staff discussed the following topics: management of pool operations; chemical issues related to the pool water; a council member's suggestion that council members visit the parks and pools in their districts; whether the old chlorinator was used at the new pool; funding for the project; the reason heating the pool was not included in the project scope; the number of pools in the City open year-round; the contractors for the project;

accountability for the project; whether the project is under warranty; how often chlorine levels are checked; whether a stakeholders' meeting was held prior to construction of the project; peeling paint at the bath house; the lack of amenities at the facility; staffing levels and the challenges of using temporary employees at the pool; a plan for communicating pool closures to the public; the length of time needed to completely address the issues at the pool; the cost associated with heating the pool and adding hand dryers; whether Collier Pool's budget was reduced in FY2017-2018; a mechanism for rating vendors doing business with the City; lack of management; the use of Community Enrichment Funds to fund the heaters; chlorinated pools versus salt water pools; the contractor and costs associated with design of the pool; and on-staff management with aquatics experience.

(Note: Mayor McComb recused himself during the report after becoming aware of a conflict of interest.)

b. HEALTH PLAN UPDATE

City Manager Margie C. Rose stated that the purpose of this item is to provide an update on the Health Plan. Director of Human Resources Steven Viera summarized the health plans as follows: Citicare is performing better than expected with expenditures at 9.5% below budget; Fire has a \$550,000 loss in the first quarter, with a negative expenditure variance of 4%; and Police is within 1% of budget with an \$88,000 loss to date. Mr. Viera provided the fund balances for each health plan and a graph of claims cost net of stop loss reimbursements for 24-month period. Staff continues to meet and work closely with both the Fire and Police Associations' leadership regarding their plan status. Both groups remain open to discussing and further investigating possible plan design changes that could help reduce their respective claims utilization.

Council members and staff discussed the following: a council member's request to have staff provide a copy of presentations prior to receiving an update; the Fire health plan's loss of \$550,000 in the first quarter; the Fire plan beginning the year underfunded by taking only a 12% increase rather than the recommended 24%; appreciation to the Corpus Christi Police Officers' Association for being proactive by implementing the Telemed program; participation in the Choice Plan and Value Plan for City employees; actuarial assumptions; evaluating the health plans during budget discussions; how the Police and Fire plans work; whether regular employees would have to compensate if there is a shortfall in the Police and Fire balances; and the impact to the City's budget.

c. OTHER

1) According the the Corpus Christi-Nueces County Public Health District, there were 794 flu cases reported last week compared to 384 cases reported the same week in 2017. The Corpus Christi-Nueces County Public Health District still has flu shots available and is recommending receiving the flu vaccine if you have not received it. The flu shots have been offered to residents that are not insured or who are under-insured for a cost of \$20 and no prescription is required. The Corpus Christi-Nueces County Public Health District is located at 1702 Horne Road. 2) The Utilities Department is offering free dye tablets for residents who would like to inspect their toilets for leaks. A leaky toilet can

waste up to 200 gallons of water per day. This opportunity allows homeowners and businesses to be proactive before the increase in water pressure due to the new elevated water storage tanks go on line this spring. The tablets are available at the City Hall information booth located at 1201 Leopard or at the Utilities Department located at 2726 Holly Road.

City Secretary Rebecca L. Huerta announced that Mayor McComb and Council Member Hunter recused themselves from the City Manager's Comments related to Collier Pool; and Council Member Hunter recused himself from the City Manager's Comments related to the Health Plan update.

G. MINUTES:

2. Regular Meeting of January 23, 2018.

Mayor McComb referred to approval of the minutes. Council Member Lindsey-Opel made a motion to approve the minutes, seconded by Council Member Garza and passed (Council Member Hunter - absent).

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. EXPLANATION OF COUNCIL ACTION:

R. EXECUTIVE SESSION: (ITEM 37)

Mayor McComb deviated from the agenda and referred to Executive Session Item 37. The Council went into executive session at 2:37 p.m. The Council returned from executive session at 3:20 p.m.

37. Executive Session pursuant to Section Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues (including TCEQ and EPA regulations) related to reservation agreement(s) for recycled water, the provision of utility services in industrial districts, desalination, reuse, utility rate design, and water and wastewater treatment and distribution and pursuant to **Texas Government Code § 551.087 to discuss confidential commercial or financial information pertaining to business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).**

Mayor McComb referred to Item 37 and the following motion was considered:

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

Council Member Smith made a motion to approve the motion, seconded by Council Member Garza. This motion was passed and approved with the

following vote:

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

Abstained: 0

Enactment No: M2018-022

L. RECESS FOR LUNCH

The recess for lunch was held during the executive session regarding Item 37.

M. PUBLIC HEARINGS: (ITEM 13)

13. Public Hearing and First Reading Ordinance - Rezoning property located at 901 Airline Road (Tabled 1/23/18)

Case No. 0717-01 Alrich Enterprises Inc., DBA Richard Sanchez Motors and Ben L. Herndon, Jr.: A change of zoning from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District. The property is described as being Koolside, Block 6, Lots 24 and 25 less portion to right-of-way and Lot 26, located at the intersection of Airline Road and Gollihar Road, north of McArdle Road and south of South Alameda Street.

Planning Commission and Staff Recommendation (November 15, 2017): Denial of the change of zoning from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, in lieu thereof approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit (SP) with conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Alrich Enterprises Inc., D/B/A Richard Sanchez Motors and Ben L. Herndon, Jr. ("Owner"), by changing the UDC Zoning Map in reference to the property described as Koolside, Block 6, Lots 24 and 25 less portion to right-of-way and Lot 26, from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb deviated from the agenda and referred to Item 13. Interim Director of Development Services Bill Green stated that the purpose of this item is to allow for the operation of a used vehicle sales establishment. Mr. Green stated that the Planning Commission and staff recommended denial of

the change of zoning from the "ON" Neighborhood Office District and the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, and in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit with conditions.

Mayor McComb opened the public hearing. Richard Sanchez, applicant, thanked the City Council for considering the zoning change and stated that he was in agreement with the recommendation. Mayor McComb closed the public hearing.

Council members and staff discussed the following: official notification sent to property owners instead of tenants residing at a property; and the fire station located across the street from the subject property.

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

Abstained: 0

K. CONSENT AGENDA: (ITEMS 3 - 12)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. A council member requested that Item 3 be pulled for individual consideration. Mayor McComb announced that he would be abstaining from Item 5. City Secretary Rebecca L. Huerta stated that staff is requesting to pull Item 12 for an amendment prior to second reading. There were no comments from the public.

Council Member Garza made a motion to approve the consent agenda, seconded by Council Member Lindsey-Opel. The consent agenda items were passed and approved by one vote as follows:

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

Abstained: 0

4. Purchase of Five Utility Terrain Vehicles for Beach Operations

Motion authorizing the City Manager, or designee, to purchase five Kubota RTV-X900G-A utility terrain vehicles for beach operations from Ewald Kubota, of Corpus Christi, Texas, based on Request for Bids No. 272 based on the lowest responsive, responsible bid for an amount of \$80,585.

This motion was approved on the consent agenda.

Enactment No: M2018-020

6. Resolution Directing Use of \$3.4 Million Dedicated to Residential Streets (Council Priority - Streets)

Resolution directing the City Manager to spend \$3,400,000 for residential street reconstruction in accordance with Option No. 3 discussed at the December 19, 2017 City Council Meeting.

This Resolution was passed on the consent agenda.

Enactment No: 031348

7. Second Reading Ordinance - Accepting and appropriating a donation for the Corpus Christi Smoke Alarm Program (1st Reading 1/23/18)

Ordinance authorizing the City Manager or designee to accept a donation from Walmart in the amount of \$1,000 to be used to support the Corpus Christi Smoke Alarm Program; and appropriating \$1,000 from Walmart into the Fire Grant Fund No. 1062.

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

Enactment No: 031349

8. Second Reading Ordinance - Accepting and appropriating the 2017 Helping Heroes Grant Program funds (1st Reading 1/23/18)

Ordinance authorizing the City Manager or designee to accept a grant from Koch Companies Public Sector, LLC 2017 Helping Heroes Grant Program in the amount of \$10,000.00 to be used to purchase a Hazardous Chemical Detector; and appropriating \$10,000.00 from Koch Companies Public Sector; LLC into the Fire Grant Fund No. 1062.

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

Enactment No: 031350

9. Second Reading Ordinance - Construction Contract for Mary Rhodes Pipeline Protection Upgrade (Capital Improvement Program) (Council Priority - Water) (1st Reading 1/23/18)

Ordinance rejecting the apparent low bid of Down South Field Services, Inc. as non-responsive and authorizing the City Manager to execute a contract with Integrated Corrosion Companies, Inc. of Houston, Texas as the lowest responsive/responsible bidder in the amount of \$525,732.63 for the Mary Rhodes Pipeline Cathodic Protection Upgrades.

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

Enactment No: 031351

10. Second Reading Ordinance - Lease Agreement for the 2018 Fiesta De La Flor Event (Council Priority - Economic Development) (1st Reading 1/23/18)

Ordinance authorizing the City Manager or designee to execute a lease agreement with the Corpus Christi Convention and Visitors Bureau (CCCVB) for 2018 Fiesta de la Flor event and related activities to be held on April 13, 2018 and April 14, 2018, and allow use of streets bounded by Power Street, N. Water Street, Resaca Street and Shoreline Blvd. and including the Bayfront Park located along Shoreline Blvd. between Resaca Street and Power Street.

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

Enactment No: 031352

11. Second Reading Ordinance - Construction Contract for the Dr. Hector P. Garcia Park Hike and Bike Trail (Bond 2012) (1st Reading 1/23/18)

Ordinance appropriating \$264,000 of anticipated revenue from the Texas Department of Transportation in Fund No. 3280 for the Dr. Hector P. Garcia Park Hike and Bike Trail; changing the FY 2018 Capital Improvement Program Budget adopted by Ordinance No. 031249 to increase revenues and expenditures by \$264,000; and authorizing the City Manager, or designee, to execute a construction contract with Mako Contracting, LLC., of Corpus Christi, Texas in the amount of \$305,106.60 for the Dr. Hector P. Garcia Park Hike and Bike Trail project for the base bid. (Bond 2012)

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

Enactment No: 031353

3. Homebuyer Assistance Program Amendment No. 1 between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi

Motion to approve an amendment to the agreement between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi for the Type A Affordable Housing Program - Homebuyer Assistance Program and increasing expenditures in the Business and Job Development Fund No. 1140 by \$100,000.

Mayor McComb referred to Item 3, approval of an amendment to the agreement with the Corpus Christi Business and Job Development Corporation (Type A Board) for the Type A Affordable Housing Program - Homebuyer Assistance Program. Director of Housing and Community Development Rudy Bentancourt and council members discussed the following: funding left over from the previous agreement; the number of individuals assisted by the funding; options to use the funds differently to assist more homebuyers; the median price per home; a request by a council member to provide a copy of the Type A bylaws to City Council; whether Type A is required to reimburse City staff for expenses; the process of how Type A projects are presented to the Type A Board and then City Council; the guidelines stating that the program provides up to \$10,000 per applicant; the use of HOME funds and Type A funds simultaneously; the price range of homes and maximum purchase price; comments made during public comment stating that home prices continue to rise; concern that homeowners may not be able to pay taxes and insurance on property; and the requirement that homeowners own the property for five years. There were no comments from the public.

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

Aye: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio and Council Member Vaughn

Nay: 2 - Council Member Hunter and Council Member Smith

Abstained: 0

Enactment No: M2018-019

5. Construction Contract for Police Vehicle Impound Yard and Garage Phase 2 (Bond 2012, Proposition 7)

Motion authorizing the City Manager, or designee, to execute a construction contract with Barcom Construction, Inc., of Corpus Christi, Texas in the amount of \$779,279.78 for the Police Vehicle Impound Yard and Garage Phase 2 (Rebid) project for the base bid and additive alternate one. (Bond 2012, Proposition 7)

Mayor Pro Guajardo referred to Item 5. Mayor McComb abstained from this item. There were no comments from the public.

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

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

Abstained: 1 - Mayor McComb

Enactment No: M2018-021

12. Second Reading Ordinance - Amending City Code to reflect the increase of employee's contribution toward dependent premiums (1st Reading 1/23/18)

Ordinance amending Chapter 39 of the Corpus Christi Code of Ordinances to revise Article III. - EMPLOYEE COMPENSATION AND CLASSIFICATION SYSTEM; providing for severance, publication, penalty, and an effective date.

Mayor McComb referred to Item 12, amending Chapter 39 of the City's Code of Ordinances to reflect the increase in employees' contributions toward dependent premiums from 50% to 75%. Director of Human Resources Steven Viera stated that staff is requesting that the ordinance be amended prior to second reading to reflect a retroactive effective date of October 1, 2017. Council Member Hunter abstained from this item. There were no comments from the public.

Council Member Garza made a motion to amend Section 5 to reflect a retroactive effective date of October 1, 2017, seconded by Council Member Vaughn and passed unanimously (Council Member Hunter abstained).

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

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

Abstained: 1 - Council Member Hunter

Enactment No: 031354

M. PUBLIC HEARINGS: (ITEM 14)

14. Public Hearing and First Reading Ordinance - Rezoning property located at 8101 Slough Road

Case No. 1217-02 Dorsal Development, LLC. A change of zoning from "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District. The property is described as being a 19.398 acre tract of land, more or less, a portion of Lot 8, Section 25 and a portion of Lots 1 and 2, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, located north of Yorktown Boulevard, east of Rodd Field Road, and west of Roscher Road.

Planning Commission and Staff Recommendation (December 13, 2017):

Approval of the change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Dorsal Development, LLC. ("Owner"), by changing the UDC Zoning Map in reference to the property described as being a 19.398 acre tract of land, more or less, a portion of Lot 8, Section 25 and a portion of Lots 1 and 2, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to "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 McComb referred to Item 14. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property to allow for the construction of single-family residences. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change.

Council members and staff discussed the following: concern with additional traffic pressure on Slough Road; the proximity of the gun range on Starry Road to the subject property; concern with access to the subject property and the condition of Slough Road; whether the developer is required to make improvements to Slough Road; whether the applicant owns the adjacent property; access and transportation issues addressed during the preliminary platting process; regarding how the property will be used once City Council approves the zoning change; tying public improvements to a zoning change; reviewing the Unified Development Code (UDC) regarding multiple points of access and the design process; the current zoning of the subject property; the number of homes that will be added; Slough Road being included in the proposed Bond 2018; confirmation from staff that the subject property would have to access Yorktown Boulevard and not Slough Road because of a drainage ditch; the platting process approved by the Planning Commission; and the ability to include a condition that the developer must include a disclaimer to individuals purchasing property located close to the gun range.

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

Council Member Lindsey-Opel made a motion to table this item to the City Council meeting of February 13, 2018, seconded by Council Member Vaughn. This ordinance was tabled to the City Council meeting of February 13, 2018 with the following vote:

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

Nay: 1 - Council Member Hunter

Abstained: 0

City Secretary Rebecca L. Huerta announced that Council Member Hunter abstained from Item 12.

N. REGULAR AGENDA: (ITEM 15)

15. Second Reading Ordinance - Amending City Code of Ordinances, Revising the City's Drought Contingency Plan (Council Priority - Water) (1st Reading 1/23/18)

Ordinance revising Drought Contingency Plan; Amending City Code of Ordinances, Chapter 55, Article XII Water Resource Management, regarding water resource management including drought restrictions, providing an effective date of February 1, 2018; and providing for penalties.

Mayor McComb referred to Item 15, amending the City's Code of Ordinance by revising the City's Drought Contingency Plan. Water Resources Manager Steve Ramos stated that staff provided a revised ordinance, based on comments received at the January 23, 2018 Council meeting, retitling the drought response stages to reservoir system stages. The plan would still have four stages with the same recommendations triggering each stage. A council member discussed the revisions to the ordinance. There were no comments from the public.

Council Member Rubio made a motion to amend the ordinance to change the effective date to February 8, 2018 and to correct the date of last adoption of the Conservation Plan to May 28, 2013; to amend the Ordinance and Drought Contingency Plan as follows: to change the terms "Drought stage", "drought contingency stage", and "stage of a drought" to "Reservoir System stages"; to change the term "level of drought" to "level of reservoir system"; to change the term "drought best management practices" to "Reservoir system best management practices"; to change the term "drought response" to "reservoir system response"; to change the term "water use reductions during drought" to "water use reductions"; and to change the term "drought surcharge" to "reservoir system surcharge"; seconded by Council Member Garza and passed unanimously.

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

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

Abstained: 0

Enactment No: 031355

O. FIRST READING ORDINANCES: (ITEMS 16 - 21)

16. First Reading Ordinance - Appropriating funds for repairs to radio

tower

Ordinance appropriating \$14,439.73 from Radio System Capital Replacement Reserve Fund for repairs to radio tower site transmission lines; amending FY18 operating budget.

Mayor McComb referred to Item 16. Police Chief Mike Markle stated that the purpose of this item is to appropriate \$14,439.73 from the Radio System Capital Replacement Reserve Fund to pay for repairs to the radio transmission towers damaged by Hurricane Harvey. In response to Mayor McComb, Chief Markle stated that the project is included in the request for FEMA reimbursement. There were no comments from 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

17. First Reading Ordinance - Closing utility easement located south of Yorktown Boulevard between Malamute Drive and Bay Drive

Ordinance abandoning and vacating 0.157 acre of an existing utility easement out of a portion of Rodd Village, Block 2, Lots 6,7,8,9 and 10, located south of Yorktown Boulevard between Malamute Drive and Bay Drive and requiring the owner, Hooten Family Trust and Thomas Nathan Clark, to comply with the specified conditions.

Mayor McComb referred to Item 17. Interim Director of Development Services Bill Green stated that the purpose of this item is to vacate and abandon approximately 457 feet of an existing utility easement out of a portion of Rodd Village, Block 2, located south of Yorktown Boulevard between Malamute Drive and Bay Drive. The owner, Hooten Family Trust and Thomas Nathan Clark, recently replatted five plats into one plat. There were no comments from the public.

In response to a council member, Mr. Green stated that he would research whether there was a public improvement district agreement for this property.

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

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

Abstained: 0

18. First Reading Ordinance - Closing utility easement located at 4002 and 4018 South Padre Island Drive

Ordinance abandoning and vacating 0.0446 acre of an existing utility easement out of Geo J. Merriman Subdivision, Lots 1-A and 4-A, located at 4002 and 4018 South Padre Island Drive and requiring the owner, Weber Dorado Partners, LLC., to comply with the specified conditions.

Mayor McComb referred to Item 18. Interim Director of Development Services Bill Green stated that the purpose of this item is to vacate and abandon approximately 194 linear feet of an existing 10-foot utility easement on property located at the northeast corner of Weber Road and South Padre Island Drive. The applicant, Weber Dorado Partners, LLC., is building two new buildings on the property. The existing wastewater main will be relocated by the applicant. There were no comments from the public. A council member stated that this development is a benefit to the community.

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

Abstained: 0

19. First Reading Ordinance - Approval of agreement and appropriating funds for AEL Development, LLC, for the Wastewater Collection Line Extension Construction and Reimbursement Agreement

Ordinance authorizing City Manager or designee to execute a wastewater collection line extension construction and reimbursement agreement ("Agreement") with AEL Development, LLC. ("Developer"), for the construction of a sanitary sewer collection line and appropriating \$52,514.90 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor McComb referred to Item 19. Interim Director of Development Services Bill Green stated that the purpose of this item is to execute a wastewater collection line extension construction and reimbursement agreement with AEL Development, LLC. for the construction of a sanitary sewer collection line. There were no comments from the Council or the public.

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

Abstained: 0

20.

First Reading Ordinance - Appropriating funds to purchase two Roll-off Trucks for Solid Waste Operations

Ordinance appropriating \$176,339.34 from the Unreserved Fund Balance in the Fund 5110 Fleet Maintenance Service Fund; transferring said funds to and appropriating in Fund 4200 Wastewater Fund; amending the FY2017-18 operating budget adopted by Ordinance Number 031255 to increase revenues and expenditures; and approving the purchase of two Peterbilt roll off trucks from Rush Truck Centers of Texas, L.P., of New Braunfels, Texas, through the Houston Galveston Area Council of Governments purchasing cooperative, for an amount not to exceed \$396,960.00.

Mayor McComb referred to Item 20. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to purchase two roll-off trucks for Solid Waste Services. There were no comments from the public.

Council members and staff discussed the following topics: the reason the funding was appropriated from the Unreserved Fund Balance; a request from a council member to provide the City Council with a memo including year-to-date revenues and expenditures detail from the Fleet Department including the Unreserved Fund Balance; and the purchase of the vehicles without debt.

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

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

Abstained: 0

21.

First Reading Ordinance - for the Installation of playground equipment at Almanza, Breckenridge and Middlecoff Parks

Ordinance appropriating \$64,709.27 from the No.1020 General Fund unreserved fund balance for the purchase and installation of playground equipment at Almanza, Breckenridge and Middlecoff Parks; amending

the FY2017-18 operating budget adopted by Ordinance Number 031255 to increase expenditures by \$64,709.27; and approving the purchase of the said equipment and installation from The PlayWell Group, Inc. and PlayWorks, Inc., of Dallas, Texas, for an amount not to exceed \$251,933.60, via Buyboard.

Mayor McComb referred to Item 21. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to purchase and install playground equipment for three neighborhood parks. There were no comments from the public.

Council members and staff discussed the following topics: the new equipment replaced at Parker Park; the reason for funding through the Unreserved Fund Balance; use of the Community Enrichment Funds; the project not being completed last fiscal year; whether the playground equipment is similar to the equipment installed at Sacky Park; shade in neighborhood parks; and opportunities for donations.

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

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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 22 - 29)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 25 and 26.

22. Resolution authorizing submission of grant application to the State for funding available under the Victims of Crime Act (VOCA) Fund to continue the Victim Outreach Program

Resolution authorizing submission of grant application for \$216,469.70 to the State of Texas, under the Victims of Crime Act with city match of \$13,637.43 cash and \$40,480 in-kind services.

This Resolution was recommended to the consent agenda.

23. Resolution authorizing submission of grant application to the State for funding available under the Violence Against Women Act (VAWA) for prevention of violence against women

Resolution authorizing submission of grant application for \$54,339.42 to the State of Texas under the Violence Against Women Act with city match of \$14,000 cash and \$8,280 in-kind services.

This Resolution was recommended to the consent agenda.

24. Resolution authorizing submission of grant application to the State for funding eligible under the FY 2017 Body-Worn Camera Program

Resolution authorizing submission of grant application for \$265,116 to the State of Texas under the FY 2017 Body-Worn Camera Program with city match of \$15,000 cash and \$51,279 in-kind services.

This Resolution was recommended to the regular agenda.

25. Five-year Subscription Service Agreement for database software for Risk Management

Resolution finding that the purchase of a claims database system for the Risk Management Division is a sole source procurement; and authorizing a five-year service agreement with Recordables, Inc. of Venice, Florida, for a total amount not to exceed \$97,437.25.

This Resolution was recommended to the consent agenda.

26. Construction contract for Barge Dock Improvements (Rebid) (Type A Funds)

Motion authorizing a construction contract with Grace Paving and Construction, Inc., of Corpus Christi, Texas, in the amount of \$553,199.17 for the Barge Dock Improvements (Rebid) project for the total base bid plus additive alternates 1 and 2 (Type A Funds).

This Motion was recommended to the consent agenda.

27. Service Agreement for HVAC Service and Repair for a one-year not to exceed \$66,700, with two additional one-year options and a total potential multi-year amount of \$200,100

Motion authorizing a service agreement with Rapid Air of Corpus Christi, Texas to provide HVAC services and repairs for Corpus Christi Fire Department for a total amount not to exceed \$66,700 for a term of one year with the option to extend for two additional one-year periods for a potential multi-year amount of \$200,100.

This Motion was recommended to the consent agenda.

28. Supply Agreement for 36 months for gate valves for the Utilities Department

Motion authorizing a 36-month supply agreement with Gajeske, Inc., of

Houston, Texas, for Gate Valves for the Utilities Department for a total amount not to exceed \$362,589.54.

This Motion was recommended to the consent agenda.

29. Service Agreement Amendment No. 1 for Continual Rental of One Komatsu Dozer for Solid Waste Operations

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to Service Agreement No. 52422 with Waukesha-Pearce Industries, LLC, of Dallas, Texas, for the rental of one Komatsu dozer for Solid Waste Operations for an additional six-month term, as required for public health and safety, for a not to exceed amount of \$49,050 for a revised total agreement amount not to exceed of \$91,525.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEMS 30 - 35)

30. Convention and Visitors Bureau Presentation - ReDiscover Coastal Bend Proposal

Mayor McComb referred to Item 30. Assistant City Manager Keith Selman introduced President/CEO of the Corpus Christi Convention and Visitors Bureau (CVB) Paulette Kluge. Ms. Kluge stated that following Hurricane Harvey, CVB staff had conversations with New Orleans and Gulf Shores to receive advice following a tragedy in a community. The main advice given was that everyone saw a huge tragedy occur and it was important to remind the public that Corpus Christi is open for visitors. Ms. Kluge presented the following information: a comparison from 2016 and 2017 related to the revenue per available room as a result of Hurricane Harvey; the hotel occupancy tax (HOT) collections in FY2017-2018; and the impact Hurricane Harvey has had on attractions and restaurants. Ms. Kluge stated that the CVB is requesting an advance payment of HOT funds of \$336,960 to be used for marketing. Ms. Kluge presented the ReDiscover Campaign including advertisements and commercials.

Council members and staff discussed the following topics: how the funding will be used; the importance of using the funding now rather than later in the year; promoting Corpus Christi in the drive market; the campaign to be used for all out-of-market advertising; traditional business on the island has decreased since Hurricane Harvey; whether the video is available online; whether there are hotel rooms for visitors to stay; and direction to staff to bring back a one-reading agenda item regarding the early release of HOT funds for the CVB at the February 13, 2018 meeting.

31. Parks & Recreation Department Overview

Mayor McComb referred to Item 31. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to provide an overview of the

Parks and Recreation Department. Mr. Ellington presented the following information: the department's vision; the management team structure; a list of the commissions and committees related to the Parks and Recreation Department; key partnerships and community supporters; the Adopt-A-Park program; program services; economic benefits; Senior Community Services; beach and natural resources; Park Operations; the number of parks and facilities; an interactive online parks map and guide; community special events; park initiatives; park development resources; challenges for the department; and budget facts.

Council members and staff discussed the following topics: out of the 703 trees planted in FY2017, the number of trees that were donated; donations for commemorative trees and park benches; other cities receiving revenue from plaques and recycle bins; the special events that require insurance for use of park facilities; focusing on neglected neighborhood parks; verification that maintenance has been performed at parks; staffing shortages from vacant and eliminated/frozen positions; the number of parks that have been sold; addressing issues at Alexander Park; exploring options to incorporate shade structures, fencing, and splash pads in City parks; the list of services provided by the Parks and Recreation Department; a policy for awarding Community Enrichment Funds to communities involved with their neighborhood park through the Adopt-A-Park Program; beach and natural resources; reducing the number of parks; the number of Adopt-A-Parks; utilization of West Haven, Los Encinos and Salinas Parks; the cost for splash pads; the number citizens can call to report individuals driving in parks; the status of the Crestmont Park project; consideration of a program for senior centers to establish a garden to grow plants in the parks system; incorporating splash pads in parks that are fenced with an unmanned pay station; enclosed trash receptacles; comments made during public comment regarding the City's inability to maintain and operate current facilities; and the plan to have all of the City's pools operational.

32. HEB Tennis Center

Mayor McComb referred to Item 32. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to provide an update on the HEB Tennis Center. Mr. Ellington provided the history and status of tennis operations. Mr. Ellington reported that the contract for operations is currently under development and staff will bring a recommendation to City Council in mid-February. A survey was conducted at the stakeholders' meeting with a consensus recommending a city-wide forum to receive recommendations regarding tennis operations.

After Mr. Ellington's presentation, a council member discussed issues related to the HEB Tennis operations including: the report from KRIS 6 news; administrative fees provided to the contractor that were not included in the contract; authorization; and whether there are other items in the contract of which the City Council has not been made aware.

33. Animal Care Services

Mayor McComb referred to Item 33. Assistant Police Chief Mike Alanis stated that the purpose of this item is to provide an overview of the Animal Care Services Division. The presentation team included: Police Chief Mike Markle;

Veterinarian Dr. Melissa Draper; Captain Patrick McMenemy; and Commander John Houston. Assistant Chief Alanis presented the following information: Animal Care Services' staffing; the Division's mission; an overview of the duties performed by Animal Care Services; 2017 statistics regarding calls for service and live release for cats and dogs; volunteer efforts; investigations; common violations; the violation process; Trap-Neuter-Release (TNR); and goals for the future.

Council members and the presentation team discussed the following topics: the job description and hiring timeline for the Animal Care Services Program Manager; construction of the kennel area; the number of stray cats; obstacles preventing the City from moving forward with a Trap-Neuter-Release (TNR) process; the cost associated with hiring additional personnel to implement TNR process; whether citizens can trap stray animals and bring them to Animal Care Services; sweeping neighborhoods of dog packs; how citizens can become aware that Animal Care Services has their missing animal; appreciation to the volunteers assisting Animal Care Services; how Animal Care Services addresses animals left out in inhumane conditions; the process to removing an animal from a home; the biggest challenges at Animal Care Services, including education and spay/neutering; the process for bring forth code amendments discussed by the Animal Care Advisory Committee to City Council for consideration; microchipping in lieu of registration; trends in trouble spots related to dangerous dog packs; partnerships; creating a program to target veterinary schools to assist at Animal Care Services; whether microchipping is painful to animals; the process used for dangerous dogs that continuously attack; website to find lost pets; the cost to spay/neuter; long-term goals for Animal Care Services; the duties and role of the Animal Care Advisory Committee.

34. Water Quality Projects Update

Mayor McComb referred to Item 34. Executive Director of Water Utilities Dan Grimsbo stated that the purpose of this item is to provide an update on water quality projects. Mr. Grimsbo presented the following information: the actions the city has implemented to address the water system, including source, treatment, and distribution; water quality progress: highlighted projects including: the Pilot Plant System and Testing; Choke Canyon Spillway Gates Repair Project; solids management; River Raw Water Pump Station; Raw water and chemical Feed Improvements; current and future actions taken to address the distribution system; the new Elevated Storage Tanks located at Holly Road and Rand Morgan Road; and an overview of the distribution system. Assistant Director of Water Quality and Treatment Gabriel Ramirez was available to respond to questions.

Council members and staff discussed the following topics: the improvements to water quality; providing information to the public regarding the water quality update; and quarterly meetings between staff and the Texas Commission on Environmental Quality (TCEQ).

35. Proposed Annexation Policy Update

Mayor McComb referred to Item 35. Council Member Hunter made a motion to table the briefing on the proposed annexation policy update to February 13, 2018, seconded by Council Member Lindsey-Opel and passed unanimously.

R. EXECUTIVE SESSION: (ITEMS 36 AND 38)

Mayor McComb referred to Executive Session Items 36 and 38. The Council went into executive session at 7:46 p.m. The Council returned from executive session at 8:23 p.m.

- 36. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to disposal of waste in Type IV Landfill (as described in 30 TAC § 330.5) located at/near 1435 County Road 26 (also known as Gulley-Hurst Landfill) and municipal solid waste fees.

This E-Session Item was discussed in executive session.

- 38. Executive session pursuant to Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

This E-Session Item was postponed.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. Council Member Lindsey-Opel made a motion to direct staff to bring back a presentation to City Council regarding the Regional and Urban Design Assistance Team (R/UDAT) study including the City's implementation of facilitating commerce as it relates to the Harbor Bridge, seconded by Council Member Hunter. There was consent of the City Council to place this item on the agenda.

Council Member Rubio requested a presentation on the West Point Affordable Housing Project. There was consent of the City Council to place this item on the agenda.

Mayor McComb requested information related to a study being performed on building a berm around the Greenwood Wastewater Treatment Plant.

T. ADJOURNMENT

The meeting was adjourned at 8:31 p.m.