



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
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Meeting Minutes

City Council

Tuesday, July 18, 2017

11:30 AM

Council Chambers

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

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

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

Mayor McComb called the meeting to order at 11:31 a.m.

B. Invocation to be given by Pastor Jerry Ward, Lighthouse Tabernacle.

Pastor Jerry Ward gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Arlena Sones, City Auditor.

City Auditor Arlena Sones 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, City Attorney Miles K. Risley, and City Secretary Rebecca L. Huerta.

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

E. Proclamations / Commendations

1. Proclamation declaring July 2017, "Watch Your Car Month".
Recognition of "Foster Grandparents Volunteer Program".
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor McComb presented the proclamation; offered the recognition; and conducted the swearing-in ceremony for newly appointed board, commission and committee members.

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

Mayor McComb deviated from the agenda and referred to comments from the public. Gloria Scott, 4422 S. Alameda, spoke regarding an event at the Oveal Williams Senior Center to welcome the Mayor and two new City leaders and requested that City Council meet with members of the community to explore diversity in the City. Scott Sutherland, 5 Camden Place, spoke in support of Agenda Item 29, amending membership and meeting requirements of the Corpus Christi Museum of Science and History Advisory Board. Shirley Thornton, 1917 Woodcrest and on behalf of the Flour Bluff Citizens' Council, thanked City staff for their assistance with the Solid Waste Litter Critter Program and providing information on the area development plans and encouraged the City to update the area development plans every five years. Jose A. Perez, 753 Post Avenue, requested consideration of an ordinance to ban tobacco use in City parks. Susie Luna Saldana, 4710 Hakel, spoke regarding Agenda Item 43, an executive session regarding Municipal Court Judges, addressing the process used to appoint Municipal Court Judges and requested that the City Council re-advertise the Municipal Court Judge position. Judy LaPointe, 1753 Third Street, spoke regarding Agenda Item 43, an executive session regarding Municipal Court Judges, and expressed support for reinstating Young Min Burkett as Municipal Court Judge. Roland Perez Garza, 2650 Old Brownsville Road, spoke in support of the Mayor and City Council and encouraged the City Council to continue to unite and move the City in a positive direction. Ken Baker, 7421 Idle Hour, spoke regarding Agenda Item 43, an executive session regarding Municipal Court Judges, and discussed Young Min Burkett not having been initially qualified to have been appointed as a Municipal Court Judge because of her citizenship status. Yvette Aguilar, 1641 Nile, spoke regarding Agenda Item 43, an executive session regarding Municipal Court Judges, and spoke regarding Young Min Burkett not

being a citizen of the United States and the need for Municipal Court Judges to know the laws and requirements of the position.

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

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

a. OTHER

1) Improvements to the water system, including the addition of the new disinfectant, have reduced the amount of water required to be flushed in the flushing program. The auto flushing program reduced water usage from 1.2 million gallons to 27,500 gallons per day from October 2016 to February 2017 and resulted in a decrease in autoflushes from 54 to 6. This change represents a 97.7 decrease in the number of gallons of water used by the City's auto flushers. The dead-end main program went from 125,000 gallons in February 2017 to 88,100 gallons in June 2017, representing a decrease of 36,900 gallons per day. Since February 2017, the yard water flushing waiver program has had an increase in participants from 275 to 310. Water testing and flushing are continuously being performed as required by the Texas Commission on Environmental Quality (TCEQ). 2) 16 area high school educators will observe and interact with various City departments this week as part of the YOU Learn Educator Externship Program sponsored by Workforce Solutions of the Coastal Bend and Citizens for Educational Excellence. The educators will learn about various careers in the areas of science, technology, engineering, math, arts, humanities, business available at the City of Corpus Christi. The goal of the program is for educators' experience at City Hall to be used to infuse, energize and focus instruction of their students toward the current, real-life demands of the local workforce. 3) The 8th Annual Cool Corpus Christi Fan Drive kicked off Thursday, July 13, 2017. The drive is sponsored by Parks and Recreation Senior Community Services, WellMed and Grande Communications. The city-wide fan collection will benefit senior citizens in need of relief from the summer heat. The goal is to collect 200 box or standing fans from now through July 28, 2017. Information can be obtained by calling 361-826-3150.

G. MINUTES:

2. Regular Meeting of July 11, 2017 and Workshop of July 6, 2017.

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

S. EXECUTIVE SESSION: (ITEM 41)

Mayor McComb deviated from the agenda and referred to Item 41. The Council went into executive session at 12:30 p.m. The Council returned from executive session at 2:11 p.m.

41. 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 negotiations and potential litigation with the U.S. Environmental Protection Agency and U.S. Department of Justice concerning the City's sanitary sewer system.

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

Lunch was taken during the executive session regarding Item 41.

P. FUTURE AGENDA ITEMS: (ITEM 33)

Mayor McComb deviated from the agenda and referred to Future Agenda Item 33. Business Liaison Alyssa Barrera provided a presentation on this item.

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

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

This Motion was recommended to the consent agenda.

H. BOARD & COMMITTEE APPOINTMENTS:

- 3.** Island Strategic Action Committee
Landmark Commission
Mechanical/Plumbing Advisory Board
North Padre Island Development Corporation
Reinvestment Zone No. 2 Board
Reinvestment Zone No. 3 Board
Senior Companion Program Advisory Committee

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

Island Strategic Action Committee

Council Member Rubio made a motion to realign Brud Jones to Residential Property Owner Category and Libby Middleton to At-Large Category, seconded by Council Member Vaughn and passed unanimously.

Landmark Commission

Council Member Rubio made a motion to reinstate Margareta Fratila (Regular Member), seconded by Council Member Lindsey-Opel and passed unanimously.

Mechanical/Plumbing Advisory Board

Council Member Molina made a motion to appoint William F. Boeker (Not Connected with Building Industry) and Billy F. Largin (Commercial Building Industry), seconded by Council Member Garza and passed unanimously.

North Padre Island Development Corporation

Council Member Hunter made a motion to appoint Debbie Lindsey-Opel, seconded by Council Member Molina and passed (Council Member Lindsey-Opel abstained).

Reinvestment Zone Nos. 2 and 3

Council Member Smith made a motion to appoint Debbie Lindsey-Opel, seconded by Council Member Hunter and passed (Council Member Lindsey-Opel abstained).

Senior Companion Program Advisory Committee

Council Member Rubio made a motion to appoint Maria I. Odeh (At-Large), seconded by Council Member Molina and passed unanimously.

K. CONSENT AGENDA: (ITEMS 4 - 17)**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. There were no comments from the public. City Secretary Rebecca L. Huerta announced that Council Member Lindsey-Opel was abstaining on Item 7. Council Member Garza announced that he was abstaining on Item 20. Council members requested that Items 7, 10, 15, 16, 17, 19 and 20 be pulled for individual consideration.

A motion was made by Council Member Garza, seconded by Council Member Lindsey-Opel, to approve the Consent Agenda. The motion carried by 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

4. Purchase and Installation of Playground Equipment at Sacky Park

Motion approving the purchase and installation of playground equipment at Sacky Park from Park Place Recreation Designs, Inc., of San Antonio, Texas for a total amount not to exceed \$53,252.65,

based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative dba BuyBoard. Funding for this playground is from the Community Development Block Grant B-16-MC-48-0502 for program year 2016-2017.

This Motion was passed on the consent agenda.

Enactment No: M2017-094

5. Radio Facility and Tower Lease Agreement for Communications Site to Operate a Public Safety Communications System

Motion authorizing the City Manager or the City Manager's designee to execute a radio facility and tower lease agreement with KRIS Communications for a one (1) year term at \$46,245.84 from August 1, 2017 through July 31, 2018 and for an optional extended term of nine (9) automatic 12-month renewal terms increasing 3% each year, for continued use as a communications site to operate a public safety communications system.

This Motion was passed on the consent agenda.

Enactment No: M2017-095

6. Resolution authorizing an Interlocal Agreement for servicing the Police Department's Intoxilyzer Testing Equipment

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement between the City of Corpus Christi, Texas (City) and San Patricio County, Texas (County) whereby City agrees to pay County \$18,500 for a technical supervisor to service the Corpus Christi Police Department's Intoxilyzer (Breath Alcohol) Testing Equipment for 12-month period beginning January 1, 2018 through December 31, 2018 with auto renewal and right to terminate with 90 days' notice.

This Resolution was passed on the consent agenda.

Enactment No: 031181

8. Service Agreement for Security Access Control System Maintenance and Repair Services for Utilities Department

Motion authorizing the City Manager, or designee, to execute a service agreement with Total Protection Systems, Inc. of Corpus Christi, Texas to provide continuation of maintenance and repairs to the building access security system for various Utilities department locations, to include access readers, gates, video monitors, alarm panels, and any additional security hardware and supporting infrastructure for an estimated expenditure not to exceed \$34,900.00 of which \$8,725.00 has been budgeted in the Water Fund for

FY2016-2017. The term of the agreement is for one 12-month period with an option to extend for up to two additional 12-month periods at the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-096

9. Construction Contract for Aquifer Storage and Recovery Feasibility Study (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with Felder Water Well & Pump Service LLC of Angleton, Texas in the amount of \$950,740 for the Corpus Christi Aquifer Storage and Recovery Feasibility Study for Total Base Bid plus Additive Alternate No. 1. (Capital Improvement Program) (CIP).

This Motion was passed on the consent agenda.

Enactment No: M2017-097

11. Construction Contract for Traffic Signals and Lighting Improvements (Bond 2014, Proposition 2)

Motion authorizing the City Manager, or designee, to execute a construction contract with Austin Traffic Signal Construction Company, Inc. of Pflugerville, Texas in the amount of \$1,901,608.50 for the Traffic Signals and Lighting Improvements Project for the base bid. (Bond 2014 Proposition 2)

This Motion was passed on the consent agenda.

Enactment No: M2017-099

12. Closed Captioning Services for the Hearing Impaired for City Council Meetings and City Press Conferences

Motion authorizing the City Manager or designee to execute a service agreement with Caption Source, LLC. of Boerne, Texas for closed captioning services for the hearing impaired in accordance with Request for Proposal (RFP) No. 706, based on best value for a total expenditure not to exceed \$33,000.00 for the first year with option to extend for two additional one year periods.

This Motion was passed on the consent agenda.

Enactment No: M2017-100

13. Appointing Board Member to the Corpus Christi Housing Finance Corporation and the Corpus Christi Industrial Development Corporation

Motion appointing Council Member Debbie Lindsey-Opel as Board Member to the Corpus Christi Housing Finance Corporation and the Corpus Christi Industrial Development Corporation.

This Motion was passed on the consent agenda.

Enactment No: M2017-101

14. Appointing Board Member to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation

Motion appointing Council Member Debbie Lindsey-Opel as Board Member to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation.

This Motion was passed on the consent agenda.

Enactment No: M2017-102

18. Second Reading Ordinance - Rezoning property located at 6746 Aaron Drive (1st Reading 7/11/17)

Case No. 0617-01 MVR Construction Company: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development. The property is described as being Country Club Estates Unit 20, Block 1, Lot 1, located along the east side of Aaron Drive, north of Bratton Road, and south of Acushnet Drive.

Planning Commission and Staff Recommendation (June 14, 2017): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MVR Construction Company ("Owner"), by changing the UDC Zoning Map in reference to Country Club Estates Unit 20, Block 1, Lot 1, from the "RS-6" Single-Family 6 District to the "RS-6/PUD" Single-Family 6 District with a Planned Unit Development; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031184

7. Resolution authorizing an Interlocal Agreement for a stormwater floating debris study

Resolution authorizing the City Manager to execute an Interlocal Agreement with Texas A & M University - Corpus Christi for a stormwater floating debris study

Mayor McComb referred to Item 7, execution of an interlocal agreement for a storm water floating debris study. In response to a council member, Interim Executive Director of Utilities Dan Grimsbo provided information on the apparatus used to catch debris and confirmed that there were no fees associated with the study. Council Member Lindsey-Opel abstained from this item.

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

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

Abstained: 1 - Council Member Lindsey-Opel

Enactment No: 031182

10.

Construction Contract for Old Robstown Road from State Highway 44 to Leopard Street (Bond 2014, Proposition 1)

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson Construction, LTD of Corpus Christi, Texas in the amount of \$5,461,830.25 for Old Robstown Road from State Highway 44 to Leopard Street for a total Base Bid. (Bond 2014 Proposition 1)

Mayor McComb referred to Item 10, execution of a construction contract for the Old Robstown Road project from State Highway 44 to Leopard Street. Director of Engineering Services Jeff Edmonds and council members discussed the following topics: the cost associated with utilities; concern with replacing storm water improvements that do not need to be replaced; the need to address drainage improvements on Old Robstown Road; the number of bus stops on Old Brownsville Road; designing bus stops in concrete; and the costs associated with bike lanes.

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: M2017-098

15.

Change Order No. 1 for Bayshore Park Improvement Project

Marina Breakwater at McGee Beach (Bond 2008) (Capital Improvement Project)

Motion authorizing the City Manager or designee to execute Change Order No. 1 with Fulton Coastcon of Corpus Christi, Texas in the amount of \$712,326 for additional park improvements. (Bond 2008 and Capital Improvement Program)

Mayor McComb referred to Items 15 and 16, park improvements associated with The Water's Edge Park. Director of Engineering Services Jeff Edmonds and council members discussed the following: opposition to spending additional funds beyond the Bond 2008 funding for improvements to The Water's Edge; the costs associated with the marina breakwater project and the parking lot; use of seawall improvement funds to fund the parking lot; the park generating future economic development; the cost to repair the seawall; and the life of the seawall improvement fund.

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

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

Nay: 1 - Council Member Vaughn

Abstained: 0

Enactment No: M2017-103

16.

Second Reading Ordinance - Transfer of Type A funds for The Water's Edge Parking Lot and Marina Breakwater at McGee Beach (1st Reading 7/11/17)

Ordinance authorizing the City Manager or designee to transfer and appropriate \$1,010,826 from No. 1120 Seawall Improvement Fund into the No. 3271 Seawall Capital Fund; changing the FY 2017 Operating Budget by increasing expenditures and changing the FY 2017 Capital Budget by increasing revenues and expenditures by \$1,010,826 each.

This item was discussed during the discussion on Item 15.

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

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

Nay: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 031183

17. Second Reading Ordinance - Rezoning property located at 4626 Weber Road (1st Reading 7/11/17)

Case No. 0317-07 Mohammed Motaghi: A change of zoning from the "RS-6/SP" Single-Family 6 District with a Special Permit to the "CN-1" Neighborhood Commercial District. The property is described as being a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, located along the east side of Weber Road, south of Gollihar Road, and north of McArdle Road.

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

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

Ordinance:

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

Mayor McComb referred to Item 17, rezoning property located at 4626 Weber Road. A brief discussion ensued regarding the reconsideration of Item 15 from the July 11, 2017 Council meeting. (Note: ultimately, this second reading ordinance was withdrawn).

I. EXPLANATION OF COUNCIL ACTION:

Council Member Smith made a motion to reconsider Item 15 from the July 11, 2017 Council meeting, First Reading Ordinance amending the Unified Development Code ("UDC"), upon application by Mohammed Motaghi ("Owner"), by changing the UDC Zoning Map in reference to a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, from the "RS-6/SP" Single-Family 6 District with a Special Permit to the "RS-6/SP" Single-Family 6 District with a Special Permit with conditions; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication, seconded by Council Member Vaughn and passed unanimously.

Council Member Smith made a motion to amend the ordinance to rezone the subject property to the "ON" Office Neighborhood District, seconded by Council Member Lindsey-Opel.

Mayor McComb called for comments from the public. Mohammed Motaghi, applicant, thanked the City Council for considering the "ON" zoning for the subject property. Michael Gunning, representative for applicant, spoke regarding the current zoning on the subject property. Susie Luna Saldana, 4710 Hakel, spoke in support of the zoning change.

Council members discussed the following topics: the current zoning on the subject property and bringing the current businesses in compliance regarding zoning; and the beneficial economic impact of improving the subject property.

This Ordinance was passed on first reading as amended and approved with the following vote: Mayor McComb, Council Members Garza, Guajardo, Hunter, Lindsey-Opel, Molina, Rubio, Smith, and Vaughn, voting "Aye".

K. CONSENT AGENDA: (ITEMS 19 - 20)

19. Second Reading Ordinance - Appropriating funds for the purchase of seven 2017 Ford F-150 Trucks for use by the Parks and Recreation Department (1st Reading 7/11/17)

Ordinance appropriating \$108,061.50 from the reserved future replacement account into the capital outlay expenditure account in Maintenance Services Fund No. 5110 for the purchase of five 2017 Ford F-150 trucks; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$108,061.50; authorizing the City Manager or designee to execute all necessary documents to purchase a total of seven 2017 Ford F-150 trucks for \$165,448.10 from Rush Truck Center, of New Braunfels, through the Local Government Purchasing Cooperative dba Buyboard, for use by the Parks and Recreation Department for park and beach operations.

Mayor McComb referred to Item 19, purchase of seven 2017 Ford F-150 Trucks for the Parks and Recreation Department. Director of Fleet Maintenance Jim Davis, Assistant Director of Financial Services Kim Baker, and council members discussed the following topics: use of the Buyboard purchasing cooperative; and verification that Buyboard prices are truly competitive.

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

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

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031185

20. Second Reading Ordinance - Extension of Performance

Milestones for Regional Youth Sports Complex (1st Reading 7/11/17)

Ordinance authorizing the City Manager or designee to execute an Agreement with SQH Sports & Entertainment, Inc. to extend Performance Milestones in the Lease Agreement for the Regional Youth Sports Complex.

Mayor McComb referred to Item 20. City Secretary Huerta announced that Council Member Garza was abstaining from this item.

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

Aye: 7 - Mayor McComb, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Molina

Abstained: 1 - Council Member Garza

Enactment No: 031186

M. PUBLIC HEARINGS: (ITEM 21)**21. Public Hearing and First Reading Ordinance - Amending the Urban Transportation Plan for the Deletion of Bronx Avenue between Master Channel 31 and Yorktown Blvd**

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

Mayor McComb referred to Item 21. Assistant Director of Planning and ESI Daniel McGinn stated that the purpose of this item is to amend the Urban Transportation Plan by deleting Bronx Avenue between Master Channel Ditch 31 and Yorktown Boulevard. The applicant, Del Mar College, is making the request for the development of the proposed Del Mar College Southside Campus. Mr. McGinn presented the following information: a location map; background on the Del Mar College Project; and a site plan for the campus. City Traffic Engineer Raymond Chong provided an overview of the traffic impact analysis and findings. Mr. McGinn stated that staff and the Transportation Advisory Commission recommend approval of the amendment to remove Bronx Avenue from the Urban Transportation Plan. The Planning Commission denied the request.

Mayor McComb opened the public hearing. John DeValla, Construction Manager for the Corpus Christi Independent School District (CCISD), spoke in support of the Planning Commission's recommendation to deny the

amendment based on the following concerns: the impact to the community related to ingress and egress; the safety of students; and the loss of a future emergency route to Veterans Memorial High School and the surrounding neighborhoods. Murf Hudson, Urban Engineering and representing Del Mar College, stated that the Urban Transportation Plan assumed that this property would be developed as residential and, since adoption, the property has been developed into educational facilities. Mr. Hudson explained that the collector street is no longer needed and leaving Bronx Drive would create potential safety risks for both the high school and college students. Dr. Mark Escamilla, President of Del Mar College, requested support for the amendment to create a safer environment for the school and the taxpayers and addressed Del Mar's commitment to build the pedestrian bridge. Mayor McComb closed the public hearing.

Council members and staff discussed the following topics: the impact to the bicycle mobility plan; Del Mar College's commitment to dedicate easement and construct a pedestrian and bike path bridge across Master Channel 31; the estimated costs to build Bronx Drive; whether CCISD took into account both traffic studies; the location of the nearby fire stations, emergency routes and response times; whether Del Mar was extending the bike lane to Lipes Boulevard; consideration to work with the developer of the adjacent property along Bronx Avenue to dedicate a bike path; whether there will be a degradation in emergency services response time with this change; the preferred emergency routes; density of available land; the timeline to build the bike bridge; and the sidewalk on the northside of the bridge.

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

Nay: 1 - Council Member Smith

Abstained: 0

N. REGULAR AGENDA: (ITEM 22)

22. Second Reading Ordinance - Changing and Adding Specific Regulations for Mobile Food Vendors (1st Reading 7/11/17)

Ordinance amending the Corpus Christi Code of Ordinances Chapter 38 Article I, to add specific regulations for mobile food vendors, update definitions, applicability, modify permit application requirements, increase insurance requirements, provide for location licenses and fees, eliminate bond requirements, modify permit fees, add permit suspension criteria, add causes for permit denial or revocation, modify appeal procedures, update regulations for vendors, sidewalk vending, special event vending, street vending, park and beach vending and private premise vending, authorizing a Pilot Program for vending; amending Corpus Christi Code of Ordinances Chapter 10 Section

10-68 to include mobile food vendors and eliminate non-stationary vending; providing for severance; providing for publication; and providing for effective date.

Mayor McComb referred to Item 22. Environmental Consumer Health Services Manager Lauren Rabe stated that the purpose of this item is to amend the City's Code of Ordinances, Chapters 38 and 10, by changing and adding specific regulations for mobile food vendors. There were no comments from the public.

Council members and staff discussed the following topics: addressing the concern from restaurant owners uptown that food trucks would jeopardize their businesses; shipping containers not included in the ordinances and addressing ways to accommodate shipping containers in the future; and the distinction between shipping containers and food trucks.

Assistant City Attorney Yvette Aguilar stated that the ordinance was amended to include provisions to require compliance with the noise ordinance.

Council Member Rubio made a motion to approve the ordinance as amended, seconded by Council Member Vaughn. 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: 031187

O. FIRST READING ORDINANCES: (ITEMS 23 - 24)

23. First Reading Ordinance - Amending City Code to Exempt Certain City Owned Vehicles from Inscription Requirements

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

Mayor McComb referred to Item 23. Police Chief Mike Markle stated that the purpose of this item is to amend the City's Code of Ordinances by adding Section 43-12 to allow for the use of unmarked vehicles for traffic enforcement. There were no comments from the public.

A council member requested that a protocol be established for traffic stops made by police officers in unmarked vehicles to ensure the safety of the public.

Council Member Rubio made a motion to approve the Ordinance, seconded by Council Member Guajardo. 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

24. First Reading Ordinance - Accepting and Appropriating funds for the Aerial and Emerging Robotics Team

Ordinance authorizing the City Manager or designee to accept a grant from NuStar Energy L.P. in the amount of \$2,300 to purchase equipment for the Aerial and Emerging Robotics team; and appropriating \$2,300 from NuStar Energy L.P into the No. 1062 Fire Grant Fund to be used specifically to purchase equipment for the Aerial and Emerging Robotics team.

Mayor McComb referred to Item 24. Fire Chief Robert Rocha stated that the purpose of this item is to accept a grant in the amount of \$2,300 from NuStar Energy L.P. to purchase equipment for the Aerial and Emerging Robotics Team. There were no comments from the public.

In response to Mayor McComb, Chief Rocha provided a brief explanation on how the equipment will be used in an emergency incident.

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

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

Abstained: 0

Q. BRIEFINGS: (ITEM 39)

39. Golf Course Annual Update to City Council

Mayor McComb deviated from the agenda and referred to Item 39. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to provide an update on the golf courses. Dan Pedrotti and Ed Miller with Foresight Golf were available to respond to questions. Mr. Ellington provided the following information: the timeline for the operating agreement; financial highlights; the financial review; photographs highlighting the condition of the golf courses; the results of the 2016 customer satisfaction survey; the 2016 recap; financial goals for 2017; 2017 course improvement plans for Lozano Golf Center and Oso Beach; and future capital improvement plans.

Council members and the presentation team discussed the following topics: the age of the Lozano Golf Center clubhouse; insurance coverage for the cart barn; capital improvements at the golf courses; future opportunities for TopGolf or similar activities at the public golf courses; customer satisfaction;

the terms of the lease related to revenue; the number of golf courses operated by Foresight Golf with contract terms similar to Corpus Christi; the capital surcharge from green fees; and improvements to the parking lot at Oso Beach Golf Course.

O. FIRST READING ORDINANCES: (ITEMS 25 - 29)

25. First Reading Ordinance - Appropriating funds for replacement of the golf cart barn at Oso Beach Golf Course

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

Mayor McComb referred to Item 25. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to transfer funds into the Golf Capital Reserve Fund for replacement of the cart barn at Oso Beach Golf Course. There were no comments from the Council or the public.

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

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

Abstained: 0

26. First Reading Ordinance - Cash Loan from General Fund to Golf Fund for improvements at Gabe Lozano Golf Complex

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

Mayor McComb referred to Item 26, a cash loan from General Fund to Golf Fund to facilitate improvements to the 9-hole executive golf course at Gabe Lozano Golf Complex. There were no comments from the public.

Council Member Lindsey-Opel 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

27. First Reading Ordinance - Pilot license agreement with Mobilitie, LLC

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

Mayor McComb referred to Item 27. Interim Director of Development Services Bill Green stated that the purpose of this item is to execute a pilot license agreement allowing Mobilitie, LLC to lease City rights-of-way for installation of 28 utility poles in locations throughout the City that will support wireless equipment. This is the first agreement of its type in the City and accommodates changes in the wireless and telecommunications industry. Mr. Green presented the following information: the design requirements; examples of the proposed equipment to be used; examples of similar small-cell installation by Mobilitie in Houston, TX; permit requirements; a map of the 28 proposed locations; Senate Bill 1004; and staff's recommendation for approval of the ordinance. Tate Adams and Neil Bora with Mobilitie, LLC responded to questions. There were no comments from the public.

Council members and the presentation team discussed the following topics: whether the City is interested in joining the lawsuit lead by the City of McAllen regarding SB 1004; whether the service will be above-or-under ground; the terms of the agreement; whether the City can deny use of the rights-of-way; an explanation of Senate Bill 1004; negotiated fees for each small cell; the small cells will help to improve wireless services; and the pilot program being performed on behalf of Sprint.

Council Member Vaughn 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

28. First Reading Ordinance - Appropriating funds for the purchase of a Kubota Front Loader Tractor for the Solid Waste Operations

Ordinance appropriating \$81,363.92 from the reserved future replacement account into the capital outlay expenditure account in

Maintenance Services Fund No. 5110 for the purchase of a Kubota front loader tractor; amending the FY2016-17 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$81,363.92; authorizing the City Manager or designee to execute all necessary documents to purchase a Kubota front loader tractor for \$81,363.92 from Kubota Tractor Corporation, of Grapevine, Texas, based on a cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard, for a total amount not to exceed \$81,363.92, for use by Solid Waste Operations.

Mayor McComb referred to Item 28. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to approve the purchase of a Kubota front loader tractor for Solid Waste Operations. There were no comments from the public.

A council member and staff discussed the following topics: verification that BuyBoard pricing is truly competitive and the horsepower of the tractor.

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

29. First Reading Ordinance - Amending membership and meeting requirements of the Corpus Christi Museum of Science and History Advisory Board

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

Mayor McComb referred to Item 29. Assistant to the City Manager Esther Velazquez stated that the purpose of this item is to amend Chapter 2 of the City's Code of Ordinances regarding the Corpus Christi Museum of Science and History Advisory Board by changing the regular meeting requirements from quarterly to bi-monthly and changing the membership comprised of six voting members and two non-voting members to nine voting members. There were no comments from the public.

A council member requested that information be provided regarding the inclusion of ex officio members from not only Corpus Christi Independent School District, but other school districts in the City.

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

P. FUTURE AGENDA ITEMS: (ITEMS 30 - 32 AND 34 - 37)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 35, 36 and 37.

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

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

This Resolution was recommended to the consent agenda.

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

Motion authorizing the City Manager, or designee, to execute a construction contract with Bridges Specialties, Inc. of Robstown, Texas in the amount of \$349,187 for the Gollihar Outfall Repairs for the Total Base Bid. (Capital Improvement Program) (CIP)

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

Motion authorizing the City Manager or designee to execute a three-year Microsoft Enterprise license agreement with Software

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

This Motion was recommended to the consent agenda.

35. Resolution Amending Financial Budgetary Policies

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

This Resolution was recommended to the consent agenda.

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

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

This Motion was recommended to the regular agenda.

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

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

This Motion was recommended to the regular agenda.

Q. BRIEFINGS: (ITEM 38)

38. Area Development Plan-Work Program

Mayor McComb referred to Item 38. Assistant Director of Planning and ESI Daniel McGinn stated that the purpose of this item is to discuss the sequencing for updating the City's area development plans. Mr. McGinn presented the following information: an outline of the various planning districts; a planning districts map; the council district and planning districts; a breakdown of population in the planning districts; current zoning and platting applications; projects affecting the planning districts; and staff's work plan recommendation.

Council members and staff discussed the following topics: the location of North Beach on the council districts map; the estimated costs associated with

studying the eight planning districts; where the various City studies are kept; engaging the community to reduce the cost of studies; the establishment of a Planning Department; and developing a plan to reduce on-going, long-term reliance on consultants.

R. LEGISLATIVE UPDATE:

Mayor McComb referred to the Legislative Update. Director of Intergovernmental Relations Tom Tagliabue provided a brief overview of the following topics: the Special Session of the Texas Legislature; sunset legislation; issues targeting city governments; land exchange with Naval Air Station - Corpus Christi; and the Military Aviation, Range, and Installation Assurance Program Office. Mr. Tagliabue requested that the City Council be actively involved in the Special Session.

Council members discussed the follow topics: the Maternal Mortality and Morbidity Task Force; state legislation regarding local control; involvement of the City Council during the Special Session; and whether the Texas Municipal League (TML) has coordinated a "Storm the Capital Day".

S. EXECUTIVE SESSION: (ITEMS 40 - 43)

Mayor McComb referred to the day's executive sessions. City Attorney Miles K. Risley announced that the subject of Item 43, Young Min Burkett, has requested that discussions related to her pursuant to Texas Government Code § 551.074 (Personnel Matters) be held in open session. The Council went into executive session at 6:24 p.m. The Council returned from executive session at 8:12 p.m.

- 40. 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 the City's professional service management agreement for the Corpus Christi Museum of Science and History.

This E-Session Item was discussed in executive session.

- 42. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to water supplies for industrial and other development, desalination, potential interlocal agreements with water districts and other governmental entities involving water or other utility services, potential agreements for the economic development agreement(s) with business prospects that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and/or wastewater services, potential creation of entities that could provide or assist in the provision of the aforementioned services, and pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development

negotiations and/or deliberate possible economic development issues concerning said business prospect(s).

This E-Session Item was discussed in executive session.

43.

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 appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judges and **pursuant to Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judges.

Mayor McComb referred to Item 43 and the following motion was considered:

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

Mayor McComb made a motion to approve the Ordinance, seconded by Council Member Garza.

Mayor McComb called for comments from the public. Young Min Burkett spoke regarding her citizenship process; her workload as a Municipal Court Judge; and her dedication to service the community. Ms. Burkett addressed council members' questions related to the following: concern that she should have know the requirements of the position; her reasons for not previously obtaining citizenship; the process for expediting citizenship; and taking the oath of office as a Municipal Court Judge.

Chris Gale; Matt Manning; and Mario Olivarez spoke in support of reinstating Young Min Burkett to her position as Municipal Court Judge.

This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina and Council Member Smith

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

U. ADJOURNMENT

The meeting was adjourned at 8:47 p.m.