



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, May 17, 2016

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Priest Lakshmi Srinivasacharyulu Anikepalli, Sri Venkateswara Temple.

Priest Lakshmi Srinivasacharyulu Anikepalli gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Belinda Mercado, Director of Information Systems.

Director of Information Services Belinda Mercado led the Pledge of Allegiance.

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

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

Charter Officers:

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

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

E. Proclamations / Commendations

1. Proclamation declaring May 21, 2016, "Kids to Parks Day".
Proclamation declaring May 15-21, 2016, "National Public Works Week".
Proclamation declaring May 2016, "Elder Abuse Prevention Month".
Proclamation declaring May 2016, "International Internal Audit Awareness Month".

Proclamation declaring May 2016, "Older Americans Month".
Commendation to Corpus Christi Senior Table Tennis Group.

Mayor Martinez presented the proclamations and a certificate of commendation.

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

Mayor Martinez announced that earlier today, City Manager Ron Olson submitted his letter of resignation. Mayor Martinez quoted City Manager Olson: "Ultimately I am responsible for the organization and with that I'm holding myself accountable for the recent water boil. Even though the water boil is a catalyst event, this is something I have been thinking about for a long time and I feel like now is the right time." Mayor Martinez referred to City Manager Olson's comments stating that he feels like he's leaving the organization in better shape than when he arrived and is grateful for the fine people he has worked alongside with and the Mayor and Council, both previous and present, for their support. Mayor Martinez stated that City Manager Olson has been with the City of Corpus Christi for 5 years and his resignation will be effective upon completion of the usage of his accrued leave. An interim City Manager has not been announced at this time.

Mayor Martinez referred to City Manager's Comments. Deputy City Manager Margie Rose reminded the City Council that a Customer Service Representative was present at the back entrance to the Council Chambers and will be available for customer assistance from 11:00 a.m. until the end of public comment.

a. OTHER

Assistant City Manager Mark Van Vleck provided an update on the recent water boil notice. Assistant City Manager Van Vleck presented the following information: an overview of the water distribution system; an explanation of the City's water pressure zones; a map reflecting the locations of the 98 water quality monitoring sites; water quality reporting on the City's website; the chlorine levels that resulted in the water boil; bacteria, the sample testing positive for bacteria, not E. coli; the three sites prompting the water boil notice including: the Quetzal, Glenmore, and Harbor Lights areas; monitoring and action; and the age of the system. Assistant City Manager Van Vleck stated that the Texas Commission on Environmental Quality requires a water boil notice for the entire City when a chlorine residual testing sample is below 0.5. Assistant City Manager Van Vleck showed the City Council an example of a tuberculated pipe that is a contributing factor to the low chlorine levels and discussed the short- and long-term solutions to improve the system.

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

Mayor Martinez referred to comments from the public. Abel Alonzo, 1701 Thames, spoke regarding the water boil situation and said it is unfair to blame City Manager Olson or staff for actions not taken by the City Council in the past. Malcolm DeShields, 6834 Dorsey; Paul Hatridge, 6026 Lost Creek; and Scott Turner, 422 Colony, spoke regarding SAVOR, the provider of food and beverage services at the American Bank Center, and their recent submission of an application to the Texas Alcohol and Beverage Commission (TABC) which would monopolize alcohol services at the American Bank Center and have negative impact to economy. Juliane Brown, 1241 Calle San Marcos, spoke regarding the recent overflow at La Volla Creek and requested help to improve the storm water system and clean La Volla Creek. Tina Butler, 1450 Cambridge, encouraged the City Council and public to attend the 2nd Annual Mandela Day Celebration on Saturday, July 16, 2016 at Heritage Park from 4:00 p.m. to 10:00 p.m. Rey Madrigal, 4253 Dody, expressed concern regarding the water boil situation and the safety of the community. Joan Veith, 5701 Cain, spoke regarding the water boil situation and the expense citizens are incurring for bottled water. Tyrone Jackson, 4322 Kostoryz, provided suggestions for monitoring closed valves in the water system and spoke regarding the businesses throughout the community that are monopolizing services at various venues. Dan Stiefel, 6773 Wood Iron Drive, spoke regarding the timeline for addressing changes to the taxi cab ordinance.

H. MINUTES:

2. Regular Meeting of May 10, 2016

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

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 3 - 16)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. City Secretary Huerta announced that Council Member Scott was abstaining from the vote on Item 12.

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

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

Abstained: 0

3. Resolution nominating CITGO as a Texas Enterprise Project

Resolution nominating CITGO Refining & Chemical Co. L.P. ("CITGO") to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as a single enterprise project pursuant to the Texas Enterprise Zone Act ("Act").

This Resolution was passed on the Consent Agenda.

Enactment No: 030840

4. Resolution approving a Developer Participation Agreement to reimburse developer for the City's cost to extend Homedale Drive located south of Purdue, east of Flour Bluff Drive, west of Waldron Road and north of Glenoak Drive.

Resolution authorizing the City Manager or designee to execute a developer participation agreement with Esteban R. Alaniz, ("Developer"), to reimburse the Developer up to \$38,614.71 for the City's share of the cost to extend Homedale Drive, in accordance with the Unified Development Code.

This Resolution was passed on the Consent Agenda.

Enactment No: 030841

5. Second Reading Ordinance - Appropriating funds to reimburse developer for the shared cost to construct Homedale Drive located south of Purdue, east of Flour Bluff Drive, west of Waldron Road and north of Glenoak Drive (1st Reading 5/10/16)

Ordinance appropriating \$180.48 of interest earned and approving use of \$3,379.80 of interest earnings and \$27,703.31 of developer deposits in the No. 4730 Infrastructure Fund to reimburse Esteban R. Alaniz for ½ street construction cost of constructing Homedale Drive.

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

Enactment No: 030842

6. Second Reading Ordinance - Rezoning property located at 7442 Wooldridge Road (1st Reading 5/10/16)

Case No. 0316-02 Alex Azali: A change of zoning from the "RM-1" Multifamily 1 District to the "RM-2" Multifamily 2 District. The property is described as being a 13.814 acre tract of land out of a portion of Lots 13 and 14, Section 27, Flour Bluff and Encinal Farm and Garden Tracts, located along the north side of Wooldridge Road between Bevo Drive and Gold Star Drive.

Planning Commission Recommendation (April 6, 2016):

Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "RM-2" Multifamily 2 District and, in lieu thereof, approval of the change of zoning to the "RM-1/SP" Multifamily 1 District with a Special Permit, subject to eight conditions and modifying condition #4.

Staff Recommendation:

Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "RM-2" Multifamily 2 District and, in lieu thereof, approval of the change of zoning to the "RM-1/SP" Multifamily 1 District with a Special Permit, subject to eight conditions.

Ordinance as Recommended by Staff:

Ordinance amending the Unified Development Code ("UDC"), upon application by Alex Azali on behalf of Dorsal Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 13.814 acre tract of land out of a portion of Lots 13 and 14, Section 27, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-1" Multifamily 1 District to the "RM-1/SP" Multifamily 1 District with a Special Permit; 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: 030843

7. Second Reading Ordinance - Rezoning property located at 1752 Rand Morgan Road (1st Reading 5/10/16)

Case No. 0316-04 NP Homes, LLC: A change of zoning from the "FR" Farm Rural District and "IH" Heavy Industrial District to the "RS-6" Single-Family 6 District and to the "FR" Farm Rural District. The property is described as being a 28.228 acre tract of land described by Deed Document No. 200401783, Official Records of Nueces County, Texas, containing two tracts of land: Tract 1, being 21.568 acres out of a 25.998 acre tract of land; and Tract 2 being a 6.660 acre tract out of an 85.022 acre tract of land, located on the east side of Rand Morgan

Road between McNorton Street and Goodnight Loving Trail.

Planning Commission and Staff Recommendation (April 6, 2016):
Approval of the change of zoning from the "FR" Farm Rural and "IH" Heavy Industrial Districts to the "RS-6" Single-Family 6 District on Tract 1 and "FR" Farm Rural District on Tract 2.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by NP Homes, LLC on behalf of Double T & C Properties, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 28.228 acre tract of land described by Deed Document No. 200401783, Official Records of Nueces County, Texas, containing two tracts of land: Tract 1, being 21.568 acres out of a 25.998 acre tract of land; and Tract 2 being a 6.660 acre tract out of an 85.022 acre tract of land, from the "FR" Farm Rural District and "IH" Heavy Industrial District to the "RS-6" Single-Family 6 District and to the "FR" Farm Rural District, amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030844

8. Second Reading Ordinance - Rezoning property located at 4315 Carroll Lane (1st Reading 5/10/16)

Case No. 0316-05 TG 110 Samuel Place, LP: A change of zoning from the "RS-TF/SP" Two-Family District with a Special Permit to the "RM-1" Multifamily 1 District. The property is described as Carrollton Annex 3, Block C, located on the west side of Carroll Lane between Copus Street and Houston Street.

Planning Commission and Staff Recommendation (April 6, 2016):
Approval of the change of zoning from the "RS-TF/SP" Two-Family District with a Special Permit to the "RM-1" Multifamily 1 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by TG 110 Samuel Place, LP on behalf of HCS 310 LLC ("Owner"), by changing the UDC Zoning Map in reference to Carrollton Annex 3, Block C, from the "RS-TF/SP" Two-Family District with a Special Permit to the "RM-1" Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030845

9. Second Reading Ordinance - Amending the Wastewater Collection System Master Plan for Service Area 5 of the Greenwood Wastewater Master Plan (1st Reading 5/10/16)

Ordinance amending the Wastewater Collection System Master Plan Greenwood Wastewater Master Plan Service Area, Area 5, an element of the Comprehensive Plan of the City of Corpus Christi, Texas, by adding two lift stations, adjusting lift station basin boundaries, and realigning the proposed wastewater collection lines; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

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

Enactment No: 030846

10. Second Reading Ordinance - Revisions to Chapter 14, Article II, Technical Construction Codes (1st Reading 5/10/16)

Ordinance repealing and reenacting The Code of Ordinances, City of Corpus Christi Chapter 14, Article II, City of Corpus Christi Technical Construction Codes Divisions 1-8: Division 1, "Scope and Administration of Technical Construction Codes," Sections 14-201 thru 14-207. Division 2, "Building Code and Existing Building Code," Sections 14-231 thru 14-232. Division 3, "Electrical Code," Section 14-241. Division 4, "Energy Conservation Code," Section 14-251. Division 5, "Fuel Gas Code," Section 14-261. Division 6, "Mechanical Code," Section 14-271. Division 7, "Plumbing Code," Section 14-281. Division 8, "Residential Code," Section 14-291

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

Enactment No: 030847

11. Second Reading Ordinance - Accepting and appropriating grant funds for Emergency Medical Service (EMS) operation (1st Reading 5/10/16)

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$2,951.62; and appropriating \$2,951.62 from the Coastal Bend Regional Advisory Council into the No. 1056 Ambulance Grant Fund to purchase supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department.

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

Enactment No: 030848

12. Second Reading Ordinance - Approving the sale of parkland (1st Reading 5/10/16)

Ordinance approving the sale of properties as follows and authorizing the City Manager to execute documents necessary to complete each real estate sales transaction:

- a) Fountain Park (4938 Moody) to Seaside Builders, LLC in amount of \$70,000;
- b) Mt. Vernon Park (5151 McArdle) to Corpus Christi Retail Venture and Corpus Christi Area Council for the Deaf in amount of \$1,763,801.90.

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

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

Abstained: 1 - Council Member Scott

Enactment No: 030849

13. Second Reading Ordinance - Accepting and appropriating funds from a Federal grant for Tuberculosis prevention and control services (1st Reading 5/10/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend and appropriate a grant contract for the Tuberculosis Prevention and Control-Federal (TB/PC-FED) grant in the amount of \$48,345, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund with a City match of \$9,669, from the No. 1020 General Fund, to provide tuberculosis prevention and control services for the contract period January 1, 2016, through December 31, 2016 for a total project cost of \$58,104; and ratifying acceptance of the grant agreement to begin January 1, 2016.

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

Enactment No: 030850

14. Second Reading Ordinance - Approving an Interlocal Agreement with RTA and execute an Engineering Design Contract for Ayers Street Pedestrian Improvements and Turn Lane Addition (BOND 2014) (1st Reading 5/10/16)

Ordinance appropriating \$80,000 of anticipated revenues from the Regional Transportation Authority (RTA); changing the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to increase revenues and expenditures by \$80,000; Authorizing the City Manager, or designee, to execute an Interlocal Agreement with the RTA; authorizing the City Manager, or designee, to execute an

engineering design contract with Lockwood, Andrews and Newnam, Inc. of Corpus Christi, Texas in the amount of \$513,625.00 for the Ayers Street Pedestrian Improvements and Turn Lane Addition from S.P.I.D to Gollihar project (Bond 2014 Proposition 2).

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

Enactment No: 030851

15. Second Reading Ordinance - Prohibiting parking on portions of Mestina Street and Artesian Street and changing from two-way traffic to one-way (1st Reading 5/10/16)

Ordinance amending the Code of Ordinances, Chapter 53, Section 53-250 Schedule I - One Way Streets and Alleys by changing designated portions of Artesian Street and Mestina Street from a two-way traffic pattern to a one-way traffic pattern and Schedule III - Parking prohibited at all times on certain streets by adding designated portions Artesian Street and Mestina Street.

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

Enactment No: 030852

16. Second Reading Ordinance - Interlocal Agreement with RTA and Change Order No. 2 with Bay LTD, for repairs to streets damaged by RTA temporary bus detours (1st Reading 5/10/16)

Ordinance appropriating \$300,000 of anticipated revenues from the Regional Transportation Authority (RTA); changing the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to increase revenues and expenditures by \$300,000; authorizing the City Manager, or designee, to execute an Interlocal Agreement with the RTA; authorizing the City Manager, or designee, to execute a change order with Bay, Ltd. of Corpus Christi, Texas in the amount of \$358,683.57 for the South Staples Street from Morgan Avenue to IH 37 project. Bond 2012, Proposition 1.

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

Enactment No: 030853

O. REGULAR AGENDA: (ITEM 26)

26. Second Reading Ordinance - Accepting and appropriating funds for the maintenance of Mirador Outlooks (1st Reading 5/10/16)

Ordinance accepting \$13,000 from the Corpus Christi Business and Job Development Corporation's No. 1120 Seawall Improvement Fund

as a match to the City of Corpus Christi's \$13,000 appropriation for maintenance of the Miradores in the No. 1020 General Fund; appropriating \$13,000 from the unreserved fund balance in the No. 1120 Seawall Improvement Fund; and amending the FY2015-2016 operating budget adopted by Ordinance No. 030620 to increase revenue and expenditures in the No. 1020 General Fund by \$13,000 each; and expenditures in the No. 1120 Seawall Improvement Fund by \$13,000.

Mayor Martinez deviated from the agenda and referred to item 26, maintenance of the Mirador Outlooks. There were no comments from the Council or the public.

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

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

Absent: 2 - Council Member Scott and Council Member Vaughn

Abstained: 0

Enactment No: 030855

L. EXECUTIVE SESSION: (ITEMS 17 - 18)

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

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

Mayor Martinez referred to Item 17 and the following motion was considered:

Motion re-affirming Resolution No. 030808 containing the City's Last, Best and Final Offer in the 2015 Collective Bargaining Negotiation process between the City of Corpus Christi and the Corpus Christi Professional Firefighters' Association – Local Union 936.

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

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

Abstained: 0

Enactment No: M2016-050

18. **Executive Session pursuant to Section 551.071** of the Texas Government Code and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the New Broadway Waste Water Treatment Plant and other parts of the City's Sanitary Sewer Collection System
- This E-Session Item was discussed in executive session.

PUBLIC HEARINGS: (ITEMS 22 - 24)

22. **Public Hearing and First Reading Ordinance - Rezoning property located at 1802 - 1820 Buford Street**

Case No. 0416-02 The Salvation Army: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit for a social service use. The property is described as being a 2.42 acre tract of land, being all of Lots 1-16, Block 6 and a 15 foot wide alley, Bay View No. 3, located between Hancock Avenue and Buford Avenue and between 16th Street and 15th Street.

Planning Commission and Staff Recommendation (April 20, 2016): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to nine conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by The Salvation Army ("Owner"), by changing the UDC Zoning Map in reference to a 2.42 acre tract of land, being all of Lots 1-16, Block 6 and a 15 foot wide alley, Bay View No. 3, from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit for a social service use; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 22. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow a transitional housing facility for de-located families and veterans. Mr. McGinn stated that the Planning Commission and staff recommend denial of the "CG-1/SP" General Commercial District with a Special Permit and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to nine conditions. Mr. McGinn provided an overview of the site plan and Special Permit conditions.

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

Council members spoke regarding the following topics: the Salvation Army relocating from Leopard Street to Buford Street; the opposition received; the special permit restrictions; and location of the front of the facility.

Mayor Martinez requested that the record reflect that Lupe Spaller had been present at the meeting to express her concerns on the rezoning and had to leave.

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

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

Abstained: 0

24. Public Hearing and First Reading Ordinance - Rezoning property located at 14102 Ambrosia Street

Case No. 0316-06 Yun W. Hwang: A change of zoning from the "RM-3" Multifamily 3 District to the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay. The property is described as Lot 1-B, Block 1, Padre Island No. 1, together with that portion of Estrada Drive (now closed), adjacent to said Lot 1-B, Block 1, Padre Island No. 1, located on the north side of Ambrosia Street between Scallop Street and Indigo Street.

Planning Commission and Staff Recommendation (April 20, 2016): Approval of the change of zoning from "RM-3" Multifamily 3 District to the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay subject to nine conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Yun W. Hwang ("Owner"), by changing the UDC Zoning Map in reference to Lot 1-B, Block 1, Padre Island No. 1, together with that portion of Estrada Drive (now closed), adjacent to said Lot 1-B, Block 1, Padre Island No. 1, from the "RM-3" Multifamily 3 District to the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 24. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow construction of a 4-unit townhome project. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change to the "RS-TH/PUD" Townhouse District with a Planned Unit Development subject to nine conditions. Mr. McGinn provided a

brief overview of the conditions.

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

Council members spoke regarding the following topics: clarification on the opposition; the deviations on the allowances between the current "RM-3" and the proposed "RS-TH/PUD"; the number of units allowed in the "RM-3"; the number of acres on this site; and the decrease in density with the zoning change.

Mr. McGinn stated that opposition exceeds 20% and requires three-fourths vote of the City Council to approve.

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

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

Abstained: 0

23. Public Hearing and First Reading Ordinance - Rezoning property located at 22 - 26 and 34 - 37 N. Country Club Drive, and 39, 41, 42, and 56 Country Club Drive

Case No. 0416-03 Magellan Terminals Holdings, LP: A change of zoning from the "RS-6" Single-Family 6 District, "ON" Office District and "RM-1" Multifamily 1 District to the "IL" Light Industrial District. The property is described as Lots 22-26, 34-42 and 55-56, Country Club Place, located on the north side of Interstate Highway 37, between Up River Road and Poth Lane.

Planning Commission and Staff Recommendation (April 20, 2016): Approval of the change of zoning from the "RS-6" Single-Family 6 District, "ON" Office District and "RM-1" Multifamily 1 District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Magellan Terminals Holdings, LP ("Owner"), by changing the UDC Zoning Map in reference to Lots 22-26, 34-42 and 55-56, Country Club Place, from the "RS-6" Single-Family 6 District, "ON" Office District and "RM-1" Multifamily 1 District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 23. Interim Director of Development Services Dan McGinn stated that the purpose of this

item is to rezone the subject property to allow light industrial uses. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

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

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

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

Abstained: 0

M. SPECIAL ITEMS: PRESENTATION REGARDING TAXI ORDINANCE AND RESOLUTION REGARDING TRANSPORTATION NETWORK COMPANY(TNC) INITIATIVE ORDINANCE: (ITEMS 19 - 20)

20. Discussion and possible action regarding a resolution to waive the charter requirement granting 45 days for Council consideration of an initiative ordinance

Discussion and possible action regarding a resolution to waive the time allotted under City Charter Article I, Section 4 for Council consideration of adoption of an initiative ordinance and authorizing the City Secretary to furnish the proponents petition pages upon passage of this resolution.

Mayor Martinez deviated from the agenda and referred to Item 20. City Secretary Rebecca Huerta stated that the purpose of this item is discussion and possible action regarding a resolution to waive the City Charter requirement for 45 days of City Council consideration of an initiative ordinance. During the May 10, 2016 City Council meeting discussion on the initiative ordinance for establishing transportation network companies, the question was raised if the Council could waive the charter provision requiring the 45-day consideration period to allow for distribution of the petition pages as soon as possible. After reviewing case law, the City Attorney has determined that the City Council may waive a Charter provision when it is determined to be a provision solely for their convenience. Thus, staff is presenting the proposed resolution with findings to formally waive the requirements. City Secretary Huerta stated that she was asked whether City Council has waived the charter provision in the past and research determined that this action has not happened before.

Council members spoke regarding the following topics: reasons for supporting the waiver; the City Council never before having taken action to waive the charter provision; when the proponents will receive the petition pages and can begin gathering signatures; the provisions in the City Charter related to the substance of the initiative measure to be considered by the voters and required information from the voters signing the petition; and staffing needed

to validate the petition.

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

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

Absent: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 030854

19. Discussion / Direction - Vehicle for Hire / Taxi Ordinance

Mayor Martinez deviated from the agenda and referred to Item 19. Interim Assistant City Manager Jay Ellington stated that the purpose of this item is to discuss and receive direction on the Vehicle for Hire/Taxi Ordinance. Interim Assistant City Manager Ellington presented the following information: the timeline for the discussion process; the current vehicle-for-hire ordinance Chapter 57 and Chapter 9 as it relates to the Airport; responses from the Taxi Focus Groups and questionnaires; and a chart to receive direction on the ordinance as it relates to the vehicle-for-hire's company, driver, vehicle, and the Airport.

There was a general concurrence of the City Council on the following direction: Certificate of Operation - Annual; Certificate of Operation Fee - 2% Gross Receipts; Street User Fee - n/a; Minimum # of Vehicles - n/a; Local Office - No, same as transportation network company (TNC) ordinance ; Trade Signage or Emblem - yes, but color scheme not required; City Access to Records - Yes; Driver Permit required - vehicle-for-hire driver's permit required and valid for 2 years; Driver Permit Fee - \$50 for 2 years; Limit on Operating Hours of Driver - Driver limited to 12 hours in 24-hour time span; Physical/Medical - removal of the medical testing, no defensive driving for both the TNC and vehicle-for-hire ordinance; Background Check for Drivers - Yes; Fingerprinting - Yes; Licensing Fee - n/a; Vehicle Inspection - State Inspection only; Fire Extinguishers - removal from both the TNC and vehicle-for-hire ordinance; Age of Vehicle - 10 years (7 years with 3-year extension); Insurance - same as TNC; Fees - n/a; Modifications - removal of overhead light requirement; and review of the airport regulations by the Airport Board.

Council members spoke regarding the following topics: the financial impacts related to the direction for the vehicle-for-hire ordinance; removal of the overhead light requirement; whether medical testing includes vision testing; renewal of drivers license requirements; vehicle inspection requirements; whether vehicle inspections include checking for bald tires; the legality of increasing fines for expired inspections; the need for fire extinguishers; fare rate disclosures and a review of other cities' regulations; painting of vehicles; and the use of specialty vehicles.

Dan Stiefel and Dillon Stiefel with Green-N-Go Cab Company provided feedback and responded to council members' questions regarding taxi cab operations.

MOTION OF DIRECTION

Council Member Rubio made a motion directing the Deputy City Manager to keep the fire extinguisher requirement consistent with the current TNC ordinance requiring fire extinguishers, seconded by Council Member Rosas.

The motion failed with the following vote: Martinez, Garza, Rosas, and Rubio, voting "Aye"; Hunter, Magill, McIntyre, Scott, and Vaughn, voting "No".

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the Deputy City Manager to remove the fire extinguisher requirement from the TNC and vehicle-for-hire ordinance, seconded by Council Member Magill.

The motion passed with the following vote: Hunter, Magill, McIntyre, Scott, and Vaughn, voting "Aye"; Martinez, Garza, Rosas, and Rubio, voting "No".

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the Deputy City Manager to work toward requiring the Taxi Inspector's Office to accept credit cards for all fees, seconded by Council Member Magill and passed unanimously.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the Deputy City Manager to remove outdated ordinance language regarding the requirement for a Geographic Test, 2-Way Radios, and phone dispatch; seconded by Council Member Magill and passed unanimously.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the Deputy City Manager to come back with a recommendation, including certain flat-rate areas, but to also allow the taxis the option of metering on those specific trips and to re-evaluate the rate mechanism in the current ordinance, seconded by Council Member Magill and passed unanimously.

MOTION OF DIRECTION

Mayor Martinez made a motion directing the Deputy City Manager to incorporate into a revised ordinance, the city council's items of general concurrence and those set out in the motions of direction, for consideration at the June 14, 2016 Council meeting, seconded by Council Member McIntyre and passed unanimously.

N. PUBLIC HEARINGS: (ITEM 21)**21. Public Hearing First Reading Ordinance - Proposed Amendment to MobilityCC by adopting the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan**

Ordinance amending MobilityCC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by adopting the Corpus Christi Metropolitan Planning Organization (CCMPO) Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan; providing for

severance; providing for a repealer clause; and providing for publication.

Mayor Martinez deviated from the agenda and referred to Item 21. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to adopt the Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan into the City's MobilityCC. Mr. McGinn provided information on the plan objectives and timeline. The Transportation Advisory Commission, Park and Recreation Advisory Committee, Planning Commission, and staff recommend approval of the amendment excluding the best practice matrix. Jeff Pollack, Director of the Corpus Christi Metropolitan Planning Organization (MPO), stated that the Bicycle Mobility Network is 290 miles of a strategic network of various types of bicycle infrastructure intended to uphold a very high level of safety and services across the entire network.

Council members spoke regarding the following topics: cost savings and how the plan was received by the Corpus Christi Regional Transportation Authority (RTA).

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

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

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

Absent: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

O. REGULAR AGENDA: (ITEM 25)

25. Second Reading Ordinance - Appropriating funds to execute the Engineering Construction Contract for International Boulevard Improvements (BOND 2012 Proposition 8) (1st Reading 5/10/16)

Ordinance appropriating and approving a transfer in the amount of \$236,810 from the Unreserved Fund Balance in No. 4612 Airport Operating Reserves Fund to and appropriating in Fund 3018 Airport Capital Reserve Fund; changing the FY 2016 Operating Budget adopted by Ordinance No. 030620 to increase expenditures by \$236,810; changing the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to increase revenues and expenditures by \$236,810 each; and authorizing the City Manager or designee, to execute a Construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$1,683,694.35 for the International Boulevard Improvements project for the Base Bid and Additive Alternate No. 1. (BOND 2012 Proposition 8)

Mayor Martinez deviated from the agenda and referred to Item 25. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a construction contract for the International Boulevard Improvements project (Bond 2012) and authorize to appropriation of funds from the Airport Operating Reserves Fund to fund overhead signs. There were no comments from the public.

Council members spoke regarding the following topics: whether the savings from County Road 52 are appropriate for this specific project and why not other Proposition 8 projects; consideration to amend the amount from the Airport Operating Reserves Fund to \$511,810 subject to the approval of the Federal Aviation Administration; and the ability to inform the Airport Board of this funding plan.

A motion was made by Council Member Chad Magill, seconded by Council Member Colleen McIntyre, that this Ordinance be tabled to the May 24, 2016 city council meeting. The motion carried by a unanimous vote.

P. FIRST READING ORDINANCES: (ITEMS 27 - 29)

27. First Reading Ordinance - Accepting and appropriating additional Federal grant funds for the Houston High Intensity Drug Trafficking Area (HIDTA)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept additional grant funding in the amount of \$9,100.65 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Departments role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA); and appropriating the \$9,100.65 in the No. 1061 Police Grants Fund.

Mayor Martinez referred to Item 27. Police Chief Mike Markle stated that the purpose of this item is to accept additional Houston High Intensity Drug Trafficking Area (HIDTA) grant funding in the amount of \$9,100.65. There were no comments from the Council or the public.

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

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

Abstained: 0

28. First Reading Ordinance - Abandoning and vacating an existing blanket pipeline easement, located at the northeast corner of Staples Street and Wooldridge Drive

Ordinance abandoning and vacating of an existing blanket easement,

located at Lokey Subdivision, Block 16D, Lot 5 that was recorded at Nueces County Deed Records Vol. 269 pages 249-250 and located north of Wooldridge Drive, and west of the South Staples Street public street right-of-way; and requiring the owner of the lot, Brimhall Enterprises, Inc., to comply with the specified conditions.

Mayor Martinez referred to Item 28. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a blanket pipeline easement located at the corner of Wooldridge Drive and Staples Street. The new owner of the property is requesting the elimination of the pipeline easement that has been in effect since 1954 to provide for redevelopment. The Gas Department has no objection to this request. There were no comments from the public.

In response to a council member, Mr. Dimas stated that, in the future, staff will be bringing two additional items abandoning and vacating remaining portions of the existing blanket pipeline easement.

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

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

Abstained: 0

29.

First Reading Ordinance - Approving agreement and appropriating funds for the construction of a sanitary sewer trunk line, force main and lift station located on the southeast corner of South Padre Island Drive and Old Brownsville Road

Ordinance authorizing city manager or designee to execute a sanitary sewer trunk line, force main and lift station construction and reimbursement agreement ("Agreement") with Peterson Properties, Ltd., ("Developer"), for the construction of a sanitary sewer trunk line, force main and lift station and appropriating \$911,341.24 from the No. 4220 Sanitary Sewer Trunk System Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor Martinez referred to Item 29. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to execute a sanitary sewer trunk line force main and lift station construction and reimbursement agreement. Based on the amendments made to the Wastewater Master Plan, Item 9 on today's agenda, the developer is proposing to develop Westpoint Crossing subdivision with a trunk line and lift station. The construction includes approximately 7,000 linear feet of 6-inch forced main, 8-inch trunk line and a lift station with a flow of 470 gallons per minute (gmp). Funds are available from the Sanitary Sewer Trunk System Trust Fund. There were no comments from the public.

Council members spoke regarding the infrastructure investment bringing

economic development to District 3.

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

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

Abstained: 0

R. BRIEFINGS: (ITEM 40)

40. Corpus Christi Regional Economic Development Corporation - Quarterly Economic Update

Mayor Martinez deviated from the agenda and referred to Item 40. Iain Vasey, President/CEO of the Corpus Christi Regional Economic Development Corporation (EDC), stated that the purpose of this item is to provide the EDC's quarterly update. Mr. Vasey presented the following information: a breakdown of the employment by sector; the EDC's goals and results; the key economic indicators; the economic outlook watch list; indicators for ethane, liquefaction, and pipeline infrastructure; the EDC's strategic plan; business retention and expansion; and the launch of the Qualified Sites Program.

Mr. Vasey referred to the renewal of the 1/8 cent sales tax and stated that the EDC Board passed a resolution on April 14, 2016 supporting the following positions: 1) Minimum of 50% of the total funds for Economic Development; 2) Up to \$500,000 to affordable housing programs; 3) Balance of funds to arterial/collector streets; and 4) The EDC supports the continuance of the sales tax for 20 years, maintaining a review/recommendation panel, supports a Type B structure, and appropriate protection mechanisms to ensure funds for economic development are maintained.

Q. FUTURE AGENDA ITEMS: (ITEMS 30 - 39)

Mayor Martinez referred to Future Agenda Items. Deputy City Manager Rose stated that staff had planned presentations on Items 37 and 39. Council members requested information on Items 32 and 35.

30. Resolution authorizing 3 Interlocal Agreements with local school districts to provide bus transportation for 2016 summer programs

Resolution authorizing the City Manager or designee to execute separate multi-year Interlocal Agreements with the Calallen Independent School District, the Corpus Christi Independent School District and the Flour Bluff Independent School District, to provide transportation services for summer youth recreation programs.

This Resolution was recommended to the consent agenda.

31. Resolution authorizing request for beach cleaning and

maintenance funding from Texas General Land Office for FY 2016-17

Resolution authorizing the City Manager or designee to execute all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2016-2017 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

This Resolution was recommended to the consent agenda.

32. Construction contract for Community Park Development and Improvements - Parker Park (Bond 2012)

Motion authorizing the City Manager, or designee, to execute a construction contract with Ram-Bro Construction of Robstown, Texas in the amount of \$363,559.50 for the Community Park Development and Improvements - Parker Park project for the base bid only for improvements to the existing park. (Bond 2012, Proposition 4).

This Motion was recommended to the consent agenda.

33. Two Construction Contracts and a Construction Phase and Observation Services Contract for the Indefinite Delivery/Indefinite Quantity (IDIQ) Minor Street Improvement Project

Motion authorizing the City Manager, or designee, to execute a construction contract with Ortiz Construction and Paving, Inc. for Part 1 in an amount of \$1,813,485.00 and to execute a construction contract with Grace Paving & Construction, Inc. for Part 2 in the amount of \$1,831,369.84 for the Indefinite Delivery/Indefinite Quantity (IDIQ) Minor Street Improvements project; and to execute a Construction Phase and Observation Services contract with Engineering & Construction Management Services, LLC of Corpus Christi, Texas in the amount of \$176,880 for the Indefinite Delivery/Indefinite Quantity (IDIQ) Minor Street Improvements project. These are multi-year contracts with a 1-year base plus two 1-year extensions.

This Motion was recommended to the regular agenda.

34. Engineering Design Contract for the O. N. Stevens Water Treatment Plant Intermediate Sludge Removal Phase I

Motion authorizing the City Manager or designee to execute an Engineering Design contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$95,467 for the O.N. Stevens Water Treatment Plant Intermediate Sludge Removal Phase I for design, bid and construction phase services.

This Motion was recommended to the consent agenda.

35. Engineering construction contract for the Greenwood Wastewater Treatment Plant Emissions and Odor Control Improvements

Motion authorizing the City Manager or designee to execute a construction contract with J.S. Haren Company of Athens, Tennessee in the amount of \$207,000 for the Greenwood Wastewater Treatment Plant Emissions & Odor Control Improvements project for the Base Bid.

This Motion was recommended to the consent agenda.

36. Service Agreement for Tire Disposal Service

Motion approving a service agreement with Texas Land Reclamation LLC, dba UTW Tire Collection Services, Donna, Texas, for Used Tire Disposal Service in accordance with Bid Event No. 85, based on lowest responsive, responsible bid for an estimated annual expenditure of \$112,134.00, of which \$37,378.00 is required for the remainder of FY 2015-2016. The term of the contract will be for twelve months with options to extend for up to two additional twelve-month periods, subject to the approval of the Contractor and the City Manager or designee. Funds have been budgeted by the Fleet Maintenance Services and Solid Waste Departments in FY 2015-2016.

This Motion was recommended to the consent agenda.

37. Service Agreement for Security Guard and Bailiff Services for Municipal Court

Resolution finding the lowest responsive responsible bidder for commissioned security guard and bailiff services in response to Bid Event No. 95; awarding a service agreement to Deacon 10, LLC, of Euclid, Ohio, dba Premier Protective Services; and authorizing the City Manager or designee to execute a service agreement with the lowest responsible bidder for commissioned security guard and bailiff services.

This Resolution was recommended to the consent agenda.

38. Resolution to intervene in AEP's filing at the Public Utility Commission for a Distribution Cost Recovery Factor

Resolution of the City of Corpus Christi, Texas to authorize intervention in the Public Utility Commission of Texas Docket No. 45787 regarding AEP Texas Central Company's application for approval of a distribution cost recovery factor to increase distribution

rates within the city; finding that the city's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

This Resolution was recommended to the consent agenda.

39. Resolution supporting the approval of bonds and a project relative to Texas A&M University-Corpus Christi

Resolution of the City Council of the City of Corpus Christi, Texas, authorizing the Mayor to approve the issuance of (I) The New Hope Cultural Education Facilities Finance Corporation Student Housing Revenue Bonds (CHF - Collegiate Housing Island Campus, L.L.C. - Texas A&M University - Corpus Christi Island Campus Project) Series 2016A and to approve the project to be acquired with the proceeds of such Bonds, and (II) The New Hope Cultural Education Facilities Finance Corporation Student Housing Revenue Bonds (CHF - Collegiate Housing Corpus Christi II, L.L.C. - Texas A&M University-Corpus Christi Project) Series 2016A and to approve the project to be acquired with the proceeds of such Bonds

This Resolution was recommended to the consent agenda.

S. ADJOURNMENT

The meeting was adjourned at 5:33 p.m.