



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

---

Tuesday, February 14, 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 Pro Tem Carolyn Vaughn to call the meeting to order.**

Mayor Pro Tem Vaughn called the meeting to order at 11:31 a.m.

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

City Secretary Rebecca Huerta gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Mike Markle, Chief of Police.**

Police Chief Mike Markle led the Pledge of Allegiance.

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

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

Charter Officers:

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

**Present:** 8 - Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Joe McComb, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

**E. Proclamations / Commendations**

1. Proclamation declaring February 12 - 18, 2017, "National League of United Latin American Citizens Week".  
Proclamation declaring February 12 - 18, 2017, "Texas A&M University - Corpus Christi 2017 Islander Homecoming Week".  
Commendation recognizing Calallen Football Coach Phil Danaher.  
  
**Mayor Pro Tem Vaughn presented the proclamations and Certificate of Commendation.**

**G. MINUTES:**

2. Regular Meeting of January 31, 2017  
  
**Mayor Pro Tem Vaughn referred to approval of the minutes. A motion was made by Council Member Rubio, seconded by Council Member Garza, that the Minutes be approved. The motion carried by a unanimous vote.**

**H. BOARD & COMMITTEE APPOINTMENTS:**

3. Corpus Christi Downtown Management District  
Landmark Commission  
Parking Advisory Committee  
Reinvestment Zone No. 3 Board  
  
**Mayor Pro Tem Vaughn referred to board and committee appointments. The following appointments were made:**  
  
**Corpus Christi Downtown Management District**  
  
**Council Member Molina made a motion to reappoint Cherylyn M. Boyd (PO) and appoint Christian Bernard (PO), seconded by Council Member Rubio and passed unanimously.**  
  
**Landmark Commission**  
  
**Council Member Molina made a motion to appoint Dr. Ira J. Freeman (Registered Architect), seconded by Council Member Hunter and passed unanimously.**  
  
**Council Member Garza nominated Lisa A. Garza (Regular Member). Council Member Rubio nominated Margareta Fratila (Regular Member). Council Member Guajardo nominated Dylan Farley (Regular Member). Council Member Molina nominated Leah Tiner (Regular Member).**  
  
**Lisa A. Garza (Regular Member), Margareta Fratila (Regular Member), and Dylan Farley (Regular Member) were appointed with Council Members Garza, Smith, Guajardo, McComb, Vaughn, Rubio, and Hunter voting for Lisa A. Garza; Council Members Garza, Smith, Vaughn, Rubio, Molina, and Hunter**

voting for Margareta Fratila; Council Members Garza, Guajardo, McComb, Vaughn, Rubio, and Molina voting for Dylan Farley; and Council Members Smith, Guajardo, McComb, Molina, and Hunter voting for Leah Tiner.

#### Parking Advisory Committee

Council Member Rubio made a motion to appoint David S. Allen (Downtown Management District Nominee) and Michael J. Flores (Downtown Management District Nominee), seconded by Council Member Guajardo and passed unanimously.

#### Reinvestment Zone Nof. 3 Board

Mayor Pro Tem Vaughn made a motion to appoint Al Jones (Downtown Management District) and reappoint Rudy Garza, Paulette Guajardo, Lucy Rubio, Greg Smith and Carolyn Vaughn, seconded by Council Member Smith and passed unanimously.

### **I. EXPLANATION OF COUNCIL ACTION:**

- 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 Pro Tem Vaughn referred to comments from the public. Jack Gordy, 4118 Bray, spoke regarding the removal of the tree stumps on Airline Road in front of the Gulfway Shopping Center and the removal of illegal signs. Flo East, 1605 Yorktown, spoke regarding the following topics: thank you to City Manager Rose for attending a recent meeting in Flour Bluff; the success of the vessel turn-in program; the improvements to Parker Park; and reconsideration for the litter critter program for Flour Bluff and the surrounding areas. Johnny French, 4417 Carlton, spoke regarding placing a bond proposition on the May ballot to fund the construction of Park Road 22. Kate Engler, 8405 Wednesbury, Houston, Texas, spoke regarding an issue that occurred at 1919 Leopard and other illegal activities. Margareta Fratila, 3606 Tripoli, spoke regarding issues related to red light cameras. Sherry Sells, 5014 Wingfoot, and Kelly Sells, 5014 Wingfoot, spoke regarding officer discretion on various violations. Chris Phelan, 3806 Kingston, spoke regarding the following: water quality; the appointment of new Water Director Clarence Wittwer; support for Agenda Item 19 regard backflow prevention devices; and invited the City Council to attend an Immigration Forum on February 19, 2017 at Unitarian Universalist Church of Corpus Christi. Susie Luna Saldana, 4710 Hakel, spoke regarding previous

public comments made labeling enforcement officers and praised enforcement officers for their hard work. Veronica Vela, 3608 Kingston, spoke regarding the Immigration Forum scheduled for February 19, 2017 from 6:00 p.m. to 8:00 p.m. at Unitarian Universalist Church of Corpus Christi. Lonnie Laningham, 5327 East Riverview, Robstown, Texas, spoke in support of the red light cameras. Gloria Randall Scott, 4422 S. Alameda, thanked the council members that attending the Citizens Alliance on Fairness and Progress and invited the City Council to attend the meetings that are held every Monday at Solomon Coles High School.

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

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

**b. OTHER**

1) City Manager Rose announced the appointment of the new Water Director Clarence Wittwer. 2) The next "Conversations with the City Manager" is scheduled to be held Friday, February 17, 2017 at 10:00 a.m. at the McDonald Public Library located at 4044 Greenwood Drive. 3) The Utilities Department has a Water Flushing Program for residents located near hydrants or dead end mains to be able to use the discharged water to irrigate their lawns. Citizens wanting more information can contact 361-826-1234. 4) City Manager Rose discussed the success of the Vessel Turn-in Program which ended on February 11, 2017. The goal of the program was to properly dispose of boats to minimize the negative effects to the environment.

**a. WATER QUALITY UPDATE**

City Manager Rose announced that beginning Monday, March 6, 2017, the City will temporarily change the water disinfectant to improve the overall quality of the water system. The temporary chlorine conversion is estimated to last from up to eight weeks and will allow for chlorine dioxide to be added to the water treatment process. The process has been endorsed by the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ).

**K. CONSENT AGENDA: (ITEMS 4 - 16)**

**Approval of the Consent Agenda**

A motion was made to approve the Consent Agenda. The motion carried by the following vote:

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

**Abstained:** 0

**4. Resolution Approving submission of a grant application for funding available under the Violence Against Women Act (VAWA)**

Resolution authorizing the submission of a grant application in the amount of \$47,532.77 to the State of Texas, Criminal Justice Division, for funding available under the Violence Against Women Act (VAWA) fund for the Police Department's Family Violence Unit with a city match of \$17,314.58, an in-kind match of \$8,280, for a total project cost of \$73,127.35; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

**This Resolution was passed.**

Enactment No: 031060

**5. Resolution authorizing the submission of a grant application for funding available under the Victims of Crime Act (VOCA) fund for the Victim Outreach Program**

Resolution authorizing the submission of a grant application in the amount of \$281,860.18 to the State of Texas, Criminal Justice Division for funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit to continue the Victim Outreach Program with a city match of \$60,865.04 and \$9,600 in-kind services, for a total project cost of \$352,325.22; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

**This Resolution was passed.**

Enactment No: 031061

**6. Approving the Purchase of Police Uniforms**

Motion approving the purchase of police uniforms from Galls, LLC, formerly Lone Star Uniforms, of Houston, Texas, for a total amount of \$70,150.00, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard. Funds have been approved for FY2016-2017.

**This Motion was passed.**

Enactment No: M2017-020

**7. Service Agreement for Custodial Services at the Police Department**

Motion authorizing City Manager, or designee, to execute a service agreement with ABM Janitorial Service-South Central, Inc., of San Antonio, Texas for custodial services for the Corpus Christi Police Department, in accordance with Request for Bid No. 170, based on the lowest, responsive, responsible bid for a total amount not to exceed \$93,000, with an estimated expenditure of \$54,250 in FY 2016-2017.

The term of this contract will be for 12 months with options to extend for two additional 12-month periods at the sole discretion of the City.

**This Motion was passed.**

Enactment No: M2017-021

**8. Purchase and Installation of Scale Replacement at J.C. Elliott Transfer Station**

Motion authorizing City Manager, or designee, to execute a service agreement with Brian Baldwin dba Baldwin Scale Co., of Corpus Christi, Texas, for the purchase and installation of a scale, in accordance with Request for Bids No.174, based on lowest, responsive and responsible bid for a total not to exceed \$56,750, which is funded in FY2016-2017.

**This Motion was passed.**

Enactment No: M2017-022

**9. Service Agreement for Servicing of Scales at Landfills Cefe Valenzuela and J.C. Elliott**

Motion authorizing City Manager, or designee, to execute a service agreement with A-1 Scale Services, Inc., of San Antonio, Texas, for the servicing of six scales, in accordance with Request for Bid No. 148, based on the lowest, responsive and responsible bid for a total amount not to exceed \$29,300.00 of which \$19,533.33 has been budgeted in the General Fund for FY2016-2017. The term of this contract will be for one year with option to extend for two additional one-year periods, at the sole discretion of the City.

**This Motion was passed.**

Enactment No: M2017-023

**10. Lease Purchase of Refuse and Recycle Containers (Carts)**

Motion authorizing City Manager, or designee, to lease-purchase from Cascade Engineering, Inc., of Grand Rapids, Michigan, 9,440 96-gallon refuse containers and 1,870 96-gallon recycle containers for a total amount of \$569,409.99, with an estimated expenditure of \$66,431.05 in FY2016-17. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Government (H-GAC). The containers will be used in the City's automated collection program.

Lease-Purchase Price	\$534,736.80
<u>Interest</u>	<u>\$34,673.19</u>
Total	\$569,409.99

**This Motion was passed.**

Enactment No: M2017-024

**11. Service Agreement for Electrical Services for Cefe Valenzuela Landfill and J.C. Elliott Transfer Station**

Motion authorizing City Manager, or designee, to execute a service agreement with Scott Electric Co., of Corpus Christi, Texas, for electrical services in accordance with Request for Bid No. 175 based on the lowest, responsive, responsible bid for a total amount not to exceed \$33,600, with an estimated expenditure of \$19,600 in FY2016-17. The term of this agreement is for 12 months with option to extend for up to three additional 12-month period at the sole discretion of the City.

**This Motion was passed.**

Enactment No: M2017-025

**12. Second Reading Ordinance - Continuing the curfew for minors (1st Reading 1/31/17)**

Ordinance continuing the curfew ordinances for minors in the Corpus Christi Code of Ordinance, Sections 33-40, 33-41, 33-42, and 33-43.

**This Ordinance was passed on second reading.**

Enactment No: 031062

**14. Second Reading Ordinance - Rezoning for property located at 5333 and 5337 South Staples Street (1st Reading 1/31/17)**

Case No. 1116-02 Lu Keiu Thi: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District. The property to be rezoned is described as Gardendale No. 2, Block 4, Lots 20-B and 21, located on the northwest corner of South Staples Street and Curtis Clark Drive.

Planning Commission and Staff Recommendation (November 16, 2016):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Lu Keiu Thi ("Owner"), by changing the UDC Zoning Map in reference to Gardendale No. 2, Block 4, Lots 20-B and 21; from the "CN-1" Neighborhood Commercial District to the "CG-2"

General Commercial; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

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

**Aye:** 7 - 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 McComb

Enactment No: 031064

**15. Second Reading Ordinance - Accepting and appropriating a donation for the purchase and Installation of Playground Equipment for Bayshore Park (1st Reading 1/31/17)**

Ordinance accepting and appropriating a \$150,000 donation from HEB Tournament of Champions Charitable Trust in the No. 4720 Community Enrichment Fund in trust for Bayshore Park playground equipment; and authorizing the City Manager or designee to execute all documents necessary to purchase and install playground equipment from Exerplay, Inc. of Cedar Crest, New Mexico, at Bayshore Park in an amount not to exceed \$144,672.80, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative dba BuyBoard.

**This Ordinance was passed on second reading.**

Enactment No: 031065

**16. Second Reading Ordinance - Accepting and appropriating increased grant funds for the Tuberculosis Prevention and Control-Federal grant (TB/PC-FED) (1st Reading 1/31/17)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Tuberculosis Prevention and Control-Federal (TB/PC-FED) grant in the amount of \$48,345.00, increasing the total amount to \$96,690.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund with a City match of \$9,696.00, increasing the total match amount to \$19,338.00, to provide tuberculosis prevention and control services for the amended contract period January 1, 2017, through December 31, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant agreement to begin January 1, 2017.

**This Ordinance was passed on second reading.**



Enactment No: 031066

**13. Second Reading Ordinance - Rezoning property located at 4222 Airline Road (1st Reading 1/31/17)**

Case No. 1216-01 AEL Development LLC: A change of zoning from the "RE" Residential Estate District and "FR" Farm Rural District to the "RS-6" Single-Family Residential District. The property is described as a 1.994 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tract, Section 25, Lots 15 and 16 and a 22.651 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tract, Section 25, Lots 15 and 16, located on the northeast corner of Yorktown Boulevard and Airline Road.

Planning Commission and Staff Recommendation (December 14, 2016):

Approval of the change of zoning from the "RE" Residential Estate District and "FR" Farm Rural District to the "RS-6" Single-Family Residential District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by AEL Development LLC ("Owner"), by changing the UDC Zoning Map in reference to 1.994 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tract, Section 25, Lots 15 and 16 and a 22.651 acre tract of land of a portion of Flour Bluff and Encinal Farm and Garden Tract, Section 25, Lots 15 and 16., from the "RE" Residential Estate District and "FR" Farm Rural District to the "RS-6" Single-Family Residential District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

**Mayor Pro Tem Vaughn referred to Item 13, rezoning property located at 4222 Airline Road. In response to a council member, Interim Director of Development Services Julio Dimas stated that the Planning Commission members that voted in opposition to the zoning change did not indicate why they were opposed.**

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

**Abstained:** 0

Enactment No: 031063

**M. PUBLIC HEARINGS: (ITEMS 17 - 18)****17. Public Hearing and First Reading Ordinance - Rezoning property located at 16013 Northwest Boulevard**

Case No. 0117-05 George Tintera and Ping Jung Tintera: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District. The property to be rezoned is described as a 1.776 acre tract of land of a portion out of Wade Riverside Subdivision, Section 4, located on the south side of Northwest Boulevard between Carousal Drive and County Road 73.

Planning Commission and Staff Recommendation (January 11, 2017): Approval of the change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by George Tintera and Ping Jung Tintera ("Owners"), by changing the UDC Zoning Map in reference to a 1.776 acre tract of land of a portion of Wade Riverside Subdivision, Section 4, from the "FR" Farm Rural District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Pro Tem Vaughn referred to Item 17. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow development of a Dollar General Store. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning change.**

**Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the Council or the public. Mayor Pro Tem Vaughn closed the public hearing.**

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

**Aye:** 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Rubio, Council Member Smith and Council Member Vaughn

**Absent:** 1 - Council Member Molina

**Abstained:** 0

**18. Public Hearing and First Reading Ordinance - Rezoning property located at 14836 Granada Drive**

Case No. 0117-01 SuperElite, LLC: A change of zoning from the “RM-AT/IO” Multifamily AT District with an Island Overlay to the “RM-AT/IO/PUD” Multifamily AT District with an Island Overlay and Planned Unit Development Overlay. The property is described as being Padre Island-Corpus Christi, Section D, Block 1, Lots 33 and 38, and the Villas of Padre lot 34R, located on the northeast side of Granada Drive and west of Leeward Drive.

Planning Commission and Staff Recommendation (January 11, 2017): Approval of the change of zoning from the “RM-AT/IO” Multifamily AT District with an Island Overlay to the “RM-AT/IO/PUD” Multifamily AT District with an Island Overlay and Planned Unit Development Overlay.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by SuperElite, LLC (“Owner”), by changing the UDC Zoning Map in reference to Padre Island-Corpus Christi, Section D, Block 1, Lots 33 and 38, and the Villas of Padre lot 34R, from the “RM-AT/IO” Multifamily AT District with an Island Overlay to the “RM-AT/IO/PUD” Multifamily AT District with an Island Overlay and Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Pro Tem Vaughn referred to Item 18. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow for the development of a 27-unit single-family development. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning change.**

**Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the Council or the public. Mayor Pro Tem Vaughn closed the public hearing.**

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

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

**Abstained:** 0

**N. REGULAR AGENDA: (ITEM 19)**

- 19. Second Reading Ordinance - Amending the Code of Ordinances by revising Chapter 14 Development Services Article II City of Corpus Christi Technical Construction Codes and Chapter 55, Utilities (Tabled 1/17/17) (1st Reading 1/31/17)**

Ordinance amending Section 14-281, 14-231, 14-291, and 55-37 of

the City's Code of Ordinances to amend the City's adopted International Plumbing, Building and Residential Codes, authorize the City to inspect, install, repair, and replace backflow assemblies and place the cost of said work on customer utility bills, amend other requirements related to the provision of water to reduce the chance of contamination of the City's water supply, and providing for penalties, publication, severance, and an effective date.

**Mayor Pro Tem Vaughn referred to Item 19. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to amend the Code of Ordinances regarding backflow devices.**

**Council members and staff discussed the following topics: the expenditure of \$740,000 to replace water meters; whether the City is manually reading meters; the automated meter reading system; researching the ability to incorporate backflow systems when replacing meters; how the City of Houston is handling backflow prevention and meters; possible tabling of the item; the need to address delinquent accounts; the ordinance addressing residential irrigation; the ability to place appropriate charges on customer utility bills; implementation of charges; and the number of meters with backflow devices.**

**Mayor Pro Tem Vaughn called for comments from the public. Linda Salomon, 1429 Ormond, asked if the words "cost-effective" could be added to the ordinance and whether all customers have been notified of the changes.**

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

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

**Abstained:** 0

Enactment No: 031067

**O. FIRST READING ORDINANCES: (ITEM 20)**

**20. First Reading Ordinance - Service Agreement to Manage and Operate the Al Kruse Tennis Center (Tabled 2/14/17)**

Ordinance authorizing the City Manager or designee to execute a service agreement with TOPS Tennis LLC, Dallas, Texas for Management and Operations Service for Al Kruse Tennis Center for a term of 36 months with up to two additional 12-month extension option periods; the City will pay the Contractor \$3,166.00 per month for an estimated annual total of \$38,000.00, and the Contractor will pay the City 5% of all Pro Revenue and 50% of collected City Revenue in return for managing and operating the Al Kruse Tennis Center.

**Mayor Pro Tem Vaughn referred to Item 20. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to**

execute a service agreement with TOPS Tennis LLC for management and operations for the Al Kruse Tennis Center for a term of 36 months with up to two additional 12-month extension option periods; the City will pay the contractor \$3,166 per month for an estimated annual total of \$38,000, and the contractor will pay the City 5% of all pro revenue and 50% of collected City revenue in return for managing and operating the Tennis Center. There were no comments from the public.

Council members and staff discussed the following topics: industry standards of the contractor paying 50% of collected revenues; how to make the tennis centers a revenue generator; investigating other models in municipal park system; whether the City receives revenue from tournaments; the economic impact of tennis center; concern with awarding the contract to a company from Dallas versus a local vendor; the issues regarding Ronald Elizondo's proposal; a breakdown of the revenue generated over the last four to six months under the management of Mr. Elizondo and Susan Shelby Torrance; the scope of work to conduct lessons, operate pro shop and schedule courts; the mission of the tennis center; the amount of revenue received from pro shop and lessons; the temporary agreement with limited operations during the time Mr. Elizondo operated the tennis center; the procurement process; Mr. Elizondo's qualifications; the length of time Mr. Elizondo ran operations at the tennis center; the expenses to operate the Al Kruse Tennis Center; submission of a plan for the tennis centers to be profitable during the budget process; City subsidy of non-performing programs; the payment to contractor to operate and maintain the tennis center; a request for June 2016 to January 2017 revenues, the duties and terms of the partial operation under Mr. Elizondo, whether Mr. Elizondo was engaged in the pro shop and a background on TOPS Tennis LLC including a list of facilities that they manage and the success of those centers; possible tabling of the item; management and operations at the HEB Tennis Center; the number of tennis facilities; the number of tennis participants; and staff's concerns with the procurement process and Park and Recreation staff currently running the tennis center.

Council Member Guajardo made a motion to table Item 20 to February 21, 2017, seconded by Council Member Molina. This Ordinance was tabled to specified date with the following vote:

**Aye:** 6 - Council Member Garza, Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Smith and Council Member Vaughn

**Nay:** 2 - Council Member Hunter and Council Member Rubio

**Abstained:** 0

## **L. RECESS FOR LUNCH**

Mayor Pro Tem Vaughn called for a recess at 2:00 p.m. Mayor Pro Tem Vaughn reconvened the meeting at 2:30 p.m.

## **FIRST READING ORDINANCES: (ITEM 21)**

- 21. First Reading Ordinance - Granting a Revocable Easement and Temporary Construction Easement on four (4) City Owned**

## Properties

Ordinance accepting and appropriating \$97,145.58 of revenue from DCP Sand Hills Pipeline, LLC; authorizing the City Manager or designee to execute a Revocable Easement and a Temporary Construction Easement to DCP Sand Hills Pipeline, LLC to construct, operate, maintain, repair and remove one 10 inch pipeline.

**Mayor Pro Tem Vaughn referred to Item 21. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a Revocable Easement and a Temporary Construction Easement to DCP Sand Hills Pipeline, LLC to allow construction of a pipeline on four City-owned properties. Ms. Gray provided a map of the project vicinity. The City will receive \$97,145.58 of revenue.**

**Mayor Pro Tem Vaughn called for comments from the public. Chris Phelan, 3806 Kingston, spoke regarding his work in the pipeline industry and expressed concern regarding the amount of revenue.**

**Council members and staff spoke regarding the following topics: how the calculation for the appraised value of the land is determined; unanticipated revenue; a recommendation that the revenue be appropriated to residential streets; two of the parcels being occupied by the Police Firing Range and two of the parcels by the Water Department; the 2012 bond project shortfall for Police Forensics Building; the funding for Water Department for cathodic protection for the Mary Rhodes Pipeline.**

**Council Member Smith made a motion to amend the ordinance by transferring \$79,645.18 to the General Fund to be used for the Police Bond 2012 project and transferring \$18,500 to the CIP Fund, seconded by Council Member Rubio and passed unanimously.**

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

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

**Abstained:** 0

## **P. FUTURE AGENDA ITEMS: (ITEMS 22 - 28)**

**Mayor Pro Tem Vaughn referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 22, 23, and 28. A council member requested information on Item 24.**

### **22. Engineering Design Contract for Community Park Development and Improvements - West Guth Park (Bond 2012, Proposition 4)**

Motion authorizing the City Manager, or designee, to execute a contract for engineering design services with Turner Ramirez Architects of Corpus Christi, Texas in the amount of \$125,919 for

Community Park Development and Improvements - West Guth Park for design, bid and construction phase services. (Bond 2012, Proposition 4).

This Motion was recommended to the consent agenda.

**23. Construction Contract and Testing Agreement for Gollihar Road Improvements Staples Street to Weber Road (Bond 2014, Proposition 1)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$10,601,341.44 for Gollihar Road from Staples Street to Weber Road for a total base bid and to execute a construction materials testing agreement with Rock Engineering in the amount of \$90,801.00 for Gollihar Road from Staples Street to Weber Road. (Bond 2014, Proposition 1).

This Motion was recommended to the consent agenda.

**24. Service Agreement for Maintenance and Calibration for Hach instruments at the O.N. Stevens Water Treatment Plant**

Motion authorizing City Manager, or designee, to execute a service agreement with Hach Company, of Loveland, Colorado for maintenance and calibration services as a sole source for a total amount not to exceed \$422,713.80, with an estimated expenditure of \$79,838.27 in FY2016-2017. The term of the agreement is for three 12-month periods with an option to extend for up to two additional 12-month periods at the sole discretion of the City.

This Motion was recommended to the consent agenda.

**25. Concession Agreement for In-Terminal Advertising**

Motion authorizing the City Manager or designee to execute a concession agreement with In-Ter-Space Services, Inc., doing business as Clear Channel Airports, of Allentown, Pennsylvania, for in-terminal advertising services at the Corpus Christi International Airport for a term of five years, with one five-year renewal option, with a minimum annual revenue guarantee of \$60,000 or 45% of gross receipts, whichever is greater.

This Motion was recommended to the consent agenda.

**26. Lease-Purchase of a Valve Maintenance Trailer for Water Department**

Resolution authorizing the City Manager, or designee, to

lease-purchase a valve maintenance trailer for the Utilities Department from E. H. Wachs Utility Products, a division of ITW, of Harvard, Illinois, based on a sole source for a total amount not to exceed \$82,280.21; and finding that the purchase of the valve maintenance trailer is necessary to preserve and protect the public health and safety of the City's residents.

Total Lease-Purchase Price:	\$75,387.35
Total Estimated Allowable Interest for Lease:	<u>\$6,892.86</u>
Grand Total:	\$82,280.21

This Resolution was recommended to the consent agenda.

**27. Lease-Purchase of Two 2017 Isuzu PipeHunter Trucks for Wastewater Department**

Motion authorizing the lease-purchase of two 2017 Isuzu PipeHunter trucks from Rush Truck Centers of Texas, L.P., of Houston, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for a total amount not to exceed \$239,644.19, with an estimated expenditure of \$23,914.44 in FY2016-2017.

Total Lease-Purchase Price:	\$220,450.00
Total Estimated Allowable Interest for Lease:	<u>\$19,194.19</u>
Grand Total:	\$239,644.19

This Motion was recommended to the consent agenda.

**28. Establish Submission Deadline for Board, Commission & Committee Applications**

Resolution amending City Council Policies for applications for Board, Commission, and Committee Appointments.

This Resolution was recommended to the consent agenda.

**Q. BRIEFINGS: (ITEMS 29 - 30)**

**30. Red Light Camera Review**

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 30. Police Chief Mike Markle stated that the purpose of this item is to provide an overview of the red light camera system. The current contract term ends on April 26, 2017. Chief Markle presented the following information: a background on the red light cameras contract with REDFLEX; intersection criteria; the number of camera monitors; intersection data; expenditures and revenue; and



options moving forward.

Council members spoke regarding the following topics: the increase in injuries since the institution of the program; options for renewing or cancelling the contract at the end of the term; Chief Markle's recommendation not to renew the program; and a review by Traffic Engineering on the timing of the yellow signal lights.

#### **MOTION OF DIRECTION**

Council Member Smith made a motion directing the City Manager to send notice by March 26, 2017 that the City will not be renewing the contract ending April 26, 2017 for the red light cameras, seconded by Council Member Hunter and passed unanimously.

### **29. Update on May 6, 2017 Special Election**

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 29. City Secretary Rebecca Huerta stated that the purpose of this item is to provide an update on the May 6, 2017 Special Election. City Secretary Huerta presented the following information: the proposed timeline for the Special Election; the timeline for the Runoff Election; the election services agreement and responsibilities of the City and Nueces County; the City's non-transferable duties; proposed early voting locations and schedule; election day information; where election information can be obtained; and cost estimates.

Council members spoke regarding the following topics: voters can vote at any polling place on election day; estimated cost with or without early voting on Saturday; consideration to extend hours during early voting from 8:00 a.m. to 6:00 p.m. and Saturday; concern that the equipment provided by Nueces County need to be working; issues with equipment failures during the General Election; whether former Council Member Mark Scott was eligible to run in the Special Election; recruitment efforts with school districts to incorporate students in the election process; citizens support for the voting centers; payroll options for election workers; and options for shortening the runoff schedule.

#### **MOTION OF DIRECTION**

Council Member Smith made a motion directing the City Attorney to waive attorney/client privilege regarding the eligibility of former Council Member Mark Scott, seconded by Council Member Garza and passed unanimously.

City Attorney Miles K. Risley and City Council discussed the following topics regarding the motion of direction: the second legal opinion by Charles E. Zech addressing the effect of the one and one-half year term served by Council Member Mark Scott on the City's term limits; whether Mark Scott is eligible to run in this election; the first opinion regarding the holdover provision when the City Council did not accept Mark Scott's resignation; the language in the City Charter regarding term limits; Mr. Zech's experience; whether the new mayor will serve a full term; loopholes in the City Charter regarding term limits; and creating a Charter Review Commission.

### **R. EXECUTIVE SESSION: (ITEMS 31 - 33)**

Mayor Pro Tem Vaughn referred to the day's executive sessions. The Council went into executive session at 4:15 p.m. The Council returned from executive

session at 5:58 p.m.

- 31. Executive session 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 Pro Tem Vaughn referred to Item 31 and the following ordinance was considered:**

**Ordinance appointing Young Min Burkett, Jacqueline Del Llano Chapa, Ray A. Gonzalez, Gail Loeb, Patrick O'Hare, and Mike James Alaniz as Municipal Court Judges of the Municipal Court of Record in the City of Corpus Christi, Texas; appointing Gail Loeb as the Presiding Judge; appointing Jerry L. Batek, Robert Brunkenhoefer, Christopher E. Matt, Michael McCraig, Todd A. Robinson, and David Walsh as Part-time Judges of the Municipal Court of Record in the City of Corpus Christi; determining salary; providing a term of office; and declaring an effective date.**

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

**Abstained:** 0

- 32. 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 annexation, the provision of utility services in newly annexed areas, municipal authority in the City's extraterritorial jurisdiction, and wind farms, and other legal matters related to the annexation and provision of municipal services in areas annexed by the City in 2014.

**This E-Session Item was discussed in executive session.**

- 33. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to potential economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and wastewater 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.

S. **ADJOURNMENT**

The meeting was adjourned at 6:01 p.m.