



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, October 27, 2015

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 Dr. Bob Eckert.

Dr. Bob Eckert gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Arlene Medrano, Executive Assistant to Assistant City Manager, General Government and Operations Support (to be followed by related comments by Pastor Rick Milby).

Executive Assistant to Assistant City Manager, Arlene Medrano 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 Ron Olson, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

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

E. Proclamations / Commendations

1. Proclamation declaring October 28, 2015, "HELP Hits the High Notes Day".
Proclamation declaring November 5, 2015, "International Project Management Day".
Proclamation declaring November 6, 2015, "Texas Arbor Day".

Proclamation declaring November 7, 2015, "Face to Face Coastal Bend Walk for Memory".

Proclamation declaring November 9-14, 2015, "The 240th Marine Corps Birthday Week".

Mayor Martinez presented the proclamations.

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 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. Carolyn Moon, 4902 Calvin, spoke regarding storm water mitigation around Oso Creek. Robin Romo, 4718 Lake Huron, spoke regarding damage to her property caused by a sewer line and lack of an easement. Ms. Romo said her property has been foreclosed on and her family is being evicted. City Manager Ron Olson stated that the City has thoroughly investigated the issue and there is nothing more the City can do. City Manager Olson said staff has invited Ms. Romo to submit a claim. Jack Gordy, 4118 Bray Drive, spoke regarding the following topics: his seventh public information request for information granting the City of Corpus Christi a grace period to remove the palm trees on Airline Road; a letter submitted by the United States Justice Department to the City Council; and compliance with ADA regarding the ramp located on the Lipan Street entrance to City Hall. Susie Luna Saldana, 4710 Hakel, thanked the City for filling the cracks on her street. Ms. Saldana also thanked Council Members Rubio and Vaughn for their comments at the last Council meeting and stated that she was proud to have council members that speak their mind. Shirley Thornton, 1917 Woodcrest Drive, referred to the last Council meeting where Andy Taubman shared his plan for addressing the residential street problem. Ms. Thornton asked that the City Council give the newly created Ad Hoc Residential Street Infrastructure Advisory Committee a proper chance to find a solution to the street problems. Phillip Ramirez, 322 Santa Monica Drive, provided a brief overview on the Planning Commission's review process and final report recommendations regarding Plan CC 2035. Chuck Anastos, 346 Del Mar Boulevard, referred to previous comments made regarding the Lipan Drive entrance to City Hall and provided a brief history of the initial ramp project to make the Lipan Drive entrance more accessible. Errol Summerlin, Citizens Alliance for Fairness and Progress, spoke regarding Plan CC 2035 addressing the Hillcrest neighborhood as a "transition" designation. Mr. Summerlin stated that Plan CC 2035 should include language that refers to the Hillcrest area as a unique situation that requires special attention, with a long-term process and options for residents that want to stay or leave the neighborhood.

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

Mayor Martinez referred to City Manager's Comments. City Manager Ron Olson reported on the following topics:

a. OTHER

1) Red tide has infiltrated the City's beaches and bays for the last two to three

weeks. City crews have collected approximately 32 tons of dead fish from North Beach to Coopers Alley and the Barge Dock. City Manager Olson stated that hopefully the red tide bloom will subside with cooler weather. 2) The Emergency Operations Center (EOC) was activated at 7:00 a.m. on Saturday, October 24, 2015 through Sunday afternoon, October 25, 2015. The EOC has adopted the National Incident Management System (NIMS) process. This system provides a consistent way to manage emergency operations during disasters. This weekend's storm resulted in only minor incidents and City Manager Olson stated that he believes the EOC system is ready if the City should have to deal with a real emergency. 3) The Mayor's Fitness Council will host a Kites and Bikes Festival on Saturday, November 7, 2015 from 11:00 a.m. to 5:00 p.m. at McCaughan Park. The event will include stunt kite flying demonstrations, fitness activities for the family, a farmer's market, bicycle safety demonstrations, and various give-a-ways.

H. MINUTES:

2. Regular Meeting of October 20, 2015

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

I. BOARD & COMMITTEE APPOINTMENTS: (ITEM 3)

3. Ad Hoc Residential Street Infrastructure Advisory Committee

Mayor Martinez referred to Item 3. The following appointments were made:

Ad Hoc Residential Street Infrastructure Advisory Committee

Council Member Scott made a motion to support the nine candidates nominated by each individual council member, seconded by Council Member McIntyre. The candidates were as follows: Mayor Nelda Martinez - Toby Futrell; Council Member Magill - Andy Taubman; Council Member Riojas - Leah Olivarri; Council Member Scott - Rex Kinnison; Council Member Vaughn - Alan Guggenheim; Council Member Rosas - Richard D. Stracener; Council Member Rubio - Kyle Pape; Council Member McIntyre - David Loeb; and Council Member Garza - Javier Huerta. A brief discussion ensued regarding clarification of the appointment process. Council Member Scott withdrew his motion. Council Member McIntyre withdrew her second.

Each council member stated their reasons for nominating their candidate.

Council Member Garza made a motion to appoint Toby Futrell, seconded by Council Member Scott. The motion was passed and approved with the following vote: Martinez, Rosas, Riojas, Magill, Garza, Scott, Rubio, Vaughn, and McIntyre, voting "Aye".

Council Member Magill made a motion to appoint Andy Taubman, seconded by Council Member McIntyre. The motion was passed and approved with the following vote: McIntyre, Vaughn, Rubio, Scott, Martinez, Garza, Magill, Riojas, and Rosas, voting "Aye".

Council Member Riojas made a motion to appoint Leah Olivarri, seconded by Council Member McIntyre. The motion failed with the following vote: Riojas, Martinez, Scott, and McIntyre, voting "Aye"; Rosas, Magill, Garza, Rubio, and Vaughn, voting "No".

City Secretary Huerta announced that Council Member Riojas had submitted Chris Duff as her second nominee. Council Member Rubio made a motion to appoint Chris Duff, seconded by Council Member Riojas. The motion was passed and approved with the following vote: Martinez, Scott, Garza, McIntyre, Riojas, and Rubio, voting "Aye"; Vaughn, Magill, and Rosas, voting "No".

Council Member Scott made a motion to appoint Rex Kinnison, seconded by Council Member McIntyre. The motion failed with the following vote: Martinez, Scott, McIntyre, and Riojas, voting "Aye"; Vaughn, Garza, Magill, Rosas, and Rubio, voting "No".

Council Member Scott made a motion to appoint J. J. Hart, seconded by Council Member McIntyre. The motion failed with the following vote: Martinez, Scott, McIntyre, and Riojas, voting "Aye"; Vaughn, Garza, Magill, Rosas, and Rubio, voting "No".

Council Member Vaughn made a motion to appoint Alan Guggenheim, seconded by Council Member Magill. The motion was passed and approved with the following vote: Martinez, Scott, Vaughn, Garza, Magill, McIntyre, Riojas, Rosas, and Rubio, voting "Aye".

Council Member Rosas made a motion to appoint Richard D. Stracener, seconded by Council Member McIntyre. The motion was passed and approved with the following vote: Martinez, Scott, Vaughn, Garza, Magill, McIntyre, Riojas, Rosas, and Rubio, voting "Aye".

Council Member McIntyre made a motion to appoint Kyle Pape, seconded by Council Member Rubio. The motion was passed and approved with the following vote: Martinez, Scott, Vaughn, Garza, Magill, McIntyre, Riojas, Rosas, and Rubio, voting "Aye".

Council Member McIntyre made a motion to appoint David Loeb, seconded by Council Member Scott. The motion failed with the following vote: Martinez, Scott, McIntyre, and Riojas, voting "Aye"; Vaughn, Garza, Magill, Rosas, and Rubio, voting "No".

City Secretary Huerta announced that Council Member McIntyre also submitted the following nominees: J. J. Hart, Darrell Scanlan, and Manuel Pena. Council Member McIntyre made a motion to appoint Darrell Scanlan, seconded by Council Member Scott. The motion was passed and approved with the following vote: Martinez, Scott, Garza, McIntyre, Riojas, and Rubio, voting "Aye"; Vaughn, Magill, and Rosas, voting "No".

Council Member Garza made a motion to appoint Javier Huerta, seconded by Council Member Rubio. The motion was passed and approved with the following vote: Martinez, Scott, Vaughn, Garza, Magill, McIntyre, Riojas, Rosas, and Rubio, voting "Aye".

Council Member Scott made a motion to appoint James Skrobarczyk, Sr., seconded by Council Member Rubio. The motion was passed and approved with the following vote: Martinez, Scott, Garza, McIntyre, Rosas, and Rubio, voting "Aye"; Vaughn, Magill, and Riojas, voting "No".

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 23)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. A motion was made by Council Member Magill, seconded by Council Member Rubio, 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 Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

4. Interlocal Agreement for Latchkey Program at Calallen ISD

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Calallen Independent School District for continued operation of the City Latchkey Program at Calallen ISD.

This Resolution was passed on the Consent Agenda.

Enactment No: 030662

5. Design-Build Agreement for the Signs/Signals Operations - New Shop and Office Facility (Bond 2012) Project

Motion authorizing the City Manager, or designee, to execute a Design-Build Agreement with Fulton Coastcon General Contractors of Corpus Christi, Texas in the amount of \$2,280,000 for the Signs/Signals Operations - New Shop and Office Project for the Base Bid plus Additive Alternate Nos.1 and 2.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-119

6. Professional Monitoring Contract for Packery Channel Monitoring for Fiscal Year 2015-2016

Motion authorizing the City Manager, or designee to renew the yearly contract for Packery Channel Monitoring for Fiscal Year 2015-2016 by executing Amendment No. 11 between the City of Corpus Christi and

Texas A & M University-Corpus Christi in the amount of \$350,703.00.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-120

7. Work plan and budget agreement with Nueces River Authority for FY 2015-2016

Motion authorizing the City Manager or designee to execute a work plan and budget agreement with the Nueces River Authority in the amount of \$99,996 to provide water planning, protection, development, and data management services to the City of Corpus Christi for FY 2016.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-121

8. Engineering Design Contract adding repairs for existing lift station locations

Motion authorizing the City Manager, or designee, to add repairs at eight existing lift station locations to an engineering design contract by executing Amendment No. 2 with Urban Engineering of Corpus Christi, Texas in the amount of \$164,100 for a total restated fee not to exceed \$210,340 for the Lift Station Repairs - Citywide for engineering design services and support services in Bid and Construction phases.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-122

9. Certification of 2015 Tax Levy

Motion approving the 2015 Property Tax Levy of \$108,611,685.39 based on the adopted property tax rate of \$0.606264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Property Tax Code.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-123

10. Second Reading Ordinance - Rezoning property located at 3101 Up River Road (1st Reading 10/20/15)

Case No. 0815-04 Cheryl McLaughlin & Hatch, LLC:

A change of zoning from the "RMH" Manufactured Home District and "RS-6" Single-Family 6 District to the "RV" Recreational Vehicle Park District. The property is described as being a 9.16 acre tract of land out of the E Villareal Survey being a portion of Lot 1, Block 2, Hatch

Tract and being all of a called 2.00 acre tract conveyed to Cheryl McLaughlin and Hatch LLC as recorded in Document No. 2014000941 Official Public Records, Nueces County, Texas and being a portion of a called 1.681 acre tract conveyed to Cheryl McLaughlin and Hatch LLC as recorded under Document No. 201401834 Official Public Records, Nueces County, Texas and being a portion of a called 1.13 acre tract conveyed to John A. McLaughlin as recorded in Volume 1828, Page 244, Deed Records, Nueces County, Texas, located at 3101 Up River Road between Westgate Drive and Palm Drive.

Planning Commission and Staff Recommendation (September 9, 2015):

Approval of the change of zoning from the "RMH" Manufactured Home District and "RS-6" Single-Family 6 District to the "RV" Recreational Vehicle Park District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Cheryl McLaughlin & Hatch, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 9.16 acre tract of land out of the E Villareal Survey being a portion of Lot 1, Block 2, Hatch Tract and being all of a called 2.00 acre tract conveyed to Cheryl McLaughlin and Hatch LLC as recorded in Document No. 2014000941 Official Public Records, Nueces County, Texas and being a portion of a called 1.681 acre tract conveyed to Cheryl McLaughlin and Hatch LLC as recorded under Document No. 201401834 Official Public Records, Nueces County, Texas and being a portion of a called 1.13 acre tract conveyed to John A. McLaughlin as recorded in Volume 1828, Page 244, Deed Records, Nueces County, from the "RMH" Manufactured Home District and "RS-6" Single-Family 6 District to the "RV" Recreational Vehicle Park 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: 030663

11.

Second Reading Ordinance - Rezoning property located at 15205 Northwest Boulevard (FM 624) (1st Reading 10/20/15)

Case No. 0915-01 AI Development, Inc.: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District. The property is described as being a 14.25 acre tract of land out of a 91.594 acre tract of land as recorded in Document Number 2012050691, Deed Records of Nueces County, Texas, located approximately 260 feet south of Northwest Boulevard (FM 624) between CR 73 and FM 1889.

Planning Commission and Staff Recommendation (September 9, 2015):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by AI Development, Inc. ("Owner") by changing the UDC Zoning Map in reference to a 14.25 acre tract of land out of a 91.594 acre tract of land as recorded in Document Number 2012050691, Deed Records of Nueces County, Texas, from the "RS-6" Single-Family 6 District 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: 030664

12. Second Reading Ordinance - Rezoning property located at 1528, 1536, 1548, and 1604 Rhew Road (1st Reading 10/20/15)

Case No. 0915-02 D.L. Johnson: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit, not resulting in a change to the Future Land Use Map. The property is described as Lots 5, 6, 7 and 8, Block 1, Rhew Industrial Tracts Unit 1, located on the east side of Rhew Road approximately 1,000 feet south of Leopard Street.

Planning Commission and Staff Recommendation (September 9, 2015):

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit subject to nine conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by D.L. Johnson ("Owner"), by changing the UDC Zoning Map in reference to Lots 5, 6, 7 and 8, Block 1, Rhew Industrial Tracts Unit 1, from the "IL" Light Industrial District to the "IL/SP" Light Industrial 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: 030665

13. Second Reading Ordinance - Rezoning property located at 4625

Whataburger Way (1st Reading 10/20/15)

Case No. 0915-03 TWF Partners, LLC: A change of zoning from the "RM-1" Multifamily 1 District to the "ON" Office District, resulting in a change to the Future Land Use Map from medium density residential to professional office uses. The property is described as Lot 11-D, Block 4, Parkdale Village, located on the southwest corner of Mildred Drive and Whataburger Way.

Planning Commission and Staff Recommendation (September 9, 2015):

Approval of the change of zoning from the "RM-1" Multifamily 1 District to the "ON" Office District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by TWF Partners, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 11-D, Block 4, Parkdale Village, from the "RM-1" Multifamily 1 District to the "ON" Office 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: 030666

14.

Second Reading Ordinance - Rezoning property located south of Yorktown Boulevard between Fred's Folly Drive and Starry Road (1st Reading 10/20/15)

Case No. 0915-05 Patricia H. Wallace, Trustee #2: A change of zoning from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District. The property is described as being a 115.72-acre tract of land out of Lots 22 through 27, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Yorktown Boulevard between Fred's Folly Drive and Starry Road.

Planning Commission and Staff Recommendation (September 23, 2015):

Approval of the change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Patricia H. Wallace, Trustee #2 ("Owner"), by changing the UDC Zoning Map in reference to a 115.72-acre tract of land out of

Lots 22 through 27, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District and "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030667

15. Second Reading Ordinance - Rezoning property located at 3801 Rodd Field Road (3/4 vote required) (1st Reading 10/20/15)

Case No. 0915-06 Point Development, LLC: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District. The property is described as being a 10-acre tract of land out of the east half of Lot 8, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, located on the southwest corner of Airline Road and Rodd Field Road.

Planning Commission and Staff Recommendation (September 23, 2015):

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 Point Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 10-acre tract of land out of the east half of Lot 8, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, 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.

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

Enactment No: 030668

16. Second Reading Ordinance - Accepting and appropriating a Regional grant to support the Emergency Medical Service (EMS) operation (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$2,978.14; and appropriating \$2,978.14 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: 030669

17. Second Reading Ordinance - Accepting and appropriating a donation from Exxon Mobil Corporation for equipment or supplies for firefighters (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to accept a grant from Exxon Mobil Corporation in the amount of \$1,500 for Exxon Mobil's "Good Neighbor Program"; and appropriating \$1,500 from Exxon Mobil Corporation into the No .1062 Fire Grant Fund to be used specifically to purchase any equipment and/or supplies that will directly benefit firefighters.

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

Enactment No: 030670

18. Second Reading Ordinance - Accepting and appropriating grant funds for the Retired Senior Volunteer Program (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$3,000 grant from the Corporation for National and Community Service in the No. 1067 Parks and Recreation grants fund for the Retired and Senior Volunteer Program.

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

Enactment No: 030671

19. Second Reading Ordinance - Accepting and appropriating State funds for the Infectious Disease Control Unit/FLU-LAB grant (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Infectious Disease Control Unit/FLU-LAB grant in the amount of \$10,000 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide flu testing for the contract period September 1, 2015, through August 31, 2017; and ratifying acceptance of the grant agreement to begin September 1, 2015.

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

Enactment No: 030672

20. Second Reading Ordinance - Accepting and appropriating State funds for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities (HPCD/TXHC) grant (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities (HPCDP/TXHC) grant in the amount of \$50,000, from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide funds to implement systems and strategies that address one or more Texas Healthy Communities priority indicators for the contract period October 1, 2015, through September 30, 2016; and ratifying acceptance of the grant agreement to begin October 1, 2015.

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

Enactment No: 030673

21. Second Reading Ordinance - Accepting and appropriating State funds for the Nutrition Services Section/Women, Infant's and Children (NSS/WIC) grant (1st Reading 10/20/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Nutrition Services Section/Women, Infant's and Children (NSS/WIC) grant in the amount of \$1,002,324, from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the WIC program for the contract period October 1, 2015, through September 30, 2016; and ratifying acceptance of the grant agreement to begin October 1, 2015.

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

Enactment No: 030674

22. Second Reading Ordinance - Authorizing a construction contract and appropriating funds for the Municipal Communication Studio Facility Renovation (1st Reading 10/20/15)

Ordinance appropriating \$1,033,210.58 from the Unreserved Fund Balance in No. 1031 Public, Education and Government Cable Fund; changing the FY 2016 Operating Budget adopted by Ordinance No. 030620 to increase expenditures by \$1,033,210.58; and authorizing the City Manager or designee to execute a construction contract with Safenet Services, LLC of Corpus Christi, Texas in the amount of

\$619,625 for the City of Corpus Christi Municipal Communication Studio Facility Renovation for the Base Bid.

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

Enactment No: 030675

23. Second Reading Ordinance - Revocable Easement for Eagle Ford Pipeline, LLC for the construction of two pipelines along the eastern side of Mobile Estates Park (1st Reading 10/20/15)

Ordinance granting a twelve (12) foot wide Revocable Easement to Eagle Ford Pipeline, LLC to construct, operate, maintain, repair and remove two (2) 20-inch pipelines along the east side of a City park known as Mobile Estates Park, located south of IH-37 and west of Lantana Street; for the amount of \$43,054 as compensation to the City; authorizing the City Manager or designee to execute a Revocable Easement instrument and other related documents for the conveyance of the revocable easement.

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

Enactment No: 030676

Q. BRIEFINGS: (ITEM 38)

38. Discussion on Ballot Language for Ad Valorem Tax-Backed Debt

Mayor Martinez deviated from the agenda and referred to Item 38. City Secretary Huerta stated that at the September 15th City Council meeting, the Council asked questions about the wording used for the Bond 2014 election. The questions revolved around the Council's ability to include ballot language including whether the proposition would or would not require a tax increase; and/or projected utility rate increases related to the proposition.

City Secretary Huerta introduced Clay Binford, Norton Rose Fulbright US, LLP to address these issues. Mr. Binford provided an explanation of the Texas Laws that apply to General Obligation Bond Elections for cities: the election ordinance and public notice requirements; the difference between the measure and ballot proposition components of the election ordinance; the issuance of ad valorem tax-backed bonds; Texas Supreme Court ruling on ballot proposition language; ballot proposition requirements; and the transparency requirements. Mr. Binford provided an overview of the 2014 Bond Election Ordinance: the transparency components which included language explaining how the City would pay off the debt; the tax rate should the bonds pass; and additional suggestions to increase transparency in the future.

L. EXECUTIVE SESSION: (ITEMS 24 - 27)

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

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

This E-Session Item was discussed in executive session.

25. **Executive Session pursuant to Texas Government Code § 551.071** of the and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning *United States et al v. City of Corpus Christi* (2:12-cv-00217) involving potential consent decree clarifications and amendments ancillary to said consent decree.

Mayor Martinez referred to Item 25 and the following motion was considered:

Motion authorizing the City Manager to execute all documents necessary to approve and clarify the attached Proposal (described in the attached 6-29-15 letter and the attached 10-8-15 letter), which provides for the relief described in the consent decree for *United States et al v. City of Corpus Christi* (2:12-cv-00217) with respect to the priority Hires who have qualified for relief pursuant to said decree.

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

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

Abstained: 0

Enactment No: M2015-124

26. **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation and other legal matters related to Municipal Court, including *Monica Lewis v. City of Corpus Christi*, *Nora Rodriguez v. City of Corpus Christi*, *Rene Mendiola, et al v. City of Corpus Christi, et al*, *Frances Rios v. City of Corpus Christi, et al*, and *Michael Cantu v. City of Corpus Christi*; and *Patrick Gonzales v. City of Corpus Christi, et al*.

This E-Session Item was discussed in executive session.

27. **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, rules, and statutes governing the Corpus Christi Regional Transportation Authority and pursuant to **Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, evaluation, and duties of the City's

appointees to the Board of Directors of the Corpus Christi Regional Transportation Authority. Actions in open meeting may include the consideration of any actions related to the Corpus Christi Regional Transportation Authority.

This E-Session Item was discussed in executive session.

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (ITEM 28)

28. Broker of Record Joint Service Agreement

Motion approving a joint service agreement with Borden Insurance of Corpus Christi, Texas and McGriff, Seibels & Williams, Inc. of San Antonio, Texas, for Broker of Record Services for Property Insurance, based on lowest best proposal received, in response to Request for Proposal Event Number 71 in the amount of \$27,700. The term of the contract will be for one-year period, with options to extend for up to four (4) additional one-year periods subject to the approval of the Contractor and the City Manager or designee.

Mayor Martinez referred to Item 28. City Attorney Miles Risley stated that the purpose of this item is to approve a joint service agreement with Borden Insurance of Corpus Christi, Texas and McGriff, Seibels & Williams, Inc. of San Antonio, Texas for Broker of Record Services for Property Insurance, based on lowest best proposal received, in the amount of \$27,700. There were no comments from the public.

Discussion topics between a council member and staff included the following: performance measures; a savings each year on premiums; the request for proposal process; and contract period limitations.

Council Member Magill made a motion directing staff to request that Carlisle Insurance extend the annual fee it proposed for Year 1 of Broker of Record Services (\$45,000, to be reduced by the National Flood Insurance Premiums, with an estimated net annual fee of \$24,135) to the full 5-year potential extension period, and, in the event of such fee extension, authorizing staff to execute a service agreement with said entity obligating the City for Year 1, subject to extension for annual periods after the first year at said fee amount only if the overall insurance rates obtained for property insurance are maintained at a level the same as or lower than the current overall property insurance rates. If Carlisle Insurance refuses to extend the annual fee it proposed for Year 1 of Broker of Record Services through the 5-year extension period, then staff is authorized to execute a service agreement with Borden Insurance and McGriff, Seibels & Williams obligating the City for Year 1, subject to extension for annual periods after the first year at its proposed fee amount of \$27,700 only if the overall insurance rates obtained for property insurance are maintained at a level the same as or lower than the current overall property insurance rates. The motion was seconded by Council Member Rubio. This Motion was passed as substitute and approved with the following vote:

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

Abstained: 0

Enactment No: M2015-125

O. FIRST READING ORDINANCES: (ITEM 29 - 32)

29. First Reading Ordinance - Amending the Civil Service Board Rules and Regulations

Ordinance amending the Civil Service Board Rules and Regulations in its entirety as recommended by the Civil Service Board; providing for severance; and providing an effective date.

Mayor Martinez referred to Item 29. Director of Human Resources Yasmine Chapman stated that the purpose of this item is to update the Civil Service Board Rules and Regulations in its entirety as recommended by the Civil Service Board. The last revision to the rules and regulations of the Civil Service Board was in July 1999. The amendments are designed to clarify and update language, ensure consistency, and reduce ambiguity. The final revisions were approved by the Civil Service Board in August and are recommended to City Council. There were no comments from the public.

In response to a council member, City Attorney Miles Risley stated that the agenda memo will be corrected for the next meeting to reflect the correct first and second reading dates.

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

Abstained: 0

Enactment No: 030678

30. First Reading Ordinance - Ordinance authorizing a use privilege agreement with the Tuloso-Midway Independent School District located at 2653 McKinzie Road

Ordinance authorizing the City Manager to execute a use privilege agreement with the Tuloso-Midway Independent School District ("Permittee") to install, operate, maintain, and remove a private eight-inch PVC wastewater sanitary sewer main ("Wastewater Line") across the Haven Drive Public street right-of-way, located west of

McKinzie Road public right-of-way, subject to the Permittee's compliance with specified conditions.

Mayor Martinez referred to Item 30. Director of Development Services Dan Grimsbo stated that the purpose of this item is to execute a use privilege agreement with Tulosso-Midway Independent School District to allow the ability to provide restroom services to the Tulosso-Midway Agricultural Complex's restroom facilities located at 2653 McKinzie Road. There were no comments from the Council or the public.

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

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

Abstained: 0

Enactment No: 030679

31.

First Reading Ordinance - Authorizing the Tax Increment Reinvestment Zone #3 Board to expend funds and approve reimbursement agreements

Ordinance authorizing the Tax Increment Reinvestment Zone #3 (TIRZ #3) Board to expend funds and approve reimbursement agreements in accordance with the Project and Financing Plan.

Mayor Martinez referred to Item 31. Business Liaison Alyssa Barrera stated that the purpose of this item is to authorize the Tax Increment Reinvestment Zone #3 Board to approve expenditure of funds and reimbursement agreements in order to implement the project plan. There were no comments from the Council or the public.

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

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

Abstained: 0

Enactment No: 030680

32.

First Reading Ordinance - Appropriating funds for Tax Increment Reinvestment Zone (TIRZ) #3 Project Plan

Ordinance appropriating \$1,597,564 from the unreserved fund balance in Fund 1112 Reinvestment Zone No. 3 Fund (Downtown TIF) to fund

approved projects in FY2016 and changing the FY2016 Operating Budget adopted by ordinance 030620 by increasing expenditures by \$1,597,564.

Mayor Martinez referred to Item 32. Business Liaison Alyssa Barrera stated that the purpose of this item is to appropriate \$1,597,564 from the unreserved fund balance to implement the Tax Increment Reimbursement Zone #3 Project and Financing Plan. There were no comments from the Council or the public.

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

Abstained: 0

Enactment No: 030681

P. FUTURE AGENDA ITEMS: (ITEM 33 - 36)

Mayor Martinez referred to the Future Agenda Items. Assistant City Manager Susan Thorpe stated that staff had a planned presentation on Item 36.

33. Engineering Construction Contract for Southern Minerals Road from Up River Road to IH37 BOND 2014

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson, Inc. of Corpus Christi, Texas in the amount of \$3,060,904.65 for the Southern Minerals Road from Up River Road to IH 37 for the total Base Bid. (Bond 2014)

This Motion was recommended to the consent agenda.

Enactment No: M2015-126

34. Engineering Construction Contract for Development & Improvements at HEB Tennis Center and Al Kruse Tennis Center

Motion authorizing the City Manager, or designee, to execute a construction contract with Safenet Services, LLC. of Corpus Christi, Texas in the amount of \$1,809,131 for the HEB and Al Kruse Tennis Centers (Rebid) for the Base Bid, Part A only for repairs to the tennis centers. (Bond 2012)

This Motion was recommended to the consent agenda.

Enactment No: M2015-127

35. Expand Solid Waste Operations' DriveCam Program to reduce preventable vehicle accidents within the fleet

Resolution finding that competitive bids are not required for procurement from Lytx, Inc., and authorizing the City Manager, or designee, to execute agreements with Lytx, Inc., totaling \$133,225.26 for the purchase of additional hardware and software to expand the vehicle-mounted camera program for the Solid Waste Operations Department.

This Resolution was recommended to the consent agenda.

Enactment No: 030677

36. Assessment of the Efficiency and Effectiveness of the City of Corpus Christi's Financial Services Department

Motion authorizing the City Manager or designee to execute a consultant agreement with Weaver and Tidwell, L.L.P to assess the efficiency and effectiveness of the Financial Services Department for an amount not to exceed \$228,500. Funding is available in the Financial Services Department Budget for fiscal year 2015/2016.

This Motion was recommended to the consent agenda.

Enactment No: M2015-128

Q. BRIEFINGS: (ITEM 37 - 39)

37. Discussion of Plan CC Comprehensive Plan 2035

Mayor Martinez referred to Item 37, presentation and discussion on Plan CC Comprehensive Plan 2035. Executive Director of Utilities Mark Van Vleck introduced the presentation team: Senior Project Planner Annika Yankee, Director of Development Services Dan Grimsbo, and Assistant Director of Environmental & Strategic Initiatives Dan McGinn. Mr. Van Vleck provided the following information: a review of the adoption schedule; a proposed review process; and the changes for consideration from the Planning Commission's Final Report.

Council members spoke regarding the following topics: the inclusion of the language "business organizations" in Element 5 - Diversifying the Economy & Strengthening the Workforce, Item 18; the addition of the language "including affordable housing" to the end of Goal 2, Item 16, Element 4 - Housing & Neighborhoods; support for staff's recommendation to not eliminate the language "zoning regulations on lot size and infrastructure" from Land Use Principles, Item 47, Element 8 - Future Land Use, Zoning & Urban Design; the strategy discussions on land use; whether anything in the comprehensive plan will obligate the City Council to 1 in 20 land use; whether the recommendation on Goal 7, Element 7 - Community Infrastructure, Facilities & Services requires

private property to be ADA-compliant; and the future process for re-developing a Planning Department to implement Plan CC 2035.

MOTION OF DIRECTION - FAILED

Council Member McIntyre made a motion of direction to accept all of the Planning Commission's recommendations, with the exception of Item 47, for which staff's recommendation is supported. The motion was seconded by Council Member Scott. The motion failed with the following vote: Martinez, Scott, McIntyre, and Riojas, voting "Aye"; Vaughn, Garza, Magill, Rosas, and Rubio, voting "No".

Council members discussed the following topics: reasons for objecting to the motion of direction; concern with portions of the document related to affordable housing, registration of landlords; the Board of Realtors comments; consolidating the recommendations into a single document; and additional time to vet the plan. There was a consensus of the City Council to continue the discussion on this item at the November 17, 2015 Council meeting and have staff provide a consolidated red-lined document to the City Council by November 10th.

39. Housing Workshop #4

Mayor Martinez referred to Item 39. Assistant City Manager Susan Thorpe stated that the purpose of this item is to present the housing policies and programs and receive Council direction. Assistant City Manager Thorpe introduced the presentation team: Assistant City Manager Gus Gonzalez and Housing and Community Development Director Eddie Ortega.

Mayor Martinez requested that this item be postponed until the November 10th Council meeting. There was a consensus of the City Council to postpone the item until the next meeting.

R. LEGISLATIVE UPDATE:

No.

S. ADJOURNMENT

The meeting was adjourned at 4:41 p.m.