



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
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Meeting Minutes

City Council

Tuesday, July 11, 2017

11:30 AM

Council Chambers

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

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

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

Mayor McComb called the meeting to order at 11:32 a.m.

B. Invocation to be given by Deacon Jesse Hinojosa, Diocese of Corpus Christi.

Deacon Jesse Hinojosa gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Miles Risley, City Attorney.

City Attorney Miles K. Risley led the Pledge of Allegiance.

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

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

Charter Officers:

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

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

E. Swearing-In Ceremony for New At-Large Council Member to be conducted by The Honorable Sandra L. Watts, Presiding Judge, 117th District Court of Nueces County, Texas.

The Honorable Sandra L. Watts conducted the swearing-in ceremony for new At-Large Council Member Debbie Lindsey-Opel.

Mayor McComb called for a brief recess at 11:36 a.m. Mayor McComb reconvened the meeting at 11:43 a.m.

F. Proclamations / Commendations

1. Proclamation declaring July 22, 2017, "Mandela Day".
Proclamation declaring July 2017, "Parks and Recreation Month".
Recognition of Mayor's "40th Anniversary July 4th Big Bang Celebration" Essay Contest Winner.
Recognition of Mayor's "40th Anniversary July 4th Big Bang Celebration" Regatta Winners.

Mayor McComb presented the proclamations and recognized the Essay Contest winner and Regatta winners of the Mayor's "40th Anniversary July 4th Big Bang Celebration".

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

Mayor McComb deviated from the agenda and referred to comments from the public. Jack Gordy, 4118 Bray, spoke regarding a blocked sidewalk on Airline Road. Susie Luna Saldana, 4710 Hakel, requested that the City Council consider re-advertising a Municipal Court judge position. Gloria Scott, 4422 S. Alameda, said she was disappointed with the City Council's selection to fill the At-Large Council Member vacancy and spoke regarding the absence of an African-American on the City Council. Rodney Page, 1519 Leopard, spoke regarding the City's denial of the claim he submitted for sewage on his property. Margareta Fratila, 3606 Tripoli, expressed appreciation to the City Council and various City staff for their work and spoke regarding the process for hiring a Municipal Court Judge. Tyrone Jackson, 4322 Kostoryz, spoke regarding signs obstructing sidewalks and streets during construction. Joe Hilliard, 510 McClendon, invited the public to Grow Local South Texas, the Corpus Christi Downtown Farmers' Market, and the "Chopped Live" event on Wednesday, July 12, 2017 and spoke regarding the improved quality of life

resulting from the closure of a portion of Shoreline Boulevard.

G. Mayoral Appointments

2. City Council Committee Assignment

Mayor McComb referred to Item 2, Mayoral City Council Committee Assignment. Mayor McComb appointed Council Member Lindsey-Opel to the Audit Committee.

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

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

a. UPDATE - BACKFLOW PREVENTER PROJECT

Interim Director of Development Services Bill Green reported on the backflow preventer project. On February 14, 2017, City Council amended Sections 14 and 15 of the City's Code of Ordinances authorizing the City to inspect, install, repair, and/or replace backflow assemblies and place the cost on customer's utility bills. 900 commercial backflow devices were found to be delinquent. The City contracted with seven (7) third-party inspectors to assist with the compliance program. As of June 30, 2017, 75% of the inspectors' work is complete. All contracts are to be completed by July 21, 2017.

b. UPDATE - INDUSTRIAL DISTRICT SITE PLANS

Interim Director of Development Services Bill Green provided an update on the industrial districts. On February 3, 2017, 82 industrial district companies were sent written notice to provide an industrial district affidavit, prepared by a registered professional engineer, licensed to practice in the State of Texas, certifying that all actual or potential contamination hazards to the City's public water system were identified and protected by appropriate backflow and cross-connection control procedures. To date, 33 affidavits have been received and accepted by the City; 33 companies have been granted time extensions; and 16 companies have not responded. Future immediate redress will involve canvassing these 16 companies. Non-responsive companies will ultimately be referred to the City's legal department for remedial action.

c. OTHER

1) City Manager Rose recognized Chief John Hyland, Corpus Christi International Airport, who was presented with the District Award Merit by the Boys Scouts of America, South Texas Council for his work with area scouts. 2) City Manager Rose recognized Police Senior Officer Lonnie Humitz for receiving the "Life Saving Award".

I. MINUTES:

3. Regular Meeting of June 20, 2017 and Workshop of June 21, 2017.

Mayor McComb referred to approval of the minutes. Council Member Garza

made a motion to approve the minutes, seconded by Council Member Hunter and passed unanimously.

J BOARD & COMMITTEE APPOINTMENTS:

4. Civil Service Commission
 Civil Service Board
 Corpus Christi Business and Job Development Corporation
 Planning Commission

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

Civil Service Board

Council Member Rubio made a motion to reappoint Guy Nickleson (Regular Member) and appoint Robert W. Judkins (Regular Member), seconded by Council Member Molina and passed unanimously.

Civil Service Board

Council Member Molina made a motion to reappoint Guy Nickleson (Regular Member) and appoint Robert W. Judkins (Regular Member), seconded by Council Member Rubio and passed unanimously.

Corpus Christi Business and Job Development Corporation

Council Member Hunter made a motion to reappoint Gabriel Guerra, seconded by Council Member Molina and passed unanimously.

Council Member Rubio made a motion to appoint Scott M. Harris, seconded by Council Member Hunter and passed unanimously.

Planning Commission

Council Member Molina made a motion to reappoint Carl Crull, Heidi Hovda, and Marsha Williams, seconded by Council Member Lindsey-Opel and passed unanimously.

K. EXPLANATION OF COUNCIL ACTION

M. CONSENT AGENDA: (ITEMS 5 - 14)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. There were no comments from the public. A council member requested that Item 9 be pulled for individual consideration. Council Member Lindsey-Opel announced that she

was abstaining on Item 6.

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

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

Abstained: 0

5. Engineering Contract for Mary Rhodes Pipeline Phase 2 (Capital Improvement Program)

Motion authorizing the City Manager or designee to execute a ratification of Amendment No. 17 to the professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$603,482 for a total restated fee of \$16,594,474 for the Mary Rhodes Pipeline Phase 2 (MRPP2) for construction management services. Capital Improvement Program (CIP)

This Motion was passed on the consent agenda.

Enactment No: M2017-089

7. Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in Kensington Gardens subdivision

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts, which is attached to this resolution and incorporated herein for all purposes, with property owners of up to 40 lots in Kensington Gardens subdivision to provide public water to their respective properties located outside the city limits pursuant to Section 55-113 of the City Code of Ordinances.

This Resolution was passed on the consent agenda.

Enactment No: 031175

8. Resolution approving the submission of application for the Texas General Land Office Beach Cleaning and Maintenance Assistance Program

Resolution ratifying the execution and submittal of all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2017-2018 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

This Resolution was passed on the consent agenda.

Enactment No: 031176

10. Service Agreement for Armored Courier Services and Cash Manager Safe Service Agreement

Motion authorizing the City Manager or designee to execute a service agreement with Dunbar Armored of Hunt Valley, Maryland, for armored courier services and cash manager lease safe services, in response to Request for Bid (RFB) No. 151, based on lowest, responsive and responsible bid for a total bid amount not to exceed \$37,294.40 with an estimated expenditure of \$6,513.76 in FY2016-2017. The term of the agreement is for one year with option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-092

11. Second Reading Ordinance - Rezoning property located at 402 North Padre Island Drive (1st Reading 6/20/17)

Case No. 0517-01 Yarborough Ranches LP: A change of zoning from the "CG-2" General Commercial District and "RM-3" Multifamily 3 District to the "IL" Light Industrial District and "CG-2" General Commercial District. The property is described as Tract 1 being a 22.47-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lots 1 and 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, and Tract 2 being a 3.10-acre tract out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, located on the west side of Flato Road between Bates Road and Bear Lane.

Planning Commission and Staff Recommendation (May 17, 2017): Approval of the change of zoning from the "CG-2" General Commercial District and "RM-3" Multifamily 3 District and to the "IL" Light Industrial District and "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Yarborough Ranches LP ("Owner"), by changing the UDC Zoning Map in reference to Tract 1 being a 22.47-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lots 1 and 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, and Tract 2 being a 3.10-acre tract out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas,

from "CG-2" General Commercial District and "RM-3" Multifamily 3 District to the "IL" Light Industrial District and "CG-2" General Commercial District; amending Plan CC 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: 031177

12.

Second Reading Ordinance - Rezoning property located at 901 Flato Road (1st Reading 6/20/17)

Case No. 0517-02 IDV NPID, LLC: A change of zoning from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District. The property is described as being a 2.84-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas located on the west side of Flato Road between Bates Road and Bear Lane.

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

Approval of the change of zoning from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by IDV NPID, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 2.84-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas from "RM-3" Multifamily 3 District to the "CG-2" General Commercial District; amending Plan CC 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: 031178

13.

Second Reading Ordinance - Closing and abandoning three utility easements located at 6002 & 6116 South Staples (1st Reading 6/20/17)

Ordinance abandoning and vacating three utility easements, 0.0281-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 6 and 0.0311-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 1A, located at 6116 South Staples and 0.0237-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 2A, located at 6002 South Staples; and requiring the owner, Gandy-Robertson, Inc, to comply with the specified conditions.

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

Enactment No: 031179

14. Second Reading Ordinance - Water Line Easement Dedication to San Patricio Municipal Water District on City-owned land near U.S. Highway 77 in San Patricio County (1st Reading 6/20/17)

Ordinance granting a twenty-five (25) foot wide Water Line Easement and thirty-five (35) foot wide Temporary Work Easement to the San Patricio Municipal Water District to construct, operate, maintain, repair and remove one (1) 24-inch water line on City owned property near U.S. Highway 77 in San Patricio County; authorizing the City Manager or designee to execute a Water Line Easement and Temporary Work Easement instrument and other related documents for the conveyance of the easement.

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

Enactment No: 031180

6. Change Order No. 4 Williams Drive Phase 3 from Staples Street to Airline Road (BOND 2012)

Motion authorizing the City Manager, or designee, to execute Change Order No. 4 with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$166,091.25 for a total restated contract amount of \$8,964,073.35 for Williams Drive Improvements Phase 3 from Staples Street to Airline Road. (BOND 2012).

Mayor McComb referred to Item 6. Council Member Lindsey-Opel abstained from this item.

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

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

Abstained: 1 - Council Member Lindsey-Opel

Enactment No: M2017-090

9. Purchase of Five 2017 Ford F-250 Trucks for Parks and Recreation Department

Motion approving the purchase of five 2017 Ford F-250 trucks from Rush Truck Centers of Texas, LP, of New Braunfels, Texas, based on a cooperative purchasing agreement with Texas Local Government

Purchasing Cooperative, dba BuyBoard for a total amount not to exceed \$180,392.00. Funds are available in the FY2016-2017 budget.

Mayor McComb referred to Item 9, purchase of five 2017 Ford F-250 trucks for the Parks and Recreation Department. Director of Fleet Maintenance Jim Davis and Director of Parks and Recreation Jay Ellington responded to questions regarding the following topics: the retirement of the five trucks due to end of service life; the approximate service life of vehicles; a list of mechanical issues and repairs on the retired vehicles; the reasons for purchasing F-250 trucks versus F-150 trucks; undercoating of new trucks; maintenance and storage of the trucks; use of the trucks to haul garbage and associated machinery; and age of vehicles.

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

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

Nay: 1 - Council Member Guajardo

Abstained: 0

Enactment No: M2017-091

O. PUBLIC HEARINGS: (ITEM 15)

15. Public Hearing and First Reading Ordinance - Rezoning property located at 4626 Weber Road

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

Planning Commission and Staff Recommendation (May 17, 2017):
Denial of the change of zoning from "RS-6/SP" Single-Family 6 District with a Special Permit to the "CN-1" Neighborhood Commercial District, in lieu thereof approval of the "RS-6/SP" Single-Family 6 District with a Special Permit with conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Mohammed Motaghi ("Owner"), by changing the UDC Zoning Map in reference to a 7.05 acre tract of land out of the replat of the Edwin E. Connor Tract, as recorded in Volume 40, Page 95, of the map records of Nueces County, Texas, from the "RS-6/SP"

Single-Family 6 District with a Special Permit to the "RS-6/SP" Single-Family 6 District with a Special Permit with conditions; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb referred to Item 15. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property to allow for multi-family and commercial uses. Mr. Green stated that the Planning Commission and staff recommend denial of the change of zoning from "RS-6/SP" Single-Family 6 with a Special Permit to the "CN-1" Neighborhood Commercial District, and in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit with conditions. The Special Permit provisions include: limiting the redevelopment to 91 multi-family units within the four wings of the existing facility; allowing for continued professional and retail operations currently on the premises; and protecting the surrounding neighborhood with lighting, screening, buffer areas and other screening protection measures provided for in the Unified Development Code. Mr. Green explained that a three-fourths majority vote of the City Council would be required for the City Council to approve the applicant's request to rezone to "CN-1" Neighborhood Commercial District.

In response to a question from a council member, Michael Gunning, representative for the applicant, discussed the following topics: the applicant is willing to accept the Planning Commission and staff's recommendation for the "RS-6/SP"; this zoning would accommodate the applicant's proposed use of the 91 multi-family units and retail and office use of the property; however, the applicant is requesting that the City Council support his request of "CN-1" Neighborhood Commercial District for the following reasons: staff initially approved the change of zoning to "CN-1"; the property has been undeveloped for an extended period; and the rezoning is consistent with the comprehensive plan and future land uses.

Mayor McComb opened the public hearing. Susie Luna Saldana, 4710 Hakel, spoke in support of the "CN-1" rezoning. Mohammad Motaghi, 2921 Ocean Drive and applicant, requested approval of the "CN-1" rezoning to allow for future development of the subject property. Fallon Wood, resident near the subject property, spoke in support of development on the subject property. Lisa Oliver, 3937 Barnes Street, expressed concerns regarding the subject property being an extended stay hotel and requested that the City Council support the "RS-6/SP". Mayor McComb closed the public hearing.

Council members discussed the following topics: the future land use for the subject property; the allowable uses in "CN-1" and "RS-6" districts; the reasons for the special permit; the zoning of other shopping centers in the vicinity of the subject property; arterial street access for subject property; whether a "CN-1" could be approved with a special permit; approval of the "RS-6/SP" would allow the ability to provide regulations to protect the surrounding single-family residences; that staff concerns leading to the recommendation of "RS-6/SP" were not adequately communicated to the applicant during initial discussions; height restrictions in "CN-1"; the zoning requirements if a hospital were built on the subject property; the required zoning for transitioning properties; the appropriate zoning for mixed-use development; set-back requirements; whether restrictions can be imposed if the City Council approved the "CN-1"; the number of notices mailed; the number and nature of notices returned in opposition; support for revitalizing

the subject property to increase economic development; traffic impact analysis; Planning Commission's unanimous vote to not allow a use higher than "RS-6/SP" on the subject property; the applicant's ability to return in the future and request "CN-1" zoning should he choose to develop a hotel on the subject property; and concerns with the long-term planning use of the subject property if rezoned to the "CN-1".

Council Member Molina made a motion to approve the applicant's rezoning request of "CN-1" Neighborhood Commercial District, seconded by Council Member Rubio. The motion failed for lack of three-fourths majority vote as follows: Mayor McComb, Council Members Garza, Guajardo, Hunter, Molina and Rubio, voting "Aye"; Council Members Lindsey-Opel, Smith, and Vaughn, voting "No".

Council Member Molina made a motion to approve the ordinance as recommended by the Planning Commission and staff for the "RS-6/SP" Single-Family 6 District with a Special Permit, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:

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

Abstained: 0

N. RECESS FOR LUNCH

Mayor McComb deviated from the agenda and called for a recess at 2:22 p.m. Mayor McComb reconvened the Council meeting at 3:03 p.m.

Q. FIRST READING ORDINANCES: (ITEM 20)

20. First Reading Ordinance - Extension of Performance Milestones for Regional Youth Sports Complex

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

Mayor McComb deviated from the agenda and referred to Item 20. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute an agreement to extend the performance milestones in the lease agreement with SQH Sports & Entertainment, Inc. for the Regional Youth Sports Complex. Mr. Ellington stated that the milestones have not been met due to the City needing to determine the location where wastewater will be provided to the location. There were no comments from the public. City Secretary Huerta announced that Council Member Garza was abstaining on this item.

In response to a council member, Bert Quintanilla, SQH Sports & Entertainment, Inc. (SQH), stated that City staff is working with SQH to

determine the location of wastewater for the proposed complex and, in consideration of the delay, the 12-month extension will provide SQH the ability to meet its performance milestones.

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

Abstained: 1 - Council Member Garza

O. PUBLIC HEARINGS: (ITEMS 16 - 17)

16. Public Hearing and First Reading Ordinance - Rezoning property located at 6746 Aaron Drive

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

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

Ordinance:

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

Mayor McComb referred to Item 16. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property to allow construction of the infill development of 73 single-family units. Mr. Green provided a brief overview of the Planned Unit Development requirements. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change. Bart Braselton, Braselton Homes, was available to respond to questions.

Council Members, staff, and Mr. Braselton discussed the following topics: the sidewalk being located on only on one side of the streets; the width of the streets; an explanation of the PUD requirements that allow a developer to establish a homeowners' association or make a subdivision public; the pros

and cons of a homeowners' association; the location of the speed hump considered; the developer's agreement to include additional speed humps; schools located in the vicinity of the subject property; the development of a cottage neighborhood; and the expected price-point of the homes.

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

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

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

Abstained: 0

17. Public Hearing and First Reading Ordinance regarding the City of Corpus Christi's proposed FY2017-2018 Consolidated Annual Action Plan

Ordinance to adopt the fiscal year (FY) 2017-2018 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize the City Manager or designee to submit the FY2017-2018 CAAP to the U.S. Department of Housing and Urban Development (HUD), and to amend if required by HUD; to authorize the City Manager or designee to execute all documents necessary to accept and appropriate upon receipt of the grants from HUD into the Grant Fund No. 1059 for the approved FY2017-2018 CAAP projects and further to execute funding agreements, amendments and all other documents necessary to implement the FY2017-2018 CAAP with organizations for approved projects.

Mayor McComb referred to Item 17. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to hold the public hearing and first reading of the ordinance adopting the FY2017-2018 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize submission of the FY2017-2018 CAAP to the U.S. Department of Housing and Urban Development (HUD), amend if required; and to authorize the City Manager or designee to accept and appropriate receipt of grants and execute funding agreements. Mr. Bentancourt provided a brief overview of staff's recommendation for the CDBG, ESG, and HOME projects.

Council members and staff discussed the following topics: discussions at the City Council Workshop on May 11, 2017 regarding: FY2017-2018 being the final year of the 5-year CAAP, expectations on funding in the future, the trend of declining funding; the City Council being in favor of the Homebuyer Gap

Financing Assistance Program; administration costs associated with project administration; the number of full-time equivalents to administer the programs; staff's reasons for recommending the Homebuyer Gap Financing Assistance Program; recommended funding for the Code Enforcement Program; how the park projects were determined; the council member districts where the recommended parks are located; evaluating the best practices and approaches for affordable housing in other Texas cities; consideration to fund a work program for the homeless; consideration to increase funding for the Code Enforcement Program; a future workshop on a complete evaluation of the Parks and Recreation Department, including maintenance of parks and the amount of funding required to efficiently run the department; the project scope for Parks and Recreation - Play-for-All Playground at Salinas Park Phase II; Salinas Park being the only fully accessible park for people of all abilities; the process for determining CDBG funding; participation in the recommendation process; establishing a policy for the CDBG recommendation process; the ability to add accessible playground equipment at other City parks with CDBG funds; the goal to address parks as part of the 5-year CAAP; prior funding for Code Enforcement that included a demolition program, an abatement program, and full-time equivalents; the decision by staff to decrease funding for Code Enforcement because HUD is working to make code enforcement less dependent on CDBG funds; consideration that the General Fund absorb the cost of the Code Enforcement should the funds not be provided through CDBG; whether the Homebuyer Gap Financing Assistance Program would have clawback provisions; whether the Homebuyer Gap Financing Assistance Program is a down-payment program that would be paid back; and the current quantity of affordable housing in Corpus Christi.

MOTION OF DIRECTION

Council Member Hunter made a motion directing the City Manager to have a workshop on the Parks and Recreation Department, seconded by Council Member Guajardo and passed; Council Member Vaughn voting "No".

Mayor McComb opened the public hearing. Judy Telge, 3554 Santa Fe, spoke regarding the need for affordable housing programs that assist the very-low-income population and addressed efficiencies in administration costs. Bart Braselton, responded to council members' questions regarding the Homebuyer Gap Financing Program and discussed the benefits of the program for moderate-income homebuyers. Mayor McComb closed the public hearing.

Mr. Bentancourt stated that staff will bring back the ordinance on second reading to address funding for Code Enforcement and the homeless.

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

Aye: 6 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Lindsey-Opel, Council Member Rubio and Council Member Vaughn

Nay: 3 - Council Member Hunter, Council Member Molina and Council Member Smith

Abstained: 0

P. REGULAR AGENDA: (NONE)**Q. FIRST READING ORDINANCES: (ITEMS 18, 19 AND 21)****18. First Reading Ordinance - Changing and Adding Specific Regulations for Mobile Food Vendors**

Ordinance amending the Corpus Christi Code of Ordinances Chapter 38 Article I, to add specific regulations for mobile food vendors, update definitions, applicability, modify permit application requirements, increase insurance requirements, provide for location licenses and fees, eliminate bond requirements, modify permit fees, add permit suspension criteria, add causes for permit denial or revocation, modify appeal procedures, update regulations for vendors, sidewalk vending, special event vending, street vending, park and beach vending and private premise vending, authorizing a Pilot Program for vending; amending Corpus Christi Code of Ordinances Chapter 10 Section 10-68 to include mobile food vendors and eliminate non-stationary vending; providing for severance; providing for publication; and providing for effective date.

Mayor McComb referred to Item 18. Environmental Consumer Health Services Manager Lauren Rabe stated that the purpose of this item is to amend the City's Code of Ordinances, Chapters 38 and 10 by changing and adding specific regulations for mobile food vendors. Ms. Rabe provided an update on the following issues addressed since the City Council meeting of June 20, 2017: a meeting with the Coastal Bend Restaurant Association to address their concerns; inclusion of a definition for tourism/leisure activities; and updating the permit packet to include contact information for each step. There were no comments from the public.

Council members and staff discussed the following topics: the Pilot Program process and the opportunity to amend the program; whether the ordinance includes language regarding sound limitations and consideration to include a provisions to comply with the noise ordinance; the exclusion of shipping containers in the ordinance; and future consideration to amend the ordinance relating to container units.

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

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

Abstained: 0

19. First Reading Ordinance - Appropriating funds for the purchase of seven 2017 Ford F-150 Trucks for use by the Parks and Recreation

Department

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

Mayor McComb referred to Item 19. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to purchase seven (7) 2017 Ford F-150 trucks for the Parks and Recreation Department for park and beach operations. There were no comments from the public.

Council members and staff discussed the following topics: the increase in the number of vehicles funded through the State Hotel Occupancy Tax (SHOT); whether the City would be obligated to finance the additional SHOT funded vehicles should SHOT funding become unavailable in the future; whether the new vehicles will be used for operations on North Beach; the expected life-cycle of the vehicles; and the vehicles' replacement schedule.

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

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

Abstained: 0

21.

First Reading Ordinance - Transfer of Type A funds for The Water's Edge Parking Lot and Marina Breakwater at McGee Beach

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

Mayor McComb referred to Item 21. Director of Parks and Recreation Jay Ellington stated that Item 21 and Future Agenda Item 22 are related to Type A funds for The Water's Edge Parking Lot and Marina Breakwater at McGee Beach. Mr. Ellington presented the following information: a map of the project and vicinity; a history of the funding for The Water's Edge Park; The Water's Edge stakeholders; the original project scope for The Water's Edge; the design layout of the park; the change order projects and Type A funding for the

parking lot re-surfacing; current photographs of the travel lanes and planters in Old Shoreline Boulevard; photographs of the Old Memorial Coliseum Parking Lot; the Type A Seawall Fund budget and projected revenues; the 10-year outlook for Seawall Funded projects; the cash flow model for the annual sales tax revenue of the seawall fund; a comparison of the fund balances for the Seawall Fund versus the Tax Increment Reinvestment Zone #3 Fund; The Water's Edge Park budget; and next steps.

Council members and staff discussed the following topics: the legal opinion that the parking lot is an allowable use of Type A funds; a recommendation to extend an offer to stakeholders to consider donations toward parking lot improvements; public usage of the secure, closed Old Shoreline Boulevard; the current condition of the parking lot; the possibility that future City Councils will find funding to repair sidewalks and streets around the park; the ability to make the beach accessible for people of all abilities; a mechanism to address the parking lot's structural issues once it is repaired; development of a policy that seawall funds will be used for flood protection moving forward; management of park operations at the park; the budgeted maintenance for the park for FY17-18; the potential to create new stakeholder donations and looking for other funding sources; the City's affiliation with Beach-to-Bay; the project description of the capital improvement projects for the seawall; what is needed in terms of flood protection; generating a revenue component for the park; and the opportunity to charge for parking.

Mayor McComb called for comments from the public. Susie Luna Saldana, 4710 Hakel, spoke in support of utilizing the funds for the park.

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

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

Nay: 2 - Mayor McComb and Council Member Vaughn

Abstained: 0

MOTION OF DIRECTION

Council Member Guajardo made a motion directing the City Manager to reach out to stakeholders of The Water's Edge Park to invite them to contribute, if they can, toward parking lot improvements, as well as reaching out to any potential stakeholders that would like to contribute to or underwrite, in different forms, the project, seconded by Council Member Rubio and passed unanimously.

R. FUTURE AGENDA ITEMS: (ITEMS 22 - 33)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 26 and 28. A council member requested information on Item 29. City Secretary Rebecca L. Huerta announced that Council Member Lindsey-Opel would be abstaining on Item 26.

**22. Change Order No. 1 for Bayshore Park Improvement Project
Marina Breakwater at McGee Beach (Bond 2008) (Capital
Improvement Project)**

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

This Motion was recommended to the consent agenda.

23. Purchase and Installation of Playground Equipment at Sacky Park

Motion approving the purchase and installation of playground equipment at Sacky Park from Park Place Recreation Designs, Inc., of San Antonio, Texas for a total amount not to exceed \$53,252.65, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative dba BuyBoard. Funding for this playground is from the Community Development Block Grant B-16-MC-48-0502 for program year 2016-2017.

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

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

This Resolution was recommended to the consent agenda.

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

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

This Resolution was recommended to the consent agenda.

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

Motion authorizing the City Manager, or designee, to execute a service agreement with Total Protection Systems, Inc. of Corpus Christi, Texas to provide continuation of maintenance and repairs to the building access security system for various Utilities department locations, to include access readers, gates, video monitors, alarm panels, and any additional security hardware and supporting infrastructure for an estimated expenditure not to exceed \$34,900.00 of which \$8,725.00 has been budgeted in the Water Fund for FY2016-2017. The term of the agreement is for one 12-month period with an option to extend for up to two additional 12-month periods at the sole discretion of the City.

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

30. Construction Contract for Traffic Signals and Lighting

Improvements (Bond 2014, Proposition 2)

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

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

S. BRIEFINGS: (NONE)

T. LEGISLATIVE UPDATE:

U. EXECUTIVE SESSION: (ITEMS 34 - 36)

Mayor McComb referred to the day's executive sessions. The Council went into executive session at 6:14 p.m. The Council returned from executive session at 7:47 p.m.

- 34. 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 claims and/or litigation related to the Enterprise Resource Planning System (ERP) purchased pursuant to a Master Contract executed on or about May 15, 2013.

This E-Session Item was discussed in executive session.

- 35. 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 litigation related to the New Broadway Wastewater Treatment Plant, including *Graham Construction Services, Inc. v. City of Corpus Christi* and other actions in open session concerning matters related thereto including Motion(s) to authorize the execution of agreements and encumbrance of funds for legal, engineering, and other professional consulting and/or expert witness services and associated court reporter, copy, and travel costs for the aforementioned lawsuit with the law firms of Coats Rose and Hartline Dacus Barger Dreyer, LLP and the consulting/engineering/expert firms of Navigant Consulting, Inc. (in addition to previously authorized funding for said entity), Scott Hibbs, PE, and/or Enprotec / Hibbs & Todd, Inc.

Mayor McComb referred to Item 35 and the following motion was considered:

Motion to authorize the execution of agreements, amendments, and encumbrance of funds for legal, engineering, and other professional consulting and/or expert witness services and associated court reporter, copy, and travel costs for the lawsuit of Graham Construction Services, Inc. v. City of Corpus Christi in the amount not to exceed, for estimated expenditure for the impending annual period, a total of \$1,634,950 with the law firms of Coats Rose and Hartline Dacus Barger Dreyer, LLP and the consulting/engineering/expert firms of Navigant Consulting, Inc. (in addition to previously authorized funding for said entity), Scott Hibbs, PE, and/or Enprotec / Hibbs & Todd, Inc., and authorize carry-over of unexpended funds into the following fiscal years and transfer of unused funds between the aforementioned entities.

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

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

Absent: 2 - Council Member Hunter and Council Member Lindsey-Opel

Abstained: 0

Enactment No: M2017-093

- 36. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the purchase, exchange, lease, or value of real property rights at or in the vicinity of Belden Street, Mesquite Street, Broadway Street, Highway 181/I-37, Tanchua Street, the intersections thereof, or blocks adjacent to those streets and/or intersections, and areas within one mile thereof, and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property rights at or in the vicinity of the aforementioned locations) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

V. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identifying Council Future Agenda Items.

Mayor McComb requested that an item be placed on a future agenda regarding the Wastewater Consolidation Program and the Greenwood Wastewater Treatment Plant, in relation to the Las Colonias Flood Event.

MOTION OF DIRECTION

Council Member Rubio made a motion directing the City Manager to add a future agenda item regarding the appointment of a Charter Review Committee, seconded by Council Member Hunter and passed; Council Member Lindsey-Opel was absent.

W. ADJOURNMENT

The meeting was adjourned at 8:09 p.m.