



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 31, 2017

2:00 PM

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 5:30 P.M. ON CITY-RELATED MATTERS THAT ARE NOT SCHEDULED ON THE AGENDA. PUBLIC COMMENT ON AGENDA ACTION ITEMS WILL BE HEARD AT THE TIME THE COUNCIL CONSIDERS THE AGENDA ITEM. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

- A. Mayor Pro Tem Carolyn Vaughn to call the meeting to order.**

Mayor Pro Tem Carolyn Vaughn called the meeting to order.

- B. Invocation to be given by Pastor Claude Axel, Mount Pilgrim Baptist Church.**

Pastor Claude Axel gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Sarah DeLeon Victim Case Manager, Police Department, Family Violence Unit.**

Ms. Sarah DeLeon led the Pledge of Allegiance.

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

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

Charter Officers:

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

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

E. Proclamations / Commendations

1. Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor Pro Tem Vaughn conducted the swearing-in ceremony for newly appointed board, commission and committee members.

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

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

a. OTHER

1) City Manager Rose stated that after the recent water situation, she informed the City Council that she would be reviewing the industrial district agreements with staff. As a result of the review, the industrial district businesses should have started to receive letters from the City requiring the industrial district provide an affidavit to be submitted to the City along with recent backflow prevention assembly tasks and maintenance reports. This affidavit will be required annually since the City may prescribe rules and regulations related to the delivery of utilities as outlined in their agreement. The affidavit requires a site plan detailing all utility connections and all backflow devices and air gaps. A licensed engineer must certify the affidavit identifying all actual or potential hazards to the public water system and all devices utilized to the protection of all public water facilities serving the property. 2) The next "Conversations with the City Manager" will be held on Tuesday, February 7, 2017 at 1:30 pm. at the Lindale Senior Center located at 3135 Swantner Street. 3) The grand opening of the Play-for-All Playground at Salinas Park will be held Saturday, February 4, 2017 at 12:30 a.m. located at 1354 Airport Road. 4) City Manager Rose recognized Senior Accountant Jason Gooding for recently receiving his Certified Public Accountant license and Business Liaison Alyssa Michelle Barrera for recently earning an Economic Development Finance Professional certification.

G. MINUTES:

2. Regular Meeting of January 24, 2017.

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

H. BOARD & COMMITTEE APPOINTMENTS:

3. Watershore and Beach Advisory Committee

Mayor Pro Tem Vaughn referred to board and committee appointments. The following appointments were made:

Watershore and Beach Advisory Committee

Council Member McComb made a motion to reappoint Carrie Meyer (At-Large), Jyoti Patel (Hotel/Condo Owner), and Jennifer Pollack (Scientist), seconded by Council Member Garza and passed unanimously.

Mayor Pro Tem Vaughn nominated Erick O. Engen (At-Large). Council Member Molina nominated Dr. Philippe Tissot (At-Large). Council Member Smith nominated Terry A. Palmer (At-Large). Council Members Vaughn and Rubio voted for Erick O. Engen. Council Members Guajardo and Molina voted for Dr. Philippe Tissot. Council Members Garza, Smith, McComb and Hunter voted for Terry A. Palmer.

With no nominee receiving a majority vote, a runoff was held between Erick O. Engen and Dr. Philippe Tissot. Council Members Hunter, Rubio, Vaughn, McComb, and Garza voted for Erick O. Engen and Council Members Molina, Guajardo and Smith voted for Dr. Philippe Tissot. Erick O. Engen received the majority vote to have a runoff with Terry A. Palmer.

Terry A. Palmer (At-Large) was appointed with Council Members Hunter, Molina, McComb, Guajardo, Smith and Garza voting for Terry A. Palmer and Council Members Rubio and Vaughn voting for Erick O. Engen.

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 4 - 12)

Approval of the Consent Agenda

Mayor Pro Tem Vaughn referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 5, 6, 7, 8, and 9 be pulled for individual consideration.

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

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

Abstained: 0

4. Service Agreement for Mowing of Storm Water and Street Rights-of-Way

Motion authorizing City Manager, or designee, to execute a service agreement with 2Chainz Brush Clearing, LLC of Lolita, Texas, for mowing of storm water and street rights-of-way, in accordance with Request for Bids No. 165, based on the lowest, responsive,

responsible bid for a total amount not to exceed \$367,772.00, with an estimated expenditure of \$245,181.33 in FY2016-2017. The term of this contract will be for 12 months with options to extend for two additional 12-month periods, subject to the mutual consent of the City Manager and the contractor.

This Motion was passed on the Consent Agenda.

Enactment No: M2017-014

10. Second Reading Ordinance - Transferring and appropriating matching funds for the Retired Senior Volunteer Program (RSVP) and the Senior Companion Program (SCP) Grants (1st Reading 1/24/17)

Ordinance transferring \$79,173 from the No. 1020 General Fund to and appropriating in the No. 1067 Parks and Recreation Grant Fund as matching grant funds for the Retired Senior Volunteer Program (RSVP) and transferring \$76,903 from the No. 1020 General Fund to and appropriating in the No. 1067 Parks and Recreation Grant Fund as matching grant funds for the Senior Companion Program (SCP); amending Ordinance No. 030818 to authorize the transfer of matching grant funds for the RSVP and SCP programs budgeted in the No. 1020 General fund to and appropriate them in the No. 1067 Parks and Recreation Grant Fund for said programs.

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

Enactment No: 031053

11. Second Reading Ordinance - Accepting and appropriating funds in the Community Enrichment fund for park improvements (1st Reading 1/24/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$318,198.30 in developer contributions, other donations and interest earnings in the 4720 Community Enrichment Fund for park improvements and other related projects as described on the attached and incorporated Exhibit A.

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

Enactment No: 031054

12. Second Reading Ordinance - Short-term Lease Agreement for Buccaneer Commission (1st Reading 1/24/17)

Ordinance authorizing the City Manager or designee to execute a short-term lease agreement with Buccaneer Commission for the use of

Tex Mex Railroad Depot located at 1800 block of Chaparral Street, in consideration of rental payments of \$600 per month, not to exceed six months.

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

Enactment No: 031055

5. Service Agreement for the purchase of a Gas/Blower Flare for the Cefé F. Valenzuela Landfill

Motion authorizing the City Manager or designee to execute a service agreement with Parnel Biogas. Inc., of Tulsa, Oklahoma, for the purchase of a gas/blower flare in accordance with Request for Bids No.184, based on lowest, responsive and responsible bid for a total amount not to exceed \$271,475.64, to be funded by Solid Waste 2017 Certificates of Obligation. The term of the agreement is for 12 months.

Mayor Pro Tem Vaughn referred to Items 5 and 6 related to the Cefe Valenzuela Landfill. Director of Solid Waste Operations Lawrence Mikolajczyk and council members discussed the following topics: separately bidding the gas/blower flare from the gas collection and control system project to expedite the project; the installation of the gas/blower flare being used for the methane gas extraction system at the Cefe Valenzuela Landfill; whether the gas/blower flare is required by the Environmental Protection Agency (EPA); the cost associated with the gas collection and control system; hiring of full-time construction management to oversee the gas collection and control system project; the deadline of November 2017 to complete the project; and the cost of construction and testing fees.

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

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

Nay: 1 - Council Member Hunter

Abstained: 0

Enactment No: M2017-015

6. Construction Contract and Professional Services Contract for Cefé F. Valenzuela Landfill Gas Collection and Control System (Capital Improvement Project)

Motion authorizing the City Manager, or designee, to execute a construction contract with Tri Con Works, LLC. of Houston, Texas in the amount of \$1,019,690 for the Cefé F. Valenzuela Landfill Gas Collection and Control System for the total base bid and to execute a contract for Construction Phase Engineering and Quality Assurance Services with SCS Engineers, Inc. from Austin, Texas in the amount of

\$268,000 for full-time construction management. (Capital Improvement Project)

This item was discussed during the discussion on Item 5.

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

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

Nay: 1 - Council Member Hunter

Abstained: 0

Enactment No: M2017-016

7. Engineering Construction Contract and two Materials Testing Agreements for Gollihar Road Improvements from Kostoryz Road to Weber Road (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 \$13,534,848.30 for Gollihar Road Improvements from Kostoryz Road to Weber Road for a total base bid and to execute a construction materials testing agreement with Rock Engineering in the amount of \$63,725.00 for Gollihar Road from Weber to Carroll Lane and to execute a construction materials testing agreement with Rock Engineering in the amount of \$59,359.00 for Gollihar Road from Carroll to Kostoryz. (BOND 2014 Proposition 1)

Mayor Pro Tem Vaughn referred to Item 7, Gollihar Road Improvements. Director of engineering Services Jeff Edmonds and council members discussed the following topics: the last time Gollihar Road was done and how long it has lasted; clarification that Gollihar Road will remain five lanes; the engineer's opinion of probable cost; the pavement condition index (PCI) on Gollihar Road; the number of construction materials testing firms; construction materials testing firms bid through an Request for Qualifications (RFQ) process; the option of concrete for Rodd Field Road; a list of roads that have been completed according to the new 30-year design standards and their condition; Flato Road being bid in both concrete and asphalt; the construction date and condition of Waldron Road; researching previous City Council direction to bid roads with both asphalt and concrete; and a report on construction awards for 2012 through 2014 projects.

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

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

Abstained: 0

Enactment No: M2017-017

8. Engineering Construction Contract for Street Preventative Maintenance Program (SPMP) FY 2017 - Street Overlays

Motion authorizing the City Manager, or designee, to execute a construction contract with Bay, LTD. of Corpus Christi, Texas in the amount of \$9,421,462.50 for the total base bid and two (2) one-year renewal options for the Street Preventative Maintenance Program (SPMP) street overlays and to execute two construction materials testing agreement with Rock Engineering for Part 1 - West in the amount of \$74,965.00 and for Part 2 - East in the amount of \$74,965.00 for SPMP street overlays.

Mayor Pro Tem Vaughn referred to Item 8. There was no discussion on this item.

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

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

Abstained: 0

Enactment No: M2017-018

9. Resolution supporting the introduction of Legislation authorizing a motor fuel tax on a local option basis for Residential Street Funding

Resolution of the City of Corpus Christi, Texas supporting the introduction of Legislation authorizing a motor fuel tax on a local option basis for Residential Street Funding.

Mayor Pro Tem Vaughn referred to Item 9, a resolution supporting the introduction of legislation authorizing a motor fuel tax on a local option basis for residential street funding. Council members discussed the following topics: the taxpayers not wanting an additional tax; finding other solutions to address residential streets; concern that the legislature would not support the resolution; if the legislature were to approve the local option, it would only be giving City Council permission to take the motor fuel tax to the voters; and the recently approved Charter amendment to raise taxes for residential streets.

Mayor Pro Tem Vaughn called for comments from the public. Jack Gordy, 4118 Bray, and Ken Baker, 7421 Idle Hour, spoke in support of the resolution. Trian Serbu, 14310 Playa Del Ray, spoke in opposition to the resolution.

Council Member McComb made a motion to approve the resolution, seconded by Council Member Guajardo. This Resolution failed and was not approved with the following vote:

Aye: 3 - Council Member Garza, Council Member McComb and Council Member Smith

Nay: 5 - Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Rubio and Council Member Vaughn

Abstained: 0

K. PUBLIC HEARINGS: (ITEMS 13 - 16)

13. Public Hearing and First Reading Ordinance - Continuing the curfew for minors

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

Mayor Pro Tem Vaughn referred to Item 13. Police Chief Mike Markle stated that the purpose of this item is to hold a public hearing on the continuation of the curfew ordinance for minors. Chief Markle stated that the City is required to renew the curfew ordinance every three years from the date of inception. Chief Markle provided data on the juvenile crime trends.

Mayor Pro Tem Vaughn opened the public hearing. Abel Alonzo, 1701 Thames, applauded Chief Markle for continue to support the curfew ordinance. Mayor Pro Tem Vaughn closed the public hearing.

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

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

Abstained: 0

14. Public Hearing and First Reading Ordinance - Rezoning property located at 4222 Airline Road

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

Planning Commission and Staff Recommendation (December 14,

2016):

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

Ordinance:

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

Mayor Pro Tem Vaughn referred to Item 14. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow development of 120 lots into single family residential homes. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning ordinance.

Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the public. Mayor Pro Tem Vaughn closed the public hearing. A council member asked questions regarding the reason for the two votes of opposition by the Planning Commission.

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

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

Abstained: 0

15. Public Hearing and First Reading Ordinance - Rezoning for property located at 5333 and 5337 South Staples Street.

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

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

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

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Lu Keiu Thi (“Owner”), by changing the UDC Zoning Map in reference to Gardendale No. 2, Block 4, Lots 20-B and 21; from the “CN-1” Neighborhood Commercial District to the “CG-2” General Commercial; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Vaughn referred to Item 15. City Secretary Huerta announced that Council Member McComb was abstaining from this item. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow redevelopment on the corner of a small retail center, standalone restaurant, or a bar. Mr. Dimas stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Pro Tem Vaughn opened the public hearing. There were no comments from the public. Mayor Pro Tem Vaughn closed the public hearing. A council member spoke in support of the zoning change.

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

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

Abstained: 1 - Council Member McComb

16. Public Hearing and First Reading Ordinance - Amending the Code of Ordinances by revising Chapter 14 Development Services Article II City of Corpus Christi Technical Construction Codes and Chapter 55, Utilities (Tabled 1/17/17)

Ordinance amending Section 14-281, 14-231, 14-291, and 55-37 of the City’s Code of Ordinances to amend the City’s adopted International Plumbing, Building and Residential Codes, authorize the City to inspect, install, repair, and replace backflow assemblies and place the cost of said work on customer utility bills, amend other requirements related to the provision of water to reduce the chance of contamination of the City’s water supply, and providing for penalties, publication, severance, and an effective date.

Mayor Pro Tem Vaughn referred to Item 16. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to provide recommendations to amend the City’s Code of Ordinance regarding backflow cross connection. The revisions to the ordinance include: 1) allowing the City to test and certify delinquent commercial and residential backflow assemblies and 2) appropriate charges for testing, repair or replacement to be placed on customer utility bills. Testing and certification for residential irrigation backflow prevention assemblies will remain at a three-year cycle. All

commercial assemblies are currently required to be tested and certified on an annual basis.

Mayor Pro Tem Vaughn opened the public hearing. Chris Phelan, 3806 Kingston, spoke regarding the maintenance records for backflow prevention devices. Mayor Pro Tem Vaughn closed the public hearing.

Council members and Mr. Dimas spoke regarding the following topics: record keeping requirements for backflow certification; compliance notification; education timeframe for notifying residents of ordinance revisions; whether the Texas Water Code requires the City to maintain records on backflow preventers and audits to be conducted by the Texas Commission on Environmental Quality (TCEQ); the Texas Water Code specifying when a backflow device is required; the portion of the ordinance pertaining to governmental property; the affidavit form provided by the building official; failure to report test results; the inspections for residential irrigation backflow devices remaining at a three-year cycle; and whether the City will continue giving plumbers a list of backflow devices.

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

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

Abstained: 0

O. BRIEFINGS: (ITEM 31)

31. CCREDC Quarterly Update to City Council (Q1 2017)

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 31. Iain Vasey, President/CEO of the Corpus Christi Regional Economic Development Corporation (EDC), stated that the purpose of this item is to provide the EDC quarterly update. Mr. Vasey presented the following information: employment by sector; EDC goals and results; key economic indicators; 2016 economic outlook watch list; and the 2017 strategic plan.

Council members spoke regarding the following topics: the sales tax reduction of 11%; the current status of the sales tax; an explanation of government sector jobs; a status of the Sitel project; and an update on TPCO II.

L. REGULAR AGENDA: (ITEMS 17 - 20)

19. Second Reading Ordinance - Amending the Ethics Code as recommended by the Ethics Commission (1st Reading 1/10/17)

Ordinance amending the City Code of Ethics by revising sections to expand conflict of interest prohibitions; to prohibit disclosure or use of confidential information; to prohibit City Councilmember from

participating in appointment of a person who contributed \$2700 or more to the Councilmember's campaign; to prohibit registration as a lobbyist within 2 years of leaving City service; to provide clarification of Ethics Commission review of Financial Disclosure Reports; providing for severance and providing for publication.

Mayor Pro Tem Vaughn deviated from the agenda and referred to Item 19. Senior Assistant City Attorney Lisa Aguilar stated that the purpose of this item is to amend the City's Code of Ethics. The amendments include: removing Section 2-311(4) Special Privileges; amending Section 2-311(8)(A) Conflict of Interest to expand the circle of influence; adding Section 2-311(8)(B) Conflict of Interest to provide that no city employee or city official shall profit from privileged information discussed in confidential city meetings; adding Section 2-311(8)(D)(5) Conflict of Interest to provide for the definition of elected official; adding Section 2-311(8)(E) Conflict of Interest to provide that a person cannot use their position to influence city officials or city employees in performance of their duties related to a contract involves an individual or organization who contributed to the official during the most recent election; adding Sections 2-311(16) and (17) Confidential Information to expand the language that an official is not using their position to obtain official information other than for performing official duties and to not disclose confidential information relating to city affairs obtained through their position; adding Section 2-311(21)(E) Conflict of Interest prohibiting council participation in an appointment of a person who contributed \$2,700 or more to their total campaign contribution during the previous election; adding Section 2-316(D) Lobbyist prohibiting a person from registering as a lobbyist with the City for a period of two years from end of City service; and amending Section 2-326(a)(3) Ethics Commission duties regarding financial disclosure reports.

Mayor Pro Tem Vaughn called for comments from the public. Abel Alonzo, 1701 Thames, thanked the Ethics Commission for their hard work. A council member spoke regarding communications between City Council and staff.

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

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

Abstained: 0

Enactment No: 031058

17. Second Reading Ordinance - Five Year Lease Agreement for Buccaneer Commission (1st Reading 1/24/17)

Ordinance authorizing the City Manager or designee to execute a five-year lease agreement with Buccaneer Commission for the use of Tex Mex Railroad Depot located at 1800 block of Chaparral Street, in consideration of rental payments of \$600 per month increasing to \$750 per month in third year and \$900 per month in fourth year; and providing for options to extend for up to two additional five-year terms

with rental rates to be increased each five-year term by ten percent; and providing for publication.

Mayor Pro Tem Vaughn referred to Item 17, a five-year lease agreement with the Buccaneer Commission for the Tex-Mex Railroad Depot. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that after the first reading on this item, the Legal Department recognized that the item did not require a 28-day delay between readings. The ordinance will need to be amended to remove the wording regarding publication. There were no comments from the public.

Council members and Ms. Anaya spoke regarding the following topics: proactive measures to lease the buildings vacated by the Corpus Christi Chamber of Commerce and the Hispanic Chamber of Commerce; and evaluating the feasibility for Parks and Recreation Department to move to Heritage Park.

Council Member Garza made a motion to approve the ordinance, seconded by Mayor Pro Tem Vaughn. This Ordinance was passed on second reading as amended and approved with the following vote:

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

Abstained: 0

Enactment No: 031056

18. Second Reading Ordinance to adopt the proposed Mustang/Padre Area Development Plan (1st Reading 1/24/17)

Ordinance amending the Comprehensive Plan of the City of Corpus Christi by adopting the Mustang/Padre Island Area Development Plan; defining the City's Comprehensive Plan policies on Mustang and Padre Island for protection of the environment, land use, transportation, economic development, public services, capital improvements, and plan implementation; rescinding the Mustang/Padre Island Area Development Plan adopted by City Council Ordinance #025725, April 20, 2004; providing for severance; and providing for publication.

Mayor Pro Tem Vaughn referred to Item 18. Assistant Director of Planning/ESI Daniel McGinn stated that the purpose of this item is to adopt the proposed Mustang/Padre Island Area Development Plan. William Goldston, member of the Island Strategic Action Committee, was available to respond to questions.

Mayor Pro Tem Vaughn called for comments from the public. Johnny French, 4417 Carlton, spoke regarding the need to complete the Packery Channel six pack projects. Trian Serbu, 14310 Playa Del Ray, stated his opposition to approving the plan if it included Park Road 22 Bridge and the Schlitterbahn project.

Council members spoke regarding the following topics: the bond language for Packery Channel six pack project; the 380 agreement with Schlitterbahn; and

whether Schlitterbahn is located within Tax Increment Financing Zone #2.

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

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

Abstained: 0

Enactment No: 031057

20. Resolution approving Service Agreements for Wrecker Services for City-Owned Vehicles and Equipment

Resolution finding the lowest, responsive, responsible bidder for wrecker services for City-owned vehicles and equipment by group in response to Request for Bids No. 167; awarding a one-year service agreement, with two one-year renewal options, to the lowest responsible bidder per group; and authorizing the City Manager or designee to execute the service agreements.

Momento Towing, LLC	DDR & RS, Inc. dba Apollo Towing Service
Corpus Christi, Texas	Corpus Christi, Texas
Group 1	Group 2
\$101,775.50	\$47,325.00

Grand Total: \$149,100.50

Mayor Pro Tem Vaughn referred to Item 20. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to approve service agreements for wrecker services for City-owned vehicles and equipment by group; awarding a one-year service agreement, with two one-year renewal options. Group one for light trucks and sedans is recommended to be awarded to Momento Towing LLC and Group two for heavy trucks and equipment is recommended to be awarded to DRR & RS, dba Apollo Towing Service.

Mayor Pro Tem Vaughn called for comments from the public. Michael Staff, Vice President for Apollo Towing, stated that Apollo Towing is currently the City's light and heavy duty towing provider. Mr. Staff spoke regarding Apollo's ability to perform both the light and heavy duty towing and the company's extensive training. Abel Alonzo, 1701 Thames, thanked the staff for recommending the lowest bidder for the wrecker services. Joan Veith, 5701 Cain Drive, spoke in support of Apollo Towing. Dave Resendez, 8640 King Ranch Drive and President of DRR & RS, spoke regarding the following: concerns with the bidding process; whether Momento Towing has the ability to perform the agreement and has sufficient training; the need for officer and employee safety; and requested that Group one not be awarded to Momento Towing. Mayor Pro Tem Vaughn announced that she had to abstain from the discussion and vote on this item. Scott Leeton, 7122 Windwillow, spoke in

support of Apollo Towing.

Council members and Mr. Davis spoke regarding the following topics: the price difference of the bids; the bidding process; concerns that Momento Towing have the correct licenses and permits; whether staff feels that the agreement was vetted fairly; performance clause in the contract; whether Group one could be split between the new supplier and the incumbent; the vendor scoring system; tracking performance; whether the incident management license was a requirement; concern with safety issues; the difference between Group 1 and Group 2; and insurance requirements and indemnification.

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

Aye: 5 - Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina and Council Member Smith

Nay: 2 - Council Member Garza and Council Member Rubio

Abstained: 1 - Council Member Vaughn

Enactment No: 031059

M. FIRST READING ORDINANCES: (ITEMS 21 - 22)

21. First Reading Ordinance - Accepting and appropriating a donation for the purchase and Installation of Playground Equipment for Bayshore Park

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

Mayor Pro Tem Vaughn referred to Item 21. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to accept and appropriate a \$150,000 grant from HEB Tournament of Champions Charitable Trust for Bayshore Park and execute all documents necessary to purchase and install playground equipment from Exerplay, Inc. in the amount of \$144,672.80. There were no comments from the public. A council member expressed appreciation to HEB for being a great community partner.

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

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

Abstained: 0

22. First Reading Ordinance - Accepting and appropriating increased grant funds for the Tuberculosis Prevention and Control-Federal grant (TB/PC-FED)

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

Mayor Pro Tem Vaughn referred to Item 22. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept an amendment to a grant contract for the Tuberculosis Prevention and Control-Federal grant in the amount of \$48,345, with a City match of \$9,696, increasing the total match amount to \$19,338.00.

Mayor Pro Tem Vaughn called for comments from the public. Chris Phelan, 3806 Kingston, asked how the funding would be used. Mr. Uhlarik explained that the funds would be used by the Corpus Christi-Nueces County Public Health District to provide services to prevent and control tuberculosis.

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

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

Abstained: 0

Mayor Pro Tem Vaughn called for a brief recess at 5:10 p.m. Mayor Pro Tem Vaughn reconvened the meeting at 5:23 p.m.

N. FUTURE AGENDA ITEMS: (ITEMS 23 - 30)

Mayor Pro Tem Vaughn referred to Future Agenda Items. City Manager Margie C. Rose stated that staff did not have any planned presentations. A council member requested information on Item 29.

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

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

This Resolution was recommended to the consent agenda.

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

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

This Resolution was recommended to the consent agenda.

25. Approving the Purchase of Police Uniforms

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

This Motion was recommended to the consent agenda.

26. Service Agreement for Custodial Services at the Police Department

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

\$93,000, with an estimated expenditure of \$54,250 in FY 2016-2017. The term of this contract will be for 12 months with options to extend for two additional 12-month periods at the sole discretion of the City.

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

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

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

This Motion was recommended to the consent agenda.

29. Lease Purchase of Refuse and Recycle Containers (Carts)

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

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

This Motion was recommended to regular agenda.

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

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

This Motion was recommended to the consent agenda.

P. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 5:30 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. This Public Comment period is for items that are NOT on the Agenda. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

Mayor Pro Tem Vaughn called for comments from the public. Jack Gordy, 4118 Bray, spoke regarding Agenda Item 29 and the cost to lease-purchase refuse and recycle containers. Roy Carrizales, 3641 Dalraida Drive, spoke regarding modifications to the setback requirements for carports. Chris Phelan, 3806 Kingston, asked the City Council to meet with the Citizens Alliance for Fairness and Progress to address their issues with the new Harbor Bridge. Susie Luna Saldana, 4710 Hakel, spoke regarding the appointments to the Municipal Court judge positions. Mike Staff, 6342 Harwick, spoke regarding Agenda Item 20, wrecker services for city-owned vehicles and stated that the company awarded the Group 1 contract is not sufficient to perform the services of the contract. Rosalie Beaty, 5130 Graford, spoke regarding the bidding process for the director of the Al Kruse Tennis Center and the recommended award to a Dallas-based company instead of a local bidder. Lamont Taylor, 1701 Stillman; Erroll Summerlin, Citizen Alliance for Fairness and Progress; Henry Williams, 2422 Sumner; and Gloria Scott, 4422 S. Alameda, asked the City Council to encourage the Texas Department of Transportation (TXDOT) to comply with the signed agreement with the Hillcrest/Washington/Coles residents regarding the new Harbor Bridge. Abel Zaragosa, 645 Sam, requested that the City Council extend the current schedule for public comment at 5:30 p.m. Joan Veith, 5701 Cain Drive, complimented the Utilities Department for assisting her recently. Rick Milby, 4412 High Ridge Drive, asked the City Council to disqualify Mark Scott from running for Mayor until the year 2022. John Kelley, 3621 Austin, referred to Agenda Item 34, an executive session item related to annexation and wind farms, and spoke regarding the installation of wind turbines near Chapman Ranch and requested that City Council direct staff to dis-annex Chapman Ranch and enter into negotiations and a development agreement that would create a model for future annexation that will not cost

the taxpayers money. Samuel Ray Vega, 5524 Leopard, spoke in support of Ronnie Elizondo's performance at the Al Kruse Tennis Center and requested that the City Council investigate the bidding process for the director position.

O. BRIEFINGS: (ITEMS 32 - 33)

32. Overview of Type B Fund

Mayor Pro Tem Vaughn referred to Item 32. Business Liaison Alyssa Barrera stated that the purpose of this item is to provide a brief overview of the Type B sales tax programs and the Type B Corporation. Ms. Barrera presented the following information: the local economic development toolbox; local sales tax uses in the ten largest Texas cities; the timeline for the Corpus Christi sales tax levy; a comparison of Type A versus Type B funds; the approved ballot language for Type A from 2002 and Type B from 2016; frequently asked questions; Type B public hearing requirements; the steps to creating the corporation and timeline; and next steps. Ms. Barrera stated that staff is requesting direction from the City Council on the appointment of Type B Board of Directors.

Council members spoke regarding the following topics: Type B replacing Type A sales tax; the options for creating the corporation; the benefits between the various options for creating the corporation; support for Option B; the vetting process for economic development projects; consideration to appoint the current Type A board members to the Type B board; the council policy that prohibits individuals from serving on more than one board; the timeline for the Type A and Type B sales tax; staff support for Type A and Type B Boards; and the Economic Development Summit.

33. Affordable Housing Plan

Mayor Pro Tem Vaughn referred to Item 33. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to provided an overview of the affordable housing plan. Mr. Bentancourt presented the following information: housing tax credits; local resolution of support for housing tax credits and utilization of future land use map; a map of the location of affordable housing complexes; map of the location of Corpus Christi Housing Authority complexes; federal funding determination; the Consolidated Action Plan; entitlement programs; departmental programs; Homebuyer Assistance Program; City Affordable Housing Programs; and next steps.

Council members discussed the following topics: the definition of affordable housing; housing tax credits; a workshop on affordable housing to explain the different programs and incentives available; the infill Housing Incentive Program and Vacant Lot Infill Incentive Pilot Program; the need for affordable housing; targeting Type A funds for downpayment assistance in areas that affordable; future direction to set a schedule for targeting specific areas when supporting housing tax credit projects; revitalization of neighborhoods; the proposal presented for manufactured housing; and guidelines for lots acquired through tax foreclosure.

Q. EXECUTIVE SESSION: (ITEMS 34 - 36)

Mayor Pro Tem Vaughn referred to the day's executive sessions. The Council went into executive session at 7:10 p.m. The Council returned from executive session at 8:59 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 annexation, the provision of utility services in newly annexed areas, municipal authority in the City's extraterritorial jurisdiction, and wind farms, and other legal matters related to the annexation and provision of municipal services in areas annexed by the City in 2014.

This E-Session Item was discussed in executive session.

- 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 pending and potential employment law litigation against the City, the Health District, and/or the officers and employees of said entity(ies), including potential approval of settlement(s), authorization of employment of attorneys and experts, and other actions related to said litigation.

Mayor Pro Tem Vaughn referred to Item 35 and the following motion was considered:

Motion to authorize the City Manager to execute a Release, Waiver, and Settlement Agreement between Elizabeth Leal and Defendant Corpus Christi – Nueces County Public Health District and authorize the execution of Letter of Agreement with Nueces County related to operation of the Health District for division of costs of defense in the City-funded amount not to exceed \$94,047 and settlement thereof in a City-funded amount not to exceed \$45,000.

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

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

Nay: 1 - Council Member Garza

Abstained: 0

Enactment No: M2017-019

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

This E-Session Item was withdrawn.

R. ADJOURNMENT

The meeting was adjourned at 9:01 p.m.