



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, March 29, 2016

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order at 11:30 a.m.

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 Dan Grimsbo, Interim Director of Water & Utilities.

Dan Grimsbo, Interim Director of Water & Utilities 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.

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

E. Proclamations / Commendations

1. Proclamation declaring April 2, 2016, "17th Annual Celebration of Cesar Chavez Day".
Proclamation declaring April 9, 2016, "Earth Day-Bay Day" and April 2016 "Earth Month".
Proclamation declaring April 12, 2016, "National Equal Pay Day".
Proclamation declaring April 10-16, 2016, "National Public Safety Telecommunicators Week".
Proclamation declaring April 2016, "Senior Citizen Month".
Check Presentation to the City of Corpus Christi by Tom Schmid, President & CEO, Texas State Aquarium.
Swearing-in Ceremony for Newly Appointed Board, Commission and

Committee Members.

The proclamations were presented, the check presentation was made and the newly appointed Board, Commission and Committee members were sworn in.

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

Mayor Martinez referred to comments from the public. City Attorney Miles K. Risley reviewed the Rules of Decorum for the city council meeting. The following individuals spoke in opposition to the Transportation Network Ordinance passed by the city council on March 8, 2016: Michael McCauley, 453 Williamson; Steve McMains, 252 Circle Drive; Joe Hilliard, 510 McClendon; Betty Fields, 35 Blue Heron Drive, Rockport, Texas; Edward Espino, 5826 S. Alameda; William Thompson, 8326 Salsa Drive; Richard Torres, 6209 Choctaw; Rick Gomez, 5022 Bonner; Tim Welker, 14977 Canadian Mist Drive; Rachel Caballero, 4021 Wood River Drive; Steve DeAses, 6314 Penny Lane; Kristin Seaton, 1117 Harbor Lights Drive; George Fennema, 7525 Rancho Vista; Eric Herman, 801 Crestview Drive; Sylvia Bolster, 7126 Crapemyrtle Drive; Dennise Thompson, 2011 Hidden Lake Drive; Cecilia Cruz, 5217 Williams Drive; Josie Valdez, 4134 Shaw; Osman Yousef; and Jimmy Maddox, 4222 Ocean Drive.

The following individuals spoke in support of the Transportation Network Ordinance passed by the city council on March 8, 2016: Ray Nelson, 1110 Shields; Eric Graves, 4320 Loma Alta; Robert Whipple, 4202 Cambridge Drive; Nueces County Sheriff Jim Kaelin; Vicki Walker, 5925 Rio Grande; Liz Gutierrez, 1033 Green View; and Jair Gonzalez, 1325 S. Port.

Judy Telge, 1537 Seventh Street spoke regarding affordable housing in Corpus Christi; Jack Gordy, 4118 Bray Drive spoke about the sidewalk and palm trees on Airline Road; Susie Luna Saldana, 4710 Hakel said the decision regarding the Transportation Network Companies ordinance is a council decision and not a media decision; Gloria Scott, 4422 S. Alameda spoke regarding the birthday of the Girl Scouts organization; Abel Alonzo, 1701 Thames spoke his experience with taxis unsatisfactory and that transportation options after 9:00 p.m. are limited for people with disabilities; Kevin Hill, 1509 Ocean Drive, spoke regarding Bayshore Park improvements; and Stacy Palacios, 7313 Candy Ridge Road invited city council members to pose for photos with the animals at the animal control facility that are to be adopted, said short-term foster homes for animals are needed and thanked Council Member Vaughn for touring the animal control facility.

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

Mayor Martinez referred to City Manager's Comments. City Manager Ron Olson discussed the following topics: the next "Let's Talk" meeting will take place this Wednesday from 6:00 p.m. to 7:00 p.m. at the Garden Senior Center

on Greely Street; recognition of Assistant Director of Management and Budget, Eddie Houlihan, for his 17 years of service in Management and Budget and announced that Assistant Director Houlihan has taken the position of City Manager in George West, Texas; the appointment of Christine Garza as Interim Assistant Director of Management and Budget and that Reba George has been appointed Temporary Budget Officer in Management and Budget; recognition that the school childrens' art currently on display in City Hall is in honor of Youth Art Month this month.

a. OTHER

None.

H. MINUTES:

2. Special Meeting of March 7, 2016 and Regular Meeting of March 8, 2016.

Mayor Martinez referred to approval of the minutes. A motion was made by Council Member Magill, and seconded by Council Member McIntyre that the Minutes be passed. The motion carried by a unanimous vote.

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

L. EXECUTIVE SESSION: (ITEMS 9 - 11)

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

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

This E-Session Item was discussed in executive session.

10. **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 conveyance, lease, and sale of City property and pursuant to Texas Government Code § 551.072 to discuss and deliberate the purchase, exchange, lease, and value of real property located at the following addresses when deliberation in open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: 6746 Aaron known as Acushnet Park; 4017 Capitol known as Congress Park; 6113 Durant known as Durant Park; 5151 McArdle known as Mt. Vernon Park; 1750 Paul Jones known as Peary Park; 5730 Malden known as Ridgewood Park; 4301 Violet Road known as Violet Park; 11418 Willowood known as Willow Park; 12650 Figueroa known as San Carlos Park; 4302 Aaron known as Penn Place Park;

4600 Arlene known as Parklane Park; 1323 W. Broadway known as Cabra Park; 4938 Moody known as Fountain Park; and 7244 Prairie known as Creekway Park.

This E-Session Item was discussed in executive session.

- 11. 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 proposed improvements to the Park Road 22 canal and pursuant to Texas Gov't Code § 551.087 to discuss confidential commercial or financial information pertaining to entities that the City seeks to have locate, stay or expand within the City limits along Park Road 22 and with which the City is conducting economic development negotiations and to deliberate possible offers of financial or other incentives to said business prospect(s)**

This E-Session Item was discussed in executive session.

K. CONSENT AGENDA: (ITEMS 3 - 8)

Approval of the Consent Agenda

Mayor Martinez deviated from the agenda and referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 4 and 5 be pulled for individual consideration.

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

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

Abstained: 0

- 3. Approving a Developer Participation Agreement to reimburse the developer for the City's cost to extend Oso Parkway east of Cimarron Boulevard located south of Yorktown and west of Salsa Drive**

Resolution authorizing the City Manager or designee to execute a developer participation agreement with Ata O. Azali, LLC., ("Developer"), to reimburse the Developer up to \$224,662.67 for the City's share of the cost to extend Oso Parkway, in accordance with the Unified Development Code.

This Resolution was passed on the Consent Agenda.

Enactment No: 030791

6. Authorizing execution of an Engineering Design Contract for the design of traffic signals approved in the 2014 Highway Safety Improvement Program grant

Motion authorizing the City Manager or designee to execute the engineering design, bid and construction phase services contract with Maldonado-Burkett Intelligent Transportation Systems, LLP (MBITS) of Corpus Christi, Texas in the amount of \$668,956.56 for the design of traffic signals approved in the 2014 Highway Safety Improvement Program grant.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-030

7. Second Reading Ordinance - Appropriating funds and executing agreement for replacement of the covered parking canopy and hardware at the Corpus Christi International Airport (1st Reading 3/8/16)

Ordinance appropriating \$178,000 from the unreserved fund balance in the No. 4610 Airport Fund for replacement of the covered parking canopy fabric and hardware at the Corpus Christi International Airport ("Airport"); amending the FY2016 Operating Budget adopted by Ordinance No. 030620 to increase expenditures by \$178,000; and authorizing the City Manager or designee to execute an agreement for \$177,132 with USA Shade & Fabric Structures for this turnkey project at the Airport.

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

Enactment No: 030794

8. Second Reading Ordinance - Approving an agreement and appropriating funds to reimburse the developer for the construction of water arterial transmission and grid main line located east of Cimarron Boulevard, south of Yorktown and west of Salsa Drive (1st Reading 3/8/16)

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with Ata O. Azali, LLC., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$96,617.67 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 030795

4. Resolution authorizing the execution of an interlocal agreement for park improvements at West Haven Park

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Nueces County for park improvements at West Haven Park located near intersection of Cliff Maus Drive at Rockford Drive.

Mayor Martinez referred to Item 4, interlocal agreement for park improvements at West Haven Park. A council member thanked the Parks & Recreation Department and Nueces County Commissioner Joe Gonzalez for their work on this item.

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

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

Abstained: 0

Enactment No: 030792

5. Resolution awarding service agreements for Bayfront Parks and Medians Turf and Grounds Maintenance

Resolution awarding service agreements to the lowest responsible bidder for each acreage group in response to Bid Event No. 82; and authorizing the City Manager or designee to execute all documents related to this bid award totaling up to \$216,279.35. Funds have been budgeted by the Parks and Recreation Departments in FY 2015-2016.

Mayor Martinez referred to Item 5, Bayfront Parks and Medians Turf Grounds Maintenance. In response to council members, Interim Director of Parks & Recreation, Stacie Talbert-Anaya, said: although the Parks & Recreation Department has a crew dedicated to mowing, the cost of this contract has been determined to be more cost effective than Parks & Recreation crews doing the mowing; and both contractors and Parks & Recreation staff are responsible for maintaining the flower beds, depending on the area.

Council members also discussed the following topics: obtaining assistance with mowing from the homeless; and including in future agenda items, a comparison of contractor versus staff cost to mow.

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

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

Nay: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 030793

N. REGULAR AGENDA: (ITEM 13)

13. One Reading Action Item - Request by Petitioners to Repeal Ordinance Regarding Transportation Network Companies

Ordinance considering a request by petitioners, pursuant to Article I, Section 4 of the City Charter to repeal Ordinance No. 030788 which amended Chapter 57 of the Code of Ordinances regarding transportation network companies; repealing adopted ordinance; providing for publication; and declaring an emergency.

Mayor Martinez deviated from the agenda and referred to Item 13. City Secretary Rebecca Huerta reviewed the following topics: pursuant to the City Charter, citizens have the right to ask the council to reconsider any adopted ordinance; the reconsideration and referendum process; on March 15, 2016, 5 registered voters submitted the required statement of intent to circulate a petition calling for a referendum; the council has until adjournment of the next regular council meeting following receipt of the statement to reconsider the ordinance; if council does not take the requested action in the required timeframe, then the City Secretary provides petition pages for circulation among the City's registered voters; a valid petition containing signatures equal to at least 5% of the City's registered voters must be filed with the City Secretary within 90 days; per the City Charter, all signatures on the petition must be in ink; that the signatures be obtained once the official petition pages are given to petitioners; and that if a valid petition is filed within 60 days, the effectiveness of the ordinance is suspended and that an election is called at the next uniform election date under State law; because the statutory last day to call for a May election has passed, May is not an option; if a valid petition is filed after 60 days, but within 90 days, the ordinance can remain in effect and an election is called at the next regular city council election, which is November 8, 2016; the alternatives available to the city council today are: (1) vote in favor of the ordinance associated with this agenda item, which would repeal Ordinance number 030788 regarding Transportation Network Companies (TNC), (2) vote against the ordinance, which would keep the ordinance in place, or (3) take no action. Options (2) and (3) could initiate referendum proceedings. City Secretary Huerta also explained that staff's recommendation is to consider this item prior to the anticipated motion to reconsider.

Council members spoke regarding the following topics: using the Houston ordinance as a model; that the City's existing ordinance gives Transportation Network Companies (TNC) the ability to legally operate in Corpus Christi; and excerpts from a letter from the Mayor of Houston Sylvester Turner regarding its regulation of TNCs was read. Mayor Martinez introduced Lara Cottingham and Alexander Heim of the City of Houston.

Council members discussed the following topics: the reason representatives

from Houston were invited; the reason representatives from other Texas cities with TNC ordinances were not invited; and background checks based on commercial versus biometric fingerprinting.

Chris Miller, Texas Public Policy Manager for Uber Technologies stated: of the 25 states and more than 200 cities that regulate ride-sharing, the City of Houston is the only one that requires mandatory fingerprinting for peer-to-peer; that Uber does fingerprinting in New York because they run a taxi service; and that Uber's business is not what it should be in Houston due to the City of Houston's TNC ordinance.

Council members discussed the following topics: the current controversy over the City of Austin, Texas' TNC ordinance; options to repeal or reconsider; the large volume of e-mails received by council members, some of which returned 'undeliverable' notices when council members responded to them, while others were from individuals who reside outside of Corpus Christi; the reasons Uber does not want fingerprinting; the cost of fingerprinting; whether the reconsideration or repeal should be considered first; why the Corpus Christi TNC ordinance does not fit into Uber's business model; that Uber maintains a \$1 million umbrella insurance policy and requires a state vehicle inspection; in the event of an accident, Uber's insurance provides coverage; completeness of Federal Bureau of Investigation (FBI) records accessed when completing background check using fingerprints; the proper use of background checks; the fact that a hearing is triggered for applicants who fail background checks in the City of Houston; only looking at convictions and sentencing data; incomplete background checks; whether commercial or fingerprint-based background checks are more comprehensive; and individuals passing commercial background checks performed by Uber, but failing fingerprint-based background check.

Council Member McIntyre made a motion to table Item 13, seconded by Council Member Magill. The motion to table failed with the following vote:

Aye: 4 - Council Member Hunter, Council Member Magill, Council Member McIntyre and Council Member Scott

Nay: 5 - Mayor Martinez, Council Member Garza, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Abstained: 0

Council members and Mr. Miller, Mr. Heim and Ms. Cottingham discussed the following topics: Uber's unique safety features; the benefits of fingerprinting; the audit provisions in the College Station, Texas ordinance; Uber having left Midland, Texas due to a permitting issue; that, in Texas, Uber has left San Antonio, Galveston, Midland and Corpus Christi; that FBI records checks do not include motor vehicle checks; that the City of Corpus Christi will check motor vehicle records through the State of Texas, in addition to fingerprint-based background checks through the FBI; de-regulating the taxi industry; improving on safety over College Station's TNC ordinance; considering the College Station model that does not require fingerprinting; the dates various Texas cities' TNC ordinances became effective; that newer TNC ordinances passed by Texas cities do not have fingerprint requirements; that the results of a particular survey regarding TNCs shows that safety is the top priority; a need to validate Uber's safety features; the City of Corpus Christi cannot be added to Uber's insurance as an additional insured per State law; whether Uber drivers can do their own fingerprinting in addition to the

commercial background checks Uber currently performs; and whether DWIs have decreased since Uber has been in Corpus Christi.

Mayor Martinez called for comments from the public. John Kelly, 3621 Austin, stated that citizens can choose who they want to get into a car with and urged city council to repeal the TNC ordinance. Hasib Gonzalez, with Corpus Christi Taxi, spoke in favor of fingerprinting and about various free forms of transportation for the elderly.

Council Member McIntyre made a motion to approve the Ordinance on one reading, seconded by Council Member Scott. This Ordinance failed with the following vote:

Aye: 4 - Council Member Hunter, Council Member Magill, Council Member McIntyre and Council Member Scott

Nay: 5 - Mayor Martinez, Council Member Garza, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Abstained: 0

J. EXPLANATION OF COUNCIL ACTION:

Mayor Martinez deviated from the agenda and referred to Item J.

Council Member Magill made a motion to reconsider Item 14, 16-0237, second reading ordinance amending the City Code to establish Article VI, Transportation Network Companies, first reading was February 23, 2016, seconded by Council Member McIntyre.

City Secretary Huerta explained that the city council can reconsider an item, as long as it is reconsidered at the next regularly scheduled council meeting, by someone on the prevailing side, seconded by someone on the prevailing side and approved by two-thirds vote of the council. The vote on this item was taken on March 8, 2016 and this is the next regularly scheduled council meeting.

Council Members discussed the following topics: if there is a way to audit TNCs with which the City is comfortable, then the elimination of fingerprinting may be considered by some council members; whether biometric fingerprinting will be audited; building fairness into TNC regulations in order for taxi companies to be able to compete; having more time to negotiate a solution; deregulating the taxi industry in Corpus Christi; safety; putting the TNC regulation issue before the voters; survey results; if a vote to reconsider is a vote to consider an ordinance that does not have fingerprint-based background checks; having 30 to 60 days to discuss the TNC ordinance further; the TNC ordinance the City of Corpus Christi has already passed has not become effective as it has not yet been published; the petition process needing to be concurrent with the 30- to 60-day reconsideration period in order for the petitioners to be able to get the item on the November 8, 2016 ballot; bringing back to city council the vehicle-for-hire ordinance, addressing TNCs first; that voting to not reconsider the TNC ordinance does not impair the council's ability to consider a TNC ordinance in the future, so long as the mayor, the city manager, or five council members have it placed on the agenda or it is otherwise on the agenda for some reason.

This motion to reconsider was passed and approved with the following vote:

Aye: 6 - Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Scott and Council Member Vaughn

Nay: 3 - Mayor Martinez, Council Member Rubio and Council Member Rosas

Abstained: 0

Enactment No: M2016-029

MOTION OF DIRECTION

Council Member Magill made a motion of direction directing the City Manager to allow for a 30- to 60-day window of time to reconsider Ordinance No. 030788, seconded by Council Member Scott.

City Manager Ron Olson clarified that staff will arrange a city council workshop regarding alternatives and desired features in a revised TNC ordinance, including written comments from city council members.

Council members discussed the following topics: due to the current ordinance having been voted to be reconsidered during this city council meeting, it will not be published, and, therefore, it is not in effect; whether a revised ordinance, addressing both TNCs and taxis, should be brought back at the same time; and that the requirement for mandatory biometric fingerprint background checks be excluded from the revised ordinance brought back by staff; would like to hear from cities that have implemented ordinances in the last six months that do not have biometric fingerprinting in their ordinance, including the reasons why biometric fingerprinting is excluded from those ordinances; emphasis on the auditing process; and using the College Station ordinance as a model.

The motion of direction was further clarified such that the revised ordinance to be brought back to city council will include TNCs and taxi cabs and will exclude biometric fingerprinting background checks.

Further discussion ensued as to whether the motion on the floor is a motion to table the ordinance for 30 to 60 days or if the motion is a motion of direction. After some discussion, it was clarified that the motion was a motion of direction.

The motion of direction directing the City Manager to allow for a 30- to 60-day window of time to reconsider Ordinance No. 030788, to include both TNCs and taxi cabs and exclude biometric fingerprinting background checks, was passed and approved by the following vote: **AYE:** Council Members McIntyre, Rubio, Scott, Vaughn, Garza, Hunter and Magill; **NO:** Council Members Martinez and Rosas.

M. PUBLIC HEARINGS: (ITEM 12)

12. Public Hearing and First Reading Ordinance - Rezoning property

located at 14601 Northwest Boulevard

Case No. 0216-01 IHS Consultants, LP: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District. The property is described as being 6.709 acres out of the East ½ of the East ½ of Lot 3, Block 2, Nueces River Irrigation Park, located near the southwest corner of Northwest Boulevard (FM 624) and River Hill Drive.

Planning Commission and Staff Recommendation (February 24, 2016):

Approval of the change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by IHS Consultants, LP ("Owner"), by changing the UDC Zoning Map in reference to a 6.709-acre tract of land out of the East ½ of the East ½ of Lot 3, Block 2, Nueces River Irrigation Park, from the "FR" Farm Rural District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 12. Interim Director of Development Services Dan McGinn stated that the purpose of this item is to rezone the subject property to allow development of commercial uses. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

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

In response to a council member, Mr. McGinn stated that apartments may be built within the CG-2 General Commercial District.

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

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

Nay: 2 - Council Member Rubio and Council Member Vaughn

Abstained: 0

N. REGULAR AGENDA: (ITEMS 14 - 15)

- 14. One Reading Action Item - Resolution honoring the Coastal Bend Council of Governments on its 50th anniversary.**

Resolution honoring the Coastal Bend Council of Governments on its 50th anniversary.

Mayor Martinez deviated from the agenda and referred to Item 14. **Director of Intergovernmental Relations Tom Tagliabue**, stated that the purpose of this item is to adopt a resolution honoring the Coastal Bend Council of Governments on its 50th Anniversary. There were no comments from the council or the public.

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

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

Abstained: 0

Enactment No: 030796

15. Design - Build Agreement for Bayshore Park (Bond 2008 Proposition 7)

Motion authorizing the City Manager, or designee, to execute a Design - Build Agreement with Fulton Coastcon General Contractors of Corpus Christi, Texas in the amount of \$5,080,000 for the Bayshore Park project as part of the Bond 2008 Proposition 7 Bayfront Development Plan Phase 3 project.

Mayor Martinez referred to Item 15. **Executive Director of Public Works Valerie Gray**, stated that the purpose of this item is to execute a design-build agreement with Fulton Coastcon General Contractors, in the amount of \$5,080,000, for the Bayshore Park project as part of the Bond 2008, Proposition 7, Bayfront Development Plan Phase 3 project.

There were no comments from the council or the public.

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

Abstained: 0

Enactment No: M2016-031

O. FIRST READING ORDINANCES: (ITEMS 16 - 25)

16. First Reading Ordinance - Accepting and appropriating grant

funds for Internet Crimes Against Children (ICAC) Task Force program within the Police Department

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Office of the Attorney General for the Internet Crimes Against Children (ICAC) Task Force program, in the amount of \$5,200 to purchase equipment, supplies, and training travel for the ICAC program within the Police Department; and appropriating the \$5,200 in the No. 1061 Police Grants Fund.

Mayor Martinez referred to Item 16. Chief of Police Mike Markle, stated that the purpose of this item is to accept and appropriate \$5,200 in grant funding for the Internet Crimes Against Children (ICAD) Task Force program in the Police Department. This grant is for supplies and travel. A match is not required.

There were no comments from the Council or the public.

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

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

Abstained: 0

17. First Reading Ordinance - Accepting and appropriating a grant for the ASPCA (American Society for the Prevention of Cruelty to Animals) and Subaru "Share the Love" Rescue Ride project

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the American Society for the Prevention of Cruelty to Animals (ASPCA), in the amount of \$9,000 for the ASPCA and Subaru "Share the Love" Rescue Ride project; and appropriating the \$9,000 in the No. 1061 Police Grants Fund.

Mayor Martinez referred to Item 17. Chief of Police Mike Markle, stated that the purpose of this item is to accept and appropriate grant funds for the American Society for the Prevention of Cruelty to Animals (ASPCA) and Subaru "Share the Love" Rescue Ride project in the amount of \$9,000. This grant aids in increasing the City's live release rate. A match is not required.

There were no comments from the Council or the public.

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

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

Abstained: 0

18. First Reading Ordinance - Accepting and appropriating State funds for training and purchase of training equipment at the Police Department

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an annual allocation payment from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$27,494.93; and appropriating funds from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$27,494.93 in the No. 1061 Police Grants Fund for training of police personnel and purchase of training equipment.

Mayor Martinez referred to Item 18. Chief of Police Mike Markle, stated that the purpose of this item is to accept and appropriate funds from the State of Texas' - Law Enforcement Officer Standards and Education Account in the amount of \$27,494.93 for training and the purchase of training equipment for the Police Department. A match is not required.

There were no comments from the Council or the public.

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

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

Abstained: 0

19. First Reading Ordinance - Appropriating funds for "one-time" expenditures from Crime Control District for the Police Department

Ordinance appropriating \$492,678 from the Unreserved Fund Balance in the No. 9010 Crime Control District Fund for "one-time" expenditures and amending the FY2015-16 Operating Budget adopted by Ordinance No. 030620 by increasing expenditures by \$492,678.

Mayor Martinez referred to Item 19. Chief of Police Mike Markle, stated that the purpose of this item is to appropriate funds from the Unreserved Fund Balance in the No. 9010 Crime Control District Fund, in the amount of \$492,678, for one-time expenditures. These funds will be used for needs that cannot be purchased through general budgeting, such as rifles, tasers and automatic

ticket writers.

There were no comments from the public.

Council members and Chief Markle discussed the following topics: the ability to afford annually-repeating costs given the decline in sales tax revenue; savings anticipated to occur in the FY15/16 budget; the need to purchase less-than-lethal force options with Crime Control District monies; if the Police Department is counting on reserves to pay for officers; prioritizing programs to avoid spending monies from the fund balance; and evaluating monies spent at juvenile assessment centers.

City Manager Ron Olson addressed managing the Crime Control District Fund in light of declining sales tax revenues; monitoring sales tax revenue trends; and the current fund balance.

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

Abstained: 0

20.

First Reading Ordinance - Accepting and appropriating Local funds for Emergency Planning

Ordinance authorizing the City Manager or designee to accept and appropriate a contribution from the Industry Education Awareness Communication Committee in the amount of \$27,011.14 into the LEPC Fund No. 6060 to purchase resources to communicate and educate Shelter-In-Place; and changing the FY 2015-16 Operating Budget adopted by Ordinance No. 030620 by increasing expenditures in the LEPC No. 6060 by \$27,011.14.

Mayor Martinez referred to Item 20. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a contribution from the Industry Education Awareness Communication Committee in the amount of \$27,011.14. These funds will be used to educate the public about shelter-in-place.

There were no comments from the public.

Council members and Chief Rocha discussed the following topic: methods of notifying the public, including reverse-alert.

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

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

Abstained: 0

21. First Reading Ordinance - Appropriating State Hotel Occupancy Tax revenues and establishing fiscal policy for the fund

Ordinance appropriating \$2.9 million in estimated revenues from the State hotel tax revenue in the No. 1032 State Hotel Occupancy Tax Fund to be used for beach and bayfront maintenance, and safety and protection activities; amending the FY 2015-16 Operating Budget adopted by Ordinance No. 030620 by increasing expenditures by \$2,900,000.

Mayor Martinez referred to Item 21. Interim Director of Parks and Recreation Stacie Talbert-Anaya stated that the purpose of this item is to appropriate \$2.9 million in state hotel occupancy tax revenues for the purpose of assisting with beach and bayfront maintenance and shoreline protection projects.

Council members and Ms. Talbert-Anaya discussed the following topics: that one-third of these monies is dedicated to operations on an annual basis and two-thirds to large-scale beach/bayfront protection and restoration efforts; more improvements should be made to McGee and North Beaches; that according to a recent study, McGee does not require renourishment; increased trash pickup, particularly during high tourist times and adding park enforcement at downtown beach areas; the amounts dedicated to Bay and Gulf Beaches in the current fiscal year; anticipated expenditures next fiscal year; and the definition of "bayfront maintenance" being: an expansion of time that Park Operations staff remove trash from the areas, rake McGee Beach, support additional special events in that area and splitting bay beach park enforcement, to include North Beach.

There were no comments from the public.

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

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

Abstained: 0

22. First Reading Ordinance - Authorizing the City Manager or his designee to execute a License for Street Right of Way Use to construct a parking lot expansion project

Ordinance authorizing the City Manager or his designee to execute a

License for Street Right of Way Use with the B-Y 4918 Ayers, LTD. ("Licensee") to construct a parking lot expansion project to better serve the needs of Ayers Plaza Shopping Center tenants in full compliance with the City of Corpus Christi and with the approval of the Texas Department of Transportation, subject to the Licensee' compliance with specified conditions.

Mayor Martinez referred to Item 22. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to authorize the City Manager or his designee to execute a License for Street Right-of-Way use to construct a parking lot expansion project to better serve the needs of Ayers Plaza Shopping Center tenants.

There were no comments from the public.

Council members and Mr. Dimas discussed the following topics regarding this project: location; landscaping; bus bench locations; that this is a lease and not a sale of the right-of-way; and the can-do attitude that resulted in this project.

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

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

Abstained: 0

23.

First Reading Ordinance - Amending City Code to allow two-way traffic on Third Street between Elizabeth Street and Morgan Avenue for the expansion of Spohn Hospital

Ordinance amending the Code of Ordinances, Chapter 53, Section 53-250 Schedule I - One Way Streets and Alleys by changing the portion of Third Street between Elizabeth Street and Morgan Avenue from a one-way traffic pattern to a two-way traffic pattern.

Mayor Martinez referred to Item 23. Executive Director of Public Works Valerie Gray introduced Corey Griffin, Project Manager with Perkins and Will Architects of Dallas, Texas and stated that the purpose of this item is to amend the City Code to remove the one-way designation, along Third Street, between Morgan Avenue and Elizabeth Street, permitting two-way traffic, complimenting the planned gateway enhancement planned by Spohn Hospital. Along with improved access to the hospital and new parking, the signalized intersection at Third and Elizabeth Streets will be replaced with a four-way stop. Spohn's consultants performed a traffic impact analysis which found that the requested changes will not adversely affect traffic flow in the area. The City's Transportation Advisory Committee approved the conversion request at its October 26, 2015 meeting and no major concerns were raised during two community meetings held by Spohn this month. Construction is expected to be concluded in December of 2018.

There were no comments from the public.

Council Members discussed the following topics: whether the portion of Third Street to be modified will consist of one lane of northbound traffic with on-street parking or two-lanes, one in each direction; which businesses will lose on-street parking if this is approved; further clarifying the proposed four-way stop at Third and Elizabeth Streets; crosswalks in the area; and the installation of wayfinding signs in the surrounding blocks.

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

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

Abstained: 0

24. First Reading Ordinance - Advance Funding Agreement and Construction Contract for Packery Pointe Intersection Improvements Park Road 22 at Aquarius (Bond 2014)

Ordinance authorizing the City Manager, or designee, to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TXDOT) with a required payment to TXDOT in the amount of \$8,700; and to execute a construction contract with D & G Energy Corporation of McAllen, Texas in the amount of \$773,738.75 for the Packery Pointe Intersection Improvements Park Road 22 at Aquarius Re-Bid #2 for Total Bid Part A and Part B for installation of a new signal and roadway improvements. (Bond 2014)

Mayor Martinez referred to Item 24. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to authorize execution of an advance funding agreement with the Texas Department of Transportation (TXDOT) in the amount of \$8,700, agreeing to reimburse TXDOT's costs involved with the plan review and coordination; and to award a construction contract, to the lowest responsive bidder, D & G Energy Corporation of McAllen, Texas, in the amount of \$773,738.75.

There were no comments from the public.

Council Members spoke regarding the following topics: the re-bidding that was necessary for to this project; the misspelling of "Corpus Christi" in the ordinance; and other TXDOT-participation projects with respect to a potential 2018 Bond. Council Member Scott announced that, although he has abstained on this issue in the past, he no longer has a conflict of interest and will, therefore, be voting on this item in the future.

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

Abstained: 0

25. First Reading Ordinance - Authorizing the Issuance of Certificates of Obligation to fund Bond 2012 Projects

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Taxable Series 2016A" in an amount not to exceed \$18,140,037 for the purpose of financing costs associated with making permanent public improvements within the City; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said Certificates by a lien on and pledge of the pledged revenues of the Solid Waste System; providing the terms and conditions of said Certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said Certificates, including the approval and distribution of an Official Statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; complying with the requirements of the letter of representations on file with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the Certificates; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

Mayor Martinez referred to Item 25. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the issuance of \$18,140,037 of certificates of obligation for the purpose of paying contractual obligations necessary to complete the street projects from Proposition 1 in Bond 2012. The Notice of Intention was published, as required, in the Corpus Christi Caller Times on February 28, 2016 and March 6, 2016.

There were no comments from Council or the public.

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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 26 - 32)

Mayor Martinez referred to Future Agenda Items. City Manager Ron Olson stated that staff had a planned presentation on Item 27.

26. Resolution granting City supported event status to the 2016 Beach to Bay Relay Marathon

Resolution granting City supported event status in accordance with City Code of Ordinances Section 53-206 to the 2016 Beach to Bay Relay Marathon.

This Resolution was recommended to the consent agenda.

27. Construction Contract for Collier Pool Renovations (Bond 2012) Rebid - Part A (Pool)

Motion authorizing the City Manager, or designee, to execute a construction contract with Atlantis Aquatic Group. of Austin, Texas in the amount of \$1,782,412 for the Collier Pool Renovations Rebid - Part A (Pool) for replacement of the existing swimming pool and pump house. (Bond 2012 Proposition 4 - Aquatic Facilities)

This Motion was recommended to the regular agenda.

28. Purchase of six Wavetronix Radar Detection Systems for vehicle detection in signalized traffic intersections

Motion approving the purchase of six Wavetronix Radar Detection Systems from Twincrest, Inc. doing business as Twincrest Technologies, Mansfield, Texas in accordance with the State of Texas Cooperative Purchasing Program for the amount of \$113,380.00. The Street Department and Police Department have set aside funds in FY 2015-16 for this procurement.

This Motion was recommended to the consent agenda.

29. Engineering Construction Contract for new traffic signal located at the intersection of Ocean Drive and Robert Drive under the Signal Improvements and Street Lighting Bond 2012 project

Motion authorizing the City Manager, or designee, to execute a construction contract with Siemens Industry, Inc. of Corpus Christi, Texas in the amount of \$207,007.95 for the Signal Improvements and Street Lighting project at Ocean Drive and Robert Drive for the Base Bid. BOND 2012

This Motion was recommended to the consent agenda.

30. Resolution approving the Mary Rhodes Phase II Pipeline Operations and Maintenance Agreement

Resolution authorizing the City Manager or designee to execute an Operations and Maintenance Agreement with Lavaca-Navidad River Authority (LNRA) to maintain the Mary Rhodes Phase II easements, as well as, operate and maintain the pipeline and related facilities for a total initial operating budget of \$345,000 dollars.

This Resolution was recommended to the consent agenda.

31. Resolution approving two interlocal agreements under the Environmental Quality Air Quality Planning grant

Resolution authorizing the City Manager or designee to execute an Interlocal Cooperation Agreement with University of North Texas and with Texas A& M University Corpus Christi for air quality research and planning program for Nueces and San Patricio County area in the amount of \$191,685.63 each.

This Resolution was recommended to the consent agenda.

32. Professional Services Agreement for Legal Services

Motion to authorize City Manager or designee to execute Professional Services Agreement for Contract Legal Counsel with Julian Grant at hourly rate of \$50.00 in a total amount not to exceed \$75,000 for Fiscal Year 2015-2016.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEMS 33 - 35)

33. Ad Hoc Residential Street Infrastructure Advisory Committee update to Council

Mayor Martinez referred to Item 33. Andy Taubman, Chairman of the Ad Hoc Residential Street Infrastructure Advisory Committee ("Committee"), provided a presentation covering the following topics: the cost to repair streets, including surface cost, ADA sidewalks, curb and gutter, and utilities and total cost; annual cost for 60-year replacement; prioritization of funding due to limited funding; fixing street conditions that cause driver anxiety being key to satisfaction; ride quality; damaging conditions; dangerous conditions; failed streets; base case funding scenario of \$17 million in new spending; seal coat plan - base case; overlay plan - base case residential streets; Targeted Area Reclamation ("TAR") 5-year cycle where 100% of City is addressed; funding of about \$2.4 million per year in each city council district with a target of 100% of neighborhoods service; a sample map depicting TAR for each city council district; rework plan for failed streets, including 80% material re-use, including curb, gutter, flatwork and ADA, resulting in street being functionally new; reconstruction plan for failed streets; \$5 million per year for rework and reconstruction plan; total street health base case scenario of \$17 million per year, with \$3.6 million per year for utility contribution; converging intensive maintenance and reconstruction; timeframe dovetails with completion of Harbor Bridge; alternative of total rebuild in traditional manner with \$17 million

per year and \$9.5 million utility contribution addresses twice as many streets; and that the Committee's final report is being developed.

A council member stated that the council required additional time to review this information.

34. City Employee Clinic and Healthplan Update

Mayor Martinez referred to Item 34. City Manager Ron Olson provided a presentation regarding the status of the city employee clinic and health plan update that covered the following topics: the employee clinic was implemented in April of 2011; it is available to city employees, their dependents and retirees; since implementation, the clinic has experienced 29,000 unique visits, and because of the clinic, the City has realized \$2.8 million in cost avoidance and three straight years of no increase in health insurance premiums; the H2U contract expires in April of 2106 and H2U has chosen to not renew their contract due to the company's change in business model; H2U will continue to provide services on a month-to-month basis until a new provider is selected; a Request for Proposal (RFP) for this service was released in February 2016; five qualifying proposals were received; and the city is currently negotiating with a firm to provide this service.

City Manager Olson also discussed the following topics: the City is self-funded and has stop-loss coverage; the City has three health insurance plans; this fiscal year's first quarter review shows an increase in insurance claims across all three insurance plans as compared to last year; and that premium increases may be necessary if this trend continues.

In response to a question from a council member, Steven Viera, Benefits Manager, discussed various reasons for the increases in insurance costs as follows: purging of the book of business by Humana since the City moved to United Health Care; increases in inpatient care and emergency room visits; and that the Affordable Care Act has resulted in an increase in the City's portion of health care costs with a corresponding decrease in the employees' portion.

35. City of Corpus Christi Water Resources

Mayor Martinez referred to Item 35. Assistant City Manager Mark Van Vleck provided a presentation regarding the City of Corpus Christi's water resources that covered the following topics: the Coastal Bend Region's raw water supply; combined capacity since 1987; safe yield v. demand; annual treated water production; residential per capita water use; breakdown of total water diversions in 2014; Corpus Christi's water use by customer class; the water cycle; regional water planning - Region N; comparing supply and demand; local planning, including last year's and the current year's demand projections; current projects; and a utility bill breakdown regarding the cost of various sources of water.

Council members and staff spoke regarding the following topics: treatment requirements relating to aquifer storage and recovery (ASR) injections; the Request for Information (RFI) process regarding water supply development; and water loss from the plant through to the water distribution system.

R. ADJOURNMENT

The meeting was adjourned at 9:50 p.m.