



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 23, 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.

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

Deacon Jesse Hinojosa gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Esther Velazquez, Executive Liaison for Special Projects.

Executive Liaison for Special Projects Esther Velazquez 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: 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 August 26, 2016, "Women's Equality Day".

Mayor Martinez presented the proclamation.

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

Mayor Martinez deviated from the agenda and referred to City Manager's

Comments. City Manager Margie C. Rose reported on the following topic:

a. OTHER

City Manager Rose and Police Chief Mike Markle announced the promotion of the following police officers: Captain Kelly Isaacks to Commander, Lieutenant William Broyles to Captain, Lieutenant Patrick McMenemy to Captain, Senior Officer Steven Gonzalez to Lieutenant and Senior Officer Colby Burris to Lieutenant. The promotion ceremony will be held on Friday, August 26, 2016 at 10:00 a.m. at Police Headquarters.

H. MINUTES:

2. City Council Workshop Session of August 16, 2016 and Regular Meeting of August 16, 2016.

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

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 3 - 9)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. City Secretary Huerta announced that Council Member Magill was abstaining from the vote on Item 8. A council member requested to pull Item 6 for individual consideration. There were no comments from the public on the remaining agenda items. The consent agenda was passed and 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. Engineering Construction contract for pavement markings
Indefinite Delivery/Indefinite Quantity (IDIQ)**

Motion authorizing the City Manager or designee, to execute a construction contract with Highway Barricades and Services, LLC. of Corpus Christi, Texas in the amount of \$173,250 for Pavement Markings Indefinite Delivery/Indefinite Quantity (IDIQ) for total base bid.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-095

4. Engineering Contract Amendment No. 3 for Nueces Bay System Salinity and Freshwater Inflow Monitoring

Motion authorizing the City Manager or designee to execute Amendment No. 3 to the monitoring services contract with the Conrad Blucher Institute at Texas A&M University-Corpus Christi in the amount of \$97,835 for a total restated fee not to exceed \$386,555 for the Nueces Bay System Salinity and Freshwater Inflow Monitoring 2016-2017.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-096

5. Engineering Contract Amendment No. 6 for Nueces River Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring

Motion authorizing the City Manager or designee to execute Amendment No. 6 to the monitoring services contract with the Conrad Blucher Institute at Texas A&M University-Corpus Christi in the amount of \$121,022 for a total restated fee not to exceed \$775,696 for the Nueces River Water Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring 2016-2017.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-097

7. Second Reading Ordinance - Accepting the Texas Department of Health Services Community Preparedness Section-Laboratory Response Network Ebola Equipment (CPS/LRN-EBOLA) grant and ratifying acceptance of the grant agreement to begin June 10, 2016 (1st Reading 8/16/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend and appropriate a grant contract for the Community Preparedness Section - Laboratory Response Network Ebola Equipment (CPS/LRN-EBOLA) grant in the amount of \$200,000, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to purchase equipment to support accelerated local public health preparedness planning and operational readiness for responding to Ebola virus disease for the contract period June 10, 2016, through June 30, 2017; and ratifying acceptance of the grant agreement to begin June 10, 2016.

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

Enactment No: 030932

8. Second Reading Ordinance - Approving the sale of Penn Place Park (4302 Aaron) (1st Reading 9/16/16)

Ordinance approving the sale of Penn Place Park (4302 Aaron) to Apostolic Assembly of the Faith in Christ Jesus for \$100,000 and authorizing the City Manager to execute documents necessary to complete the real estate sales transaction.

Council Member Magill abstained from the vote on this item. This Ordinance was passed on second reading on the Consent Agenda.

Enactment No: 030933

9. Second Reading Ordinance - Ordinance authorizing the City Manager or designee to execute a license with the River View at Calallen, LP located at 11930 Leopard Street (1st Reading 9/16/16)

Ordinance authorizing the City Manager or designee to execute a License with River View at Calallen, LP ("Permittee") to install, operate, maintain, and remove a private two-inch sanitary sewer force main encased in six-inch Steel Pipe ("Wastewater Line") across the Leopard Street public street right-of-way, located west of Western Drive public right-of-way, subject to the Permittee' compliance with specified conditions.

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

Enactment No: 030934

6. Authorizing Collection Fee Contract for the collection of delinquent Municipal Court fees

Motion to authorize the City Manager or designee to execute a contract for the collection of delinquent Municipal Court fees, fines and court costs with the law firm of Linebarger, Goggan, Blair, & Sampson, LLP for a fee of 30% of amounts collected on delinquent accounts turned over to law firm, with collection fee to be paid by defendants. This is a one-year contract and may be extended for up to three additional one-year terms.

Mayor Martinez referred to Item 6. Director of Municipal Court Administration Gilbert Hernandez stated that the purpose of this item is to execute a contract for the collection of delinquent Municipal Court fees.

Council members and staff discussed the following topics: outsourcing of collection services; whether there is in-house staff to handle collections; the number of Municipal Court cases that are delinquent; the collection process; whether warrants are issued for delinquent fees; whether payment plans are available; alternative methods for paying citations; the timeframe for the fines; the number of individuals that have applied as indigent; and the last quarterly

updated provided to the Municipal Court Committee regarding collection services.

Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, spoke in support of the firm, Linebarger, Goggan, Blair & Sampson, LLP, and execution of the contract. John Kelley, 3621 Austin, asked the City Council to look at the cumulative impact of the fines, the cost, the 30% collection fees and issuance of warrants for those citizens that are unable to pay the delinquent accounts and requested to have the process re-evaluated. Susie Luna Saldana, 4710 Hakel, stated that the Municipal Court does not provide information about alternative methods of payment or alternatives to payment.

Council Member McIntyre made a motion to approve the motion, seconded by Council Member Rosas. 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: M2016-098

PUBLIC HEARINGS: (ITEM 12)

12.

Public Hearing on Fiscal Year 2017 Ad Valorem Tax Rate

Mayor Martinez deviated from the agenda and referred to Item 12. Director of Financial Services Constance Sanchez stated that the purpose of this item is to hold a public hearing on the FY2017 Ad Valorem Tax Rate. The State Property Tax Code requires that two public hearings be held when a taxing unit proposes a tax rate that exceeds either the rollback rate or the effective tax rate, whichever is lower. The City is proposing a tax rate of \$0.606264 per \$100 valuation for FY2016-2017. Since this rate exceeds the effective tax rate, two public hearings are required. The first public hearing is today and the second public hearing will be held on Tuesday, August 30, 2016.

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

Mayor Martinez announced the following statement "During the September 13, 2016 City Council meeting beginning at 11:30 a.m. at City Hall, the City Council will vote on the proposed property tax rate."

- 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 deviated from the agenda and referred to comments from the public. Huxley Smith, 1913 Thames, spoke regarding the status of the street construction on Williams Drive and Airline Road. John Kelley, 3621 Austin, spoke regarding the Federal Aviation Administration's rejection of the appeals regarding the windfarms near Chapman Ranch and proposed that the City withdraw the annexation. Jaime McQueen, 4234 Rapids Drive, expressed the following concerns with the proposed Calallen Apartments affordable housing complex, Agenda Item 25: the school district being at maximum capacity and the need for additional schools to accommodate students; traffic and safety concerns; the lack of public transportation; and limited services and jobs in the area. Abel Alonzo, 1701 Thames, spoke regarding Agenda Item 25 and expressed disappointment in individuals not supporting the affordable housing complex based on the financial background of the residents. Virgene Schwenke, 4407 FM 1069, Aransas Pass, spoke in support of the sale of City parks. Susie Luna Saldana, 4710 Hakel, spoke in support of the Calallen Apartments affordable housing complex, Agenda Item 25. Melissa Zamora, 3917 Brawner Parkway, spoke regarding the following topics: the need for street repairs; water and infrastructure improvements; changing the time of City Council meeting; and the inability to research large industry. Larry White, 5506 Sarazen Drive, spoke regarding funding capital improvements with bonds and addressing funding for recurring maintenance costs. Rick Milby, 4412 High Ridge Drive, encouraged the City Council and public to attend the joint Texas House of Representatives and Texas Senate Public Hearing on Thursday, August 25, 2016 at 10:00 a.m. at the Solomon Ortiz Center regarding the cruise ship industry possibly coming to Corpus Christi. Cathy Hobbs, 5793 Grand Lakes Circle, Robstown, Texas, spoke regarding Agenda Item 25, and expressed concern with the proposed Calallen Apartments affordable housing complex because of overcrowding in the school district and traffic and safety concerns. Ken Baker, 7421 Idle Hour Drive, spoke regarding the comparison between the City of McAllen and Corpus Christi on the condition of the streets and the rate of taxes and asked the City Council to not raise taxes.

M. PUBLIC HEARINGS: (ITEMS 13 - 17)

13. Public Hearing and First Reading Ordinance - Various Amendments to the Unified Development Code

Ordinance amending the Unified Development Code by revising subsection 4.2.5.B "Types of Yards", table 4.6.2 "Permitted Uses (Industrial Districts)", table 4.6.3 "Nonresidential Use (Industrial Districts)", subsection 5.3.2.D "Garages, Private", subsection 7.9.5 "Zoning District Buffer Yard- New Development", subsection 7.9.6

“Zoning District Buffer Yard- Redevelopment”, subsection 9.5.2.
“Authority to Utilize for Single-Family Residence”, subsection 9.5.3
“Regulations for Single-Family Use of Nonconforming Lots” and
subsection 3.25.2 “Review Process”; providing for severance;
providing for penalties; and providing for publication.

Mayor Martinez referred to Item 13. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to consider several text amendments to the Unified Development Code (UDC). The proposed amendments address the following: allow for restaurant uses and reduced setback in Industrial Districts; remove language that was part of a previous amendment and provide clarification on setback regulations for garages; reduce buffer yard requirements for commercial development adjacent to a public or civic use; reduce requirements for non-conforming lots; and add language to allow staff more flexibility in giving recommendations to the Board of Adjustment.

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

Council Member Garza 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

14. Public Hearing and First Reading Ordinance - Rezoning property located at 14101 Commodores Drive

Case No. 0716-05 Oceanic B.C., LLC: A change of zoning from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay. The property is described as Lot 21, Block 34, Island Fairway Estates, located west of South Padre Island Drive (Park Road 22) on the southern corner of Commodores Drive and Aquarius Street.

Planning Commission and Staff Recommendation (July 27, 2016):
Approval of the change of zoning from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay, subject to ten conditions.

Ordinance:
Ordinance amending the Unified Development Code (“UDC”), upon application by Oceanic B.C., LLC (“Owner”), by changing the UDC Zoning Map in reference to Lot 21, Block 34, Island Fairway Estates,

from the "RS-TH/PUD" Townhouse District with a Planned Unit Development Overlay to the "RS-TH/PUD" Townhouse District with a revised Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 14. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow the applicant to make revisions to the Planned Unit Development previously approved in 2015. 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.

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

15. Public Hearing and First Reading Ordinance - Rezoning property located at 1021 Agnes Street

Case No. 0716-07 V&M Equity Properties, LLC: A change of zoning from the "CI" Intensive Commercial District and "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit for a warehouse facility. The property is described as Lot 10A, Block 10 Chamberlin's Subdivision, located on the south side of Agnes Street between South Staples Street and King Street.

Planning Commission and Staff Recommendation (July 27, 2016): Approval of the change of zoning from the "CI" Intensive Commercial District and the "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit for a warehouse facility, subject to the Owner meeting the requirements of the Unified Development Code and nine conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by V&M Equity Properties, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 10A, Block 10 Chamberlin's Subdivision, from the "CI" Intensive Commercial District and "RM-3" Multifamily 3 District to the "CI/SP" Intensive Commercial District with a Special Permit for a warehouse facility; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause

and publication.

Mayor Martinez referred to Item 15. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow for the expansion of the existing restaurant supply business. 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.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. 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

16. Public Hearing and First Reading Ordinance - Rezoning property located at 630 Robinson Street

Case No. 0716-03 Corpus Christi Hope House, Inc.: A change of zoning from the "RM-1" Multifamily 1 District to the "CG-1/SP" General Commercial District with a Special Permit for a social service use. The property is described as Lot 8 and the east 20 feet of Lot 9, Block 38, Lindale Park Subdivision Section 4, located on the west side of Robinson Street between Swantner Drive and Reid Drive.

Planning Commission and Staff Recommendation (July 13, 2016): Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "CG-1/SP" General Commercial District with a Special Permit for a social service use and, in lieu thereof, approval of the "RM-1/SP" Multifamily 1 District with a Special Permit for a social service use, subject to seven conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Corpus Christi Hope House, Inc. ("Owner"), by changing the UDC Zoning Map in reference to Lot 8 and the east 20 feet of Lot 9, Block 38, Lindale Park Subdivision Section 4, from the "RM-1" Multifamily 1 District to the "RM-1/SP" Multifamily 1 District with a Special Permit for a social service use; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 16. Interim Director of Development Services Daniel McGinn stated that Items 16 and 17 are related to property located on Robinson Street. The purpose of this item is to rezone the subject property to

bring the existing facility, Hope House, into compliance and allow expansion of the facility. Hope House has existed at this location since 1992 and operates as a transitional housing facility which was allowed under the previous zoning ordinance. Under the new designation, the use does not conform with the Unified Development Code and the use was grandfathered which would not allow the applicant to expand. The applicant is requesting to rezone the property to "CG-1/SP" General Commercial District with a Special Permit to allow Hope House to come into compliance, be eligible for Community Development Block Grant (CDBG) funding and expand their existing business. Mr. McGinn stated that the Planning Commission and staff recommends denial of the change in zoning to "CG-1/SP" for a social service use and, in lieu thereof, approval of the "RM-1/SP" Multifamily 1 District with a Special Permit.

Mayor Martinez opened the public hearing. There were no comments from the public. Mayor Martinez closed the public hearing. A council member requested information on houses operating as transitional housing and the requirements.

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: 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. Public Hearing and First Reading Ordinance - Rezoning property located at 658 Robinson Street

Case No. 0716-04 Corpus Christi Hope House, Inc.: A change of zoning from the "RM-1" Multifamily 1 District to the "CG-1/SP" General Commercial District with a Special Permit for a social service use. The property is described as being the west or southwest portion of Lot 14 and all of Lot 15, Block 38, Lindale Park Subdivision Section 4, located on the northwest corner of Robinson Street and Swantner Drive.

Planning Commission and Staff Recommendation (July 27, 2016): Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "CG-1/SP" General Commercial District with a Special Permit for a social service use and, in lieu thereof, approval of the "RM-1/SP" Multifamily 1 District with a Special Permit for a social service use, subject to six conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Corpus Christi Hope House, Inc. ("Owner"), by changing the UDC Zoning Map in reference to the west or southwest portion of Lot 14 and all of Lot 15, Block 38, Lindale Park Subdivision Section 4, from the "RM-1" Multifamily 1 District to the "RM-1/SP" Multifamily 1 District with a Special Permit for a social service use; amending the

Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 17. This item was discussed during Item 16.

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

Council Member Garza 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

N. REGULAR AGENDA: (ITEMS 18 - 20)

18. Resolution approving the FY 2016/2017 budget for the Corpus Christi Crime Control and Prevention District

Resolution approving the FY 2016-2017 budget for the Corpus Christi Crime Control and Prevention District

Mayor Martinez referred to Item 18. Police Chief Mike Markle stated that the purpose of this item is to approve the FY2016-2017 budget for the Corpus Christi Crime Control and Prevention District. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the resolution, seconded by Council Member Rosas. 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: 030935

19. Second Reading Ordinance - Approving the Fiscal Year 2016-2017 Capital Budget and Capital Improvement Planning Guide (1st Reading 8/16/16)

Ordinance approving the Fiscal Year 2016-2017 Capital Budget and Capital Improvement Planning Guide in the amount of ~~\$214,979,600~~ \$214,971,600.

Mayor Martinez referred to Item 19. Assistant City Manager Mark Van Vleck

stated that the purpose of this item is to approve the FY2016-2017 Capital Budget and Capital Improvement Planning Guide (CIP). There were no comments from the public.

Council Member Scott made a motion to approve the ordinance, seconded by Council Member Garza.

Council Member Vaughn made a motion to amend the ordinance to remove the two items related to water (Oso South Area Water Line) and wastewater (Oso South Area Wastewater Line) lines for the annexed area near Chapman Ranch, seconded by Council Member Rosas. A brief discussion ensued regarding the removal of the items from the document. This motion was passed and approved with the following vote: Council Members Magill, Rosas, Rubio, Vaughn, and Hunter, voting "Aye"; Mayor Martinez, and Council Members McIntyre, Scott, and Garza, voting "No".

In response to a question from a Council Member, Assistant City Manager Van Vleck stated that the City Council must adopt the CIP in order for the City to work on the projects.

Council Member Rubio made a motion to approve the ordinance as amended, seconded by Council Member Vaughn. This Ordinance was passed on second reading as amended 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: 030936

20.

**One Reading Action Item - Awarding Collier Pool Renovations
Rebid - Part B to Second Lowest Responsible Bidder**

Resolution rescinding the award to Cruz Maintenance & Construction, Inc. (CMCI) in the amount of \$598,874.00, authorizing the City Manager, or designee, to execute a construction contract with the second lowest responsible bidder, Barcom Construction, Inc. of Corpus Christi, Texas, in the amount of \$632,673.00 and execute a claim against CMCI's bid bond in the amount of \$33,799.00 for the Collier Pool Renovations Rebid - Part B (Restroom and Office Building) project due to failure of CMCI to comply with the terms and conditions of the Bid. (Bond 2012 Proposition 4 - Aquatic Facilities)

Mayor Martinez referred to Item 20, Collier Pool Renovations (Bond 2012) Rebid - Part B. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to rescind the contract awarded to Cruz Maintenance & Construction, Inc. (CMCI) on June 14, 2016 due to CMCI's inability to produce the required Performance and Payment Bonds which were due to be submitted by June 29, 2016. This action is required in order to proceed with the project. This item also authorizes the execution of the contract with Barcom Construction, Inc. in the amount of \$632,673 and to execute a claim against CMCI's bid bonding company for the difference. Council Member Hunter

abstained from the discussion on this item.

Mayor Martinez called for comments from the public. Christopher Cruz, President of CMCI, stated that CMCI was unable to produce the Performance and Payment Bonds during the time requested due to a change in insurance companies. Mr. Cruz said CMCI is now able to produce the bonds and requested that the City Council deny rescinding the award to CMCI.

Council members spoke regarding the following topics: the time period that has been allowed since the required 14 days to submit bonds; CMCI being part of the previous Job Order Contracts (JOC) program and current contractor of the Facility Multiple Award Contract (FMAC); how CMCI's company was impacted by the discontinued JOC; the timing to change insurance; the terms in the contract to produce bonds; whether Collier Pool is ready to start construction; whether Part A of the contract is currently moving forward; when is the first day construction could start on Part B; whether CMCI could provide the bonds today; the expiration date of Barcom's bid and whether they would extend the validity of the bid; the definition of insurance, performance payment and bid bonds; analyzing whether 14 days is a reasonable amount of time to produce the bonds; and consideration to pass the resolution with a automatic effective date in seven days should CMCI not be able to produce the required documents.

City Attorney Miles K. Risley stated that staff would bring back a resolution by the end of the meeting with the automatic-effective-date-language for consideration.

Note: The following Enactment No. results from action taken on this item later in this agenda.

Enactment No: 030937

L. EXECUTIVE SESSION: (ITEMS 10 - 11)

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

- 10. Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining matters, (including litigation) between the City of Corpus Christi and the Corpus Christi Firefighters Association.

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 conveyance, lease or sale of City property and pursuant to **Texas Government Code § 551.072** to discuss and deliberate the purchase, exchange, lease, and/or value of City-owned property at/near State Highway 286 and/or Ayers Street where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

O. FIRST READING ORDINANCES: (ITEMS 21 - 23)

21. First Reading Ordinance - Amending the Code of Ordinances regarding the Parking Advisory Committee

Ordinance amending Section 53-196 Parking Advisory Committee of the Corpus Christi Code of Ordinance to update membership composition; providing for severance and an effective date.

Mayor Martinez referred to Item 21. Police Chief Mike Markle stated that the purpose of this item is to amend Section 53-196 of the City's Code of Ordinances regarding the Parking Advisory Committee. The membership composition needs to be amended to rename the Corpus Christi Beach Task Force to the North Beach Community Association. 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

22. First Reading Ordinance - Accepting and appropriating a grant to purchase equipment for the Emerging Robotics team

Ordinance authorizing the City Manager or designee to accept a grant from NuStar Energy L. P. in the amount of \$2,500 to purchase equipment for the Emerging Robotics team; and appropriating \$2,500 from NuStar Energy L.P. into the No. 1062 Fire Grant Fund to be used specifically to purchase equipment for the Emerging Robotics team.

Mayor Martinez referred to Item 22. Deputy Fire Chief Richie Quintero stated that the purpose of this item is to accept and appropriate a grant from NuStar Energy L.P. in the amount of \$2,500 to purchase equipment for the Emerging Robotics team. There were no comments from the Council or the public.

Council Member Hunter made a motion to approve the ordinance, seconded by Council Member Rosas. 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 - Accepting and appropriating a Regional Grant for the Web Based Emergency Operations Center (WebEOC)

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$15,000 for the benefit of the City's WebEOC operations; and appropriating \$15,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase equipment, services, technical support, training, and travel for the Corpus Christi Fire Department's WebEOC.

Mayor Martinez referred to Item 23. Deputy Fire Chief Richie Quintero stated that the purpose of this item is to accept and appropriate a grant from the Coastal Bend Regional Advisory Council in the amount of \$15,000 to support the City's Web Based Emergency Operations Center (WebEOC). There were no comments from the Council or the public.

Council Member Hunter 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

P. FUTURE AGENDA ITEMS: (ITEMS 24 - 25)

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 24 and 25.

24. Resolution in support of Residential Street Reconstruction Test Projects

Resolution authorizing the City Manager or designee to proceed with the Residential Street Reconstruction Test Project to gather pricing and scoping information in order to develop a Residential Street Reconstruction Program.

This Resolution was recommended to the consent agenda.

25. Approving the FY2016-2017 HOME Program set-aside funds

Motion to approve the FY2016-2017 HOME Program set-aside funds in the amount of \$231,634 and award the funding to Calallen Apartments.

This Motion was recommended to the regular agenda.

Q. BRIEFINGS: (ITEM 26)**26. Bayshore Park Design / Build Update - August 2016**

Mayor Martinez referred to Item 26. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to provide an update on the design of Bayshore Park. The presentation team included Director of Engineering Services Jeff Edmonds and Phillip Skrobarczyk, Fulton Construction. Ms. Anaya presented the following information: the location map; the master site plan and overview of the improvements; the design of the restroom building at McCaughn Park; renderings of Sherrill Park; and the project schedule.

Council members and the presentation team discussed the following topics: whether there is reinforced grass in the special event space; potential grant opportunities for the area; improvements to the parking control area; the private donation for the dog park area; the new kids playground and adult fitness area; shade structures at Sherrill Park; the significance of the one-way traffic control and improved access to the L-Head; the surface improvements to Shoreline; discussion regarding private sponsorship of painted-on activity areas and other programming opportunities; minimal-maintenance bathrooms; removal of the medians in the parking lot; improvements to bike lanes; whether irrigation improvements are included in the park spaces; the reasons for designing two half-basketball courts instead of full courts at the multi-purpose area; funding opportunities with pavers and bench nameplates; shower design; that funding for the project was approved by the voters as part of Bond 2008, Proposition 7; and consideration to hire a grant writer.

REGULAR AGENDA: (ITEM 20)**20. One Reading Action Item - Awarding Collier Pool Renovations Rebid - Part B to Second Lowest Responsible Bidder**

Resolution rescinding the award to Cruz Maintenance & Construction, Inc. (CMCI) in the amount of \$598,874.00, authorizing the City Manager, or designee, to execute a construction contract with the second lowest responsible bidder, Barcom Construction, Inc. of Corpus Christi, Texas, in the amount of \$632,673.00 and execute a claim against CMCI's bid bond in the amount of \$33,799.00 for the Collier Pool Renovations Rebid - Part B (Restroom and Office Building) project due to failure of CMCI to comply with the terms and conditions of the Bid. (Bond 2012 Proposition 4 - Aquatic Facilities)

Mayor Martinez deviated from the agenda and returned to Item 20, Collier Pool Renovations (Bond 2012) Rebid- Part B. City Attorney Miles K. Risley stated the following language was added to the resolution: Section 6. This resolution becomes effective on Tuesday, August 30, 2016, at 9:00 a.m. upon the determination of the City Manager or designee that the lowest responsible bidder, CMCI, failed to deliver Performance and Payment bonds acceptable to the City in accordance with the bid specification.

City Secretary Huerta announced that Council Member Hunter was abstaining on this item.

Council Member Garza made a motion to amend the resolution, seconded by Council Member Rosas and passed unanimously (Council Member Hunter - abstained).

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

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

Abstained: 1 - Council Member Hunter

Enactment No: 030937

R. ADJOURNMENT

The meeting was adjourned at 3:54 p.m.