



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 13, 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 Pastor Kenneth Mutchler, Immanuel Fellowship.

Pastor Kenneth Mutchler gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Lawrence Mikolajczyk, Director of Solid Waste Operations.

Director of Solid Waste Operations Lawrence Mikolajczyk led the Pledge of Allegiance.

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

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 September 13, 2016, "International Literacy Day".

Mayor Martinez presented the proclamation.

PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:

1. MAKE A STATEMENT OF FACTUAL INFORMATION.
2. RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.
3. ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.

PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.

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 topics:

a. OTHER

1) The Solid Waste Services Department and Boy Scouts of America, South Texas Council, are teaming up to host the 2016 Beach Clean-up and Fishing Derby at Packery Channel Park on Saturday, September 17, 2016 beginning at 8:00 a.m. Solid Waste staff will provide all cleaning supplies and reusable trash bags and will pick up compiled trash after the event. Interested individuals can contact Solid Waste Services at 361-826-1965 for more information regarding this event. 2) The City of Corpus Christi Public Libraries are stepping in to help fight hunger during its 4th Annual Food for Fines Drive. September is Hunger Action month and throughout the month, all public libraries will accept non-perishable cans or packaged food to clear overdue library fines. Each donated item will clear \$1 in overdue fines and all food donations collected will be given to the Food Bank of Corpus Christi. More information can be obtained at www.cclibraries.com. 3) The Bond 2014 Santa Fe Street Reconstruction is near completion. Voters approved this project and it received a full-depth repair from Elizabeth Street to Hancock Street. The reconstruction of this street included replacing two- and three-lane roads, curb and gutter, new sidewalks and ADA ramps, and utility upgrades for water and stormwater. 4) The Corpus Christi-Nueces County Public Health District was recently awarded a \$50,000 grant for receiving Gold Level recognition by the Texas Health Communities Program.

H. MINUTES:

2. Regular Meeting of August 30, 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:

3. Animal Care Advisory Committee
Corpus Christi Business Job and Development Corporation (Type A)
Corpus Christi Convention and Visitors Bureau

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

Animal Care Advisory Committee

Council Member McIntyre made a motion to realign Michelle Sanders from Animal Welfare/Shelter to Community At-Large and Samantha Person from Community At-Large to Animal Welfare/Shelter, seconded by Council Member Magill and passed unanimously.

Corpus Christi Business and Job Development Corporation

Council Member Magill made a motion to appoint Lee A. Trujillo, seconded by Council Member Rubio and passed unanimously.

Corpus Christi Convention & Visitors Bureau

Council Member McIntyre made a motion to reappoint Darcy Schroeder (At-Large), Ken Griffin (At-Large), Jason Rodriguez (Restaurant Industry), Terri Adams (Attraction Industry), James "Jim" Needham (At-Large), James Kunau (Attraction Industry) and Ed Cantu (At-Large), seconded by Council Member Magill and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 12)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public.

A motion was made by Council Member Garza, seconded by Council Member Magill, 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

4. Second Reading Ordinance - Rezoning property located at 8110 and 8520 Agnes Street (State Highway 44) (1st Reading 8/30/16)

Case No. 0816-03 Rangeland Products Terminal, LLC: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for a Heavy Industrial Use consisting of above ground storage tanks containing wholesale storage of fuels and lubricants. The subject property contains 189.1490 acres and is located at 8110 and 8520 Agnes Street (State Highway 44) between Agnes and Alpine Streets and between Chickery Street (unimproved) and Manning Road (County Road 53).

Planning Commission and Staff Recommendation:

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

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Rangeland Products Terminal, LLC on behalf of Norma Lee Stockseth and Rafael Leal Cavazos ("Owners"), by changing the UDC Zoning Map in reference to a 189.1490-acre tract of land located on Agnes Street (State Highway 44) west of Manning Road, from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for the wholesale storage of fuels and lubricants; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030947

5. Second Reading Ordinance - Accepting and appropriating the FY 2015 Operation Stonegarden Grant Program (1st Reading 8/30/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$280,000 from the State of Texas Governor's Homeland Security Grants Division for funding eligible under the FY2015 Department of Homeland Security Grant Program Operation Stonegarden to reimburse fuel, overtime, fringe benefits, and equipment expenditures for the Police Department's enforcement efforts to reduce border-security risk; and appropriating the \$280,000 in the No. 1061 Police Grants Fund.

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

Enactment No: 030948

6. Second Reading Ordinance - Adoption of the 2015 International

Property Maintenance Code (IPMC) (1st Reading 8/30/16)

Ordinance amending the Corpus Christi Code of Ordinances Chapter 13, Article II to repeal the Corpus Christi Property Maintenance Code, and to adopt the International Property Maintenance Code, 2015 Edition; providing for severance; providing for penalties; providing for publication; and providing for effective date.

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

Enactment No: 030949

7. Engineering Testing Agreement for Cefé F. Valenzuela Landfill FY 2016-2017 Groundwater Monitoring

Motion authorizing the City Manager, or designee, to execute an engineering testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$130,400 for the Cefe F. Valenzuela Landfill FY 2016-2017 Groundwater Monitoring.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-099

8. Engineering Testing Agreement for J.C. Elliott Landfill FY 2016-2017 Groundwater Monitoring

Motion authorizing the City Manager, or designee, to execute an engineering testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$123,000 for the J.C. Elliott Landfill FY 2016-2017 Groundwater Monitoring.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-100

9. Resolution for the acquisition of real property rights by eminent domain for the Creek View Drive Extension Project (Bond 2014, Proposition 2)

Resolution of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of a parcel of land by fee simple title, collectively known as Parcel 1, for a street improvement project known as the Creek View Drive Extension Project; (2) authorizing the City Manager or designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; (3) authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire the fee simple title in the property owned by the William E. McKinzie, Jr. Family Limited Partnership; (4) authorizing payment pursuant to an award by special commissioners;

(5) authorizing acceptance and recording of appropriate legal instruments; and (6) approving condemnation for all units of property to be acquired by condemnation of the parcel described herein by a single record vote of the City Council.

This Resolution was passed on the Consent Agenda.

Enactment No: 030950

10. Engineering Master Services Agreement for Water System Process Control and Reliability

Motion authorizing the City Manager, or designee, to executed a Master Service Agreement with LNV, Inc. of Corpus Christi, Texas in the amount of \$300,000, for the Water System Process Control and Reliability project. This project is in the approved FY 2014-2015 Capital Improvement Plan.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-101

11. Annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS)

Motion authorizing the City Manager or his designee to renew an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of all inflows and releases in the City's water reservoir, with the City's cost to be \$157,060.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-102

12. Construction and donation of new Water Line by Port of Corpus Christi Authority in Joe Fulton International Trade Corridor

Resolution authorizing the City Manager, or designee, to enter into an agreement with the Port of Corpus Christi Authority (POCCA) for the POCAA to design, construct and donate at no cost to the City a new 16-inch water main of approximately 14,250 linear feet to be used by the City to extend potable water service in an expanded area of the Joe Fulton International Trade Corridor.

This Resolution was passed on the Consent Agenda.

Enactment No: 030951

P. FIRST READING ORDINANCES: (ITEM 26)

26. First Reading Ordinance - Type A Grant for Texas A&M University-Corpus Christi to expand undergraduate degrees in civil and industrial engineering

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Texas A&M University - Corpus Christi to provide a grant of \$2,000,000 to expand its undergraduate degrees in civil and industrial engineering and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Texas A&M University - Corpus Christi Business Incentive Agreement; and appropriating \$2,000,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Texas A&M University - Corpus Christi and changing the FY 2015-2016 operating budget, adopted by Ordinance No. 030620, by increasing proposed expenditures by \$2,000,000.

Mayor Martinez deviated from the agenda and referred to Item 26. **Mike Culbertson**, Corpus Christi Regional Economic Development Corporation (EDC), stated that the purpose of this to provide a Type A grant to Texas A & M University - Corpus Christi (TAMU-CC) to expand their undergraduate degrees in civil and industrial engineering. TAMU-CC will supply matching funds and will, through this grant, be reimbursed for the purchase of equipment and laboratories. The project was recommended by the Board of Directors of the EDC and approved by the Type A Board.

Council members and staff discussed the following topics: this investment being for the good of the community and industry and the importance of the City's support for this project.

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

N. REGULAR AGENDA: (ITEMS 17 - 18)

17. Consideration of a Citizen Initiative to repeal the red light camera civil penalty

Discussion and consideration of an ordinance proposed by citizens through initiative proceedings to repeal the red light camera civil penalty.

Mayor Martinez deviated from the agenda and referred to Item 17. City Secretary Rebecca Huerta stated that the purpose of this item is to discuss and consider an ordinance proposed by citizens through initiative proceedings to repeal the red light camera civil penalty of \$75.00 against the owner of a motor vehicle who commits a red light camera violation. A statement of intent was provided to the City Secretary to circulate a petition to propose this ordinance. Per the City Charter, the City Attorney drafts the ordinance in legal form containing the substance of their statement, and the City Secretary presents the initiative for the City Council's consideration. The City Council has 45 days from the date of presentment, until October 14, 2016, to consider the ordinance as presented. If the City Council fails to take action within the allotted time, then the City Secretary must provide petition pages to the petitioner for circulation among the City's registered voters. The petitioner will have 90 days to gather signatures of at least five percent of the registered voters to place the proposition on the ballot for the next regular city council election, which is in November of 2018. The City Council has three options: 1) Vote in support of the ordinance on first reading and second reading; 2) Vote against the ordinance; or 3) Postpone action on this item.

Police Chief Mike Markle provided an overview of the potential implications, both financially and contractually of repealing the civil penalties including: the terms of the contract with Redflex Traffic Systems Inc.; the operational costs of the red light camera program; and how the revenue is used to operate traffic safety programs. The traffic safety programs include: funding 27 school crossing guards; flashing lights in school zones; technology to improve traffic enforcement and safety; traffic officer training; laser mapping equipment for crash investigations; electronic ticket writers; and vehicle detection systems for intersections. Chief Markle stated that the Police Department has begun a comprehensive review process of the red light camera program.

Mayor Martinez called for comments from the public. Susie Luna Saldana, 4710 Hakei, spoke regarding the continuous flashing red light camera at Airline Road and McArdle Road and commented on the unprofessional manner in which alleged violaters are treated by the City staff administering the red light camera program. Margareta Fratila, 3606 Tripoli, who initiated the process to repeal the \$75 civil penalty for red light camera violations, explained her reasons for bringing the issue forward and expressed that red light cameras are being used as source of revenue and not for safety purposes.

Council members spoke regarding the following topics: the contract obligations; the data regarding the impact red light cameras have on safety; the statistics that will be evaluated as part of the comprehensive review; whether the registered owner of the vehicle is held responsible if another individual is driving the vehicle; the number of red light cameras and locations; a breakdown of the cameras by district; the red light cameras' influence on drivers' behavior; concerns with alleged violations relating to right turns at red lights; and a consensus among council members to wait for the results of the comprehensive review before making a decision on the red light camera program.

No action was taken.

- 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. John Kelley, 3621 Austin, spoke regarding Agenda Item 41, the briefing on the draft Plan CC Comprehensive Plan and public input provided during the process regarding sprawl and annexation. Claude Axel, 741 Crestview Drive, extended an invitation to the City Council to attend an event sponsored by the Corpus Christi Clergy Alliance, Homeless Connect, to be held Wednesday, September 14, 2016 beginning at 9:30 a.m. at the Mother Theresa Shelter and a luncheon at 12:00 p.m. at the Salvation Army. In response to a question from Mr. Axel, City Manager Margie C. Rose stated that the reserved rows in the Council Chambers are reserved for staff during the budget process and will be eliminated upon conclusion of the budget process. Abel Alonzo, 1701 Thames, spoke regarding the annexation of Chapman Ranch and council members that could have a conflict of interest. Tom Schmid, 201 Waldon Drive, Portland, Texas, presented a check to the City Manager on behalf of the Texas State Aquarium (Aquarium) for the bond project to improve the road between the Aquarium and the U.S.S. Lexington and spoke regarding the Aquarium's increased attendance; animals treated at the facility; and construction of the new showcase. Benjamin Dovalina, 7430 Sydney Street, spoke in support of removing red light cameras and stated that the red light cameras at Staples Street and Yorktown Boulevard and Ocean Drive and Doddridge Road are driving hazards. Susie Luna Saldana, 4710 Hakel, spoke in opposition to Agenda Item 21, the establishment of a resource recovery fee for hazardous cart collection.

N. REGULAR AGENDA: (ITEM 18)

18. Ordinance Adopting the Fiscal Year 2017 Property Tax Rate

Ordinance setting a property tax rate of \$0.606264 per \$100 valuation which is effectively a 4.01% increase over the effective tax rate; and declaring an emergency.

Mayor Martinez deviated from the agenda and referred to Item 18. Director of Financial Services Constance Sanchez stated that the purpose of this item is to adopt the FY2017 property tax rate of \$0.606264 per \$100 valuation. Since this tax rate is above the effective tax rate by 4.01%, the City is required to disclose this information in the caption of the ordinance. The City is required to hold two public hearings which were held on August 23, 2016 and August 30, 2016.

Mayor Martinez called for comments from the public. There were none.

Council Member McIntyre made a motion that the property tax rate be

increased by the adoption of a tax rate of \$0.606264 per \$100 valuation, which is effectively a 4.01 percent increase in the tax rate, seconded by Council Member Garza.

Council members and staff discussed the following topics: the difference between the effective tax rate and current tax rate; that approval of the current tax rate results in an increase in tax revenue that is needed to fund the budget; the tax rate remaining the same with additional revenue coming from the creation of additional tax base and increased property valuations; that approving the current tax rate will allow the City to maintain current service levels; the impact to services, especially Police, Fire, Parks and Recreation and Solid Waste Services, should the City Council support the effective tax rate; deliberation of the tax rate during the financial policies discussions; the City's need to address contractual obligations, competitive salaries, health care costs, and deferred maintenance of aging infrastructure; whether adopting the effective tax rate would effect both debt and maintenance and operations; the need for the City to live within its means; the reduction in the general fund for residential streets; and a future discussion to discuss increasing the amount allocated to maintenance and operations.

Since there were members of the public that wanted to speak, Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, thanked the City Council for communicating with the public and thanked staff for their hard work on the budget. Damian Justice, 4606 Weiskopf Lane, spoke in support of the property tax rate. Rick Milby, 4421 High Ridge Drive, spoke in opposition to the tax rate and raising additional revenues through taxes and in favor of the City living within its means by cutting spending.

This Ordinance was passed and approved on emergency with the following vote:

Aye: 6 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Scott

Nay: 2 - Council Member Hunter and Council Member Vaughn

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 030952

L. EXECUTIVE SESSION: (ITEMS 13 - 16)

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

(Note: During this recess for executive sessions, only Item 13 was discussed. Items 14, 15, and 16 were discussed later in the meeting.)

- 13. 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.

T. BRIEFINGS: (ITEM 41)**41. Revised Draft of Plan CC, the City's Proposed Comprehensive Plan**

This item will be presented at approximately 2:00 p.m.

Mayor Martinez deviated from the agenda and referred to Item 41. Annika Yankee, Development Services, introduced the presentation team: Interim Director of Development Services Daniel McGinn; Planning Commission Members Philip Ramirez, Chairman; Eric Villarreal, Vice-Chairman; and Carl Crull, Commissioner. Ms. Yankee stated that the purpose of this item is to brief the City Council on the last draft of Plan CC, summarize the Planning Commission's revisions, and present a schedule of upcoming City Council hearings. Plan CC is the City's proposed 20-year comprehensive plan that would replace the current comprehensive plan that was adopted in 1987. A comprehensive plan is a city's general guide for how it should grow economically and physically.

Ms. Yankee presented the following information: the proposed schedule to adopt the comprehensive plan; the process to-date; the contents of the plan including: the vision statement, guiding principles, goals and strategies, and future land use map; general changes requested by City Council; the documents presented for review; and Planning Commission's changes to the plan. The Planning Commission's changes included: general revisions; Element 1 - Natural Systems, Parks and Recreation: added a goal about reducing air pollution; Element 3 - Housing & Neighborhoods: added a goal about residential development in high-growth corridors; Element 4 - Economy & Workforce: increased discussion of military facilities, tourism/convention industry, and supporting the Port of Corpus Christi; Element 6 - Infrastructure, Facilities & Services: added a goal about equal provision of emergency services, added a goal about planning for infrastructure to accommodate infill, revitalization and new development, and added more specific strategies to update utility master plans; Element 7 - Future Land Use, Zoning & Urban Design: eliminated land use principles, added strategies about monitoring current development against infrastructure needs, and clarified the intent of well-designed neighborhoods and built environments, added strategy about land use compatibility around military installations, added a strategy about orderly growth, and eliminated the I-37 Transition District from the Future Land Use Map, but kept a general goal stating transitions have occurred from residential to non-residential uses.

Chairman Ramirez thanked Development Services' staff, the Planning Commission, and City Council for their hard work and dedication regarding this document. Chairman Ramirez highlighted the key changes: the elimination of confusing aspects of the plan; the ability to amend the document; and changing the name of the document to Plan CC.

Council members and the presentation team discussed the following topics: the outstanding work performed by staff and the Planning Commission; the process to amend the documents; the timeframe for the area development plans; and future input from Padre Island and Flour Bluff residents for development of their respective area plans.

M. PUBLIC HEARINGS: (NONE)**O. SPECIAL BUDGET RELATED ITEMS: (ITEMS 19 - 21)****19. First Reading Ordinance - Adopting the City of Corpus Christi Operating Budget for Fiscal Year 2016-2017**

Ordinance adopting the City of Corpus Christi operating budget for the fiscal year 2016-2017 beginning October 1, 2016; to be filed with the County Clerk; appropriating monies as provided in the budget; and providing for severance.

Mayor Martinez deviated from the agenda and referred to Item 19. City Manager Margie C. Rose stated that the purpose of this item is to hold the first reading of the proposed FY2017 Operating Budget. City Manager Rose stated that two amendments will be presented by staff. Interim Assistant Director of Management and Budget Christine Garza provided a summary of the schedule of adjustments since the public hearing. City Manager Rose stated that a letter was received from the Texas State Aquarium requesting \$150,000 from the hotel occupancy tax (HOT) funds for marketing of the new wing of the facility.

Council members spoke regarding the following topics: the parking funds that were forfeited by the Texas State Aquarium for North Beach improvements; and support for the Texas State Aquarium's request for HOT funds.

Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, spoke in support of providing HOT funds to the Texas State Aquarium.

Council Member Scott made a motion to amend the ordinance to include the schedule of adjustments and the funding for the Texas State Aquarium, seconded by Council member Rubio.

The following topics regarding the motion were discussed: the adjustment for Parks and Recreation for latchkey operating expenses; how the parking fees are allocated and consideration to use those fees at North Beach; whether use of the HOT funds will affect funding for beach cleaning; and the HOT Fund's fund balance.

The motion to amend was passed and approved with the following vote: Mayor Martinez, Council Members Rosas, Rubio, Scott, Vaughn, Garza, Hunter, and Magill, voting "Aye"; Council Member McIntyre - absent.

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

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

Absent: 1 - Council Member McIntyre

Abstained: 0

Council Member Garza made a motion to ratify adoption of the FY2016-2017 Operating Budget, as amended, that will raise more revenue from property taxes than in the previous fiscal year, as reflected in the adopted budget, seconded by Council Member Scott.

This Motion was passed and approved with the following vote: Mayor Martinez, Council Members Rosas, Rubio, Scott, Vaughn, Garza, Hunter, and Magill, voting "Aye"; Council Member McIntyre - absent.

20. Resolution adding new rental and recreational use fees for fiscal year 2016-2017

Resolution adding new rental and recreational use fees for fiscal year 2016-2017 and providing for publication; effective date; and severance of the same.

Mayor Martinez referred to Item 20. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to approve new rental and recreation fees for FY2016-2017. The majority of the fees have been included in the FY2017 proposed budget and have been running as pilot programs. The new fees including: outside court rentals for athletics; Doggie Dip; accommodating splash parties during general swim hours; Micro Soccer League; school fees for the Oso Bay Wetland Preserve; vendor security deposits; and Labonte Park RV camping permits. 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: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 030953

21. First Reading Ordinance - Amending Chapter 21 of the Code of Ordinances

Ordinance amending Chapter 21 of the Code of Ordinances regarding solid waste collection and disposal by clarifying definitions, combining sections, establishing a resource recovery fee for hazardous cart collection, and revising language where necessary; providing for severance, publication, and an effective date.

Mayor Martinez referred to Item 21. Director of Solid Waste Operations Lawrence Mikolajczyk stated the purpose of this item is to amend Chapter 21 of the City's Code of Ordinances regarding Solid Waste collections by clarifying definitions, combining sections, establishing a \$10 resource recovery fee on customers' utility bills for hazardous cart collection; and revising language where necessary.

Council members discussed the following topics: clarification on the timing to set out heavy brush and defense to prosecution for a violation of this chapter; the assessment of a \$10 fee for hazardous cart collection; taxpayers should not subsidize the collection of hazardous placement of carts; concern that voters may be confused that an additional fee is being assessed; the existence of a special trash collection program through the Human Relations Department for elderly and disabled residents; data reflecting whether hazardous carts are a service issue or customer issue; the time limit for removing the carts from the street; the hazardous carts being a safety issue; the number of Solid Waste compliance officers; whether the average citizen knows the City's requirements regarding removing carts from the street and sidewalk; options for tagging the trash cart prior to assessing the fee; changing the language in Section 21-40 from fee to assessment; including English and Spanish on the tags; correcting the language in Section 21-12(a)(1) regarding the frequency with which the yard waste/heavy brush/clean wood waste/bulky items collection schedule is published in a newspaper; consideration to increase the amount of the fee; increasing the amount of the fee to cover an education process; education by citation; and the difference between an assessment and a fee.

Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, spoke in support of the ordinance.

MOTION OF DIRECTION

Council Member McIntyre made a motion of direction to change the language in Section 21-12(2) to read that placing items out after the authorized set out period, but before collection has been made, is a defense to prosecution, seconded by Council Member Vaughn and passed unanimously.

Mr. Mikolajczyk stated that staff will come back with the following corrections to the ordinance: language regarding the defense of prosecution if Solid Waste is late collecting brush items; the language regarding publication; and adding language where carts are to be placed.

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: 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

Nay: 1 - Council Member Hunter

Abstained: 0

L. EXECUTIVE SESSION: (ITEMS 14 - 16)

Mayor Martinez deviated from the agenda and referred to the day's remaining

executive session Items 14, 15 and 16. The Council went into executive session.

14. **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 Ben Garza Park and Gym when deliberation in 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.

15. **Executive Session pursuant to Section 551.071** of the Texas Government Code and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to litigation related to the New Broadway Wastewater Treatment Plant, including Graham Construction Services, Inc. v. City of Corpus Christi.

This E-Session Item was discussed in executive session.

16. **Executive Session pursuant to Section Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the TxDOT Harbor Bridge Project and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, related to the TxDOT Harbor Bridge Project.

This E-Session Item was discussed in executive session.

P. FIRST READING ORDINANCES: (ITEMS 22 - 25 and 27)

22. **First Reading Ordinance - Accepting a grant for the 2017 Comprehensive Selective Traffic Enforcement Project (STEP)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$120,482.80 for the 2017 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI), Speed enforcement, and distracted driving overtime, with a city match of \$42,158.03, for a total project cost of \$162,640.83 and appropriating \$120,482.80 in the No. 1061 Police Grants Fund

Mayor Martinez deviated from the agenda and referred to Item 22. Police Chief Mike Markle stated that the purpose of this item is to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$120,482.80 for the 2017 Comprehensive Selective Traffic Enforcement Project (STEP), with a city match of \$42,158.03, for a total project cost of \$162,640.83. There were no comments from the Council or the public.

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

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

Absent: 2 - Council Member McIntyre and Council Member Vaughn

Abstained: 0

23. First Reading Ordinance - Accepting a grant for the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$163,004 for the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and Appropriating the \$163,004 in the No. 1061 Police Grants Fund to fund the enhancement of law enforcement efforts by the Police Department and Nueces County under an established interlocal agreement which provides that 50% of the funds be distributed to Nueces County.

Mayor Martinez referred to Item 23. Police Chief Mike Markle stated that the purpose of this item is to accept a grant from the U.s. Department of Justice in the amount of \$163,004 for the FY2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to fund law enforcement efforts and equipment. 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: 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Scott

Absent: 2 - Council Member McIntyre and Council Member Vaughn

Abstained: 0

24. First Reading Ordinance - Accepting a grant of the Laboratory Response Network (LRN)-Public Health Emergency Preparedness (PHEP)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Community Preparedness Section - Laboratory Response Network - Public Health Emergency Preparedness (CPS-LRN-PHEP) grant in the amount of \$201,123.00, increasing the total amount to \$402,246.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to provide continued emergency preparedness laboratory services, for the amended contract period July 1, 2015, through June 30, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant agreement to begin June 1, 2016.

Mayor Martinez referred to Item 24. Assistant Director of Public Health Bill Uhlarik stated that the purpose of this item is to accept an amendment to a grant contract from the Texas Department of State Health Services in the amount of \$201,123 to provide continued emergency preparedness laboratory services, and to amend the contract period through June 30, 2017. There were no comments from the Council or the public.

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

Absent: 2 - Council Member McIntyre and Council Member Vaughn

Abstained: 0

25. First Reading Ordinance - Construction contract for the East General Aviation (GA) Apron reconstruction at the Corpus Christi International Airport (CCIA)

Ordinance appropriating \$2,300,000.00 from the Federal Aviation Administration Grant No. 3-48-0051-053-2016 in the No. 3020 Airport Capital Improvement Fund for the East General Aviation (GA) Reconstruction; amending the FY 2015-2016 Capital Budget adopted by Ordinance No. 030621 by increasing revenues and expenditures \$2,300,000.00; and authorizing the City Manager, or designee, to execute a construction contract with SpawGlass Construction of Houston, Texas in the amount of \$3,310,376.93 for the Base Bid plus Additive Alternate One.

Mayor Martinez referred to Item 25. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to award a construction contract to SpawGlass Construction for the East General Aviation (GA) Reconstruction in the amount of \$3,310,376.93 for the Base Bid and Additive Alternate One. The project will replace approximately one-third of the existing apron with concrete pavement along with new aircraft tie-downs. There were no comments from the Council or the public.

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

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

Absent: 2 - Council Member McIntyre and Council Member Vaughn

Abstained: 0

27.

First Reading Ordinance - Transferring utility easements on City-owned tracts to AEP Texas/Electric Transmission Texas, LLC, for construction of a 138 kilovolt electric power transmission line

Ordinance authorizing the City Manager to execute all documents to transfer utility easements on City-owned tracts at Flour Bluff Drive & Division Road and State Highway 358 at McDonald Street to AEP Texas/Electric Transmission Texas, LLC, for construction of a 138 kilovolt electric power transmission line along Flour Bluff Drive between the Barney Davis Substation to Naval Base Substation near Naval Air Station Corpus Christi in exchange for said entities' construction of portions of said transmission line underground for the purpose of reducing potential conflicts with flight operations.

Mayor Martinez referred to Item 27, transferring utility easements on City-owned tracts for construction of a 138-kilovolt electric power transmission line. Director of Intergovernmental Relations Tom Tagliabue stated that in February 2014, the City Council authorized intervening in the filing by Electric Transmission Texas, LLC (ETT) for a 138-kilovolt transmission line between the Barney Davis Substation and Naval Air Station Corpus Christi. In May 2015, the Public Utility Commission (PUC) approved ETT's Certificate of Convenience and Necessity for Route 11, generally along Flour Bluff Drive, but included a requirement to "exercise best efforts to mitigate the costs of the approved transmission facilities" being built underground to reduce the potential conflicts with flight operations at NAS Truax and Waldron Fields. The City owns two pieces of property along Route 11, one at Flour Bluff Drive at Division Road (Tract 34a) and one at State Highway 358 at McDonald Street (Tract 53). In exchange for ETT agreeing to construct several miles of transmission lines underground, the City is proposing transferring the utility easements on these two tracts. The City will forego \$70,500 in total revenue for the use of these easements. Mr. Tagliabue explained that the ordinance would need to be amended in the preamble and in Section 1 to remove AEP Texas; the easement will only be between the City and ETT.

Council Member Magill made a motion to amend the ordinance to remove AEP Texas from the preamble and Section 1, seconded by Council Member Scott and passed unanimously (Council Members McIntyre and Vaughn - absent).

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

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

Absent: 2 - Council Member McIntyre and Council Member Vaughn

Abstained: 0

Q. RECESS TO CORPORATION MEETING: (ITEM 28)

Mayor Martinez recessed the regular Council meeting to hold the annual meeting of the Corpus Christi Community Improvement Corporation (CCCIC).

28. Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation

Annual Board of Directors Meeting of the Corpus Christi Community Improvement Corporation (CCCIC)

The Corporation Meeting was held.

R. RECONVENE CITY COUNCIL MEETING:

Mayor Martinez reconvened the regular Council meeting.

S. FUTURE AGENDA ITEMS: (ITEMS 29 - 40)

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 32 and 36. A council member requested information on Item 35.

29. Motion approving lease-purchase of 11 Ford Escape vehicles

Motion approving the lease-purchase of 11 Ford Escape vehicles from Caldwell Country Ford-Chevrolet, Caldwell, Texas for a total amount not to exceed \$236,374.15. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative (TLGPC), dba BuyBoard.

Total Lease-Purchase Price:	\$221,511.00
Total Allowable Interest for Lease:	<u>\$14,863.15</u>
Grand Total:	\$236,374.15

This Motion was recommended to the consent agenda.

30. Motion approving the supply agreement for Fire Department medications

Motion approving the Supply Agreement for Fire Department Medications from Life-Assist, Inc. Rancho Cordova, California for a

total contract amount of \$163,867.84. The award is based on the lowest, responsive, responsible bidder. Funds have been budgeted by the Fire Department in FY 2016-2017. The term of this contract will be for one year.

The Motion was recommended to the consent agenda.

31. Service Agreement for Palm Tree Trimming

Motion approving the Service Agreement for Palm Tree Trimming Services from Woodstock Tree Surgeons Corpus Christi, Texas for a total amount of \$148,605.00. The award is based on the lowest, responsive, responsible bidder. Funds have been budgeted by the Parks and Recreation Department in FY 2016-2017. The term of this contract will be for 12 months with options to extend for four additional 12 month periods, at the sole discretion of the City.

This Motion was recommended to the consent agenda.

32. Approving a Manager-At-Risk Agreement for the Construction of Fire Station 18 (Bond 2008, Proposition 2)

Motion authorizing the City Manager or designee to execute a Construction Manager-At-Risk (CMAR) Agreement with Barcom Construction of Corpus Christi, Texas in the amount not to exceed \$1,800,000 for the New Fire Station No. 18. (Bond 2008, Proposition 2)

This Motion was recommended to the consent agenda.

33. Contract for base bid for the Ocean Drive Park Improvements - Swantner Park (Bond 2012, Proposition 4)

Motion authorizing the City Manager, or designee, to execute a construction contract with DMB Construction of Corpus Christi, Texas in the amount of \$842,006.56 for the Ocean Drive Park Improvements - Swantner Park for the Base Bid. (Bond 2012, Proposition 4)

This Motion was recommended to the consent agenda.

34. Engineering Design Services Contract for Flato Road from Agnes Street to Bates Road (Bond 2014, Proposition 2)

Motion authorizing the City Manager, or designee, to execute a contract for engineering design services with CH2M Hill Engineers, Inc. of Corpus Christi, Texas in the amount of \$488,862.00 for the Flato Road from Agnes Street to Bates Road project. (BOND 2014 Proposition 2)

This Motion was recommended to the consent agenda.

35. Advance Funding Agreement for the construction on Holly Road from State Highway (SH) 286 to Greenwood Dr (Bond 2012 Proposition 1)

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the construction on Holly Road from State Highway (SH) 286 to Greenwood Drive (Bond 2012 Proposition 1) with the City's local participation in the amount of \$50,000 for reimbursement of direct state costs.

This Resolution was recommended to the consent agenda.

36. Professional Services Agreements to provide necessary staff support for engineering services

Motion authorizing the City Manager, or designee, to execute the Professional Services Agreements (PSAs) totaling in the amount of \$994,578 to provide Engineering staff support for executing the Bond and CIP programs.

This Motion was recommended to the consent agenda.

37. Approving the lease-purchase of two Aerial Bucket Trucks

Motion approving the lease-purchase of two Aerial Bucket Trucks from Grande Truck Center, of San Antonio, Texas for a total amount not to exceed \$207,558.68. Each bucket truck will be equipped with a hydraulic boom, end mount basket and necessary safety equipment. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative (TLGPC), dba BuyBoard. Funds will be budgeted by the Information Technology Department.

Total Lease-Purchase Price:	\$194,450.20
Total Allowable Interest for Lease:	<u>\$13,108.48</u>
Grand Total:	\$207,558.68

This Motion was recommended to the consent agenda.

38. Construction Contract for Cefe Valenzuela Outfall Modifications

Motion authorizing the City Manager, or designee, to execute a construction contract with Bridges Specialties, Inc. of Robstown, Texas in the amount of \$151,783.50 for the Céfe Valenzuela Outfall Modifications for the total base bid.

This Motion was recommended to the consent agenda.

39. Resolution approving a Type A Grant for LiftFund, Inc.

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and LiftFund, Inc. (LiftFund) to provide grant up to \$250,000 for their loan buy-down program to assist small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the Small Business Incentives Agreement.

This Resolution was recommended to the consent agenda.

40. Resolution approving Type A Grant for Service Corps of Retired Executives (SCORE) Chapter 221

Resolution approving an amended Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Service Corps of Retired Executives (SCORE) Chapter 221 to provide a grant up to \$52,600 for their small business assistance program and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the Small Business Incentives Agreement.

This Resolution was recommended to the consent agenda.

U. ADJOURNMENT

The meeting was adjourned at 6:06 p.m.