



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 20, 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 Rob Bailey, Southside Community Church.

Pastor Rob Bailey gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Daniel McGinn, Interim Director of Development Services and Assistant Director ESI, Development Services.

Interim Director of Development Services Daniel McGinn led the Pledge of Allegiance.

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

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

Charter Officers:

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

Present: 8 - 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, and Council Member Carolyn Vaughn

Absent: 1 - Council Member Mark Scott

E. Proclamations / Commendations

1. Proclamation declaring September 17, 2016, "Mission of Mercy Mobile Medical Program Clinic Day".
Proclamation declaring September 24, 2016, "Coastal Bend Walk 'N Roll Celebration for Disability Awareness Day".

Proclamation declaring October 1, 2016, "Corpus Christi Heart Walk Day".

Proclamation declaring October 2016, "The Official Kickoff of the 2017 United Way of the Coastal Bend Annual Campaign".

Mayor Martinez presented the proclamations.

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 Santa Fe Street grand opening is scheduled for Thursday, September 22, 2016 beginning at 9:00 a.m. at the Gaslight Square parking lot, located at the corner of Santa Fe Street and Buford Avenue. Voters approved this project and the reconstruction included new sidewalks, curb and gutter, ADA ramps, and underground utility improvements. 2) Engineering Services will hold a public hearing to discuss the street design of Flato Road on September 29, 2016 at 5:30 p.m. at City Hall, 6th floor. Voters approved this Bond 2014 project, from Agnes Street to Bates Road, including a full-depth reconstruction and slight widening of the existing two-lane road, with ADA compliant sidewalks for the developed portion of the roadway. The utility improvements include new water, wastewater and storm water systems with a new storm water outfall to a nearby channel to help alleviate the flooding along that road. 3) The Solid Waste Department sponsored a glass recycling collection event last Saturday. The event was successful with local residents bringing in nearly 8 tons of glass. The next glass recycling event will be December 10, 2016 from 9:00 a.m. to 3:00 p.m. at Padre Isles Property Owners' Association located at 14051 Fortuna Bay. 4) The Corpus Christi-Nueces County Public Health District is gearing up for flu season. Residents will have an opportunity to get flu shots at the drive-through flu clinic on Saturday, October 1, 2016 from 9:00 a.m. at 1:00 p.m. at 1701 Horne Road. The cost of the flu shot is \$30.00 and payment will be limited to cash or check.

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. William Goldston, 13721 Tajamar Ct., reported on the topics discussed by the Island Strategic Action Committee (ISAC): 1) support to utilize funds from the Tax Increment Financing Zone (TIRZ), up to a maximum of \$4 million, to fund the Park Road 22 Bridge with a caveat that all City bond funds have been expended; 2) approval to submit the draft 2016 Mustang/Padre Island Area Development Plan to the Planning Commission; and 3) support for the

City to enter into a multi-year contract with Texas A&M University - Corpus Christi for monitoring of Packery Channel. Jack Gordy, 4118 Bray, spoke regarding the palm trees located in the 1300 block of Airline Road. Sherry Sell, 5014 Wingfoot, provided information on the enforcement benefits of using the Parking Mobility App. Abel Alonzo, 1701 Thames, spoke regarding his work as a community activist and the treatment he received by a citizen at the previous Council meeting. Gloria Randall Scott, 4422 S. Alameda, asked the City Council to consider appointing Guy Nickelson to fill the At-Large position vacated by Council Member Mark Scott. John Kelley, 3621 Austin, stated that Neighborhoods First! does not oppose ISAC's recommendation to use TIRZ funds on the Park Road 22 Bridge, but does oppose spending the funds before the City fulfills its obligations to complete the six pack of amenities on/around the beach. Mr. Kelley also responded to accusations made about him regarding annexation of Chapman Ranch. Susie Luna Saldana, 4710 Hakel, spoke in opposition to Agenda Item 29, the establishment of a resource recovery fee for hazardous cart collection. Margareta Fratila, 3606 Tripoli, spoke regarding the citizen initiative to repeal the red light camera civil penalty and stated that the initiative does not include terminating the contract for the red light cameras. Shirley Thornton, 1917 Woodcrest Dr., invited the City Council to attend the 1st General Meeting of the Flour Bluff Citizens Council on Tuesday, September 27, 2016 at 6:00 p.m. at Grace Community Church.

H. CITY SECRETARY'S REPORT

Mayor Martinez referred to City Secretary's Report. City Secretary Rebecca Huerta reported on the following topic:

a. Resignation of Council Member Mark Scott

Council Member Mark Scott tendered his resignation to the City Council on September 14, 2016. At the City Council's request, this item was placed on the agenda to discuss the Council's plans moving forward.

The City Council discussed the following topics: to not make an appointment to fill the vacant position before the November 8, 2016 election; the language in the City Charter, Article 2, Section 1(b); the City Charter and Texas Constitution holdover provisions and whether Council Member Scott still has the authority/requirement to act as a Council Member at this time due to provisions in the City Charter and the Texas Constitution; and to hire outside legal counsel to investigate the validity of Council Member Scott's resignation.

MOTION OF DIRECTION

Council Member Vaughn made a motion directing the City Manager to hire outside legal counsel to investigate the validity of a resignation that attempts to subvert the City Charter term limits for the express purpose of running for public office, seconded by Council Member Rubio and passed unanimously.

I. MINUTES:

2. Regular Meeting of September 13, 2016.

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

J. BOARD & COMMITTEE APPOINTMENTS:

3. Citizens Advisory Health Board
Coastal Bend Council of Governments
Ethics Commission
Library Board
Transportation Advisory Commission

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

Citizens Advisory Health Board

Council Member Magill made a motion to appoint Raymond Martin Johnson, seconded by Council Member McIntyre and passed unanimously.

Coastal Bend Council of Governments

Council Member Garza made a motion to realign Margie Rose to one of the vacant Regular Member slots and appoint Mark Van Vleck as an Alternate Member, seconded by Council Member McIntyre and passed unanimously.

Council Member Garza made a motion to table the appointment of the position vacated by Council Member Scott, seconded by Council Member Vaughn and passed unanimously.

Ethics Commission

City Secretary Rebecca Huerta announced that Council Member Magill would be abstaining from the vote on the Ethics Commission appointments.

City Secretary Huerta stated that Section 2-323 of the City's Code of Ordinances states that a member shall hold office until his successor has been appointed and shall continue to hold office after his successor has been appointed for the limited purpose of disposition of all complaints filed and for which presentation of evidence was commenced during that member's term. Current members, Ken Bung and Harry Hallows, are currently considering a case and staff is requesting that the City Council make the appoint to replace the two members with a term beginning October 12, 2016.

Council Member McIntyre made a motion to appoint Craig Rogers and Richard Hood with a term beginning 10-12-16, seconded by Council Member Garza and passed unanimously; Council Member Magill abstained.

Library Board

Mayor Martinez made a motion to appoint Candace S. Hart, seconded by Council Member Magill and passed unanimously.

Transportation Advisory Commission was pulled by staff.

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 4 - 21)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the public. Council Members requested that Items 6, 7, 10 and 11 be pulled for individual consideration.

Council Member Magill made a motion to approve the consent agenda, seconded by Council Member Hunter. The consent agenda items were approved by one vote as follows:

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

Absent: 1 - Council Member Scott

Abstained: 0

4. 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 passed on the Consent Agenda.

Enactment No: M2016-103

5. 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.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-104

8. 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 passed on the Consent Agenda.

Enactment No: M2016-107

9. 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 passed on the Consent Agenda.

Enactment No: M2016-108

12. 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 passed on the Consent Agenda.

Enactment No: M2016-110

13. 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 passed on the Consent Agenda.

Enactment No: M2016-111

14. 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 passed on the Consent Agenda.

Enactment No: 030955

15. 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 passed on the Consent Agenda.

Enactment No: 030956

16. Second Reading Ordinance - Accepting a grant for the 2017 Comprehensive Selective Traffic Enforcement Project (STEP) (1st Reading 9/13/16)

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

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

Enactment No: 030957

17. Second Reading Ordinance - Accepting a grant for the FY 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (1st Reading 9/13/16)

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.

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

Enactment No: 030958

18. Second Reading Ordinance - Accepting a grant of the Laboratory Response Network (LRN)-Public Health Emergency Preparedness (PHEP) (1st Reading 9/13/16)

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.

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

Enactment No: 030959

19. Second Reading Ordinance - Construction contract for the East General Aviation (GA) Apron reconstruction at the Corpus Christi International Airport (CCIA) (1st Reading 9/13/16)

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.

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

Enactment No: 030960

20.

Second Reading Ordinance - Type A Grant for Texas A&M University-Corpus Christi to expand undergraduate degrees in civil and industrial engineering (1st Reading 9/13/16)

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.

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

Enactment No: 030961

21.

Second Reading Ordinance - Transferring utility easements on City-owned tracts to Electric Transmission Texas, LLC, for construction of a 138 kilovolt electric power transmission line (1st Reading 9/13/16)

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 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.

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

Enactment No: 030962

6. 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.

Mayor Martinez referred to Item 6, service for palm tree trimming. Interim Director of Parks and Recreation Stacie Talbert Anaya responded to the following council members' comments: how the palm trees are currently being trimmed; how often the palm trees are trimmed; the work performed by in-house trimming crews; the use of palm trees in the parks system; the number of palm trees in the parks system; trimming of palm trees in Sherrill Park; and concern with the maintenance related to palm trees.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2016-105

7. 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)

Mayor Martinez referred to Item 7, approval of a Construction Manager-At-Risk (CMAR) Agreement for the new Fire Station No. 18 (Bond 2008, Proposition 2). In response to a council member, Director of Engineering Services Jeff Edmonds stated that the groundbreaking for the project is scheduled for October 19, 2016.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2016-106

10. 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.

Mayor Martinez referred to Item 10, execution of an Advance Funding Agreement for the construction on Holly Road from State Highway 286 to Greenwood Drive (Bond 2012, Proposition 1). In response to a council member, **Executive Director of Public Works Valerie Gray** stated that Development Services staff is contacting the owners of Red Barn Daycare to discuss the procedures for providing rear driveway access to a daycare.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030954

11. 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.

Mayor Martinez referred to Item 11, professional services agreements to provide necessary staff support for Engineering Services. **Director of Engineering Services Jeff Edmonds** and **Executive Director of Public Works Valerie Gray** responded to questions regarding the following topics: an explanation of specialized services support; whether any of the contractors are former city employees; **Sonny Garza**, Principal for Centerline ROW Service, LLC being a former employee of Land Acquisition; the number of current employees in Land Acquisition; plans to hire additional employees in Land

Acquisition; the difference in pay rates for employees and individuals in the private sector for land acquisition; whether there is a policy in place regarding the length of time before former city employees can contract with the City; Engineering Services' staff is currently working on a succession planning process; and the number of vacancies that have been filled by Engineering Services.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2016-109

N. PUBLIC HEARINGS: (ITEMS 24 - 27)

24. Public Hearing and First Reading Ordinance - Rezoning property located at 1617 Paul Jones Avenue

Case No. 0816-04 MBA-Mi Mundo Daycare, LLC: A change in zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District in reference to Peary Place Annex "D", located on the west side of Paul Jones Avenue between Brittany Drive and Argonne Drive.

Planning Commission and Staff Recommendation (August 24, 2016): Approval of the rezoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MBA-Mi Mundo Daycare, LLC, on behalf of BAPS Corpus Christi, LLC ("Owner") by changing the UDC Zoning Map in reference to Peary Place Annex "D", from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 24. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to redevelop an existing building into a day care facility. 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.

City Secretary Huerta announced that Council Member Magill was abstaining from the vote on this item.

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

Aye: 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 1 - Council Member Magill

25. Public Hearing and First Reading Ordinance - Rezoning property located at 3113 S. Port Avenue

Case No. 0816-01 Maria G. Lopez: A change in zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District in reference to a 0.037 acre tract of land, described as the remainder of lot 2, Block 6 of the San Diego Addition Unit 1, located on the east side of Niagara Street between Guadalupe Street and Nogales Street.

Planning Commission and Staff Recommendation (August 24, 2016): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Maria G. Lopez ("Owner"), by changing the UDC Zoning Map in reference to a 0.037 acre tract of land, described as being the remainder Lot 2, Block 6 of the San Diego Addition Unit 1, from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 25. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow for the development of a fast food restaurant. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Martinez opened the public hearing. Roland Martinez, resident of San Antonio, TX; stated that he has two rental properties near the subject property and asked questions regarding the following issues: the location of the dumpster and grease trap; the material that will be used to create a retaining wall; and debris from the property. Mr. McGinn stated that these items will be addressed during the site development as required by the Unified Development Code. Mayor Martinez closed the public hearing.

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

Aye: 6 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rosas and Council Member Vaughn

Nay: 2 - Council Member Hunter and Council Member Rubio

Absent: 1 - Council Member Scott

Abstained: 0

26. Public Hearing and First Reading Ordinance - Rezoning property located at 5702 Corsica Road

Case No. 0716-06 Corner Strong, Ltd.: A change of zoning from the "CN-1" Neighborhood Commercial District and "CG-2" General Commercial District to the "CG-2" General Commercial District. The property is described as being a 4.99-acre tract of land of which 4.52 acres is out of Lots 17, 18, 31 and 32, Section 11, Flour Bluff and Encinal Farm Garden Tracts and 0.47 acres is out of Lot 11, Block 2, Barclay Grove Unit 11, located on the east side of South Staples Street (FM 2444) between Corsica Road and Timbergate Drive.

Planning Commission and Staff Recommendation (August 24, 2016): Denial of the change of zoning from the "CN-1" Neighborhood Commercial District and the "CG-2" General Commercial District to the "CG-2" General Commercial District, and, in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit, subject to the Owner complying with eleven (11) conditions and the conceptual site plan.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Corner Strong, Ltd ("Owner"), by changing the UDC Zoning Map in reference to a 4.99-acre tract of land of which 4.52 acres is out of Lots 17, 18, 31 and 32, Section 11, Flour Bluff and Encinal Farm Garden Tracts and 0.47 acres is out of Lot 11, Block 2, Barclay Grove Unit 11, from the "CN-1" Neighborhood Commercial District and "CG-2" General Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 26. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to allow for the development of a mini-storage facility. Mr. McGinn stated that the Planning Commission and staff recommend denial of the "CG-2" General Commercial District, and, in lieu thereof, approval of the "CN-1/SP" Neighborhood Commercial District with a Special Permit, subject to

11 conditions.

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

Absent: 3 - Council Member McIntyre, Council Member Scott and Council Member Vaughn

Abstained: 0

27. Public Hearing and First Reading Ordinance - Plan CC, The City's Proposed Comprehensive Plan

Ordinance adopting a new comprehensive plan for the City of Corpus Christi titled "Plan CC Comprehensive Plan"; providing that the adopted comprehensive plan shall amend, supersede, and replace the previous comprehensive plan titled "City of Corpus Christi Policy Statements: An Element of the Comprehensive Plan"; and providing for severance, publication and effective date.

Mayor Martinez referred to Item 27. Annika Yankee, Development Services, stated that the purpose of this item is to hold the public hearing and first reading on the latest draft of Plan CC, review the Planning Commission's recommendations, and seek input on additional changes to the plan desired by the City Council. 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.

Council members discussed the following topics: changes to the plan's wording that may have given a mandatory effect; the changes to the land use maps; the land use maps for Flour Bluff, Turtle Cove, and Laguna Shores; the timeframe for the area development plans and master utility plans; the development plans for the Airport and Southside; whether the Charter specifies the timeframe to review the Comprehensive Plan; review of the plan every 5 years; and creation of a Planning Department.

Mayor Martinez opened the public hearing. John Kelley, 3621 Austin, representing Neighborhoods First! and Bay Area Smart Growth, said that public and professional input that was provided regarding the plan was ignored and the plan was created to satisfy developers. Mr. Kelley added that the plan does not include: inclusive zoning; associated costs; mandatory requirements; commitments; area development plans; or disparity. Mayor Martinez closed the public hearing.

Council Member McIntyre 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: 6 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre and Council Member Vaughn

Nay: 2 - Council Member Rubio and Council Member Rosas

Absent: 1 - Council Member Scott

Abstained: 0

M. EXECUTIVE SESSION: (ITEMS 22 - 23)

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

- 23. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to litigation related to the New Broadway Wastewater Treatment Plant, including *Graham Construction Services, Inc. v. City of Corpus Christi* and other actions in open session concerning matters related thereto including Motion(s) to authorize the execution of agreements and encumbrance of funds for legal, engineering, and other professional consulting and/or expert witness services and associated court reporter, copy, and travel costs for the aforementioned lawsuit with the law firms of Coats Rose and Hartline Dacus Barger Dreyer, LLP and the consulting/engineering/expert firms of Navigant Consulting, Inc. (in addition to previously authorized funding for said entity), Scott Hibbs, PE and/or Enprotec / Hibbs & Todd, Inc.**

Mayor Martinez deviated from the agenda and referred to Item 23 and the

following motion was considered:

Motion to authorize the execution of agreements and encumbrance of funds for legal, engineering, and other professional consulting and/or expert witness services and associated court reporter, copy, and travel costs for the lawsuit of Graham Construction Services, Inc. v. City of Corpus Christi in amounts not to exceed, for estimated Fiscal Year 2016-2017 expenditures, a total of \$872,500 with the law firms of Coats Rose and Hartline Dacus Barger Dreyer, LLP and the consulting/engineering/expert firms of Navigant Consulting, Inc. (in addition to previously authorized funding for said entity), Scott Hibbs, PE, and/or Enprotec/Hibbs & Todd, Inc., and authorize carry-over of unexpended funds into the following fiscal years and transfer of unused funds between the aforementioned entities.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2016-112

22.

Executive session pursuant to Texas Government Code § 551.071

for consultation with attorneys regarding collective bargaining matters, (including litigation) and contract grievances between the City of Corpus Christi and the Corpus Christi Professional Firefighters' Association with possible discussion, resolution(s) and other actions in open session concerning any matters related thereto, including possible resolution giving the City Manager authority to enter into a Collective Bargaining Agreement with the Corpus Christi Professional Firefighters' Association.

Mayor Martinez deviated from the agenda and referred to Item 22. Roxana Stevens, Assistant City Attorney and Lead Negotiator for the collective bargaining negotiations with the Corpus Christi Professional Firefighters' Association, stated that the purpose of this item is to enter into a collective bargaining agreement with the Corpus Christi Professional Firefighters' Association - Local Union 936. The new contract period is from October 1, 2016 through September 30, 2020. The economic package related to this proposed collective bargaining agreement is \$5.7 million and includes wage increases for firefighters in the amount of 1% in 2016, 3% in 2017, 3% in 2018 and 4% in 2019. The agreement includes: additional pay for firefighters serving on ambulances; increased pay for certified paramedic and haz-mat additional pay by \$25 per month; the addition of a Battalion Chief ten-year step; additional pay for a fire investigator of \$50 per year; a new effective impasse procedure; for emergency medical services, firefighters hired on or after August 1, 2016 will be paramedics for life as a condition of employment; proper staffing of ambulances; incentives for Firefighter II EMS rank and ambulance duty by changing promotional procedures and add pay; a formula for President's pay;

additional appointment for Deputy and/or Assistant Chiefs; a complete agreement provision; and a no-strike/no-lockout provision. Assistant City Attorney Stevens stated that the City and the City Council have collectively bargained in good faith with the Fire Union, resulting in this new agreement that is fair, mutually agreeable, sustainable and fiscally responsible.

The following resolution was considered:

Resolution authorizing the City Manager to enter into a collective bargaining agreement on behalf of the City of Corpus Christi with the Corpus Christi Professional Firefighters' Association - Local Union 936 for wages, benefits and working conditions.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030963

Assistant City Attorney Stevens stated that based on the collective bargaining negotiations and the mediation to resolve all issues surrounding the past and now current contract that was just ratified, there were two contract grievances that had been filed by the Fire Union under the August 1, 2011 through July 31, 2014 collective bargaining agreement identified as Grievance No. 2013-07 and Grievance No. 2013-09. A tentative settlement has been reached through mediation and the City Council has been briefed. Based upon the settlement agreement, the City will convert 24 current Fire Fighter I positions to Fire Fighter II-EMS positions within the current authorized compliment effective February 1, 2017 to help staff medic units 3 and 6. This settlement does not create a staffing requirement or any additional positions above the authorized compliment.

The following resolution was considered:

Resolution approving and authorizing the City Manager to enter into a settlement agreement on behalf of the City of Corpus Christi with the Corpus Christi Professional Firefighters' Association - Local Union 936 for Grievance No. 2013-07 dated 8-12-13 and Grievance No. 2013-09 dated 12-02-13.

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 McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030964

City Manager Margie Rose, along with the negotiation teams from the City and the Corpus Christi Professional Firefighters' Association - Local Union 936, participated in the official signing ceremony of the collective bargaining agreement.

O. REGULAR AGENDA: (ITEMS 28 - 29)

28. Second Reading Ordinance - Adopting the City of Corpus Christi Operating Budget for Fiscal Year 2016-2017 (1st Reading 9/13/16)

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 28. Interim Assistant Director of Management & Budget Christine Garza stated that the purpose of this item is to hold the second reading on adoption of the proposed FY2016-2017 Operating Budget. There were no comments from the public. A council member requested that a process be creating for vetting the use of hotel occupancy tax (HOT) funds.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030965

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

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

29. Second Reading Ordinance - Amending Chapter 21 of the Code of Ordinances (1st Reading 9/13/16)

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 29. Director of Solid Waste Operations Lawrence Mikolajczyk stated that 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 resource recovery fee on customers' utility bills for hazardous cart collection; and revising language where necessary. Director Mikolajczyk presented the changes to the ordinance based on the discussions from the first reading on September 13, 2016: Section 21-12(a) removes the word "published"; Section 21-12(a)(1) eliminates language that the set out schedule is published in a paper of general circulation and the City's Call Center replaces the Solid Waste Operations Department as a point of contact.

Council members discussed the following topics: the \$10 assessment per incident in Section 21-40(18); supporting information on how the assessment affects the citizens and City operations; the timing for assessing a new fee; the assessment is based on non-compliance of residents and should not be subsidized by taxpayers; the new language added to defense to prosecution in Section 21-12(a)(3); the fee if code enforcement cites a resident for leaving a cart in the right-of-way or street; clarifying the location the cart should be located and times to set out cart; the education process; and including language on the tag to be placed on carts by Code Enforcement that violations are a Class C misdemeanor.

Council Member Magill made a motion to amend the ordinance by removing Section 21-40(18), seconded by Council Member Garza.

Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, spoke in support of the fee and stated that the hazardous carts are a safety concern. Carolyn Moon, 4902 Calvin, spoke in opposition to the fee.

The motion to amend was passed and approved with the following vote: Mayor Martinez, Council Members Rubio, Garza, Hunter, Magill, and Rosas, voting "Aye"; Council Members Vaughn and McIntyre, voting "No".

Council Member McIntyre made a motion to amend the ordinance to include the amendments as presented, seconded by Council Member Garza and passed unanimously.

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

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 030966

P. FIRST READING ORDINANCES: (ITEMS 30 - 36)

30. First Reading Ordinance - Accepting and appropriating the Victims Of Crime Act (VOCA) Outreach Program

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$179,149.24 to continue the Victims of Crime Act (VOCA) Outreach Program within the Police Department with a City match of \$21,340 and an in-kind match of \$40,480 from the No. 1020 Police General Fund; appropriating the \$179,149.24 in the No. 1061 Police Grants Fund for the VOCA Outreach grant in the Police Department; and authorizing the transfer of \$21,340 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$240,969.24.

Mayor Martinez referred to Item 30. Police Chief Mike Markle stated that the purpose of this item is to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$179,149.24, with a City match of \$21,340 and an in-kind match of \$40,480 to continue the Victims of Crime Act (VOCA) Outreach Program for a total project cost of \$240,969.24. There were no comments from the Council or the public.

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

Aye: 7 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 2 - Council Member Hunter and Council Member Scott

Abstained: 0

31. First Reading Ordinance - Amending City Code regarding Employee Health Plan

Ordinance amending Section 39-309 of the Corpus Christi Code of Ordinances to change employee contribution for health plan coverage and remove Citicare Premium Plan; and providing for severance and an effective date.

Mayor Martinez referred to Item 31. Assistant Director of Human Resources Jeff Lee stated that the purpose of this item is to amend Section 39-309 of the

City's Code of Ordinances to change employee contribution on employee-only health plan coverage option and remove the Citicare Premium Plan. There were no comments from the public.

A council member asked questions regarding the following: whether the rate is automatically set each year based on the amount not to exceed 9.5% of the federal poverty line; whether the rate will automatically be 9.5% or between the previous rate of \$65 and \$95; and whether the rate will automatically adjust next year if the poverty level increases.

Council Member Garza 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 Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

32.

First Reading Ordinance Appropriating Fund Proceeds for Fiscal Year 2015-2016

Ordinance appropriating amounts of: (a) \$12,448.80; (b) \$634,195.66 (c) \$970,898.79; (d) \$87,186.67; and (e) \$66,872.15 into the Airport CIP, Bond Proceeds, Utility Revenue Bond, Specialty Bond Proceeds and other Unappropriated Funds, respectively, for the following purposes: City's match for future FAA Grant Projects, Bayfront, Public Facilities, Fire, Police, Public Health and Safety, Sanitary Landfill, Library, Convention Center, Parks, and Streets, and as further detailed in Attachment 1; changing the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to increase expenditures accordingly.

Mayor Martinez referred to Item 32. Director of Financial Services Constance Sanchez stated that the purpose of this item is to appropriate \$1,771,602.07 of unappropriated interest earnings, reimbursements and miscellaneous revenue received during the year in the Capital Projects Fund. This is a housekeeping item that is done every year so this revenue can be spent. There were no comments from the Council or the public.

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

Absent: 1 - Council Member Scott

Abstained: 0

33. First Reading Ordinance - Disannexation of CITGO Owned Property and Creation of new Industrial District Agreement

Ordinance disannexing from the City of Corpus Christi, Texas, an approximately 54.35-acre tract of land and an approximately 3.89-acre tract of land, both owned by CITGO Refining and Chemicals Company, L.P., and located in Nueces County; adjusting the City boundaries; amending ordinance no. 029958 by adjusting the boundary of the City's Industrial District No. 1 to include the disannexed tracts; authorizing the City Manager, or designee, to execute an industrial district agreement with CITGO Refining and Chemicals Company, L.P., requiring the payment in lieu of taxes in an amount equal to 100 percent of the ad valorem taxes that would be due if the tracts were in city limits, and to file the industrial district agreement in the official records of Nueces County; providing for publication; and providing for severance.

Mayor Martinez referred to Item 33. Business Liaison Alyssa Barrera stated that the purpose of this item is a two-part action to disannex approximately 59 acres of CITGO property in order to place those properties in an industrial district with an increased rate of 100% payment-in-lieu-of-taxes (PILOT). This streamlines the planning and construction process for CITGO's \$8 million in planned improvements while keeping the City financial whole. The standard industrial district agreement adopted by the City Council in 2013 stipulates 100% PILOT for land, 0% PILOT in years one through four of their existence and 62.5% PILOT for improvements thereafter within the industrial district. Staff is confident that this arrangement with CITGO is advantageous to the City. Ms. Barrera presented maps of the tracts of land and the industrial district boundaries. Interim Director of Development Services Daniel McGinn and Albert Ocanas, Attorney for CITGO Refining and Chemicals Company, L.P. were available to respond to questions.

Mayor Martinez called for comments from the public. Errol Summerlin, Citizens Alliance for Fairness and Progress, spoke regarding industrial growth and expansion principles and stated that the City is giving up all authority to regulate the property and its uses. Mr. Summerlin stated that before the City Council divests the City's authority to control the unimpeded use of land by industry, the City should ask CITGO what they plan to do with the land and how it will impact the neighborhoods near the land.

Council members and staff discussed the following topics: CITGO's planned improvements for the subject property and providing the City Council with the detailed improvements prior to second reading.

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

Nay: 2 - Council Member Hunter and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

34. First Reading Ordinance - Approving the Second Amendment to TIRZ #3 Amended Project and Financing Plan

Ordinance approving the second amendment to the Tax Increment Reinvestment Zone #3 Amended Project & Financing Plan approved by the Board of Directors of Reinvestment Zone Number Three, Corpus Christi, Texas, on August 23, 2016.

Mayor Martinez referred to Item 34. Business Liaison Alyssa Barrera stated that the purpose of this item is to approve the second amendment to the Tax Increment Reinvestment Zone #3 (TIRZ #3) Project Plan for Downtown Corpus Christi. The amendment expands programming and services from the Downtown Management District, refines the incentive programs; enables funds to be expended for public, cultural or historical properties within the zone, updates Del Mar College's participation through 2028 and updates the project plan budget. This second amendment was approved by the TIRZ # 3 Board on August 23, 2016. There were no comments from the Council or the public.

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

Absent: 1 - Council Member Scott

Abstained: 0

35. First Reading Ordinance - Lease Agreement for Regional Youth Sports Complex

Ordinance authorizing the City Manager to execute forty-year lease agreement with SQH Sports & Entertainment, Inc. For lease of approximately 68 acres located near intersection of state highway 286 and FM 43 for construction and operation of a regional youth sports complex, including right of first refusal on adjacent 30 acre tract; and providing for publication.

Mayor Martinez referred to Item 35. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to execute a lease agreement with SQH Sports & Entertainment for the lease of approximately 68 acres for a regional youth sports complex. Ms. Anaya presented the following information: a location map; the contract negotiations; the complex consisting of six outdoor rectangular fields, eight diamond fields, a field house with six basketball courts or 12 volleyball courts; ten sand volleyball courts, a playground, outdoor concession, and a 5,000-square foot restaurant; and the agreement milestones and times. Bert Quintanilla and Derrick Hegmon, SQH Sports and Entertainment, Inc. were available to respond to questions.

Council members spoke regarding the following topics: whether the six outdoor rectangular fields are interchangeable between soccer and football fields; turf on the fields; the ability to hold large youth programs in the community; local youth programs at the facilities; the City is leasing the land to SQH Sports, which is providing the investment to construct and operate the facilities; the benefits to the community; the maintenance of the facility; the economic impact to the City; the location of the facility; the ability for select teams to rent the facilities for practices; and the site location of the outdoor fields.

Mayor Martinez called for comments from the public. John Kelley, 3621 Austin, spoke in opposition to leasing the property.

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

Absent: 1 - Council Member Scott

Abstained: 0

36. First Reading Ordinance - FY17 Community Youth Development Program Contract Extension Amendment

Ordinance ratifying execution of Community Youth Development program contract extension amendment with Texas Department of Family and Protective Services from September 1, 2016 to May 31, 2017 in the amount of \$355,156.38; authorizing appropriation in the No. 1060 Grants Fund for the Community Youth Development Program; and authorizing extension of subcontracts with Youth Odyssey, SERCO of Texas, Communities in Schools, and Boys & Girls Club of Corpus Christi.

Mayor Martinez referred to item 36. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to extend the current contract with Texas Department of Family and Protective Services for the Community Youth Development (CYD) Program grants and authorize the extension of the subcontracts with Youth Odyssey, SERCO of Texas, Communities in Schools and the Boys and Girls Club of Corpus Christi. There were no comments from the public.

In response to a council member, Ms. Anaya stated that there are approximately 3,000 youth participating in the services and she would provide an exact number to the City Council.

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

Absent: 1 - Council Member Scott

Abstained: 0

Q. FUTURE AGENDA ITEMS: (ITEMS 37 - 58)

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 54.

37. Resolution to submit a proposal for the FY2016-2017 Community Youth Development Program

Resolution authorizing the City Manager to submit a proposal to the Texas Health and Human Services Commission for the Community Youth Development Program.

This Resolution was recommended to the consent agenda.

38. Purchase of ammunition for the Police Department

Motion approving the purchase of ammunition from Precision Delta, of Ruleville, Mississippi and GT Distributors, Inc., of Austin, Texas for a total amount of \$74,732.40. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

Precision Delta	.40 caliber ammunition	\$24,960.00
GT Distributors, Inc.	.223 rifle ammunition	<u>\$49,772.40</u>
	Total	

\$74,732.40

This Motion was recommended to the consent agenda.

39. Resolution authorizing the purchase of Handheld Ticket Writers, Printers and Components for the Police Department

Resolution authorizing the City Manager, or designee, to purchase handheld ticket writers, related components, and licenses for Police Department vehicles from Tyler Technologies, of Dallas, Texas, for a total cost of \$81,252.00 with funding available in the FY2015-2016 Crime Control and Prevention District Fund, and additionally authorizing payment and continual renewal of necessary software licenses in an amount not to exceed \$25,000.00 annually, subject to budget approval and sufficient future appropriations.

This Resolution was recommended to the consent agenda.

40. Purchase of playground equipment and installation for Parker Park (Bond 2012)

Motion approving the purchase of playground equipment and installation for Parker Park from T.F. Harper & Associates LP, of Austin, Texas for a total amount not to exceed \$157,794.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard. Funding for this purchase is from Bond 2012 for Parker Park funds and FY 2015-2016 Community Enrichment funds.

This Motion was recommended to the consent agenda.

41. Purchase of two Ford Transit Cargo Vans for the Police Department

Motion approving the purchase of two Ford Transit Cargo Vans from Caldwell Country Ford, of Caldwell, Texas for a total amount of \$96,381.06. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard. Funds have been set aside by Fleet Maintenance Service in FY15-16.

This Motion was recommended to the consent agenda.

42. Purchase of six 2017 Ford Fusions for the Fire Department

Motion approving the purchase of six 2017 Ford Fusions from Caldwell Country Ford, of Caldwell, Texas for a total amount of \$151,617.10. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

43. Lease-Purchase of two Slope Tractor Mowers for the Parks and Recreation Department

Motion approving the lease-purchase of two Slope Tractor Mowers from Alamo Industrial, of Seguin, Texas for a total amount of \$365,600.00. \$51,000.00 will be paid out of FY2015-2016 funds, leaving \$314,600.00 to be lease-purchased with allowing interest of \$23,706.00 for a total not to exceed \$389,306.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

Two Slope Tractor Mowers

Total Non-financed:	\$51,000.00
Total Lease-Purchase:	\$314,600.00
Total Allowable Interest for Lease:	<u>\$23,706.00</u>

Not To Exceed Grand Total: \$389,306.00

This Motion was recommended to the consent agenda.

44. Purchase of four John Deere Mowers for the Parks and Recreation Department

Motion approving the purchase of four John Deere Mowers from Deere and Company, of Cary, North Carolina, for a total amount of \$73,319.40. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

45. Purchase of one Truck Mounted Excavator for Utilities and Streets Operations

Motion approving the purchase of one Truck Mounted Excavator from Waukesha-Pearce Industries Inc., of Corpus Christi, Texas for a total amount of \$311,357.98. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

46. Purchase of 15 Vehicles for Utilities and Street Operations

Motion approving the purchase of 15 vehicles from Caldwell Country Automotive, of Caldwell, Texas for a total amount of \$461,870.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative, dba Buyboard. Funds for the purchase of the vehicles have been budgeted in FY 2015-2016.

This Motion was recommended to the consent agenda.

47. Purchase of one 2016 Self-Propelled Chipspreader for Street Operations

Motion approving the purchase of one 2016 Etnyre Self-Propelled Chipspreader from Cooper Equipment Company, of San Antonio, Texas for a total amount of \$282,633.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

48. Purchase of one Deere 410L, Backhoe with a Jackhammer for Street Operations

Motion approving the purchase of one Deere 410L, Backhoe with a Jackhammer from Doggett Heavy Machinery Services LTD., of Corpus Christi, Texas for a total amount of \$100,673.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

49. Lease-Purchase of two Truck Mounted Excavators for Storm Water Department

Motion approving the lease-purchase of two Truck Mounted Excavators from Waukesha-Pearce Industries Inc., of Corpus Christi, Texas for a total amount not to exceed \$735,750.04. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative (TLGPC), dba BuyBoard.

Total Lease-Purchase Price:	\$690,478.26
Total Allowable Interest for Lease:	<u>\$45,271.78</u>
Grand Total:	\$735,750.04

This Motion was recommended to the consent agenda.

50. Purchase of one Deere 524K, Front End Loader for the Storm Water Department

Motion approving the purchase of one Deere 524K, Front End Loader from Doggett Heavy Machinery Services LTD., of Corpus Christi, Texas for a total amount of \$119,882.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard.

This Motion was recommended to the consent agenda.

51. Purchase of Vehicle Alignment Equipment for Fleet Maintenance Services

Motion approving the purchase of Vehicle Alignment Equipment from Mohawk Resources LTD, of Amsterdam, New York for a total amount of \$56,167.93. The award is based on the cooperative purchasing agreement with Houston-Galveston Area Council. Funds have been set aside by Fleet Maintenance Services in FY15-16.

This Motion was recommended to the consent agenda.

52. Engineering Design Contract for Elevated Water Storage Tanks - Citywide (Alternative Capacity Requirement Implementation)

Motion authorizing the City Manager or designee to execute an Engineering Design contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$672,034 for the Elevated Water Storage Tanks - Citywide (Alternative Capacity Requirement Implementation) for design, bid and construction phase services.

This Motion was recommended to the consent agenda.

53. Engineering Services for Street Preventative Maintenance Program (SPMP) for FY 2016-2017

Motion authorizing the City Manager, or designee, to execute a construction materials testing agreement with Rock Engineering of Corpus Christi, Texas for \$98,035 and professional services contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$676,269 for 2016 and 2017 projects in the *Citywide Street Preventative Maintenance Program*. (SPMP)

This Motion was recommended to the consent agenda.

54. Resolution approving a service agreement for Police and Municipal Court Parking Lot Improvements Phase 2

Resolution authorizing the City Manager, or designee, to execute a service agreement with Total Protection, of Corpus Christi, to furnish and install access control gates for the parking area at the Police and Municipal Court Building for a not to exceed amount of \$114,543.32, with funding available in the FY2015-2016 General Fund and Facilities/Property Mgmt Fund.

This Resolution was recommended to the consent agenda.

55. Purchase of one DRI-Rime CD300M Electric Pump and one 200 HP Variable Frequency Drive for O.N. Stevens Water Treatment Plant

Motion approving the purchase of one DRI-Prime CD300M Electric Pump and one 200 HP Variable Frequency Drive from Godwin Pumps of Corpus Christi, Texas for a total amount not to exceed \$88,299.45. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council (H-GAC). Funds have been set aside by the Water Department in FY2015-2016.

DRI-Prime CD300M Electric Pump 200 HP Variable Frequency Drive

\$54,969.20

\$30,930.25

Purchase Price: \$85,899.45
Inbound Freight: \$2,400.00
Total Amount: \$88,299.45

This Motion was recommended to the consent agenda.

56. One Year Microsoft Office License Subscription Purchase

Motion authorizing the City Manager, or designee, to execute a one-year Microsoft Office E3 license subscription with Software House International (DIR-SDD-2503) for \$133,747.20.

This Motion was recommended to the consent agenda.

57. Passenger Facility Charge (PFC) Application No.3 for Runway Extension and Taxiway Project Grant

Motion authorizing the City Manager or designee to submit Passenger Facility Charge (PFC) Application No.3 to the Federal Aviation Administration to allow for reimbursement of \$9.3 million dollars in airport operating funds used to match Runway Extension and Taxiway Project grant monies.

This Motion was recommended to the consent agenda.

58. Interlocal Agreement for the development of a Regional Hazard Mitigation Plan

Motion authorizing the City Manager or designee to execute an Interlocal Agreement between the City, Nueces County and other participating local governments for the development of a Regional Hazard Mitigation Plan with a financial commitment not to exceed \$6,500 for the development of the plan.

This Resolution was recommended to the consent agenda.

R. BRIEFINGS: (ITEMS 59 - 60)

59. Corpus Christi Regional Economic Development Corporation (CCREDC) September 2016 Economic Update (Q3 2016)

Mayor Martinez referred to Item 59. Iain Vasey, President/CEO of the Corpus Christi Regional Economic Development Corporation (EDC), stated that the purpose of this item is to provide the EDC quarterly update. Mr. Vasey presented the following information: the employment by sector; year-to-date goals and results; and key economic indicators. Mr. Vasey stated that the EDC commissioned a study of potential industries to try to attract to the region based on current resources and workforce make up including: specialty steel

manufacturing; shale and natural gas pipelines; natural gas liquids production and logistics; drone manufacturing and testing; and entrepreneurship ecosystem and small business. Mr. Vasey introduced Russell Franques with the Texas A&M University - Corpus Christi Business Invocation Center.

Council members spoke regarding the following topics: activity in the secondary market for vendors working with the large primary employers; the large projects in the pipeline; when the City will see the benefits of the projects currently under construction; the target categories to attract; and entrepreneurship ecosystem.

60. Wastewater Management Plan

Mayor Martinez referred to Item 60. Interim Director of Utilities Dan Grimsbo stated that the purpose of this item is to provide an update on the Wastewater Management Plan. Rob Simm, Stantec, provided the key study findings including: the evaluation of the ten servicing options including keeping the six existing wastewater treatment plants in operation; recommended alternative to leave Broadway and Whitecap in services and consolidate the remaining plants at a new North plant and the Oso facility; and review of the user rates. Mr. Simm presented: an overview of the recommended service option and infrastructure requirements; the projected cash flow requirements; and the proposed project delivery. The next steps include: City Council review and approval; initiate a search for a new North Plant site; initiate permit application for a new North Plant; and initiate planning for key project elements. Assistant City Manager Mark Van Vleck and Dan Leyendecker, LNV, Inc., were available to respond to questions.

Council members discussed the following topics: the affordability for the utility ratepayer; the drivers for not recommending to consolidate all of the projects for bid for a public private partnership; an explanation of the recommendations for the proposed project delivery; the Request for Information (RFI) process; the return on investment for addressing the collection system upgrades; capacity at the new North Plant; technology upgrades; universal membrane platforms; a future workshop to discuss private public partnerships and alternative financing; the funding already committed in the capital improvement program (CIP); the Oso South water and wastewater utility lines and a vertical path following Crosstown 286 to the Greenwood Treatment Facility; the timeframe for the Southside Area Development Plan to identify the land use and flow water demands; the master plan for the London Area; developer participation to offset cost to taxpayers; the recommended lift station at Greenwood; examples and locations of current lift stations; and whether overflows would occur with the proposed lift station at Greenwood.

MOTION OF DIRECTION

Council Member Magill made a motion directing the City Manager to bring back an amendment to the CIP for the Oso South Wastewater and Water line projects with the engineering detail, and following the vertical route along Crosstown 286, seconded by Council Member Rubio and passed unanimously; Council Member McIntyre, Scott and Vaughn - absent.

S. ADJOURNMENT

The meeting was adjourned at 7:26 p.m.