



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 27, 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 Rabbi Emeritus Kenneth Roseman, Congregation Beth Israel.

Rabbi Emeritus Kenneth Roseman gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Arlena Sones, City Auditor.

City Auditor Arlena Sones 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:

Assistant City Manager Mark Van Vleck, 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

Mayor Martinez presented the proclamations and conducted the swearing-in ceremony for the newly appointed board and committee members.

1. Proclamation declaring October 4, 2016, "National Night Out".
Proclamation declaring October 8, 2016, "Corpus Christi Out of the Darkness Walk".

Proclamation declaring October 9-15, 2016, "National Fire Prevention Week".

Proclamation declaring October 2016, "Wildlife in Focus Month".

Swearing-in ceremony for newly appointed Board, Commission and Committee members.

The Proclamations were presented and the Swearing-in Ceremony was conducted.

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

Mayor Martinez referred to comments from the public. John Kelley, 3621 Austin, spoke regarding annexation and taking care of the City's current needs before expanding outside the city limits. Hazel McGee, P.O. Box 39, Mineral, Texas, requested verification on the information she received regarding the drainage system in the Turtle Cove Subdivision. Abel Alonzo, 1701 Thames, and Joan Veith, 5701 Cain Drive, expressed appreciation to the police officers and firefighters for the services they provide to the community. Susie Luna Saldana, 4710 Hakel, asked questions regarding how streets are determined for repairs and the length of time it takes to repair a street. Ms. Saldana complained that her street was torn up and no one has been working on it for two weeks.

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

Mayor Martinez referred to City Manager's Comments. Assistant City Manager Mark Van Vleck reported on the following topics:

a. OTHER

1) Today is National Voter Registration Day and the League of Women Voters of Corpus Christi are registering voters in the City Hall Atrium until 3:00 p.m. today. The League of Women Voters can also assist if a voter needs to submit a change of address, name or other information or request a replacement registration card. 2) The Santa Fe Street Grand Opening was postponed due to weather. The event has been rescheduled and will take place on Thursday, November 3, 2016 at 9:00 a.m. at the Gaslight Square parking lot, located at the corner of Santa Fe Street and Buford Avenue. 3) The Fire Station No. 18 groundbreaking ceremony is scheduled for Wednesday, October 19, 2016 at 11:00 a.m., located in the 6100 block of Ayers Street near Saratoga Boulevard.

H. MINUTES:

- 2.** Regular Meeting of September 20, 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. Arts and Cultural Commission
Committee for Persons with Disabilities
Community Youth Development (78415) Program Steering Committee
Corpus Christi Downtown Management District
Mayor's Fitness Council
Oil and Gas Advisory Committee
Parking Advisory Committee
Senior Companion Program Advisory Committee
Sister City Committee
Transportation Advisory Commission
Water Resources Advisory Committee

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

Arts and Cultural Commission

Mayor Martinez made a motion to appoint Sharon Sedwick (Business Development Groups/Corporate Rep.), Hilda Lamas (Performing Arts), and Shelly M. Rios (Public Art/Public Spaces), seconded by Council Member McIntyre and passed unanimously.

Committee for Persons with Disabilities

Council Member McIntyre made a motion to appoint Joe A. DeLaGarza, seconded by Council Member Rubio and passed unanimously.

Community Youth Development (78415) Program Steering Committee

Council Member McIntyre made a motion to reappoint Sandra Rivera (78415 Resident), seconded by Council Member Garza and passed unanimously.

Council Member Magill made a motion to appoint Lisa Torres (78415 Resident), Rick Barrera, Velma Lozano (78415 Resident), Janelle Mata (78415 Resident), Ricardo Pimentel, Sr. (78415 Resident), Simone Sanders (78415 Resident), Gracie Solano (78415 Resident), and Carlos Barrera (78415 Resident), seconded by Council Member McIntyre and passed unanimously.

Corpus Christi Downtown Management District

Council Member Magill made a motion to reappoint Raymond Gignac (Property Owner), Jonathan Richter (Agent/Employee/Tenant), Janet Maxwell (Stock Owner) and Tim Heuston (Agent/Employee/Tenant) and appoint Steve Keenan (Agent/Employee/Tenant), seconded by Council Member McIntyre and passed

unanimously.

Mayor's Fitness Council

Mayor Martinez made a motion to appoint Tiffany A. Montemayor (Community Outreach), seconded by Council Member Garza and passed unanimously.

Oil and Gas Advisory Committee

Mayor Martinez made a motion to realign Elizabeth Perez from Alternate, General Public to General Public and appoint Eucharia Igwe (Alternate, General Public), seconded by Council Member McIntyre and passed unanimously.

Parking Advisory Committee

Council Member McIntyre made a motion to reappoint Robert Catalano, Fay Crider, Erica Lozano, Ginny Price and Jim Swan, seconded by Council Member Garza and passed unanimously.

Senior Companion Program Advisory Committee

Council Member McIntyre made a motion to realign Veronica Marsello (At-Large) to the SCP Volunteer Workstation Representative, reappoint Veronica Ramirez (At-Large), and appoint Consuelo "Connie" Garcia (SCP Volunteer) and Jeannine Leal (At-Large), seconded by Council Member Rosas and passed unanimously.

Sister City Committee

Council Member McIntyre made a motion to appoint Iain Vasey (Economic Development Sector), Deven Bhakta (Greater Corpus Christi Hospitality Association), Barbara Canales (Port Industries of Corpus Christi), Annette Medlin (United Corpus Christi Chamber of Commerce), Susane "Westi" Horn (Higher Education Institution), William Pettus (Advertising/Public Relations), Masaki Berrios (Arts and Cultural), Heather Moretzsohn (At-Large) and David Loeb (At-Large), seconded by Council Member Magill and passed unanimously.

Transportation Advisory Commission

Council Member McIntyre made a motion to realign Anthony Gavlik as the Bicycle Community Representative, seconded by Council Member Hunter and passed unanimously.

Mayor Martinez made a motion to appoint Karen Beard, seconded by Council Member McIntyre and passed unanimously.

Water Resources Advisory Committee

Mayor Martinez made a motion to reappoint Sally Gill (Landscaping), Robert Kunkel (Port Industries), Lucia Sosa (Citizen At-Large), and Phil Hale, Sr. (Apartment Owner or Owner's Representative), seconded by Council Member Rubio and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:**K. CONSENT AGENDA: (ITEMS 4 - 33)****Approval of the Consent Agenda**

Mayor Martinez referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 10, 11, 13, 16, and 21 be pulled for individual consideration. City Secretary Rebecca Huerta announced that Council Member Magill was abstaining from the vote on Item 26.

A motion was made by Council Member McIntyre, seconded by Council Member Garza, to approve the Consent Agenda. The consent agenda items were passed and 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. 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 passed on the Consent Agenda.

Enactment No: 030967

5. 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 passed on the Consent Agenda.

Enactment No: M2016-113

6. 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 passed on the Consent Agenda.

Enactment No: 030968

7. 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 passed on the Consent Agenda.

Enactment No: M2016-114

8. 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 passed on the Consent Agenda.

Enactment No: M2016-115

9. 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 passed on the Consent Agenda.

Enactment No: M2016-116

12. 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 passed on the Consent Agenda.

Enactment No: M2016-119

14. 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 passed on the Consent Agenda.

Enactment No: M2016-121

15. 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 passed on the Consent Agenda.

Enactment No: M2016-122

17. 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 passed on the Consent Agenda.

Enactment No: M2016-124

18. 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 passed on the Consent Agenda.

Enactment No: M2016-125

19. 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 passed on the Consent Agenda.

Enactment No: M2016-126

20. 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 passed on the Consent Agenda.

Enactment No: M2016-127

22. 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 passed on the Consent Agenda.

Enactment No: M2016-128

23. 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 passed on the Consent Agenda.

Enactment No: M2016-129

24. 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 passed on the Consent Agenda.

Enactment No: M2016-130

25. 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 passed on the Consent Agenda.

Enactment No: M2016-131

26.

Second Reading Ordinance - Rezoning property located at 1617 Paul Jones Avenue (1st Reading 9/20/16)

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.

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

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

Enactment No: 030970

27.

Second Reading Ordinance - Rezoning property located at 3113 S. Port Avenue (1st Reading 9/20/16)

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.

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

Enactment No: 030971

28.

Second Reading Ordinance - Rezoning property located at 5702 Corsica Road (1st Reading 9/20/16)

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.

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

Enactment No: 030972

29. Second Reading Ordinance - Accepting and appropriating the Victims Of Crime Act (VOCA) Outreach Program (1st Reading 9/20/16)

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.

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

Enactment No: 030973

30. Second Reading Ordinance - Amending City Code regarding Employee Health Plan (1st Reading 9/20/16)

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.

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

Enactment No: 030974

31. Second Reading Ordinance Appropriating Fund Proceeds for Fiscal Year 2015-2016 (1st Reading 9/20/16)

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.

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

Enactment No: 030975

32. Second Reading Ordinance - Approving the Second Amendment to TIRZ #3 Amended Project and Financing Plan (1st Reading 9/20/16)

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.

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

Enactment No: 030976

33. Second Reading Ordinance - FY17 Community Youth Development Program Contract Extension Amendment (1st Reading 9/20/16)

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.

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

Enactment No: 030977

10. 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.

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|-------------------------------------|--------------------|
| 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 |

Mayor Martinez referred to Item 10, lease-purchase of two slope tractor mowers. Director of Fleet Operations Jim Davis and Isaac Benavidez, Fleet Maintenance, responded to the following council member questions: what the slope tractor mowers will be used for; the areas mowed and the amount of acreage; whether the item could be tabled; the number of similar vehicles in operation; whether these units are replacements; the service life of the mowers; a spreadsheet defining equipment use by activity, contracted services, and cost-benefit analysis; and the timing of the lease-purchase.

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: M2016-117

11. 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.

Mayor Martinez referred to Items 11, 13, and 16 since the items are related to vehicle and truck purchases. Director of Fleet Operations Jim Davis and Isaac Benavides, Fleet Maintenance, responded to council members.

Mayor Martinez referred to Item 11, the purchase of four John Deere Mowers. Discussion topics included: the number of mowers the City has; the replacement of the units; and the need for the additional equipment.

Mayor Martinez referred to Item 13, the purchase of 15 vehicles for utilities and street operations. Discussion topics included: the number of units; the reasons for purchasing F-250 trucks; how the trucks will be used; a list of the inventory; whether the trucks are white; whether the vehicles include compressed natural gas (CNG) packages; defining the service life of the equipment and the hours each truck is in use; and whether any trucks are take-home vehicles.

Mayor Martinez referred to Item 16, the lease-purchase of two truck-mounted excavators. Discussion topics included: the number of units the City current has; the age of the units; whether the units are replacements to the fleet; in-house repair maintenance; and developing a justification process for the purchase of vehicles.

Council Member Rubio made a motion to approve Item 11, 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: M2016-118

13. 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 item was discussed during the discussion on Item 11.

Council Member Garza made a motion to approve the motion, seconded by Council Member McIntyre. This Motion was passed 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

Enactment No: M2016-120

16. 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 item was discussed during the discussion on Item 11.

Council Member Garza made a motion to approve the motion, seconded by Council Member McIntyre. 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: M2016-123

21. 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.

Mayor Martinez referred to Item 21, a service agreement for the Police and Municipal Court Parking Lot Improvements, Phase 2. Police Chief Mike Markle responded to the following council questions: the cost for Phase 2; construction of the fencing and mechanical gate; the timeframe to complete the project; the importance of completing the project for the security of the parking lot; the use of sole source and identifying sole source on future purchasing items; and new technology available.

Council Member McIntyre 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: 030969

N. REGULAR AGENDA: (ITEM 39)

39. Second Reading Ordinance - Plan CC, The City's Proposed Comprehensive Plan (1st Reading 9/20/16)

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 deviated from the agenda and referred to Item 39. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to approve the Plan CC Comprehensive Plan.

Council members spoke regarding the following topics: the work performed by staff, the Planning Commission and the City Council to achieve common ground; Plan CC will be a road map moving forward; the available land is District 3 that can be utilized for growth in that area; and the area development plans.

Mayor Martinez called for comments from the public. John Kelley, 3621 Austin, said that public and professional input that was provided in the plan was ignored and the plan continues to create disparity in the City. David Owen, 214 Dolphin, spoke regarding the land use map designating the Chapman Ranch area agriculture/rural enterprise as opposed to planned development.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Magill. 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: 030978

L. EXECUTIVE SESSION: (ITEMS 34 - 37)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. City Secretary Rebecca Huerta announced that Council Member Magill was abstaining from the discussion on Item 37. The Council went into executive session.

- 34. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the lawsuit of *H2O Construction Services, Inc. vs. City of Corpus Christi*.**

Mayor Martinez referred to Item 34 and the following motion was considered:

Motion to authorize the execution of all documents necessary to accept mediator's proposal to settle the lawsuit of H2O Construction Services, Inc. vs. City of Corpus Christi the amount of \$225,000.

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: M2016-132

35.

Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to Railroad Commission Applications of Petro Waste Environmental, LP to operate a commercial disposal facility in McMullen County, Texas on a 1500 acre tract located approximately four miles north of Tilden, Texas.

Mayor Martinez referred to Item 35 and the following motion was considered:

Motion to authorize the extension of agreements and encumbrance of funds for legal and City's case to state agencies and engineering services in analysis-negotiation and potential litigation related to issuance of a Railroad Commission permit to PetroWaste Environmental for operation of a commercial oil and gas disposal facility in McMullen County with the following entities in the following amounts,

| | |
|--------------------|-----------|
| RPS Group (Expert) | \$122,000 |
| Sledge Law Firm | \$35,000 |
| Total: | \$157,000 |

and further authorizing the City Manager to execute contracts with and expend the amounts designated for the aforesaid entities on different law firms and engineering firms determined to be most appropriate for the presentation of the of the City's case to state agencies, subject to the authorization of funds.

Council Member Garza made a motion to approve the motion, seconded by Council Member McIntyre. 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: M2016-133

36.

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 extraterritorial jurisdiction and City boundaries, including, but not limited to, annexation of areas north of FM 2444 and in the vicinity of FM 43 and Highway 286 and in other areas of the City's extraterritorial jurisdiction, rights and remedies pursuant to Chapter 43 of the Texas Local Government Code, and certificates of convenience and necessity, and

pursuant to **Texas Government Code § 551.087** to discuss financial or other incentives, including incentives involving potential utility services, that could be offered to business prospects that the government body seeks to have locate, stay, or expand in or near the territory of the governmental body.

The E-Session Item was discussed in executive session.

37. **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 extraterritorial jurisdiction and City boundaries, including, but not limited to, annexation of areas south of FM 2444 and the Staples Street Corridor, rights and remedies pursuant to Chapter 43 of the Texas Local Government Code, and certificates of convenience and necessity, and pursuant to **Texas Government Code § 551.087** to discuss financial or other incentives, including incentives involving potential utility services, that could be offered to business prospects that the government body seeks to have locate, stay, or expand in or near the territory of the governmental body.

The E-Session Item was discussed in executive session. Council Member Magill abstained from the discussion on this item.

M. PUBLIC HEARINGS: (ITEM 38)

38. **Second Reading Ordinance - Street Closure of Flynn Parkway, located at the southwest corner of Flynn Parkway and Holly Road. (1st Reading 9/27/16) (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to abandon and vacate an undeveloped and unsurfaced 0.173 portion of a 39-foot wide public right-of-way, as shown and dedicated by Schanen Estates Unit 2 Plat, a map of which is recorded in Volume 22, Page 63, Map Records of Nueces County, Texas, and requiring the owner, AEP Texas to comply with specified conditions.

Mayor Martinez referred to Item 38. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate an unsurfaced portion of a 39-foot wide public right-of-way to allow AEP Texas to expand their adjacent station. Mr. Dimas stated that staff is recommending that the owner pay the approximately \$22,000 value of the land. There were no comments from the Council or the public.

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: 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

O. FIRST READING ORDINANCES: (ITEMS 40 - 41)

40. Second Reading Ordinance - Accepting and appropriating a grant for Animal Care Operations (1st Reading 9/27/16) (Requires 2/3 vote)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Duffield Family Foundation, dba Maddie's Fund, in the amount of \$1,000 to support Animal Care operations; and appropriating the \$1,000 in the No. 1061 Police Grants Fund.

Mayor Martinez deviated from the agenda and referred to item 40. **Police Chief Mike Markle** stated that the purpose of this item is to accept a grant in the amount of \$1,000 from the Duffield Family Foundation, dba Maddie's Fund, to support Animal Care operations. There were no comments from the Council or the public.

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

Aye: 8 - 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

41. Second Reading Ordinance - Appropriating funds to reimburse developer for the construction of distribution water main line located on the southeast corner of Old Brownsville Road and South Padre Island Drive (1st Reading 9/27/16) (Requires 2/3 vote)

Ordinance authorizing City Manager or designee to execute a distribution main extension and construction and reimbursement agreement ("Agreement") with Peterson Properties, Ltd., ("Developer"), for the construction of a water distribution main line and appropriating \$19,159.00 from the No. 4030 Distribution Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor Martinez referred to Item 41. **Assistant Director of Development Services Julio Dimas** stated that the purpose of this item is to execute a water distribution main extension construction and reimbursement agreement for the construction of a distribution main line in the amount of \$19,159. There were no comments from the Council or the public.

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

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

Absent: 2 - Council Member Scott and Council Member Vaughn

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 42 - 44)

Mayor Martinez referred to Future Agenda Items. Assistant City Attorney Mark Van Vleck stated that staff did not have any planned presentations. Council members requested information on Items 42, 43 and 44.

42. Resolution for an Advance Funding Agreement for a Hike and Bike Trail in Dr. Hector P. Garcia Park (Requires 2/3 vote)

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for a Hike and Bike Trail located in Dr. Hector P. Garcia Park near Greenwood Drive and Horne Road with the City's local participation in the amount of \$4,620 for reimbursement of direct state costs associated with the project.

This Resolution was recommended to the consent agenda.

43. Resolution for an Advance Funding Agreement for the next section of the Schanen Hike and Bike Trail (Requires 2/3 vote)

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the next section of the Schanen Hike and Bike Trail located along Shea Parkway from Saratoga Boulevard to Killarmet Drive with the City's local participation in the amount of \$8,904 for reimbursement of direct state costs associated with the project.

This Resolution was recommended to the consent agenda.

44. Service Agreement for Street Sweeping Services (Requires 2/3 vote)

Motion approving a service agreement with Coastal Maintenance Concepts, LLC, of Corpus Christi, TX for Street Sweeping Services in accordance with RFB No. 128, based on the lowest, responsive responsible bid. The annual agreement will be for \$466,297.50. The term of the agreement is for one year with an option to extend for up to

two additional one year periods, subject to the approval of the contractor and the City Manager, or designee. Funding will be budgeted in FY16-17.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 45)

45.

Water Supply

Discovery - Water Management Strategies

Discovery and Discussion - RFI Approach

Mayor Martinez referred to Item 45. Project Manager L. J. Francis stated that the purpose of this item is to provide a briefing on the City of Corpus Christi's water supply initiatives and programs. The topics included: information on present and future water management strategies identified by Region N and the Request for Information Process (RFI) regarding solicitation and delivery of alternative water supplies. The presentation team included Kristi Shaw, Project Manager with HDR Engineering and Major Projects Engineer Bill Green. Mr. Francis provided a brief overview of the 3D process (Discover, Discuss, and Decide) and the updated presentation schedule.

Kristi Shaw provided the following information: the water management strategies, short- and long-term, identified and evaluated by Region N; the Region N categories for evaluating water management strategies; a map of the water management strategies recommend in the current 2016 Region N plan; a chart comparing the different recommended water management strategies; the water management strategies that are no longer actively being considered; the objective of the RFI; the City's water supply planning history; key considerations for regarding the RFI; a summary of the key points from the San Antonio Water System RFI experience; preliminary activities for RFI process; and Region N categories for evaluating wter managment strategies. Ms. Shaw stated that the aspect of the RFI process that is most critical is making sure that it is line with what the City's vision and need is in looking for additional water supplies.

Council members discussed the following topics: the reason the Aquifer Storage Recovery Program was not identified in the 2016 Region N recommended plan; attention to scalability, affordability and level of predictability in each of the water supplies; water supply helping to encourage job growth; the number of RFIs the City has previously conducted; value in the RFI process; structuring the RFI is the most important process; review of the take-or-pay contracts for surface water; how to position an RFI in the financial models; the staffing required for the RFI process; an estimation of how long an RFI process would take; the outcome of the San Antonio Water System RFI process; the City not currently looking at another water supply in short order, but potential in desalination; whether a water source would have to be on the Region N plan and how it would impact funding; whether wheeling comes into plays in developing a water source; two modeling approaches for the RFI including: optimization and criteria-based decision support tool; a workshop to address alternative funding and the RFI strategies; the ability in the future to provide water to other regions; the opportunity to look at reverse water; and an update on desalination.

R. ADJOURNMENT

The meeting was adjourned at 5:26 p.m.