



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 24, 2017

2:00 PM

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.

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 5:30 P.M. ON CITY-RELATED MATTERS THAT ARE NOT SCHEDULED ON THE AGENDA. PUBLIC COMMENT ON AGENDA ACTION ITEMS WILL BE HEARD AT THE TIME THE COUNCIL CONSIDERS THE AGENDA ITEM. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

A. Mayor Dan McQueen to call the meeting to order.

Mayor Pro Tem Vaughn called the meeting to order.

B. Invocation to be given by Mrs. Dorothy Dundas, Texas Apostolic Prayer Network.

Mrs. Dorothy Dundas gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Commander Kelly Isaacks, Corpus Christi Police Department.

Police Commander Kelly Isaacks 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 Officer:

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

Present: 8 - Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Joe McComb, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

Absent: 1 - Mayor Dan McQueen

E. Proclamations / Commendations

1. Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor Pro Tem Vaughn conducted the swearing-in ceremony for newly appointed board, commission, and committee members.

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

Mayor Pro Tem Vaughn referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

a. OTHER

1) A public meeting regarding the Gollihar Road project will be held Wednesday, January 25, 2017 from 5:30 p.m. to 7:00 p.m. at the Lindale Senior Center, located at 3135 Swantner. The consultants, design engineers, and staff will provide the project description, time schedule and will be available to answer questions. The Gollihar Road project is a full depth reconstruction of the existing road approved by the voters as part of Bond 2014. 2) City Manager Rose announced that the first "Conversations with the City Manager" will be held on January 30, 2017 at 6:00 p.m. at the Northwest Senior Center.

G. MINUTES:

2. Regular Meeting of January 17, 2017.

Mayor Pro Tem Vaughn referred to approval of the minutes. Council Member Guajardo made a motion to approve the minutes, seconded by Council Member Hunter and passed unanimously.

R. EXECUTIVE SESSION: (ITEM 36)

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 Article II of the City Charter, elections, resignation, Mayoral & City Council succession, and other matters of state law, ordinances, and City Council policies and procedures.**

Mayor Pro Tem Vaughn deviated from the agenda and referred to executive session Item 36. The Council went into executive session at 2:13 p.m. The Council returned from executive session at 3:16 p.m.

H. SPECIAL CONSIDERATION ITEM:**3. Resignation of Mayor**

Discussion and consideration of Mayor Dan McQueen's resignation.

Mayor Pro Tem Vaughn referred to Item 3. Mayor Pro Tem Vaughn read a statement informing the citizens of Corpus Christi of the City Council's intention to work hard at addressing the needs of the City and to continue to move the City forward.

City Attorney Miles K. Risley provided a legal interpretation of the provisions in the City Charter related to a vacancy in the office of mayor and vacancies in the office of a council member. City Attorney Risley presented a resolution recommending the following: acceptance of the resignation of Dan McQueen; a special election must be called to elect a new mayor for the remainder of the unexpired term; and the Mayor Pro Tem shall act as Mayor until such time as the newly elected Mayor takes office upon the special election to be held on May 6, 2017.

Mayor Pro Tem Vaughn called for comments from the public. Abel Alonzo, 1701 Thames, thanked the City Council for their transparency restoring trust and confidence to the public; and representing the best interest of the City. Rick Milby, 4412 High Ridge Drive, spoke regarding the following language in the City Charter: the at large council member with the highest number of votes shall immediately become the Mayor; the City Council should then immediately fill the vacant position of the at large member; and the City Council being the judge of the election and qualification of its own members. Susie Luna Saldana, 4710 Hakel, spoke regarding the cost of an election; Legal's interpretation of the City Charter; and Council Member McComb filling the position of Mayor. Sherry Sells, 5014 Wingfoot, spoke regarding legal interpretations and asked the City Council to make a decision that is beneficial for the City. Ray Madrigal, 4253 Dody, spoke regarding the special election for the office of mayor.

Council Member Rubio made a motion to approve the Resolution of the Corpus Christi City Council accepting the resignation of Mayor Dan McQueen and regarding Mayor Pro Tem Service and Duties, seconded by Council Member Guajardo. This Resolution was passed and approved with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: 031044

I. BOARD & COMMITTEE APPOINTMENTS:**4. Animal Care Advisory Committee**

City Council's Youth Advisory Committee
Corpus Christi Aquifer Storage and Recovery Conservation District
Library Board

Mayor Pro Tem Vaughn referred to board and committee appointments. The following appointments were made:

Animal Care Advisory Committee

Council Member McComb nominated Sharon Ray. Council Member Molina nominated Linda A. Gibeaut. Linda A. Gibeaut was appointed with Council Members Hunter, Molina, Rubio, Vaughn, and Garza voting for Linda A. Gibeaut and Council Members McComb, Guajardo, and Smith voting for Sharon Ray.

City Council's Youth Advisory Committee

Council Member Rubio made a motion to appoint Hannah Mayo (Primary - Mary Carroll High School), Hector Piris (Primary - Collegiate High School), Jailene Robledo (Alternate - Collegiate High School), Noah Earley (Primary - Flour Bluff High School), Marina Langford (Alternate - Flour Bluff High School), Amille Bottom (Primary - Incarnate Word Academy), Ashley Montgomery (Alternate - Incarnate Word Academy), Christian McAllister (Primary - John Paul II High School), Christina Okoniewski (Alternate - John Paul II High School), Akash Maheshwari (Primary - King High School), Mark Infante (Alternate - King High School), Justine Wade (Primary - Miller High School), Felipe Alvarez (Alternate - Miller High School), Monique Martinez (Primary - Moody High School), Kim Cornejo (Alternate - Moody High School), Katie Gasiorowski (Primary - Ray High School), Tyler Johnson (Alternate - Ray High School), Jaime Castillo (Primary - Tuloso-Midway High School), Jaclyn Cavazos (Alternate - Tuloso-Midway High School), Creighton Avery (Primary - West Oso High School), and Myranda Flores (Alternate - West Oso High School), seconded by Council Member Guajardo and passed unanimously.

Corpus Christi Aquifer Storage and Recovery Conservation District

Council Member Smith made a motion to confirm the following officers: Dan McGinn (Vice-President), Fred Segundo (President), and Tom Tagliabue (Secretary), seconded by Council Member Molina and passed unanimously.

Library Board

Council Member Molina made a motion to reappoint Alice Nixon (La Retama Club) and Harris M. Worchel (At-Large), seconded by Council Member Rubio and passed unanimously.

Mayor Pro Tem Vaughn made a motion to realign Harris M. Worchel from At-Large to Friends of the Libraries Board, seconded by Council Member Hunter and passed unanimously.

Council Member McComb made a motion to appoint Tom Krepel (At-Large) and

Janis G. Wood (At-Large), seconded by Council Member Hunter and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 5 - 17)

Approval of the Consent Agenda

Mayor Pro Tem Vaughn referred to the Consent Agenda. A citizen requested that Items 13 and 14 be pulled for individual consideration. A council member requested that Item 9 be pulled for individual consideration.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

5. Appointing Financial Advisor for Solid Waste Certificates of Obligation

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Taxable Series 2017B in an amount not to exceed \$2,500,000.

This Motion was passed on the Consent Agenda.

Enactment No: M2017-007

6. Resolution approving publication of Notice of Intention to Issue Certificates of Obligation

Resolution by the City Council of the City of Corpus Christi, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.

This Resolution was passed on the Consent Agenda.

Enactment No: 031045

7. Reimbursement Resolution for Certificates of Obligation

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds from the proceeds one or more series of tax-exempt or taxable obligations to be issued by the City in an aggregate amount not to exceed \$9,650,000 for authorized purposes relating to constructing various City improvements; authorizing matters incident and related thereto; and providing an effective date.

This Resolution was passed on the Consent Agenda.

Enactment No: 031046

8. Resolution approving a Homebuyer Assistance Program agreement between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi.

Resolution approving an agreement between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi for Type A Affordable Housing Program - Homebuyer Assistance Program in the amount of \$107,500; and authorizing the City Manager or designee to execute said agreement.

This Resolution was passed on the Consent Agenda.

Enactment No: 031047

10. Engineering Construction Contract for City-Wide Collection System Replacement and Rehabilitation Indefinite Delivery/Indefinite Quantity (IDIQ) Program (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with IPR South Central LLC of Pasadena, Texas in the amount of \$4,000,000 for the City-Wide Collection System Replacement and Rehabilitation Indefinite Delivery/Indefinite Quantity Program (ID/IQ) for the Total Base Bid. The initial contract is anticipated as a two (2) year (730 calendar days) base contract, with three (3) optional one (1) year (365 calendar days) extensions subject to availability of funding and satisfactory contractor performance. The optional contract extension will not exceed an amount of \$2,000,000 per year and will be administratively authorized by the City Manager or designee based on available funding. (Capital Improvement Program)

This Motion was passed on the Consent Agenda.

Enactment No: M2017-009

11. Engineering Construction Contract for Greenwood Drive Storm Water Improvements

Motion authorizing the City Manager, or designee, to execute a construction contract with Clark Pipeline Services, LLC. of Corpus Christi, Texas in the amount of \$469,401.98 for the Greenwood Drive Storm Water Improvements.

This Motion was passed on the Consent Agenda.

Enactment No: M2017-010

12.

Resolution approving a Supply Agreement for Liquid Caustic Soda Solution

Resolution rejecting all initial bids submitted for the purchase of liquid caustic soda ("chemical"); finding that the purchase of the chemical is necessary to preserve and protect the public health and safety of the City's residents; obtaining pricing through competitive solicitation; and authorizing the City Manager or designee to execute a one-year supply contract for the chemical with Univar of Kent, Washington, in an amount not to exceed \$1,362,882.00, of which an estimated expenditure of \$908,588.00 in FY2016-2017 is funded by the Water Fund, and includes up to four one-year renewals.

This Resolution was passed on the Consent Agenda.

Enactment No: 031048

15.

Second Reading Ordinance - Conversion and reclassification of 24 Firefighter I positions to 24 Firefighter II - EMS positions effective February 1, 2017 pursuant to Resolution No. 030964 and Settlement Agreement (1st Reading 1/17/17)

Ordinance amending Ordinance No. 030965 Section 4. to convert and reclassify 24 Firefighter I positions to 24 Firefighter II-EMS positions effective February 1, 2017 pursuant to Resolution No. 030964 and settlement agreement.

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

Enactment No: 031049

16.

Second Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for the construction of water arterial transmission and grid main line located south of South Padre Island Drive (SH 358), west of Flour Bluff Drive, along Glenoak Drive (1st Reading 1/17/17)

Ordinance authorizing City Manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with David E. and Christine L. Harris ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$141,334.85 from the No. 4030

Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 031050

17. Second Reading Ordinance - Accepting and appropriating two donations for the North Beach Breakwater Plaza, North Shoreline Repair and Enhancement Project (Bond 2012, Proposition 8) (1st Reading 1/17/17)

Ordinance accepting and appropriating a donation in the amount of \$25,000 from the USS Lexington and a donation in the amount of \$25,000 from the Texas State Aquarium in Fund No. 3530 for the North Beach Breakwater Plaza, North Shoreline Repair and Enhancement Project E12129; Changing the FY 2017 Capital Improvement Budget adopted by Ordinance No. 030936 to increase revenues and expenditures by \$50,000. (Bond 2012, Proposition 8)

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

Enactment No: 031051

13. Disbursement of Council Member Carolyn Vaughn's FY2016/2017 Salary & Car Allowance

Motion authorizing the City Manager or designee to distribute Council Member Carolyn Vaughn's FY2016/2017 budgeted salary and associated payroll taxes, which are not to be received by Council Member Vaughn, in the amount of \$6,459.00, to Animal Care Services to be used to transport canines to other cities for the purpose of adoption and Council Member Carolyn Vaughn's FY2016/2017 budgeted car allowance and associated payroll taxes, which are not to be received by Council Member Vaughn, in the amount of \$4,521.30, to Animal Care Services to be used for the provision of diagnostic testing and the treatment of cruelly treated canines housed at the City's Animal Care Services facility.

Mayor Pro Tem Vaughn referred to Item 13. Denise Matow, 4520 Surfside, spoke regarding Items 13 and 14 and asked the City Council to reject the disbursement of Council Member Vaughn's salary and car allowance and Council Member Guajardo's salary to prevent the entanglement of government and non-profit organizations. Chris Phelan, 3806 Kingston and Abel Alonzo, 1701 Thames, spoke in support of Items 13 and 14.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: M2017-011

14. Disbursement of Council Member Paulette M. Guajardo's FY2016/2017 Salary

Motion authorizing the City Manager or designee to execute an agreement with 911 Park Place d.b.a. Mission 911, a Texas non-profit corporation, of Corpus Christi Texas, in the amount of \$4,950.73, to be funded by Council Member Paulette M. Guajardo's FY2016/2017 budgeted city council salary and associated payroll taxes, which are not to be received by Council Member Guajardo, in support of programs provided by 911 Park Place d.b.a. Mission 911 in the City of Corpus Christi, Texas.

This item was discussed during the discussion on Item 13.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: M2017-012

9. Engineering Construction Contract for Corpus Christi International Airport (CCIA) Runway 18-36 and Associated Work

Motion authorizing the City Manager, or designee, to execute a construction contract with GL Contracting / Double Rafter H Construction Company, LLC. - Joint Venture of San Antonio, Texas in the amount of \$1,094,167.18 for the CCIA Runway 18-36 and Associated Work for the Base Bid (Asphalt Option) with a 90/10% respective share of contract costs between the FAA and the City.

Mayor Pro Tem Vaughn referred to Item 9, execution of an engineering construction contract for the Corpus Christi International Airport Runway 18-36 and associated work. In response to a council member, Director of Engineering Services Jeff Edmonds stated that staff is recommending awarding the contract for the asphalt option to receive the funding match from the Federal Aviation Administration (FAA). The FAA will not fund the concrete option which

would result in a higher cost to the City.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: M2017-008

L. PUBLIC HEARINGS: (ITEM 18)

18. Public Hearing and First Reading Ordinance to adopt the proposed Mustang/Padre Area Development Plan

Ordinance amending the Comprehensive Plan of the City of Corpus Christi by adopting the Mustang/Padre Island Area Development Plan; defining the City's Comprehensive Plan policies on Mustang and Padre Island for protection of the environment, land use, transportation, economic development, public services, capital improvements, and plan implementation; rescinding the Mustang/Padre Island Area Development Plan adopted by City Council Ordinance #025725, April 20, 2004; providing for severance; and providing for publication.

Mayor Pro Tem Vaughn referred to Item 18. Assistant Director of Planning/ESI Daniel McGinn stated that the purpose of this item is to update the Mustang/Padre Island Area Development Plan. The current Mustang/Padre Island Area Development Plan was adopted in 2003 as an element of the City's Comprehensive Plan. In 2016, the Island Strategic Action Committee (ISAC) adopted as a high priority the need to update the plan. The ISAC formed a subcommittee to review and recommend revisions to the existing plan with the support of the Padre Isles Property Owners Association and Padre Island Business Association. William Goldston, ISAC member, spoke regarding the mission of ISAC; the subcommittee; community involvement; and the need to update the existing plan to serve the City and island.

Mayor Pro Tem Vaughn opened the public hearing. John Kelley, 3621 Austin, stated that public comment could not be made without a presentation.

Assistant Director of Planning/ESI McGinn provided a brief presentation including: the boundaries of the Mustang/Padre Island Area; the planning process; the plan summary addressing environmental policies, land use, transportation, economic development, public service and capital improvements, and plan implementation; and the future land use map.

Chris Phelan, 3806 Kingston, asked whether there were discussions on the sea level and climate change and spoke regarding the location of the meetings

solely being held on the island.

Mayor Pro Tem Vaughn closed the public hearing.

Staff responded to a council member's questions regarding the length of time the plan has been posted on the city's website and whether ISAC evaluated the sea level as part of the plan.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

M. REGULAR AGENDA: (ITEMS 19 - 20)

19. Changing the Start Time of City Council Meetings

Discussion and consideration of changing the start time of the regular City Council Meetings.

Mayor Pro Tem Vaughn referred to Item 19. City Secretary Rebecca Huerta stated that Mayor Pro Tem Vaughn requested that this item be placed on the agenda to consider changing the start time of the regular City Council meetings and options for executive session and public comment. City Secretary Huerta presented three options for consideration. Option 1: start the meeting 9:00 a.m. and address the routine parts of the agenda including roll call, invocation, the Pledge of Allegiance, City Manager's comments, minutes, board appointments, and the consent agenda; hold executive session from 10 a.m. to 12:00 p.m.; public comment to begin at 12:00 p.m. and continue with the balance of the agenda. Option 2: start the meeting at 10:00 a.m. and have roll call; hold executive sessions from 10:00 a.m. to 12:00 p.m.; address routine items from 12:00 p.m. to 12:30 p.m.; public comment to begin at 12:30 p.m.; and continue with the balance of the agenda. Option 3: start the meeting at 11:30 a.m.; public comment at 12:00 p.m.; and executive sessions immediately after.

Mayor Pro Tem Vaughn called for comments from the public. Sherry Sells, 5014 Wingfoot, requested that the City Council make a decision and keep the time to allow the public to coordinate attending and asked that the agenda be shortened. Gloria Scott, 4422 S. Alameda, spoke in support of holding public comment between 12:00 p.m. or 12:30 p.m. to accommodate citizens during their lunch hour to come and address the City Council. Jack Gordy, 4118 Bray, spoke in support of meetings beginning at 11:30 a.m. with public comment at 12:00 p.m. Susie Luna Saldana, 4710 Hakel, spoke in support of beginning the meeting at 11:30 a.m., public comment at 12:00 p.m. and executive sessions at the end of the meeting. Samuel Andre Fryer, 2222 Cardinales Lane, spoke regarding setting a time specific for agenda items and in support of executive sessions at the beginning or end of the meeting.

Council members spoke regarding the following topics: concern with public comment at 5:30 p.m.; consideration to start the council meetings at 9:00 a.m. or 10:00 a.m. with executive sessions at the beginning of the meeting; support to set a fixed time for executive sessions either before or at the end of the meetings; support to begin the council meetings at 11:30 a.m. with executive session at the end of the meeting; public comment to begin at 12:00 p.m. to allow citizens to come during their lunch break; the need to routinely have executive session items; and an effective date to begin the new start time.

Council Member Rubio made a motion to change the start time of the regular City Council meeting to 11:30 a.m. with executive sessions to be schedule at the end of the meeting, beginning February 14, 2017, seconded by Council Member Molina. This Motion was passed and approved with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: M2017-013

20.

Resolution approving Street Preventative Maintenance Program (SPMP) FY 2017 Annual Work Plan

Resolution approving the concepts, direction, and general work plan for the Fiscal Year (FY) 2017 Street Preventative Maintenance Program (SPMP).

Mayor Pro Tem Vaughn referred to Item 20. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to approve the Street Preventative Maintenance Program (SPMP) FY 2017 Annual Work Plan. There were no comments from the public.

A council member requested that the plan be published to include work that has already be completed, projects that still need to be completed and current projects.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

Enactment No: 031052

N. FIRST READING ORDINANCES: (ITEMS 21 - 24)

21. First Reading Ordinance - Transferring and appropriating matching funds for the Retired Senior Volunteer Program (RSVP) and the Senior Companion Program (SCP) Grants

Ordinance transferring \$79,173 from the No. 1020 General Fund to and appropriating in the No. 1067 Parks and Recreation Grant Fund as matching grant funds for the Retired Senior Volunteer Program (RSVP) and transferring \$76,903 from the No. 1020 General Fund to and appropriating in the No. 1067 Parks and Recreation Grant Fund as matching grant funds for the Senior Companion Program (SCP); amending Ordinance No. 030818 to authorize the transfer of matching grant funds for the RSVP and SCP programs budgeted in the No. 1020 General fund to and appropriate them in the No. 1067 Parks and Recreation Grant Fund for said programs.

Mayor Pro Tem Vaughn referred to Item 21. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to transfer and appropriate City grant matching funds to allow for the continuation of the Retired Senior Volunteer Program (RSVP) and the Senior Companion Program (SCP). There were no comments from the Council or the public.

Council Member McComb 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 - Council Member Garza, Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 2 - Mayor McQueen and Council Member Hunter

Abstained: 0

22. First Reading Ordinance - Accepting and appropriating funds in the Community Enrichment fund for park improvements

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$318,198.30 in developer contributions, other donations and interest earnings in the 4720 Community Enrichment Fund for park improvements and other related projects as described on the attached and incorporated Exhibit A.

Mayor Pro Tem Vaughn referred to Item 22. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to accept and appropriate \$318,198.30 in developer contributions, other donations and interest earnings in the Community Enrichment Fund for park improvements. Ms. Anaya presented information on the Community Enrichment Fund; the Unified Development Code (UDC) Public Open Space

requirements; and the use of funds for the major investment parks, neighborhood parks and hike and bike trail development. There were no comments from the public.

Council members spoke regarding the following topics: the interest earned in the Community Enrichment Fund; the balance of developer fees; whether expenditures were approved by the Park and Recreation Advisory Committee; list of designated park projects; whether West Guth Park is listed for funding; and clarification on the investment of city funds versus the Reinvestment Zone No. 2.

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 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

23.

First Reading Ordinance - Five Year Lease Agreement for Buccaneer Commission

Ordinance authorizing the City Manager or designee to execute a five-year lease agreement with Buccaneer Commission for the use of Tex Mex Railroad Depot located at 1800 block of Chaparral Street, in consideration of rental payments of \$600 per month increasing to \$750 per month in third year and \$900 per month in fourth year; and providing for options to extend for up to two additional five-year terms with rental rates to be increased each five-year term by ten percent; and providing for publication.

Mayor Pro Tem Vaughn referred to Item 23. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that Items 23 and 24 are related to a lease agreement with the Buccaneer Commission for the Tex-Mex Railroad Depot. The purpose of Item 23 is to execute a five-year lease agreement with the Buccaneer Commission for the use of the Tex-Mex Railroad Depot located in the 1800 block of Chaparral Street, in consideration of rental payments of \$600, \$750, and \$900 per month as the terms escalate and providing for options to extend for up to two additional five-year terms with the rental rates to be increased each five-year term by ten percent. The Buccaneer Commission currently leases the Jalufka-Gavatos House in Heritage Park. The Commission has outgrown the space and needs additional room. The lease agreement requires a 28-day delay between readings per the City Charter and a 61-day delay before the contract can be executed. The purpose of Item 24 is to execute a short-term lease agreement to cover that timeframe.

Mayor Pro Tem Vaughn referred to comments from the public. John Kelley, 3621 Austin, recommended a shorter time frame because the value of the property will be worth more with the removal of the old Harbor Bridge.

In response to Mayor Pro Tem Vaughn, Ms. Anaya stated that the option to extend the agreement will have to be mutually decided on by both parties and staff will determine whether the contract is no longer viable for the City.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Mayor McQueen

Abstained: 0

24. First Reading Ordinance - Short-term Lease Agreement for Buccaneer Commission

Ordinance authorizing the City Manager or designee to execute a short-term lease agreement with Buccaneer Commission for the use of Tex Mex Railroad Depot located at 1800 block of Chaparral Street, in consideration of rental payments of \$600 per month, not to exceed six months.

This item was discussed during the discussion on Item 23. 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 - Council Member Garza, Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 2 - Mayor McQueen and Council Member Hunter

Abstained: 0

O. FUTURE AGENDA ITEMS: (ITEMS 25 - 31)

Mayor Pro Tem Vaughn referred to Future Agenda Items. City Manager Rose stated that staff had planned presentations on Items 30 and 31. Council members requested information on Items 25 and 29.

25. Service Agreement for Mowing of Storm Water and Street Rights-of-Way

Motion authorizing City Manager, or designee, to execute a service agreement with 2Chainz Brush Clearing, LLC of Lolita, Texas, for mowing of storm water and street rights-of-way, in accordance with Request for Bids No. 165, based on the lowest, responsive,

responsible bid for a total amount not to exceed \$367,772.00, with an estimated expenditure of \$245,181.33 in FY2016-2017. The term of this contract will be for 12 months with options to extend for two additional 12-month periods, subject to the mutual consent of the City Manager and the contractor.

This Motion was recommended to the consent agenda.

26. Service Agreement for the purchase of a Gas/Blower Flare for the Cefé F. Valenzuela Landfill

Motion authorizing the City Manager or designee to execute a service agreement with Parnel Biogas. Inc., of Tulsa, Oklahoma, for the purchase of a gas/blower flare in accordance with Request for Bids No.184, based on lowest, responsive and responsible bid for a total amount not to exceed \$271,475.64, to be funded by Solid Waste 2017 Certificates of Obligation. The term of the agreement is for 12 months.

This Motion was recommended to the consent agenda.

27. Construction Contract and Professional Services Contract for Cefé F. Valenzuela Landfill Gas Collection and Control System (Capital Improvement Project)

Motion authorizing the City Manager, or designee, to execute a construction contract with Tri Con Works, LLC. of Houston, Texas in the amount of \$1,019,690 for the Cefé F. Valenzuela Landfill Gas Collection and Control System for the total base bid and to execute a contract for Construction Phase Engineering and Quality Assurance Services with SCS Engineers, Inc. from Austin, Texas in the amount of \$268,000 for full-time construction management. (Capital Improvement Project)

This Motion was recommended to the consent agenda.

28. Engineering Construction Contract and two Materials Testing Agreements for Gollihar Road Improvements from Kostoryz Road to Weber Road (Bond 2014 Proposition 1)

Motion authorizing the City Manager, or designee, to execute a construction contract with Haas-Anderson Construction, Ltd. of Corpus Christi, Texas in the amount of \$13,534,848.30 for Gollihar Road Improvements from Kostoryz Road to Weber Road for a total base bid and to execute a construction materials testing agreement with Rock Engineering in the amount of \$63,725.00 for Gollihar Road from Weber to Carroll Lane and to execute a construction materials testing agreement with Rock Engineering in the amount of \$59,359.00 for Gollihar Road from Carroll to Kostoryz. (BOND 2014 Proposition 1)

This Motion was recommended to the consent agenda.

29. Engineering Construction Contract for Street Preventative Maintenance Program (SPMP) FY 2017 - Street Overlays

Motion authorizing the City Manager, or designee, to execute a construction contract with Bay, LTD. of Corpus Christi, Texas in the amount of \$9,421,462.50 for the total base bid and two (2) one-year renewal options for the Street Preventative Maintenance Program (SPMP) street overlays and to execute two construction materials testing agreement with Rock Engineering for Part 1 - West in the amount of \$74,965.00 and for Part 2 - East in the amount of \$74,965.00 for SPMP street overlays.

This Motion was recommended to the consent agenda.

31. Resolution supporting the introduction of Legislation authorizing a motor fuel tax on a local option basis for Residential Street Funding

Resolution of the City of Corpus Christi, Texas supporting the introduction of Legislation authorizing a motor fuel tax on a local option basis for Residential Street Funding.

This Resolution was recommended to the consent agenda.

Q. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 5:30 P.M. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. This Public Comment period is for items that are NOT on the Agenda. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

Mayor Pro Tem Vaughn deviated from the agenda. Shirley Thornton, 1917 Woodcrest Drive, thanked the City council members that attend the meeting of the Flour Bluff Citizens' Council on January 23, 2017 and the progress the group has made to take care of their community. Kate Engler spoke regarding the following: an incident that occurred at 1919 Leopard; political issues, and being optimistic about living in Corpus Christi. Sherry Sells, 5014 Wingfoot, spoke regarding the following: appreciation to the Corpus Christi Police Department for their assistance with ADA violations; response from the Human Relations Department on a filed complaint; and improving the research system for Development Services. Gloria Scott, 4422 S. Alameda; Errol Summerlin, Citizens Alliance for Fairness and Progress; Lamont Taylor, 1701 Stillman; Dorothy Dundas, 7617 Rancho Vista; and Claude Axel, 741 Crestview Drive; asked for support demanding that the Texas Department on Transportation (TxDOT) comply with its obligations under the voluntary resolution agreement

with the Federal Highway Administration for residents in the Hillcrest area. Chris Phelan, 3806 Kingston, spoke regarding health issues in industrial areas and annexing the refineries as a revenue source. Jack Gordy, 4118 Bray, asked the City Council to place the removal of the palm trees on Airline Road and the removal of the red light cameras on the City Council agenda. Rosalie Beaty, 5130 Graford Place, offered support and presented a petition for Ronald Elizondo to be considered for the position of Director of the Al Kruse Tennis Center for which he was told he did not meet the qualification to be interviewed. Trian Serbu, 14310 Playa del Ray, spoke regarding recent water situations and requested that residents be reimbursed on their utility bills. Guillermo Puego, 5329 Bromley, spoke regarding the following issues: the results of the recent water situation; the removal of red light cameras; and a violation received by Code Enforcement for a fence located at Ridgewood Park.

Mayor Pro Tem Vaughn called for a brief recess at 6:11 p.m. Mayor Pro Tem Vaughn reconvened the Council meeting at 6:29 p.m.

FUTURE AGENDA ITEMS: (ITEMS 25 - 31)

Mayor Pro Tem Vaughn deviated from the agenda and returned to Future Agenda Items. Mayor Pro Tem Vaughn referred to Item Item 30. Staff provided a presentation on this item.

30. Resolution approving the Wastewater Management Plan

Resolution approving the City of Corpus Christi Wastewater Management Plan Final Report ("Final Report") regarding options for improvements to the City's wastewater treatment plants ("WWTPs") and adopting Option 4D as stated in the Final Report which provides for following key infrastructure components: (1) construction of a new 12 million gallons per day (MGD) wastewater treatment facility at a new site ("New WWTP") with recommended location in the area between the current Allison and Greenwood WWTPs; (2) consolidation of existing wastewater flows at two WWTPs: the New WWTP and an upgraded and expanded 20 MGD plant on the Oso WWTP site, with Broadway and Whitecap WWTPs to remain in service for foreseeable future; and (3) decommissioning of the Allison, Laguna Madre, and Greenwood WWTPs.

This Resolution was recommended to the regular agenda.

P. BRIEFINGS: (ITEMS 32 - 35)

32. Texas Municipal Retirement System Update

Mayor Pro Tem Vaughn referred to Item 32. Director of Human Resources Steven Viera stated that the purpose of this item is to provide an update on the Texas Municipal Retirement System (TMRS). Mr. Viera introduced the presentation team: David Rodriguez, TMRS Senior Regional Manager and Lorraine Moreno, TMRS Regional Manager.

Mr. Rodriguez presented an overview of the system including: TMRS history and membership; funding basics; TMRS funding summary plan; benefit structure; investment earnings; administrative costs; investment return; investment policy; investment structure; economic impact; actuarial funding; and Corpus Christi's benefits, actuarial status, and contribution rates.

Council members spoke regarding the following topics: the 5 year vesting period; the 2 to 1 match from the City; TMRS' actuarial investment return assumption of 6.75%; TMRS representation in Corpus Christi; rate of return for 2016; the issues with the Dallas Police and Fire Plan; investment assumption; the number of employees, not police, that are participating in the system; and total deferred gains.

33. Water Quality Projects Update

Mayor Pro Tem Vaughn referred to Item 33. Interim Director of Water Utilities Dan Grimsbo stated that the purpose of this item provide an update on the actions taken and projects to improve water quality. Mr. Grimsbo introduced the presentation team: Assistant Director of Water Utilities Wes Nebgen, Water Quality Manager Gabriel Ramirez, and Utility Systems Manager Rafael Martinez. Mr. Grimsbo presented the following information: background on the boil water notice from May 2016; definitions of code regulations; water quality progress; the actions the City has implemented and current and future actions to be taken to address the three major areas of the water system including source, treatment and distribution; and the location, cost and estimated timeline for the current capital improvement plan projects.

Council members and staff discussed the following topics: the completion time for the Starry Road elevated storage tank; whether the Starry Road elevated storage tank will replace the Flour Bluff tank; the estimated cost of a mixer; status on the sediment sludge removal; standard operating procedures; the new chlorine dioxide system; whether the recommended procedure from the 2007 water situation have been implemented; the status of the water committee recommendations; and whether reintroducing fluoride will impact the system.

34. Affordable Housing Plan

This Presentation was withdrawn.

35. Discovery - Carport Regulations

Mayor Pro Tem Vaughn referred to Item 35. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to update the City Council about regulations regarding carports. Mr. Dimas stated that this presentation is part of the discovery process and presented the following information: the definition of a carport; examples of various carport designs in the City made of a combination of wood and metal and metal roofing; typical property layouts with examples of acceptable and non-acceptable carports; a dispersion map identifying carports throughout the City; the issues including: location of carports, proposed changes in the ordinance to address carports,

and safety concerns; permitting; and discussion points for new and existing carports.

Council members and staff discussed the following topics: the permitting process for new carports in neighborhoods where there are existing carports in the front yard setback; safety concerns with most carports not meeting windstorm criteria; establishment of Special Use Exemptions; costs associated with bringing existing carports up to code; issues that staff are currently encountering regarding carports; grandfathering existing carports; and safety issues.

R. EXECUTIVE SESSION: (ITEMS 36 - 39)

Mayor Pro Tem Vaughn referred to executive session Items 38 and 39. The Council went into executive session at 8:38 p.m. The Council returned from executive session at 9:25 p.m.

- 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 pending and potential employment law litigation against the City, the Health District, and/or the officers and employees of said entity(ies), including potential approval of settlement(s), authorization of employment of attorneys and experts, and other actions related to said litigation.

This E-Session Item was withdrawn.

- 38. 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 potential economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and wastewater services and pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).

This E-Session Item was discussed in executive session.

- 39. 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 prior and prospective Construction Yard License(s) in public right-of-way with Realtex Construction and/or Cosmopolitan Corpus, LLC and/or TPEG Cosmo Completion, LLC and other entities for Mesquite Street, Lawrence Street, and/or Chaparral Street and pursuant to **Texas Government Code § 551.072** to deliberate the exchange, lease, or value of real property if deliberation in an open meeting would have a

detrimental effect on the position of the governmental body in negotiations with a third person, related to publicly owned right-of-way in and adjacent to the aforementioned streets.

This E-Session Item was discussed in executive session.

S. ADJOURNMENT

The meeting was adjourned at 9:25 p.m.