



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, March 28, 2017

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.

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. 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 Pro Tem Lucy Rubio to call the meeting to order.

Mayor Pro Tem Rubio called the meeting to order at 11:30 a.m.

B. Invocation to be given by Reverend Bruce Wilson, Church of Reconciliation.

Reverend Bruce Wilson gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Sylvia Carrillo, Assistant City Manager.

Assistant City Manager Sylvia Carrillo led the Pledge of Allegiance.

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

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

Charter Officers:

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

Present: 8 - 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

E. Proclamations / Commendations

1. Proclamation declaring March 26 - April 1, 2017, "César Chávez Week".
Proclamation declaring April 3 - 7, 2017, "Graduate and Professional Student Appreciation Week".
Proclamation declaring April 4, 2017, "Mayor's Day of Recognition for National Service".
Proclamation declaring April 4, 2017, "National Equal Pay Day".
Proclamation declaring April 8, 2017, "Earth Day - Bay Day 2017".
Proclamation declaring April 8, 2017, "Special Olympics Texas - Spring Games Day".
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

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

G. MINUTES:

2. Regular Meeting of March 21, 2017 and City Council Retreat of January 13, 2017.

Mayor Pro Tem Rubio referred to approval of the minutes. Council Member Garza made a motion to approve the minutes, seconded by Council Member Molina and passed unanimously.

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

- J. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 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. 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. Citizen comments are 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 Rubio referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council meeting. Gloria Scott, 4422 S. Alameda, thanked the City Council for recognizing National Equal Pay Day and announced the 105th anniversary of Girl Scouts of America. Trian Serbu, 14310 Playa Del Rey, spoke in opposition to the use of sales tax funds to fund Park Road 22 Bridge. Rick Milby, 4412 High Ridge Drive, provided information on the utilization of bike lanes and requested that the

City Council reconsider incorporating bike lanes in the construction of streets. Margareta Fratila, 3606 Tripoli, asked the City to address squatters in rental properties. Trey Summers, 401 Santa Monica Place, spoke regarding the cost implications to homeowners should developers be required to construct new residential streets using concrete. Mike Herring, 6908 Crosstimbers Drive, and Larry Herring, 6113 Beechwood, spoke regarding issues associated with the new on-line Development Services Inspection System. Sherry Sells, 5014 Wingfoot Lane, spoke regarding equality for the disabled and maintenance of sidewalks. Isabel Araiza, 326 Poenish, spoke regarding major industry companies receiving reimbursement of taxes which is affecting schools. Chris Phelan, 3806 Kingston, spoke regarding a Freedom of Information Act Request regarding entities in compliance with backflow prevention devices and the recent water issues. Steven Mikulencak, 413 Village Creek Drive, Houston, Texas, informed the City Council and City staff of a workshop hosted by Texas A&M University on April 19 and 20, 2017 in Corpus Christi and Robstown to bridge a discussion on planning and growth, storm surge and the impacts of flooding and interactive planning.

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

Mayor Pro Tem Rubio deviated from the agenda and referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

a. OTHER

1) An update on the water chlorine disinfectant conversion. 2) Water Director Clarence Wittwer recognized several water utilities employees who recently received professional licenses. 3) City Manager Rose congratulated Police Commander Kelly Isaacs for being recognized at the YWCA's 37th Annual Y Women in Careers Banquet. 4) City Manager Rose recognized Firefighter of the Year, Firefighter II/EMS Daniel Sheppard and Firefighter Prevention Officer of the Year, Captain Elvin Bates.

K. CONSENT AGENDA: (ITEMS 3 - 22)

Approval of the Consent Agenda

Mayor Pro Tem Rubio referred to the Consent Agenda. A citizen requested that Items 3 and 11 be pulled for individual consideration. Council members requested that Items 4, 5, 12 and 18 be pulled for individual consideration.

A motion was made by Council Member Vaughn, seconded by Council Member Guajardo, 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

Abstained: 0

6. Resolution to Authorize Food Program Purchase for Senior Centers and Summer Youth Programs

Resolution authorizing the City Manager to execute all documents necessary to purchase up to \$191,360.00 in food supplies for the City Senior Center Meals Program through the Coastal Bend Council of Governments (CBCOG) participation in the TEXAS 20 Purchasing Cooperative as organized and administered by the Education Service Center, Region 20; and ratifying the purchase of food supplies for the said program in January-February 2017 through the CBCOG participation in the TEXAS 20 Purchasing Cooperative in the amount of \$46,898.11 from Labatt Food Services and \$9,352.13 from Hill Country Dairies.

This Resolution was passed on the consent agenda.

Enactment No: 031095

7. Rental and Servicing of Portable Toilets for Beach Operations

Motion authorizing City Manager, or designee, to execute a service agreement with Progressive Waste Solutions of TX, Inc., dba Skid-o-Kan, of Corpus Christi, Texas for rental and servicing of portable toilets for Beach Operations, in accordance with Request for Bid No. 816, based on the lowest, responsive, responsible bid for a total amount not to exceed \$22,600, with an estimated expenditure of \$11,300 in FY 2016-2017. The term of this contract will be for 12 months with options to extend for two additional 12-month periods at the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-043

8. Construction Contract for Ocean Drive Park Improvements - Cole Park (Bond 2012, Proposition 4)

Motion authorizing the City Manager, or designee, to execute a construction contract with JE Construction Services of Corpus Christi, Texas in the amount of \$725,120 for the Ocean Drive Park Improvements - Cole Park for the base bid and additive alternates 1, 2 and 3 (Bond 2012, Proposition 4).

This Motion was passed on the consent agenda.

Enactment No: M2017-044

9. Construction Contract for South Alameda Street from Ayers Street to Louisiana Avenue (Bond 2012, Proposition 1) (Council Priority - Streets)

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC Dba Clark Pipeline Services of Corpus Christi, Texas in the amount of \$4,996,832.79 for

South Alameda Street from Ayers Street to Louisiana Avenue for Base Bid 2. (Bond 2012, Proposition 1)

This Motion was passed on the consent agenda.

Enactment No: M2017-045

10. Construction Contract for Ayers Street from Ocean Drive to Alameda Street (Bond 2014, Proposition 1) (Council Priority - Streets)

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC Dba Clark Pipeline Services of Corpus Christi, Texas in the amount of \$6,254,181.88 for Ayers Street from Ocean Drive to Alameda Street for a total Base Bid plus Additive Alternates 1 and 3. (Bond 2014, Proposition 1)

This Motion was passed on the consent agenda.

Enactment No: M2017-046

13. Supply Agreement for Ferrous Sulfate for Wastewater Plants

Motion authorizing City Manager, or designee, to execute a supply agreement with Pencco, Inc., of San Felipe, Texas for the purchase of Ferrous Sulfate ("chemical") in response to Request for Bid No. 1020 based on the lowest, responsive, responsible bid for a total amount not to exceed \$290,250.00, with an estimated expenditure of \$145,125.00 in FY2016-2017 and funded by the Wastewater Fund. The term of the agreement is for one year with an option to extend for up to four additional one year periods, subject to the sole discretion of the City.

This Motion was passed on the consent agenda.

Enactment No: M2017-048

14. Lease-Purchase of Two Vactor and One Vacall (Body and Chassis) Combination Sewer Trucks for Wastewater

Motion authorizing the City Manager, or designee, to lease-purchase two Vactor combination sewer trucks and a Vacall chassis for combination sewer truck (for Vacall body listed below) from Houston Freightliner, of Houston, Texas, based on the cooperative purchasing agreement with Houston-Galveston Area Council, and one Vacall body for a combination sewer truck from Waukesha-Pearce Industries, Inc., of Houston, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard; for a total amount not to exceed \$1,167,613.39, with an estimated expenditure of \$77,774.20 in FY2016-2017.

This Motion was passed on the consent agenda.

Enactment No: M2017-049

15. Purchase of 23 Police Vehicles and Upfitting Equipment for the Police Department

Motion approving the purchase of 23 police vehicles from Caldwell Country Ford dba Rockdale Country Ford, from Caldwell, Texas and the upfitting equipment from Cap Fleet Upfitters from Temple, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for the total amount not to exceed \$1,034,360.16. Funds have been approved for FY2016-2017.

This Motion was passed on the consent agenda.

Enactment No: M2017-050

16. Resolution Amending Council Policies

Resolution amending City Council Policy Section 16 to reduce the number of City Council Members required to place an item on the agenda or to call a special or workshop meeting from at least five members to four members; and to update said policy regarding regular meeting time.

This Resolution was passed on the consent agenda.

Enactment No: 031097

17. Second Reading Ordinance - Amending Code of Ordinances, Chapter 39, Personnel Article III Employment Compensation and Classification System Section 39-303(a) and (e) (1st Reading 3/21/17)

Ordinance amending the Corpus Christi Code of Ordinances Chapter 39 Personnel Article III Employee Compensation and Classification System Section 39-303 (a) and (e) by eliminating Pay Plan 400 to allow moving the Police Commander and Assistant Chief positions to the Pay Plan 200 repealing conflicting ordinances and rules; providing for effective date and providing for severance.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031098

19. Second Reading Ordinance - Closing a Utility Easement Located at 15401 Dyna Street (1st Reading 3/21/17)

Ordinance abandoning and vacating a 233-square foot portion of an existing utility easement out of a part of Padre Island- Corpus Christi No. 4, Block 235, Lot 1, located at 15401 Dyna Street and requiring

the owner, Hadi Mostaghasi d/b/a H & M Homes, to comply with the specified conditions. Collecting a one-time fee for fair market value of \$830.06.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031100

20. Second Reading Ordinance - Closing a Utility Easement Located at 7185 Lake Placid (1st Reading 3/21/17)

Ordinance abandoning and vacating an 87.3-square foot portion of an existing utility easement out of a part of Lake Placid Estates, Block 2, Lot 1, located at 7185 Lake Placid and requiring the owner, George A. Segundo and Estefany Segundo, to comply with the specified conditions. Collecting a one-time fee for fair market value of \$102.14.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031101

21. Second Reading Ordinance - Closing a Utility Easement Located between Stampede Drive and Elizondo Drive (1st Reading 3/21/17)

Ordinance abandoning and vacating a 0.030-Acre portion of an existing utility easement out of a part of Flour Bluff and Encinal Farm and Garden Tracts, Section 25, Lot 30 & Rancho Vista Subdivision Unit 7, Block 15, Lots 10 and 23 and requiring the owner, Yorktown Oso Joint Venture, to comply with the specified conditions.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031102

22. Second Reading Ordinance - Appropriating Funds to Extend Taxiway "K" (Kilo) Construction for the Support of United Coast Guard Operations at Corpus Christi International Airport (1st Reading 3/21/17)

Ordinance appropriating \$622,950 from Federal Aviation Administration Grant No. 3-48-0051-050-2013, Amendment No. 4, in the No. 3020 Airport Capital Improvement Fund for construction of approximately 7,150 square yards of new pavement to expand and extend Taxiway Kilo at the Corpus Christi International Airport and necessary drainage, electrical, lighting and signage improvements, with the 10% match provided from the Airport Capital Reserve Fund; amending the FY2016-2017 Capital Budget by increasing revenues and expenditures by \$622,950 each.

This Ordinance was passed on second reading on the consent agenda.

Enactment No: 031103

3. Resolution to Authorize Submission of Grant Application for the Local Border Security Program Grant within the Police Department

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$189,612.88 to the Office of the Governor Homeland Security Grants Division for funding eligible under the FY 2017-18 Local Border Security Program Grant.

Mayor Pro Tem Rubio referred to Item 3. **Chris Phelan, 3806 Kingston Ave,** spoke in opposition to the grant and the use of local law enforcement for border security. **Police Chief Mike Markle** clarified that the purpose of the funding is to facilitate directed actions to interdict criminal activity.

Council Member Molina made a motion to approve the resolution, seconded by **Council Member Vaughn**. 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

Abstained: 0

Enactment No: 031094

4. Public Art for Collier Pool

Motion authorizing the City Manager or designee to execute documents necessary to purchase a work of art created in painted steel, by the artist group Monument Fine Art and Sculpture Conservation, in the amount of \$17,500 for the Aquatic Facility Upgrades and Improvements - Collier Pool Project to fulfill the public art requirement. (Bond 2012 Proposition 4)

Mayor Pro Tem Vaughn referred to Item 4. **Director of Parks and Recreation Jay Ellington** and council members discussed the following topics regarding Items 4 and 5: a maintenance plan for the art projects; the donation of art to honor the memory of Norma Urban; the use of funds to purchase art; and review of the policy for setting aside funds for art projects.

Council Member Vaughn made a motion to approve the motion, 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

Abstained: 0

Enactment No: M2017-041

5. Art Donation Agreement for La Retama Park

Motion authorizing the City Manager, or designee, to execute an agreement with Rhodes Urban for the donation and acceptance of a cast aluminum art sculpture known as "Community Column" by Artist, Jack Gron, Art Professor at Texas A&M Corpus Christi, as well as an internationally known artist, honoring the memory of Norma Urban, a member of the Downtown Management Group, to be placed at La Retama Park.

This Item was discussed during the discussion on Item 4.

Council Member Vaughn made a motion to approve the motion, 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

Abstained: 0

Enactment No: M2017-042

11.

Construction Contract for City-Wide Water Distribution System Repair and Replacement Indefinite Delivery/ Indefinite Quantity Program (Capital Improvement Program) (Council Priority - Water)

Motion authorizing the City Manager, or designee, to execute a construction contract with CPC Interests, LLC dba Clark Pipeline Services, LLP of Corpus Christi, Texas in the amount of \$5,100,000 for the City-Wide Water Distribution System Repair and Replacement Indefinite Delivery/Indefinite Quantity (IDIQ) Program for one (1) year base contract with two (2) optional one (1) year extensions to be approved administratively subject to availability of funding and satisfactory contractor performance.

Mayor Pro Tem Rubio referred to Item 11. Chris Phelan, 3806 Kingston Avenue, spoke in support of this item and stated that more money should be allocated to address the City-wide water distribution system repair and replacement rather than to fund a desalination pilot project, Future Agenda Item 34. Interim Executive Director of Utilities Dan Grimsbo and council members discussed the following topics: the age of the lines; on-going process to replace and repair the water distribution system; replacement of the 8-inch water line crossing Oso Bay; and Future Agenda Item 34, desalination pilot project.

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

Abstained: 0

Enactment No: M2017-047

12. Resolution authorizing Interlocal Agreement for Soil Analysis

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A & M AgriLife Extension Service for a soil testing program.

Mayor Pro Tem Rubio referred to Item 12. Interim Executive Director of Utilities Dan Grimsbo and council members discussed the following topics: whether the City receives the soil analysis results; corrective actions that may be taken; education for citizens on use of pesticides and other chemicals; and benefits to the City.

Council Member Garza made a motion to approve the resolution, seconded by Council Member Smith. 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

Abstained: 0

Enactment No: 031096

18. Second Reading Ordinance - Appropriating Funds for Park Improvements (1st Reading 3/21/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to appropriate \$765,453.93 funds from sale of park properties 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 Rubio referred to item 18. Director of Parks and Recreation Jay Ellington and council members discussed the following topics: whether proceeds from the sale of parks can be redirected to other funds; the ballot language approved by the voters regarding the park proceeds; the process for the Parks and Recreation Advisory Committee to recommend the placement of funds; and a future discussion on the enrichment funds.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Molina. This Ordinance was passed on second 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

Abstained: 0

Enactment No: 031099

L. RECESS FOR LUNCH

Mayor Pro Tem Rubio called for a recess at 1:38 p.m. Mayor Pro Tem Rubio reconvened the Council meeting at 2:11 p.m.

I. EXPLANATION OF COUNCIL ACTION:

Council Member McComb made a motion to reconsider Item 11 from the March 21, 2017 meeting, First Reading Ordinance adopting the London Area Wastewater Master Plan, an element of the Comprehensive Plan; adopting the London Area Storm Water Master Plan, an element of the Comprehensive Plan; amending related elements of the Comprehensive Plan; providing for severance; and providing for publication, seconded by Council Member Smith and passed unanimously (Council Member Garza abstained).

Council members discussed the following topics: concern with breaching Oso Creek; confirmation that adopting the master plan would not obligate funding or commit any future development; adequate potential of capacity in the pipes to meet future demand; discussion of legal issues related to executive session Item 42; the technical requirements; the main purpose for considering 980 acres; and the SQR lease agreement.

Assistant Director of Planning/ESI Daniel McGinn addressed the following questions: adoption of the plan is strictly for technical requirements and how to build the system; there is no obligation for payment; sizing of the force main; and lift stations.

Upon the advice of legal counsel, Mayor Pro Tem Rubio called for an executive session to discuss the matter further before voting on the ordinance.

EXECUTIVE SESSION: (ITEMS 42 and 40)

Mayor Pro Tem Rubio deviated from the agenda referred to Executive Session Items 42 and 40. The Council went into executive session at 2:26 p.m. The Council returned from executive session at 3:36 p.m.

- 42.** **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 annexation, the provision of water and wastewater services in newly annexed and unincorporated areas, the development of properties owned by the City, contractual obligations pursuant to the lease of property to SQH Sports & Entertainment, Inc. near the intersection of State Highway 286 and Weber Road, the City's wastewater-related trust funds, and the City's master plan for the provision of wastewater in the aforementioned area and areas adjacent thereto and pursuant to **Texas Government Code § 551.072** to discuss and deliberate the lease and value of the aforementioned real property owned by the City when deliberation in open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

40. **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 TxDOT Harbor Bridge Project and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, TC Ayers Park and other City Property in vicinity of existing or proposed Harbor Bridge and said park) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

I. **EXPLANATION OF COUNCIL ACTION:**

First Reading Ordinance - Ordinance adopting the London Area Wastewater Master Plan and the Storm Water Master Plan as elements of the Comprehensive Plan (Tabled 3/21/17)

Ordinance adopting the London Area Wastewater Master Plan, an element of the Comprehensive Plan; adopting the London Area Storm Water Master Plan, an element of the Comprehensive Plan; amending related elements of the Comprehensive Plan; providing for severance; and providing for publication.

Mayor Pro Tem Rubio returned to the discussion regarding reconsideration of Item 11 from the March 21, 2017 City Council meeting.

In response to a council member, Assistant Director of Planning/ESI Daniel McGinn stated that this item is a utility master plan for wastewater and storm water for 980 acres, located at the northwest corner of Crosstown and Weber Road. The project was initially started to look at a much broader area of approximately 5,500 acres. Through work with the Planning Commission, it was determined to scale down to the 980 acres to allow for review of the land planning for the area; growth; projections of how the area may develop; the road system; and the impact to utility locations for the entire London Area. The future sports project, related commercial development, and residential development is located within this sector.

Council Member McComb 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: 7 - Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 1 - Council Member Garza

M. **PUBLIC HEARINGS: (NONE)**

Q. BRIEFING: (ITEM 38)**38. Joint Land Use Study Status and Next Steps Forward**

Mayor Pro Tem Rubio deviated from the agenda and referred to Item 38, Joint Land Use Study status and next steps forward. Assistant Director of Planning/ESI Daniel McGinn introduced the presentation team including: Steven Banta, Commanding Officer with Naval Air Station - Corpus Christi (NAS-CC); Benjamin Polak, Community Plans Liaison Officer with NAS-CC; and Director of Intergovernmental Relations Tom Tagliabue.

Commanding Officer Banta thanked the City Council, the City of Corpus Christi and Nueces County for the collaborative effort that has established and fostered an on-going, long-term working relationship between NAS-CC and its neighboring communities through this Joint Land Use Study (JLUS). The City has significantly contributed to the success of combating encroachment of future land use surrounding airfields via land acquisition, rezoning and legislation. The JLUS is a great tool to protect the military training mission of NAS-CC; and protect the public health, safety, quality of life and economic development in the community.

The presentation team presented the following information: a background of the JLUS; implementation actions; JLUS-related Navy actions and next steps including: additional city-initiated rezoning of public and private land at Waldron and Cabaniss Fields; seeking congressional authorization to swap City-owned land under Navy flight zones with Navy land not located under a flight zone; a resolution to add a non-voting ex-officio representative of NAS-CC to the Planning Commission; and applying for an Office of Economic Adjustment Grant.

Council members discussed the following topics: rezoning at Waldron and Cabaniss Fields; land swap opportunities; surplus properties; vertical obstruction subzones; and support for clear air space.

N. REGULAR AGENDA: (ITEMS 23 - 28)**23. Discussion and possible action related to Construction and/or other contracts for and related to improvements, renovations, and/or repairs in areas of and in the vicinity of TC Ayers Park, TC Ayers Pool, and/or the proposed Harbor Bridge, including, but not limited to, new or existing aquatic facilities, which may further include procurements necessary because of unforeseen damage to public machinery, equipment or other property and further including potential consideration of ordinance(s) appropriating funds for the aforesaid activities and declaring an emergency, if necessary.**

Mayor Pro Tem Rubio deviated from the agenda and referred to Item 23. Council Member McComb announced that he was abstaining from this item. City Manager Margie C. Rose stated that as part of the Harbor Bridge Project, the City committed to open the T.C. Ayers Pool, which is located within T.C.

Ayers Park, by Memorial Day 2017 in conjunction with the opening of other City parks.

Executive Director of Public Works Valerie Gray stated that the purpose of this item is to amend the FY 2017 Capital Improvement Program Budget by adding the T.C. Ayers Pool Improvements project; transferring and appropriating \$712,558 from the General Fund Unreserved Fund Balance to the Parks and Recreation Capital Improvement Program Fund; and authorizing the execution of a construction contract with Barcom Construction, Inc. in the amount of \$589,181; and declaring an emergency.

Mayor Pro Tem Rubio referred to comments from the public. Adam Carrington, 2949 River Bend Court, stated that the pool is not the top priority for the community and recommended building a splash pad and pavilion.

Council members discussed the following topics: the project not being in the best interest of the community and the need to honor the commitment made to the Texas Department of Transportation.

The following ordinance was considered:

Ordinance amending the FY 2017 Capital Improvement Program Budget adopted by Ordinance No. 030936 to add Project No. T17021 TC Ayers Pool Improvements; transfer and appropriate \$712,558 from the Unreserved Fund Balance in No. 1020 General Fund to No. 3280 Parks and Recreation CIP Fund; authorizing the City Manager or designee to execute a construction contract with Barcom Construction, Inc. in the amount of \$589,181 for TC Ayers Pool Improvements; and declaring an emergency.

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

Aye: 5 - Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Rubio and Council Member Smith

Nay: 2 - Council Member Garza and Council Member Vaughn

Abstained: 1 - Council Member McComb

Enactment No: 031104

24.

Amending Ordinance Calling for May 6, 2017 Special Election

Ordinance amending Ordinance No. 031081 by appointing Election Officials and identifying polling places for Special Election to be held on May 6, 2017 in the City of Corpus Christi for the election of Mayor; and declaring an emergency.

Mayor Pro Tem Rubio referred to Item 24. City Secretary Rebecca Huerta stated that the purpose of this item is to amend the ordinance calling for the May 6, 2017 Special Election by establishing polling places; and identifying election officials, including precinct judges, alternate judges, and the early voting ballot board. There were no comments from the public.

Council members and City Secretary Huerta discussed the following topics:

including the language, Wynn Seale, to polling place 45; and the City Charter requirement regarding the vacancy for Mayor.

Council Member Vaughn made a motion to approve the ordinance, seconded by Council Member Molina. This Ordinance was passed on emergency and approved with the following vote:

Aye: 7 - Council Member Garza, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031105

25. Appointment of Financial Advisor for Utility System Revenue Refunding Bonds, Series 2017A

Motion authorizing the appointment of and approving the contract for M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas Utility System Revenue Refunding Bonds, Series 2017A in an amount not to exceed \$77,520,000.

Mayor Pro Tem Rubio referred to Item 25. Director of Financial Services Constance Sanchez stated that the purpose of this item is to appoint M.E. Allison as Financial Advisor for a refunding opportunity for the City's utility system of up to \$77,520,000 in relation to the Choke Canyon debt and any other utility system revenue bonds. There were no comments from the public.

Council members discussed the following topics: the contract for Financial Advisor awarded with each issuance of bonds; the contract with Fulbright & Jaworski LLP for bond counsel; council direction to begin the request for proposal (RFP) process for Financial Advisor; the possibility of modifying the water rate structure; a discussion on the ability to provide customers a credit for using additional water; and coordinating with bond counsel to bring back the legal options to provide a rate structure that is more conducive to the use of water at certain times of the year.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio and Council Member Smith

Absent: 1 - Council Member Vaughn

Abstained: 0

Enactment No: M2017-051

26. Second Reading Ordinance - Authorizing the Issuance of Refunding Bonds related to Choke Canyon Dam (1st Reading

3/21/17)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Revenue Refunding Bonds", as further designated by series and lien priority of revenue pledge, in an amount not to exceed \$77,520,000; making provisions for the payment and security thereof by a lien on and pledge of the net revenues of the City's Utility System which may be on a parity with certain currently outstanding Utility System revenue obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of the bonds; including the approval and distribution of an official statement pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, escrow agreements, and a purchase contracts; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

Mayor Pro Tem Rubio referred to Item 26. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the refunding of the note payable to the Bureau of Reclamation, which was used to pay for the construction of Choke Canyon Dam, and the potential refunding of any callable utility system revenue bonds in an amount not to exceed \$77,520,000. There were no comments from the Council or the public.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio and Council Member Smith

Absent: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 031106

27.

Second Reading Ordinance - Authorizing the Issuance of Refunding Bonds with the Texas Water Development Board (TWDB) (1st Reading 3/21/17)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue Refunding Bonds, Series 2017" in an amount not to exceed \$51,300,000; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System on a parity with certain currently outstanding Utility System revenue obligations;

stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrar agreement, and an escrow agreement; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; complying with the regulations promulgated by the Texas Water Development Board; delegating the authority of certain members of the City staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

Mayor Pro Tem Rubio referred to Item 27. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the issuance of utility system revenue bonds from the Texas Water Development Board in an amount not to exceed \$51,300,000. There were no comments from the public.

Council members discussed the following topics: the potential savings over the life of the bonds and the expected interest rate.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio and Council Member Smith

Absent: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 031107

28. Second Reading Ordinance - Authorizing the Issuance of Solid Waste Certificates of Obligation (1st Reading 3/21/17)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Taxable Series 2017" in an amount not to exceed \$2,500,000 for the purpose of financing costs associated with making permanent public improvements to the City's Solid Waste System; providing for the payment of said Certificates by the levy of an ad valorem tax upon all taxable property within the City and further securing said Certificates by a lien on and pledge of the pledged revenues of the Solid Waste System; providing the terms and conditions of said Certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said Certificates, including the approval and distribution of an Official Statement; authorizing the execution of a paying agent/registrar

agreement and a purchase contract; complying with the requirements of the letter of representations on file with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the Certificates; enacting other provisions incident and related to the subject and purpose of this ordinance; and providing an effective date.

Mayor Pro Tem Rubio referred to Item 28. Director of Financial Services Constance Sanchez stated that the purpose of this item is to authorize the issuance of up to \$2,500,000 in certificates of obligation to fund a Gas Collection and Control System and flare. There were no comments from the public.

In response to a council member, Ms. Sanchez stated that the proceeds from the sale of bonds are not for operating costs.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Guajardo. This Ordinance was passed on second 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

Abstained: 0

Enactment No: 031108

O. FIRST READING ORDINANCES: (ITEMS 29 - 33)

29. First Reading Ordinance - Appropriating Funds from Reimbursement of Sexual Assault Examinations

Ordinance appropriating \$72,000 in General Fund No. 1020 from the reimbursement of forensic sexual assault examinations in the amount of \$72,000, and changing the FY 2016-2017 Operating Budget adopted by Ordinance No. 030965 by increasing revenue and expenditures in the General Fund No. 1020 by \$72,000 each.

Mayor Pro Tem Rubio referred to Item 29. Police Chief Mike Markle stated that the purpose of this item is to appropriate \$72,000 from the reimbursement of forensic sexual assault examinations associated with changes per State law. There were no comments from the Council or the public.

Council Member Molina 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

Abstained: 0

30. First Reading Ordinance - Accepting and Appropriating Funds

from the State of Texas Law Enforcement Standards and Education (LEOSE) Account

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an annual allocation payment from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$26,758.85; and appropriating funds from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$26,758.85 in the No. 1074 Police Grants Fund for training of police personnel and purchase of training equipment.

Mayor Pro Tem Rubio referred to Item 30. Police Chief Mike Markle stated that the purpose of this item is to accept and appropriate an annual allocation payment from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$26,758.85 for training of police officers. There were no comments from the Council or the public.

Council Member Vaughn made 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

Abstained: 0

31.

First Reading Ordinance - Conveying City-Owned Property to Habitat for Humanity to Build Affordable Housing

Ordinance authorizing the conveyance of property located within the city at 1906 Lipan Street, 1910 Lipan Street and 1914 Lipan Street to Habitat for Humanity for construction of single-family affordable housing, subject to specified conditions; authorizing the City Manager or designee to execute all necessary documents related to the transactions; and providing for severance.

Mayor Pro Tem Rubio referred to Item 31. City Secretary Huerta announced that Council Member Molina was abstaining from this item. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to authorize the conveyance of three City-owned properties located at 1906 Lipan Street, 1910 Lipan Street and 1914 Lipan Street to Habitat for Humanity for the construction of single-family affordable housing. There were no comments from the public. Barb Sweeney, Executive Director of Habitat for Humanity, responded to council member questions.

Council members discussed the following topics: the timeframe to build; clarification of the contract language referring to payment of closing costs and where the funding would come from; incentives for utilities; the last property conveyed to Habitat for Humanity; whether this program is available to other entities; the number of vacant lots; a policy regarding the right of redemption; the cost per home, size and income bracket.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 1 - Council Member Molina

32. First Reading Ordinance - Lease Agreement with Nueces County Community Action Agency for Birth-to-Five Head Start Program City-Owned Properties

Ordinance authorizing the City Manager or designee to execute a ten year lease, with an option to renew for 10 years, with Nueces County Community Action Agency (NCCAA) for eight real and personal properties identified on the attached and incorporated Exhibit A, in consideration of NCCAA operating Head Start Programs for eligible citizens of Corpus Christi and maintaining the properties; and providing for publication.

Mayor Pro Tem Rubio referred to Item 32. Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to execute a ten year lease agreement with Nueces County Community Action Agency (NCCAA) for eight City-owned properties which have eight Head Start Programs on the property. There were no comments from the public. Alma Barrera, Chief Executive Officer for NCCAA, responded to council member questions.

Council members discussed the following topics: the ten-year terms of the lease agreement; the land belonging to the City and the buildings being owned and operated by NCCAA; and the renewal period.

Council Member Smith 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

Abstained: 0

33. First Reading Ordinance - Approving the Amendments to the Tax Increment Reinvestment Zone Number Two Amended Project & Financing Plans

Ordinance approving the amendments to the Tax Increment Reinvestment Zone #2 amended Project and Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas on July 22, 2014, February 21, 2017, and

March 7, 2017 regarding Park Road 22 Bridge Project, Packery Channel monitoring and improvements, and updated information on other Packery Channel projects; appropriating \$4,000,000 from the unreserved fund balance of the No. 1111 Reinvestment Zone No. 2 Fund; and amending the Fiscal Year 2016-2017 operating budget adopted by Ordinance No. 030965 by increasing expenditures by \$4,000,000.

Mayor Pro Tem Rubio referred to Item 33. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to approve the amendment to the Tax Increment Reinvestment Zone # 2 project and financing plans related to Park Road 22 Bridge project; Packery Channel monitoring and Exhibit H six pack projects.

Mayor Pro Tem Rubio called for comments from the public. Johnny French, 4417 Carlton, stated that the six pack projects need to be completed before approving funding Park Road 22 Bridge.

Council members discussed the following topics: amendments to the financing plan related to marine patrol and administrative functions; 2014 amendments approved by the TRIZ #2 Board that were not approved by City Council; whether the Island Strategic Action Committee (ISAC) was presented with the 2014 amendments; and Exhibit J not being included in the financing plan.

Council Member Smith made a motion to table to ordinance, seconded by Council Member Hunter. This Ordinance was tabled 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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 34 - 36)

Mayor Pro Tem Rubio referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 34.

34. Amendment No. 3 to the Professional Services Contract for the City of Corpus Christi Desalination Program (Capital Improvement Program) (Council Priority - Water)

Motion authorizing the City Manager, or designee, to execute Amendment No. 3 to the professional services contract with Freese and Nichols, Inc. (FNI) of Corpus Christi, Texas in the amount of \$1,202,750 for a total restated fee of \$2,268,784 for the City of Corpus Christi Desalination Program for variable salinity desalination pilot implementation. (Capital Improvement Program)

This item was presented. It was recommended that this item appear on the city

council agenda after the city council has a workshop on this item.

35. Supply Agreement for Sodium Bisulfite for the Wastewater Treatment Plant

Motion authorizing City Manager, or designee, to execute a supply agreement with Southern Ionics, Inc., of West Point, Mississippi for the purchase of Sodium Bisulfite ("chemical") in response to Request for Bid No. 1026 based on the lowest, responsive, responsible bid for a total amount not to exceed \$372,677.81, with an estimated expenditure of \$155,282.42 in FY2016-2017 and funded by the Wastewater Fund. 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 supplier and the City Manager or designee.

This Motion was recommended to the consent agenda.

36. Motion authorizing renewal of property insurance

Motion authorizing the City Manager to execute all documents necessary to renew property insurance, including All Risk, Flood, Named Storm, Wind/Hail, Earthquake, and Equipment Breakdown insurance through Carlisle Insurance Agency, Broker of Record, for upcoming policy year (May 5, 2017-May 5, 2018) and policy years 2018-19 and 2019-20 in exchange for an annual premium in amounts not to exceed the total amount of original bid (\$2,001,750) and further subject to the reduced premium of \$1,952,914.52 for upcoming policy year, of which \$797,217.16 is required for the remainder of FY 2016-2017.

This Motion was recommended to the consent agenda.

Q. BRIEFING: (ITEM 37)

37. Process for City Charter Review

Mayor Pro Tem Rubio referred to Item 37. City Secretary Rebecca Huerta stated that the purpose of this item is to begin preliminary discussions regarding review of the City Charter Review. Per state law, the Charter may not be amended more than every two years, 730 days. The next available uniform election date would be on November 5, 2019. City Secretary Huerta provided the following discussion topics for City Council input: who would lead the comprehensive review of the Charter; the proposal process; and the appointment process the Council would prefer to use for the Charter Review Committee members.

Council members discussed the following topics: an overall comprehensive review of the entire Charter; a charter commission comprised of citizens with support by in-house legal staff; simplifying the language in the Charter; nominations for the committee to be made by each individual council member

and confirmed by a majority of the City Council; and revisiting the discussion after the upcoming special election for mayor.

R. LEGISLATIVE UPDATE:

Mayor Pro Tem Rubio referred to the Legislative Update. Director of Intergovernmental Relations Tom Tagliabue provided updates on the following legislation: revenue cap bill; school financing; short-term vacation rentals; small cell node technology; transportation network companies; immigration enforcement; tree regulations; plastic bag bans; manufactured home communities; local debt issuance; use of the rainy day fund to address the Defense Economic Adjustment Assistance Grant (DEAAG) Program; possible budgets cuts for universities; transportation funding; prohibiting tax abatements for windfarms; and the seller's disclosure bill.

Council members discussed providing feedback on the City's position on bills and fuel tax.

S. EXECUTIVE SESSION: (ITEMS 39 and 41)

Mayor Pro Tem Rubio referred to Executive Session Items 39 and 41. The Council went into executive session at 6:57 p.m. The Council returned from executive session at 7:54 p.m.

- 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 litigation (*In re Mark Scott*) and other legal issues related to Article II of the Charter of the City of Corpus Christi, matters related to eligibility to serve on City Council, term limits, the application of term limits provisions of the City Charter to Mark Scott, the application of candidacy qualification provisions by the City Secretary and presiding officer, and timing issues related thereto, candidacy qualifications pursuant to the Texas Election Code, Texas Election Code 145.003, litigation relating to the aforementioned issues, and other legal questions related thereto.

This E-Session Item was withdrawn.

- 41. 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 annexation, disannexation, apportionment of extra-territorial jurisdiction between municipalities, interlocal agreements with water districts and neighboring municipalities, contracts for the 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.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

U. ADJOURNMENT

The meeting was adjourned at 7:55 p.m.