



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
forward.cctexas.com

Meeting Minutes

City Council

Tuesday, June 20, 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 Joe McComb to call the meeting to order.

Mayor McComb called the meeting to order at 11:31 a.m.

B. Invocation to be given by Reverend John Hardie, St. Mark's Episcopal Church.

Reverend John Hardie gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Robert J. Gonzalez, Jr., Richard King High School, Senior Broke 53-Yr Old CCISD Shot Put Record.

Mr. Robert Gonzalez, Jr. led the Pledge of Allegiance.

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

City Secretary Rebecca L. 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 L. Huerta.

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

E. Proclamations / Commendations

1. Proclamation declaring June 25, 2017, "Ms. Coastal Bend Senior Day".
Proclamation declaring July 4, 2017, "40th Anniversary of the Mayor's 4th of July Big Bang Celebration".
Commendation for Juan Amaya Bernal, Jr., for Earning His Highschool Diploma at Age 72.
Commendation for Major Larry Young, Honoring His Public Service to the City of Corpus Christi and the Coastal Bend.
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor McComb presented the proclamations and a certificate of commendation and conducted the swearing-in ceremony for newly appointed board, commission and committee members.

- 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 McComb deviated from the agenda and referred to comments from the public. Michael Sheppard spoke regarding the Zagster bike share program in Corpus Christi and the goal to increasing the number of bicycles in the downtown area. Jack Gordy, 4118 Bray, spoke regarding blocked sidewalks on Airline Road and Ayers Street. Bishop C.E. Richardson, 3121 Crest Colony Lane; Cynthia L. Stoney, 1037 Harrison Street; Abel Alonzo, 1701 Thames; Emile S. Bolden, PO Box 1723; Barbara Booker, 522 Hancock Avenue #326; Reverend Adam J. Carrington, 2949 Riverbend; Priscilla Tryon-Cambric, 2814 Rogers Street; Jimmie Tryon, 4241 Biltmore; Reverend Claude Axel, 741 Crestview; Gloria Scott, 4422 S. Alameda; Curtis Williams, 4410 Weiskopf; Bennel Jackson, 809 Derry; Terry Mills, 5019 N. Chaparral; Alice Upshaw Hawkins, 3605 Cotton Road; Micah Cain, 1629 Birch Place; Henry Williams, 2422 Summers; Jeremy Coleman, 1525 Ocean Drive; and Dr. Pamela Sattiewhite, 1202 Sam Rankin, spoke in support of Sylvia Tryon Oliver to fill the vacant Council Member At-Large position. Rudy Tejano Pena, 4213 Clinton, invited the City Council to attend the Nueces County Historical Society's

presentations on local history to be held the first Tuesday starting in September through May and presented a proposal from board member Kathy Harrison to adopt a City song. Susie Luna Saldana, 4710 Hakel, asked the City Council to appoint an individual to the vacant Council Member At-Large position who will represent the entire City. Margareta Fratila, 3606 Tripoli, requested consideration to include a fine for citizens that violate the ordinance requiring addresses on buildings. Alissa Mejia, 4302 Ocean Drive, spoke in support of aquatics and the need to consider a city-wide cost analysis to maintain new aquatics facilities and deferred maintenance of existing facilities. Carolyn Moon, 4902 Calvin, spoke regarding the City's ozone levels and the City approving a resolution in support of the Paris Accord. Sandy Billish, 2921 Airline Road #314, spoke regarding the following related to Agenda Item 9, Billish Park Agreement for construction of park improvements and maintenance: a history of Billish Park; appreciation of the Padre Isles Property Owners Association providing ongoing park maintenance; questions regarding the scope of work at Billish Park; and concerns with the removal of the memorial garden. Matt DeShields, Coastal Bend Restaurant Association, spoke regarding Agenda Item 27, a briefing on vendor permits (revisions of Ordinances 38 & 10), and discussed the proposed permit fees per site and requested that staff consult with industry representatives impacted by the proposed changes. Tryone Jackson, 4332 Kostoryz, spoke regarding Agenda Item 27, a briefing on vendor permits (revisions of Ordinances 38 & 10), related to revisions to Section 38-17 and encouraged developing a method to ensure the use of local businesses first.

L. PUBLIC INTERVIEWS FOR COUNCIL MEMBER AT-LARGE VACANCY (To be held at approximately 1:00 p.m.)

Mayor McComb deviated from the agenda and referred to Item L. Mayor McComb stated that the purpose of this item is to conduct public interviews for the Council Member At-Large Vacancy. City Secretary Rebecca L. Huerta introduced the four (4) finalists: Kamlesh Bhula Bhikha, Debbie Lindsey-Opel, John Martinez, and Sylvia Tryon Oliver.

City Secretary Huerta explained the public interview process. The candidates will have one (1) minute to make introductory comments. The finalists will be asked the four (4) questions that were filed with their application packets. The candidates will have two (2) minutes to answer each question. The finalists will have one (1) minute to make closing comments.

The finalists drew lots for the rotation through each question as follows: 1) Kamlesh Bhula Bhikha; 2) Sylvia Tryon Oliver; 3) John Martinez and 4) Debbie Lindsey-Opel. The finalists provided responses to the following questions:

- 1) Why do you want to be a City Council member and what makes you the most qualified candidate?
- 2) What do you believe should be Council priorities?
- 3) What would your priorities be as an At-Large Member?
- 4) What is your understanding of the council-manager form of government?

After completing the interview process, Mayor McComb thanked each finalist for submitting their names and showing a commitment to their community.

14. Executive Session pursuant to Texas Government Code § 551.074 (Personnel Matters) to discuss the appointment, employment, and

duties of public officers or employees, including, but not limited to, members of the City Council.

Mayor McComb referred to Item 14. The Council went into executive session at 2:18 p.m. The Council returned from executive session at 3:25 p.m. and the following motion was considered:

Motion appointing Debbie Lindsey-Opel to fill the vacant At-Large Council Member seat.

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

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

Abstained: 0

Enactment No: M2017-088

Mayor McComb called for a brief recess at 3:29 p.m. Mayor McComb reconvened the Council meeting at 3:35 p.m.

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

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

a. OTHER

1) In March 2017, the City Council authorized the refunding of the Utility System Revenue Bonds. On June 13, 2017, the transaction occurred for \$27.7 million in utility system revenue bonds. The net present savings was 7.6% or \$2,089,000 throughout the life of the bonds through 2020. This refunding will reduce interest costs for the City by approximately \$712,000 a year for three years. 2) The Annual Water Quality Report will be mailed to utility customers in the month of June. The Utilities Department will be holding a public meeting on July 17, 2017 at 6:00 p.m. at the Water Utilities Building located at 2726 Holly Road. Information is available at www.corpuschristiwater.com. 3) Due to low recycling and an increase in illegal dumping, three drop-off recycling centers will be closing on June 27, 2017. The locations include: Fellowship at Oso Creek Church at 7402 Yorktown Boulevard; HEB parking lot at Alameda Street and Glazebrook Street; and HEB parking lot at Leopard Street and Violet Road. A new option for drop-off recycling will include Republic Services, 4414 Agnes Street, and will be open Monday through Friday from 8:00 a.m. to 4:00 p.m. Citizens can also take recyclables to the J.C. Elliott Collection Center located at Highway 286 and Ayers Street, Monday through Friday from 8:00 a.m. to 5:00 p.m.

G. MINUTES:

2. Regular Meeting of June 13, 2017 and Workshop of June 14, 2017.

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

H. BOARD & COMMITTEE APPOINTMENTS:

3. Food Service Advisory Committee
Padre Isles Municipal Management District
Regional Health Awareness Board
Senior Companion Program Advisory Committee

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

Food Service Advisory Committee

Council Member Garza made a motion to appoint Arturo L. Garcia, Jr. (Local Food Manager) and Jonathan E. Villarreal (Community At-Large), seconded by Council Member Molina and passed unanimously.

Padres Isles Municipal Management District

Council Member Garza made a motion to reappoint Brent Moore and Darrell Scanlan, seconded by Council Member Vaughn and passed unanimously.

Regional Health Awareness Board

Council Member Garza made a motion to appoint Assistant City Manager Sylvia C. Trevino (City Representative), seconded by Council Member Molina and passed unanimously.

Senior Companion Program Advisory Committee

Council Member Garza made a motion to reappoint Shery DuBois (At-Large), Tami Longino (At Large), and Veronica Marsello (SCP Volunteer Workstation Representative), seconded by Council Member Molina and passed unanimously.

Council Member Vaughn nominated Maria I. Odeh (At-Large). Council Member Rubio nominated Martin A. Longoria (At-Large).

Martin A. Longoria (At-Large) was appointed with Council Members Hunter, Molina, Rubio, Garza, Smith, and Guajardo voting for Martin A. Longoria and Mayor McComb and Council Member Vaughn voting for Maria I. Odeh.

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 13)**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. There were no comments from the public. A council member requested that Items 4 and 9 be pulled for individual consideration. Council Member Garza announced he was abstaining from the vote on Item 13.

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

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

Abstained: 0

5. Construction Contract and Real Estate Contract for Creek View Drive extension (Bond 2014, Proposition 2)(Council Priority - Streets)

Motion authorizing the City Manager, or designee, to execute a construction contract with Max Underground Construction, LLC. of Corpus Christi, Texas in the amount of \$308,720.50 for the Creek View Drive Extension project for the base bid and to execute a land acquisition purchase agreement for \$94,000 with William E. McKinzie, Jr. Family Limited Partnership, and closing costs of \$3,000. (Bond 2014 Proposition 2)

This Motion was passed on the consent agenda.

Enactment No: M2017-086

6. Construction Contract and Testing Agreement for Carroll Lane from Houston Street to McArdle Road (Bond 2014, Proposition 1) (Council Priority - Streets)

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 \$6,192,097.55 for Carroll Lane from Houston Street to McArdle Road for a total Base Bid plus Additive Alternate No. 1 and to execute a construction materials testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$59,515 for Carroll Lane from Houston Street to McArdle Road. (Bond 2014 Proposition 1)

This Motion was passed on the consent agenda.

Enactment No: M2017-087

7. Second Reading Ordinance - Rezoning property located at 4540 Tribble Lane (1st Reading 6/13/17)

Case No. 0517-03 Magellan Terminal Holdings, LP.: A change of zoning from the "CG-1" General Commercial District to the "IH" Heavy Industrial District. The property is described as Webb Tract Port View 101.58 acres, located along the west side of Poth Lane, south of Tribble Lane, and north of Interstate 37.

Planning Commission and Staff Recommendation (May 17, 2017): Approval of the change of zoning from the "CG-1" General Commercial District to the "IH" Heavy Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Magellan Terminal Holdings, LP. ("Owner"), by changing the UDC Zoning Map in reference to Webb Tract Port View 101.58 acres, from the "CG-1" General Commercial District to the "IH" Heavy Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031168

8. Second Reading Ordinance - Rezoning property located at 2121 Rand Morgan Road (1st Reading 6/13/17)

Case No. 0517-04 MPM Development, LP.: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District. The property is described as being a Roberts Tract 2.064 acres out of Lots 3, 6, 11, 14 and 15 also known as Tract 1F, Roberts Tract 31.119 acres out of Lots 3, 6, and 11, and Roberts Tract 6.517 acres out of Lots 3, 6, 11, and 14, and Roberts Tract 4.391 acres out of Lots 3, 6, 11, 14 and 15 also known as Tract 1F, located along the west side of Rand Morgan Road, south of Leopard Street, and north of Oregon Trail.

Planning Commission and Staff Recommendation (March 19, 2017): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MPM Development, LP. ("Owner"), by changing the UDC Zoning Map in reference to Roberts Tract 2.064 acres out of Lots

3, 6, 11, 14 and 15 also known as Tract 1F, Roberts Tract 31.119 acres out of Lots 3, 6, and 11, and Roberts Tract 6.517 acres out of Lots 3, 6, 11, and 14, and Roberts Tract 4.391 acres out of Lots 3, 6, 11, 14 and 15 also known as Tract 1F, from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031169

10. Second Reading Ordinance - Approval of agreement and appropriating funds for developer for the construction of a water grid main extension line located at the southeast corner of Fred's Folly Drive and Yorktown Boulevard (1st Reading 6/13/17)

Ordinance authorizing City Manager or designee to execute a Water Arterial Transmission and Grid Main Construction and Reimbursement Agreement ("Agreement") with Oso Bend Development Company ("Developer"), for the construction of a water grid main extension line and appropriating \$117,667.45 from the No. 4030 Water 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: 031171

11. Second Reading Ordinance - for the acquisition of real property rights by eminent domain for the Rodd Field Expansion Project (Bond 2014, Proposition 2) (Council Priority - Streets) (1st Reading 6/13/17)

An ordinance of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of Right-of-Way Easements, Temporary Construction Easements and fee simple property rights for a street improvement project known as the Rodd Field Road Expansion Project, generally from Saratoga Boulevard to Yorktown Boulevard (Bond 2014); (2) authorizing the City Manager or designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; (3) authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire easement and fee simple property interests in the properties within the project area depicted on the Project Location Map; (4) authorizing payment pursuant to an award by special commissioners; (5) authorizing acceptance and recording of appropriate legal instruments; and (6) approving condemnation for all units of property

to be acquired by condemnation herein by a single record vote of the City Council.

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

Enactment No: 031172

12. Second Reading Ordinance - Adjusting Speed Zone on Ocean Drive from Sand Dollar Boulevard to North Gate of Air Station Corpus Christi (1st Reading 6/13/17)

Ordinance amending the Code of Ordinances, Chapter 53, Section 53-254 Schedule V, Increase of State Speed Limit in Certain Zones to update portions of Ocean Drive and increase the speed limit on Ocean Drive, from Sand Dollar Boulevard to Naval Air Station Corpus Christi North Gate; providing for severance; and providing for publication.

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

Enactment No: 031173

4. Purchase of Public Art for Fire Station 18 located at 6226 Ayers Street

Motion authorizing the City Manager or designee to execute an agreement to purchase a work of art created in mosaic tile, by artist Jeremiah Heye, owner of Heye Mosaics LLC, in the amount of \$22,000.00 for Fire Station #18 to fulfill the public art requirement of Public Art Ordinance No. 21435, Sec 2-109. (Bond 2008)

Mayor McComb referred to Item 4, public art for Fire Station No. 18. Director of Parks and Recreation Jay Ellington and council members discussed the following topics: an explanation on the public art requirement for the project and the percentage of one and one-quarter percent dedicated to fund art projects per the Public Art Ordinance.

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

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

Abstained: 0

Enactment No: M2017-085

9. Second Reading Ordinance - Billish Park Agreement for construction of park improvements and ongoing park maintenance (1st Reading 6/13/17)

Ordinance authorizing the City Manager or designee to execute an

Agreement with the Padre Isles Property Owners Association ("PIPOA") for the Lease, Construction of Improvements and Operation of Billish Park located at 15601 Gypsy Street, to allow construction of park improvements, with City funding not to exceed \$400,000 and PIPOA funding not to exceed \$200,000, and providing for ongoing park maintenance by PIPOA.

Mayor McComb referred to Item 9, Billish Park Agreement with the Padre Isles Property Owners Association. Director of Parks and Recreation Jay Ellington and council members discussed the following topics: the scope of work for improvements; the funding that was previously spent for consultants; the preservation of the memorial garden; assurance from staff to include Sandy Billish in the design of the work; the reason the memorial garden benches were removed; appreciation of Ms. Billish's commitment to Billish Park and the Padre Isles Property Owners Association for agreeing to maintain the park; and a future policy to include stakeholders as part of the process on projects.

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

Abstained: 0

Enactment No: 031170

13. Second Reading Ordinance - Approval for the resale of 26 foreclosed properties (1st Reading 6/13/17)

Ordinance authorizing the resale of 26 properties for \$96,850.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$8,213.35 plus \$15,790.35 for partial payment of City paving and demolition liens.

Mayor McComb referred to Item 13. **Mayor McComb** announced that Council Member Garza was abstaining from this item.

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

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

Abstained: 1 - Council Member Garza

Enactment No: 031174

M. PUBLIC HEARINGS: (ITEMS 15 - 16)

15. Public Hearing and First Reading Ordinance - Rezoning property

located at 402 North Padre Island Drive

Case No. 0517-01 Yarborough Ranches LP: A change of zoning from the “CG-2” General Commercial District and “RM-3” Multifamily 3 District to the “IL” Light Industrial District and “CG-2” General Commercial District. The property is described as Tract 1 being a 22.47-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lots 1 and 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, and Tract 2 being a 3.10-acre tract out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, located on the west side of Flato Road between Bates Road and Bear Lane.

Planning Commission and Staff Recommendation (May 17, 2017): Approval of the change of zoning from the “CG-2” General Commercial District and “RM-3” Multifamily 3 District and to the “IL” Light Industrial District and “CG-2” General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Yarborough Ranches LP (“Owner”), by changing the UDC Zoning Map in reference to Tract 1 being a 22.47-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lots 1 and 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, and Tract 2 being a 3.10-acre tract out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas, from “CG-2” General Commercial District and “RM-3” Multifamily 3 District to the “IL” Light Industrial District and “CG-2” General Commercial District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb referred to Item 15. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property to allow for the construction of office space and a light industrial park. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change.

Council members and staff discussed the following: the reason for multi-zoning on the subject property; the proposed use of office space; notification and feedback from West Oso Independent School District regarding the rezoning; the age of the area development plan; development of the area to improve the tax base; improvements to Flato Road; and the depth of the lot.

Mayor McComb opened the public hearing. There were no comments from the public. Mayor McComb closed the public hearing.

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

Council Member Rubio. This Ordinance was passed on first reading and approved with the following vote:

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

Abstained: 0

16. Public Hearing and First Reading Ordinance - Rezoning property located at 901 Flato Road

Case No. 0517-02 IDV NPID, LLC: A change of zoning from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District. The property is described as being a 2.84-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas located on the west side of Flato Road between Bates Road and Bear Lane.

Planning Commission and Staff Recommendation (May 17, 2017): Approval of the change of zoning from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by IDV NPID, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 2.84-acre tract of land out of J.C. Russell Farm Blocks, Block 4, Lot 2, as shown on a map recorded in Volume 28, Pages 58-59, Map Records of Nueces County, Texas from "RM-3" Multifamily 3 District to the "CG-2" General Commercial District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

Mayor McComb referred to Item 16. Interim Director of Development Services Bill Green stated that the purpose of this item is to rezone the subject property for the construction of office space as a buffer to light industrial uses. Mr. Green stated that the Planning Commission and staff are in favor of the zoning change.

In response to a council member, Mr. Green stated that the current land use is agricultural.

Mayor McComb opened the public hearing. Craig Thompson, Hanson Professional Services, stated that the developer is planning to use the strip of land along Flato Road to develop office space as a buffer to the adjacent school to build a light industrial park. Mayor McComb closed the public hearing.

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

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

Abstained: 0

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 17 - 19)

17. First Reading Ordinance - Closing and abandoning three utility easements located at 6002 & 6116 South Staples

Ordinance abandoning and vacating three utility easements, 0.0281-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 6 and 0.0311-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 1A, located at 6116 South Staples and 0.0237-acre portion of an existing utility easement out of a part of Gusto Subdivision, Block 1, Lot 2A, located at 6002 South Staples; and requiring the owner, Gandy-Robertson, Inc, to comply with the specified conditions.

Mayor McComb referred to Item 17. Interim Director of Development Services Bill Green stated that the purpose of this item is to vacate and abandon three separate utility easements located at the southeast corner of South Staples Street and Wooldridge Road to allow the owner to combine the existing lots into one lot for the future development of an eye care clinic. There were no comments from the public.

In response to a council member, Mr. Green stated that the existing utilities will be relocated.

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

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

Abstained: 0

18. First Reading Ordinance - Water Line Easement Dedication to San Patricio Municipal Water District on City-owned land near U.S. Highway 77 in San Patricio County

Ordinance granting a twenty-five (25) foot wide Water Line Easement and thirty-five (35) foot wide Temporary Work Easement to the San Patricio Municipal Water District to construct, operate, maintain, repair and remove one (1) 24-inch water line on City owned property near

U.S. Highway 77 in San Patricio County; authorizing the City Manager or designee to execute a Water Line Easement and Temporary Work Easement instrument and other related documents for the conveyance of the easement.

Mayor McComb referred to Item 18. Interim Executive Director of Utilities Dan Grimsbo stated that the purpose of this item is to grant a 25-foot wide Water Line Easement and 35-foot wide Temporary Work Easement to the San Patricio Municipal Water District to construct, operate, maintain, repair and remove one (1) 24-inch water line on City-owned property near U.S. Highway 77 in San Patricio County and execute a Water Line Easement and Temporary Work Easement Instrument for the conveyance of the easement. There were no comments from the public.

In response to Mayor McComb, Mr. Grimsbo stated that the project purpose is to install a new water line to allow the purchase of water from the City.

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

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

Abstained: 0

19. First Reading Ordinance - Transfer of Type A funds for The Water's Edge Parking Lot and Marina Breakwater at McGee Beach

Ordinance authorizing the City Manager or designee to transfer and appropriate \$1,010,826 from No. 1120 Seawall Improvement Fund into the No. 3271 Seawall Capital Fund; changing the FY 2017 Operating Budget by increasing expenditures and changing the FY 2017 Capital Budget by increasing revenues and expenditures by \$1,010,826 each.

Mayor McComb referred to Item 19. Director of Engineering Services Jeff Edmonds stated that Items 19 and 20 are related to funding by the Type A Board for projects related to the Bayshore Park Improvement Project (The Water's Edge). The purpose of Item 19 is to transfer Type A funds for The Water's Edge Parking Lot and Marina Breakwater at McGee Beach. The purpose of Future Agenda Item 20 is to execute Change Order No. 1 to include the additional scope of work requested by the Type A Board for improvements to the McGee Beach Breakwater pier. There were no comments from the public.

Council members and staff discussed the following topics: use of the Seawall Improvement Fund to fund the parking lot; the legal opinion that the parking lot qualifies for the use of seawall funds; the ballot language for the seawall; funding for Bayshore Park improvements; the reason the parking lot improvements were not included in the project scope for Bayshore Park; the total cost of the parking lot; the fund balance of the Seawall Improvement Fund; the projected projects for the seawall; the reduction of lanes on

Shoreline; whether Tax Reinvestment Zone Number Three funds can be used to fund the parking lot; the original contract with Fulton for Bayshore Park; the location of the planters at Bayshore Park; and a full report to the City Council on the Bayshore Park project.

Mayor McComb made a motion to table the Ordinance to the July 11, 2017 City Council meeting, seconded by Council Member Smith. This Ordinance was tabled by the following vote:

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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 20 - 26)

Mayor McComb referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had a planned presentation on Item 22. A council member requested information on Item 21.

**20. Change Order No. 1 for Bayshore Park Improvement Project
Marina Breakwater at McGee Beach (Bond 2008) (Capital
Improvement Project)**

Motion authorizing the City Manager or designee to execute Change Order No. 1 with Fulton Coastcon of Corpus Christi, Texas in the amount of \$712,326 for additional park improvements. (Bond 2008 and Capital Improvement Program)

This Motion was recommended to the consent agenda.

**21. Engineering Contract for Mary Rhodes Pipeline Phase 2 (Capital
Improvement Program)**

Motion authorizing the City Manager or designee to execute a ratification of Amendment No. 17 to the professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$603,482 for a total restated fee of \$16,594,474 for the Mary Rhodes Pipeline Phase 2 (MRPP2) for construction management services. Capital Improvement Program (CIP)

This Motion was recommended to the consent agenda.

**22. Change Order No. 4 Williams Drive Phase 3 from Staples Street to
Airline Road (BOND 2012)**

Motion authorizing the City Manager, or designee, to execute Change Order No. 4 with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$166,091.25 for a total restated contract amount of \$8,964,073.35 for Williams Drive Improvements Phase 3 from Staples Street to Airline Road. (BOND 2012).

This Motion was recommended to the consent agenda.

23. Resolution authorizing the City Manager or designee to enter into outside city limit water contracts for properties in Kensington Gardens subdivision

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts, which is attached to this resolution and incorporated herein for all purposes, with property owners of up to 40 lots in Kensington Gardens subdivision to provide public water to their respective properties located outside the city limits pursuant to Section 55-113 of the City Code of Ordinances.

This Resolution was recommended to the consent agenda.

24. Resolution approving the submission of application for the Texas General Land Office Beach Cleaning and Maintenance Assistance Program

Resolution ratifying the execution and submittal of all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2017-2018 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

This Resolution was recommended to the consent agenda.

25. Purchase of Five 2017 Ford F-250 Trucks for Parks and Recreation Department

Motion approving the purchase of five 2017 Ford F-250 trucks from Rush Truck Centers of Texas, LP, of New Braunfels, Texas, based on a cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for a total amount not to exceed \$180,392.00. Funds are available in the FY2016-2017 budget.

This Motion was recommended to the consent agenda.

26. Service Agreement for Armored Courier Services and Cash Manager Safe Service Agreement

Motion authorizing the City Manager or designee to execute a service agreement with Dunbar Armored of Hunt Valley, Maryland, for armored courier services and cash manager lease safe services, in response to Request for Bid (RFB) No. 151, based on lowest, responsive and responsible bid for a total bid amount not to exceed \$37,294.40 with an estimated expenditure of \$6,513.76 in FY2016-2017. The term of the agreement is for one year with option to extend for up to two additional one-year periods, subject to the sole

discretion of the City.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 27)

27. Corpus Christi Vendor Permits (Revisions of Ordinances 38 & 10)

Mayor McComb referred to Item 27. City Manager Margie C. Rose stated that the purpose of this item is to provide an overview of the proposed changes to the vendor permits, Chapters 38 and 10 of the City's Code of Ordinances, to streamline the vendor permitting process and develop a pilot program to expand vending locations. The presentation team included: Environmental & Consumer Health Services Manager Lauren Rabe; Assistant Traffic Engineer Renee Couture; Assistant City Attorney Yvette Aguilar; Program Manager Laura Gonzales Jasso; and Building Official Gene Delauro.

Ms. Rabe presented the following information: the objectives related to the proposed amendments to Chapters 38 & 10; the City departments involved in the process; community outreach; an example of the Corpus Christi Vendor Permitting Process Program; the major revision to Chapter 38; the Pilot Program; the five locations identified for the Pilot Program; vendor feedback; and benefits.

Tyrone Jackson, 4332 Kostoryz and owner of The Good Frank, stated that vending in other cities is difficult because departments do not know the regulations required by other departments. Mr. Jackson commended the City's inter-departmental approach.

Council members and the presentation team discussed the following topics: clarification of the cost per site for a permit; what is being proposed for local-first and surveying what other cities are doing; the possibility of putting the vendor permit application on-line; requirements for vendors on private property; converted shipping containers not being considered mobile vending units; including language in the Vendor Permitting Program that the Development Services Department is the location to begin the permitting process; how special events will be impacted with the revisions to the ordinance; maximum length of food truck/trailers; feedback from vendors related to the increase in proof of insurance coverage; the requirement to make permits visible to customers; enforcement of permits; the locations identified for the Pilot Program and the ability to add future locations based on established criteria; designated park area; consistency of permit fees; the current number of food truck vendors; and the ability to add stipulations to the permit related to litter control.

R. LEGISLATIVE UPDATE:

None.

S. EXECUTIVE SESSION: (ITEMS 28 - 29)

Mayor McComb referred to executive session Items 28 and 29. The Council went into executive session at 5:57 p.m. The Council returned from executive session at 7:13 p.m.

28. **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 water supplies for industrial and other development, desalination, potential interlocal agreements with water districts and other governmental entities involving water or other utility services, potential agreements for the economic development agreement(s) with business prospects that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and/or wastewater services, potential creation of entities that could provide or assist in the provision of the aforementioned 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.

29. **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 City's Code of Ethics and City's Ethics Commission and legal representation of Ethics Commission regarding said issues.

This E-Session Item was discussed in executive session.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identifying Council Future Agenda Items.

MOTION OF DIRECTION

Council Member Vaughn made a motion directing the City Manager to include a presentation on the Old Bayview Cemetery on a future council agenda, seconded by Council Member Hunter and passed unanimously.

U. ADJOURNMENT

The meeting was adjourned at 7:15 p.m.