



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, October 9, 2018

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 11:33 a.m.

- B. Invocation to be given by Pastor Chuck Goodwin, Fish for Life Ministries.**

Pastor Chuck Goodwin gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States to be led by Aimee Alcorn-Reed, Assistant City Attorney.**

Assistant City Attorney Aimee Alcorn-Reed 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:

Interim City Manager Keith Selman, City Attorney Miles K. Risley, and City Secretary Rebecca L. Huerta.

Present: 9 - Mayor Joe McComb, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Debbie Lindsey-Opel, Council Member Ben Molina, Council Member Everett Roy, Council Member Lucy Rubio, and Council Member Greg Smith

E. Proclamations / Commendations

1. Proclamation declaring October 12, 2018, "Texas Association of Legal Professionals Day".
Proclamation declaring October 8-12, 2018, "Court Observance Week".
Proclamation declaring October 2018, "NCCER Careers in Construction Month".
Commendation in Remembrance of Dr. Leo Carrillo.
Mayor McComb presented the proclamations and a commendation.

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

Mayor McComb referred to City Manager's Comments. Interim City Manager Keith Selman reported on the following topics:

a. STRATEGIC FUTURE ISSUES (NONE)

c. OTHER

Interim City Manager Keith Selman provided an update on the issues regarding the City's utility billing system and the multi-fronted effort to communicate to citizens regarding utility billing concerns. The Call Center has added an additional 29 employees, from various departments, to address citizens concerns and make the Call Center more functional. The average call times have been reduced, on peak days, from 30 minutes to 10 minutes. The Call Center has provided enhanced options for callers. Future improvements to the Call Center include; implementing a Customer Relations Manager (CRM) and Water Smart software, which allows citizens to view their consumption of water. Staff will be presenting an item to City Council regarding changing the wastewater rate structure to winter averaging. Staff is working to address the City's utility billing system issues and has put together an internal team which includes representatives from Infor. Interim City Manager Selman stated that there will not be a presentation from Infor at today's meeting because he feels that it would be premature during this diagnostic period. Infor will be making a future presentation to City Council to outline the software and how it operates. Interim City Manager Selman introduced Peter Collins, independent information technology contractor, who is leading the team to address issues with the City's utility billing system.

Mr. Collins provided a flowchart of the utility billing process including: the gas and water meters citywide; the data collection unit (DCU); the STAR system, which manages the meters' information; the Infor System; utility bill; and the customer. Mr. Collins provided information regarding: changes to the features of the utility bills, including a window related to payment plans and solid waste rate changes; how Infor receives information and produces utility bills; Infor's validation process; issues related to meter "no-reads"; and system

maintenance.

Council members discussed the following topics: the anticipated time to complete inspection and maintenance of the DCU system to decrease the number of "no-reads"; reimbursement of inspection fees to eligible residents; a plan to credit customers that have been overcharged; and flexible payment plans.

MOTION OF DIRECTION

Council Member Molina made a motion directing the Interim City Manager to bring back an action item regarding the reimbursement of City inspection fees, seconded by Council Member Lindsey-Opel and passed unanimously.

Council members discussed: the process for reading meters; how residential customers can read their own meters; updating the Automated Meter Reading (AMR) System; maintenance of the system; responsiveness from Infor representatives; the distinction between the large bill amount related to the utility billing issues and an accumulation of fees from failure to pay; the number of disconnections; and if staff can differentiate disconnections that are related to changes in the utility rate versus utility billing issues.

MOTION OF DIRECTION

Council Member Guajardo made a motion directing the Interim City Manager to cease all disconnections related to utility billing issues. The motion of direction failed for lack of second.

Council members discussed the following topics: an email regarding wastewater charges and the methodology of utility billing; an item to discuss a plan to return to winter averaging; a plan to address citizens that are not receiving utility bills; the number of estimates that have been made regarding utility billing; how the utility software issues have impacted the City's budget; the dates that the City Council discussed the changes to the methodology of the wastewater rates; and City Attorney Miles K. Risley's recommendation regarding the City Council taking actions prior to receiving legal advice from bond counsel related to the potential impact of ceasing all disconnections related to utility billing issues relative to existing bond covenants associated with the City's debt.

- 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. All items on this agenda are considered public hearings.

Mayor McComb deviated from the agenda and referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council Chambers. Raymond Ames, 1 Virginia Hills, spoke regarding wastewater rates. Lorena Medina, 4506 Corona Drive, requested information regarding the placement of yard signs to advocate for children with therapeutic needs. Jack Gordy, 4118 Bray, spoke regarding illegal signs. George Silver, Jr., 741 Wildwood Drive, provided options to resolve the billing issues related to water and sewage (wastewater) rates. Adam Carrington, 2949 Riverbend Ct., thanked Council Members Lindsey-Opel, Guajardo, Garza, Roy, and Molina for coming to Brooks AME Worship Center to answer questions and help clarify utility billing issues. Claude Axel, 741 Crestview, spoke regarding City Council terms. Robert Gonzalez, 2625 Niagara, spoke regarding an increase in his utility bills and the Utilities Department's responses. Gil Hernandez, 4414 Lake Superior, spoke regarding the contract management of the 380 Agreement with Schlitterbahn. Margaret Fratila, 3606 Tripoli, spoke regarding the Infor utility billing software and the water utility charges. Ray Madrigal de Pancho Villa, 4253 Dody, spoke regarding the Infor utility billing system and in support of returning to the former formula used to calculate utility charges. Fernando Canseco, 926 NAS Drive, spoke regarding the City's use of his property for stormwater runoff. Susie Luna Saldana, 4710 Hakel, thanked the City Council for working to resolve the utility system billing issues. Mohommed El-Sayed, 2833 Tumbleweed, spoke regarding utility bills and increasing how wastewater charges are calculated. James (TC) Chadden, 1718 Arlington, spoke in support of the City adding shelter for veterans at Sherrill Park.

MOTION OF DIRECTION

Council Member Guajardo made a motion directing the Interim City Manager to cease disconnections for residents who are strictly affected by changes to the utility billing method and utility billing software issues, seconded by Council Member Hunter.

Council members spoke regarding the following topics: disconnections prior to September 26, 2018; legal implications regarding ceasing disconnections; if the motion of direction is out of order due to discussions regarding public comment; City Attorney Miles K. Risley's recommendation that City Council take action only after receiving legal advice from bond counsel relative to existing bond covenants associated with the City's debt; concerns by a council member that this action would damage the City's credit rating; and if staff can contact bond counsel to receive a legal opinion prior to the end of today's meeting.

Council Member Hunter withdrew his second. The motion of direction failed for lack of second.

A council member asked staff to bring back information regarding whether there have been any administrative disconnections since September 26, 2018 and provide the number of accounts that became delinquent during the moratorium on disconnections and late charges related to the rollout of the new utility billing software system.

MOTION OF DIRECTION

Council Member Roy made a motion directing the Interim City Manager to contact bond counsel, as soon as possible, to clarify information regarding action to cease disconnection, prior to the end of today's meeting, seconded by Council Member Hunter and passed unanimously.

BRIEFINGS: (ITEM 29)**29. Merry Days By The Bay - Update**

Mayor McComb deviated from the agenda and referred to Item 29. Business Liaison Arlene Medrano stated that the purpose of this item is to present information regarding Corpus Christi Merry Days by the Bay. At the December 12, 2017 City Council Meeting, former City Council Member Carolyn Vaughn requested to begin a conversation regarding a Christmas Festival in Corpus Christi along with making efforts to provide holiday decorations to enhance the Christmas cheer for residents and visitors. The Corpus Christi Convention and Visitors Bureau (CVB) is coordinating with several community organizations that are currently delivering quality holiday-focused events and presenting them as one large marketing campaign.

Paulette Kluge, CEO of the CVB, presented the following information: past performance relating to hotel occupancy; economic impact studies for increasing occupancy from 41.3% to 45%, 55%, and 65%; comments from hoteliers regarding hotel occupancy rates in December; and the vision for Merry Days by the Bay. Alyssa Barrera, Executive Director of the Downtown Management District (DMD), provided information regarding: re-imagined Peppermint Lane; Lighting the Parks; the downtown buildings holiday lights competition; and new bows and garlands on light poles in the downtown area. Matt Blasy, General Manager of the American Bank Center, provided information regarding SMG's Coastal Christmas activities that will be held December 16, 2018 through January 1, 2019. Maria Pedraza, Harbor Lights Board Member, provided an update on the Harbor Lights Festivities. Ms. Kluge provided information regarding: other holiday activities in the City; month-long promotions; partnerships and sponsors; and HEB's purchase of the City of Corpus Christi Christmas tree. Regina Garcia-Posada, HEB, stated that HEB donated the tree in an effort to promote "family-first" and create memories and new traditions.

Council members spoke regarding the following topics: the CVB's efforts to promote all holiday events and activities and expressed appreciation to HEB.

R. EXECUTIVE SESSION: (ITEMS 30 - 32)

Mayor McComb deviated from the agenda and referred to the day's executive sessions. The Council went into executive session at 2:16 p.m. The Council returned from executive session at 3:12 p.m.

30. 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 purchase, exchange, lease, or value of real property rights owned by the City within the City of Corpus Christi at or adjacent to 7101 Edgebrook and/or 5205 Edinburg, and pursuant to **Texas Government Code § 551.072 to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property rights at or in the vicinity of the aforementioned location(s)) 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.

- 31. 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 negotiations and potential litigation with the U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Attorney General, and/or U.S. Department of Justice concerning the City's sanitary sewer system and/or water system, including consideration of fees for attorneys, engineers, and other expert witnesses assisting in defense of potential lawsuit(s).

This E-Session Item was discussed in executive session.

- 32. 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 appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or contracting or utilization of search firm for City Manager **and pursuant to Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during the executive session.

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

b. CITY PERFORMANCE REPORT - GAS DEPARTMENT

Director of Gas Operations Bill Mahaffey provided a briefing on the Gas Department, including the operational profile; baseline information; and performance indicators.

Council members discussed the following topics: the Texas Municipal League's performance rating; loss and unaccounted gas percentage annually; natural gas generators; and if there is an uptake in residential generators.

G. MINUTES:

- 2.** Regular Meeting of September 25, 2018.

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

H. **BOARD & COMMITTEE APPOINTMENTS: (NONE)**

I. **EXPLANATION OF COUNCIL ACTION:**

K. **CONSENT AGENDA: (ITEMS 3 - 15)**

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. A council member requested that Item 7 be pulled for individual consideration. There were no comments from the public.

Council Member Lindsey-Opel made a motion to approve the consent agenda, seconded by Council Member Garza. The consent agenda items were passed and approved by one vote as follows:

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

3. **Annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS) (Requires 2/3 Vote)**

Motion authorizing renewal of an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of water quality and stream flows associated with the Nueces River and its tributary, with the City's cost to be \$160,350.

This Motion was passed on the consent agenda.

Enactment No: M2018-189

4. **Food Program Purchase for the Senior and Summer Youth Feeding Programs (Requires 2/3 Vote)**

Resolution authorizing the purchase up to \$421,000.00 in food supplies for the senior and summer youth feeding programs 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.

This Resolution was passed on the consent agenda.

Enactment No: 031567

**5. Supply Agreement for the Purchase of Garbage Truck Parts
(Requires 2/3 Vote)**

Motion authorizing a one-year supply agreement for the purchase of garbage truck parts with Heil of Texas of San Antonio, Texas via BuyBoard cooperative for \$220,000, with a one-year option for a total potential multi-year amount not to exceed \$440,000.

This Motion was passed on the consent agenda.

Enactment No: M2018-190

**6. Supply Agreement for the Purchase of Heavy Equipment Parts for
Asset Management (Requires 2/3 Vote)**

Motion authorizing a one-year supply agreement for the purchase of heavy equipment parts with Rush Truck Centers of Texas, LP dba, Rush Truck Center of Corpus Christi, Texas via BuyBoard cooperative for \$630,000, with a one-year option for a total potential multi-year amount of \$1,260,000.

This Motion was passed on the consent agenda.

Enactment No: M2018-191

**8. Service Agreement for Plumbing Services for City Facilities
(Requires 2/3 Vote)**

Motion authorizing a three-year service agreement with Smart Plumbing Inc of Corpus Christi, Texas for plumbing services for City facilities for a total amount not to exceed \$230,625.

This Motion was passed on the consent agenda.

Enactment No: M2018-193

**9. Second Reading Ordinance - Urban Transportation Plan
Amendment deleting a proposed collector street (1st Reading
9/25/18)**

Ordinance amending Urban Transportation Plan map by deleting a portion of Las Tunas Drive, a proposed C1 Collector located approximately 0.2 miles south of Whitecap Boulevard connecting Palmira Avenue with South Padre Island Drive (Park Road 22)

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

Enactment No: 031568

10. Second Reading Ordinance - Unimproved Street Right-of-Way Closure of Las Tunas Drive (1st Reading 9/25/18)

Ordinance closing, abandoning and vacating a 0.516-acre portion of Las Tunas Drive, a platted unimproved road, out of Padre Island No. 1 and requiring petitioner, Yasin Investment, LLC., to comply with specified conditions.

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

Enactment No: 031569

11. Second Reading Ordinance - Partial Street Right-of-Way closure, vacation, and abandonment of Battlin' Buc Boulevard and Lipan Street, and alley closures out of Nelson Addition Block 2 and 3 (1st Reading 9/25/18)

Ordinance closing, vacating, and abandoning a 0.50 acre portion of Battlin' Buc Boulevard, a 0.43 acre portion of Lipan Street, a 0.069 of an acre, being a 10-foot wide alley located out of Nelson Addition Block 2, and a 0.034 of an acre, being a 10-foot wide alley located out of Nelson Addition Block 3, and requiring Corpus Christi Independent School District to comply with specified conditions.

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

Enactment No: 031570

12. Second Reading Ordinance - Rezoning for a Property located at or near 5518 Curtis Clark Drive (Requires 2/3 Vote)

Case No. 0818-04 Marias Properties, LLC: Request for rezoning property at or near 5518 Curtis Clark Drive from "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

Planning Commission and Staff Recommendation (August 22, 2018): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

Ordinance rezoning property at or near 5518 Curtis Clark Drive from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

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

Enactment No: 031571

13. Second Reading Ordinance - Rezoning for a Property located at or near 2141 Laguna Shores Drive (1st Reading 9/25/18) (Requires 2/3 Vote)

Case No. 0818-05 James Karstens: Request for rezoning property at or near 2141 Laguna Shores Road from "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Planning Commission and Staff Recommendation (August 22, 2018): Approval of the change of zoning from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Ordinance rezoning property at or near 2141 Laguna Shores Road from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

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

Enactment No: 031572

14. Second Reading Ordinance - Rezoning for a Property located at or near 2117 Laguna Shores Road (1st Reading 9/25/18) (Requires 2/3 Vote)

Case No. 0818-06 Guy Brady: Request for rezoning property at or near 2117 Laguna Shores Road from "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Planning Commission and Staff Recommendation (August 22, 2018): Approval of the change of zoning from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Ordinance rezoning property at or near 2117 Laguna Shores Road from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

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

Enactment No: 031573

15. Second Reading Ordinance - Amending Tree Advisory Committee Membership Requirements (1st Reading 9/25/18)

Ordinance amending Tree Advisory Committee membership.

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

Enactment No: 031574

7. Service Agreement for Backflow Prevention Testing and Repairs for City Facilities (Requires 2/3 Vote)

Motion authorizing a three-year service agreement for backflow prevention testing and repairs for City facilities with Smart Plumbing, Inc. of Corpus Christi, Texas for a total amount not to exceed \$276,286.

Mayor McComb referred to Item 7, a three-year service agreement for backflow prevention testing and repairs for City facilities. Dorothy Spann, 502 Del Mar, asked if this action was related to residential backup valves. Assistant City Manager Mark Van Vleck stated that this service agreement is for City facilities.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

Enactment No: M2018-192

M. PUBLIC HEARINGS: (ITEM 16)

16. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 6641 Lipes Boulevard (Requires 2/3 Vote)

Case No. 0918-01 Staples Development, LLC: Request for rezoning property at or near 6641 Lipes Boulevard from "FR" Farm Rural District to the "RM-1" Multifamily 1 District

Planning Commission and Staff Recommendation (September 5, 2018): Approval of the change of zoning from the "FR" Farm Rural District to the "RM-1" Multifamily 1 District.

Ordinance rezoning property at or near 6641 Lipes Boulevard from the "FR" Farm Rural District to the "RM-1" Multifamily 1 District.

Mayor McComb referred to Item 16. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for the future construction of a multifamily apartment complex. Ms. Nixon-Mendez stated that the Planning Commission and staff are in favor of the zoning change.

Mayor McComb opened the public hearing. Council members and staff discussed the following topics: that the lot is not platted; the property owner will be subject to acreage fees; and that the lot does not need to be platted to

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

Council Member Hunter 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 17 - 22)

17. First Reading Ordinance - Accepting and appropriating the Violence Against Women Act (VAWA) grant within the Police Department (Requires 2/3 Vote)

Ordinance authorizing acceptance of \$54,339.42 grant from State of Texas, Criminal Justice Division for Violence Against Women Program with cash match of \$14,000 and in-kind match of \$8,280; appropriating \$54,339.42 in Police Grants Fund; and authorizing transfer of \$14,000 from General Fund to Police Grants Fund.

Mayor McComb referred to Item 17. Police Chief Mike Markle stated that the purpose of this item is to accept a grant from the State of Texas, Criminal Justice Division for the Violence Against Women Program in the amount of \$54,339.42, with a cash match of \$14,000 and an in-kind match of \$8,280. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

18. First Reading Ordinance - Amending Chapter 38 of the Corpus Christi Code

Ordinance amending Chapter 38 of the Corpus Christi Code to exempt flea markets and farmers markets from vendor permitting; and providing for penalty.

Mayor McComb referred to Item 18. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to amend the City's Code of Ordinances, Chapter 38, to exempt flea markets and farmers markets from the requirement to obtain a City vendor permit when operating at a designated outdoor location. Ms. Nixon-Mendez presented the following information: background and findings; examples of flea markets and farmers markets in the City; and the amendments.

Council members and staff discussed the following topics: restrictions related to flea markets and farmers markets; regulation of flea markets and farmers markets based on zoning districts; permits required for vendors to sell merchandise on private property; and the permits required for vendors and the registration process.

Mayor McComb called for comments from the public. Aislynn Campbell, 510 McClendon, spoke regarding stakeholders not being involved in the process and the distinction between flea markets and farmers markets. Council members discussed the importance of engaging stakeholders.

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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

19. First Reading Ordinance - Closing of a utility easement located at 3945 Crosstown State Highway 286

Ordinance abandoning and vacating a 0.0223 acre portion of a utility easement out of Roseland Place Lot 4, Block 4, located at 3945 Crosstown State Highway 286.

Mayor McComb referred to Item 19. City Secretary Rebecca Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to abandon and vacate a portion of a utility easement located out of Roseland Place, Lot 4, Block 4, at 3945 Crosstown State Highway 286. Kleberg Bank is requesting the closure due to common ownership between both lots and to expand their business. There were no comments from the public.

Council members spoke regarding the following topics: that there is already construction occurring on the property; the closure is necessary for construction; the Development Services Department's efforts to work with the business to expedite construction; and the permitting process.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Lindsey-Opel. 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 Lindsey-Opel, Council Member Molina, Council Member Rubio and Council Member Smith

Abstained: 1 - Council Member Roy

20.

First Reading Ordinance - Amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district (Public Hearing 9/11/18) (Requires 2/3 Vote)

Ordinance amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district; and providing for penalties.

Mayor McComb referred to Item 20. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to amend the Unified Development Code (UDC) to add a definition for smoking lounges and appropriate zoning districts. This item was originally presented at the September 11, 2018 City Council meeting. City Council tabled the section regarding smoking lounges and requested that staff refine the definition of smoking lounges. The purpose of the amendment is to: classify and define the use of smoking lounges; determine where smoking lounges are appropriate; and limit potential negative impacts of smoking lounges to adjacent residential neighborhoods. Ms. Nixon-Mendez stated that the amendment would locate smoking lounges in more intense commercial districts and away from single-family residential neighborhoods. Ms. Nixon-Mendez provided the following information: the definition of smoking lounges and the allowed zoning districts. Assistant Director of Development Services and Building Official Gene Delauro and Police Chief Mike Markle responded to questions.

Mayor McComb called for comments from the public. Hal George, 5350 S. Staples, representing Mustafa Alzakzok, owner of a smoking lounge located at 1229 Nile Drive, stated that this amendment was not communicated to his client and would put his client out of business. Mr. George provided information regarding the following: code violations related to the certificate of occupancy; investments made by his client; the timeline of the UDC text amendments; inspection of his client's property and suspension of the certificate of occupancy; his client's efforts to address complaints regarding his business; and his client's economic damage due to the closure of his property. Mr. George stated that his client is the only business that would be impacted by the amendment and urged the City Council to reject the amendment or grandfather the use of the business. Mustafa Alzakzok, 1229 Nile Drive and owner of a hookah lounge, provided information regarding his hours of operation; the construction of a fire wall; and the financial impact of the amendment. Dorothy Spann, 502 Del Mar, spoke regarding the impact the amendment will have on neighborhoods.

Council members spoke regarding the following topics: complaints from adjacent residents regarding activity at late hours in the parking lot; the business being an "after-hours" club; that alcohol is not allowed in Mr. Alzakzok's smoking lounge; the fire wall that was not constructed; suspension of the certificate of occupancy; the zoning of the property where the smoking lounge is located; restrictions regarding hours of operation; communication to

stakeholders affected by the amendment; if other smoking lounges are affected by this amendment; a plan to adjust the discussed location's hours of operation through zoning; non-conforming uses and grandfathering of existing businesses; data regarding complaints against the business at the location since Mr. Alzakzok's establishment has not opened since August; the ability for Mr. Alzakzok to operate his establishment if the certificate of occupancy is restored; and Mr. Alzakzok's willingness to change his business model to reduce nuisances.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

21. First Reading Ordinance - Approving Fourth Amendment to the TIRZ #3 Project & Financing Plan

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

Mayor McComb referred to Item 21. Business Liaison Arlene Medrano stated that the purpose of this item is to approve the fourth amendment to the Tax Increment Reinvestment Zone #3 (TIRZ # 3) Project and Financing Plan. The amendment was approved by the TIRZ #3 Board on August 28, 2018. The amendments include: updating language to indicate the Downtown Area Development Plan as complete; extending the incentive programs for an additional three-year period; providing an updated sources of revenue table showing TIRZ #3 projected revenue; providing funding for the implementation of the Parking Action Plan; and identifying changes to other programs and initiatives undertaken by the Downtown Management District. There were no comments from the Council or the public.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

22. First Reading Ordinance - Approving Amendments to the TIRZ #2 Project & Financing Plan

Ordinance approving the amendments to the Tax Increment Reinvestment

Zone #2 Amended Project & Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas.

Mayor McComb referred to Item 22. Business Liaison Arlene Medrano stated that the purpose of this item is to approve the amendments to the Tax Increment Reinvestment Zone #2 (TIRZ #2) Project and Financing Plans. The plan was approved by the TIRZ #2 Board and the North Padre Island Development Corporation on August 21, 2018. The amendments include: adding a traffic improvement project which provides for a pedestrian crossing on Windward Drive at Saint Augustine Drive to facilitate access to and from Michael J. Ellis Beach; and a \$50,000 expenditure for a feasibility study update for the renewal of the TIRZ #2. There were no comments from the Council or the public.

Council Member Lindsey-Opel 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: 9 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Lindsey-Opel, Council Member Molina, Council Member Roy, Council Member Rubio and Council Member Smith

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 23 - 27)

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman stated that staff had planned presentations on Items 24 and 27. A council member requested information on Item 23.

23. Authorizing Use of Type B Arterial and Collector Funds for Three Streets (Requires 2/3 Vote)

Motion authorizing the use of up to \$10,550,000 in Type B arterial and collector funds for three street projects: Slough Road from Amethyst Drive to Rodd Field Road, Everhart Road from Holly Road to South Padre Island Drive, and Holly Road from Ennis Joslin Road to Rodd Field Road.

This Motion was recommended to the consent agenda.

24. Construction Contract for Flato Road from Agnes Street to Bates Road (Bond 2014, Proposition 2) (Requires 2/3 Vote)

Motion to authorize execution of a construction contract with Reytec Construction Resources, Inc., of Houston, Texas in the amount of \$7,985,187.50 for Base Bid Part 3 (Portland Cement Concrete (PCC)) for Flato Road from Agnes Street to Bates Road project.

This Motion was recommended to the consent agenda.

25. Professional Services Contract Amendment No. 7 for the O.N.

**Stevens Water Treatment Plant High Service Building No. 3
(Capital Improvement Program) (Requires 2/3 Vote)**

Motion to authorize execution of Amendment No. 7 to a Professional Services Contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$242,065.00 for a total restated fee of \$2,762,567.91 for O.N. Stevens Water Treatment Plant High Service Building No. 3 project.

This Motion was recommended to the consent agenda.

**26. Service Agreement for Chemical Analysis Services for Utilities
(Requires 2/3 Vote)**

Motion authorizing a four-year service agreement with Analysys, Inc., of Austin, Texas for the chemical analysis at the Water Utilities Lab, Pretreatment, and Wastewater Division of Utilities Department for the total amount not to exceed \$269,776.

This Motion was recommended to the consent agenda.

**27. Real Estate Contract for land purchase at Corpus Christi
International Airport (Requires 2/3 Vote)**

Motion to authorize execution of a real estate sales contract with Patrick William Kelly, III and Carol Lynn Gillingham in the amount of \$235,200 plus \$2,700 in estimated closing costs for acquisition of 50.535 acres of land including mineral rights, located on Joe Mireur Road (FM763), south of Corpus Christi International Airport for airport land expansion and other purposes.

This Motion was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 28)

28. INFOR Briefing

This Presentation was postponed.

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

Mayor McComb deviated from the agenda and referred to City Manager's Comments. City Attorney Miles K. Risley stated that after consulting with bond counsel regarding the previous motion of direction regarding ceasing disconnection of utility services, City Attorney Risley presented the following option for City Council's consideration: "Motion directing the Interim City Manager to temporarily suspend the cut off of water utilities due to the delinquency of residential ratepayers in the City for a period of 30 days, with such cut offs to resume at an earlier period if determined by the City Manager that the accuracy of the system has been restored with respect to the

delinquent ratepayers to be cut off".

Council members discussed the following topics: the importance of the bond rating; the administrative actions to cease disconnection of utility services; encouraging staff to work with citizens impacted by the utility software billing issues; and weekly updates to City Council regarding the status of the utility system.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. The following items were discussed: a plan regarding the appointment of a Charter Revision Committee; information regarding what the City Council is doing to promote the bond propositions; and a County-wide master drainage plan.

T. ADJOURNMENT

The meeting was adjourned at 5:35 p.m.