



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, March 10, 2015

11:30 AM

Council Chambers

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**Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

**A. Mayor Nelda Martinez to call the meeting to order.**

Mayor Pro Tem Chad Magill called the meeting to order.

**B. Invocation to be given by Minister Eddie Rodriguez, Church of Christ.**

Minister Eddie Rodriguez gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Stacie Talbert Anaya, Interim Director of Parks and Recreation.**

Fire Chief Robert Rocha 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 Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Ron Olson, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

**Present:** 8 - Council Member Rudy Garza, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, Council Member Lucy Rubio, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

**Absent:** 1 - Mayor Nelda Martinez

**E. Proclamations / Commendations**

**1. Proclamation declaring March 13th, 20th, and 27th, 2015, "Fill the Boot for Muscular Dystrophy Association Days"**

Mayor Pro Tem Magill presented the proclamation.

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

Mayor Pro Tem Magill referred to City Manager's Comments. City Manager

Olson discussed the following topics:

**a. OTHER**

1) City Manager Olson announced that Item 22 was withdrawn from the agenda. 2) City Manager Olson recognized the City employees' charitable donations to United Way and stated that he was proud of the City employees for supporting the community.

**I. MINUTES:**

**9. Regular Meeting of February 24, 2015**

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

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

**K. EXPLANATION OF COUNCIL ACTION:**

**L. CONSENT AGENDA: (ITEMS 10 - 13)**

**Approval of the Consent Agenda**

Mayor Pro Tem Magill referred to the Consent Agenda. There were no comments from the Council or the public. Council Member McIntyre made a motion to approve the consent agenda items, seconded by Council Member Scott. The consent agenda was passed with the following vote:

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

**10. Authorizing State of Texas, Criminal Justice Division grant application**

Resolution authorizing the submission of a grant application in the amount of \$46,194.48 to the State of Texas, Criminal Justice Division, for funding available under the Violence Against Women Act (VAWA) fund for the Police Department's Family Violence Unit with a city match of \$19,354.48, an in-kind match of \$5,520, for a total project cost of \$71,068.96; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030439

**11. Authorizing Texas Parks & Wildlife Department grant application for improvements at West Guth Park**

Resolution authorizing the City Manager or designee to apply for a Texas Parks & Wildlife Local Grant Program for West Guth Park in amount of \$400,000 with City matching funds of \$400,000.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030440

**12. Second Reading Ordinance - Rezoning from commercial with a special permit to light industrial at 10328 Interstate Highway 37 access road (1st Reading 2/24/15)**

Case No. 0115-05 Hayden Partners LLC: A change of zoning from the "CG-2/SP" General Commercial District with a Special Permit for a warehouse use to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from commercial to industrial uses. The property is described as Lot 2, Block 3, River Square Unit 1, located along the north side of Interstate Highway 37 Access Road at the southeast corner of Turtle Creek Boulevard and River Run Boulevard.

Planning Commission and Staff Recommendation (January 28, 2015): Denial of the change of zoning to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit subject to a site plan and ten conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Hayden Partners LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 2, Block 3, River Square Unit 1, from the "CG-2/SP" General Commercial District with a Special Permit for a warehouse use to the "CG-2/SP" General Commercial District with a Modified Special Permit for a warehouse use; 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: 030441

**13. Second Reading Ordinance - Appropriating reimbursement from Texas State Library and Archives Commission (1st Reading 2/24/15)**

Ordinance appropriating reimbursement received from the Texas State Library and Archives Commission for participation in Interlibrary Loan Program in the amount of \$21,898.50 into the General Fund No. 1020,

La Retama Central Library Organization No. 12800, to be used for library technology services; and Changing the FY14-15 Operating Budget adopted by Ordinance No. 030294 by increasing revenue and expenditures by \$21,898.50 each.

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

Enactment No: 030442

**M. PUBLIC HEARINGS: (ITEMS 14 - 15)**

**14. Public Hearing and First Reading Ordinance - Amending the Unified Development Code to increase the self-storage use compartment size limitation**

Ordinance amending the Unified Development Code ("UDC") by revising Section 5.2.14.C allowing an increase in self-storage use compartment sizes from 400 square feet to 500 square feet; and providing for severance, penalties, and publication.

**Mayor Pro Tem Magill referred to Item 14. Director of Development Services Dan Grimsbo stated that the purpose of this item is to amend the Unified Development Code's limitation on compartment sizes for self-storage uses. Mr. Grimsbo stated that the Planning Commission and staff are in favor of the text amendment. Mayor Pro Tem Magill opened the public hearing. There were no comments from the public. Mayor Pro Tem Magill closed the public hearing. A council member thanked staff for addressing this issue. Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance passed on first reading and approved with the following vote:**

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

**15. Public Hearing and First Reading Ordinance - Rezoning from Farm Rural to Single-Family on Tract 1 and to Commercial on Tract 2 at 714 FM 2444**

Case No. 0115-06 South Staples LLC: A change of zoning from the "FR" Farm Rural District to the "RS-15" Single-Family 15 District on Tract 1 and from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District on Tract 2. Tract 1 is described as being an 8.57 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts. Tract 2 is described as being a 5.22 acre tract out of a 78.76 acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts. The properties are located at the northwest corner of South Staples Street (FM 2444) and

County Road 41A.

Planning Commission and Staff Recommendation (February 11, 2015):

Tract 1: Denial of the rezoning from the "FR" Farm Rural District to "RS-15" Single-Family 15 District and, in lieu thereof, approval of the "RS-22/SP" Single-Family 22 District with a Special Permit subject to a site plan and conditions.

Tract 2: Approval of the rezoning from the "FR" Farm Rural District to "CN-1" Neighborhood Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by South Staples, LLC ("Owner"), by changing the UDC Zoning Map in reference to Tract 1, being an 8.57-acre tract out of a 78.76-acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts, and Tract 2, being a 5.22-acre tract out of a 78.76-acre parcel which is out of the East One-Half of the Northwest One-Quarter, Section Thirty, Laureles Farm Tracts, from the "FR" Farm Rural District to the "RS-22/SP" Single-Family 22 District with a Special Permit on Tract 1; and from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Pro Tem Magill referred to Item 15. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for construction of single-family on Tract 1 and neighborhood commercial on Tract 2. Mr. Grimsbo stated that the Planning Commission and staff recommend denial of the rezoning of Tract 1 from "FR" Farm Rural District to "RS-15" Single-Family 15 District and, in lieu thereof, approval of the "RS-22/SP" Single-Family 22 District with a Special Permit subject to a site plan and conditions; and approval of the rezoning of Tract 2 from "FR" Farm Rural District to "CN-1" Neighborhood Commercial District. Mayor Pro Tem Magill opened the public hearing. There were no comments from the Council or the public. Mayor Pro Tem Magill closed the public hearing. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance passed on first reading and approved with the following vote:**

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

**N. REGULAR AGENDA: (ITEM 16)**

**16. Approving grant funds for the rehabilitation of the La Armada II Public Housing Complex**

Motion approving grant funds for the rehabilitation of the La Armada II Public Housing Complex, and authorizing the City Manager or his designee to execute an affordable housing agreement with the Corpus Christi Housing Authority.

**Mayor Pro Tem Magill referred to Item 16. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is to approve grant funding for the rehabilitation of the La Armada II Public Housing Complex. There were no comments from the public. Council members spoke regarding the following topics: an explanation of the language in the contract referring to the release of funding; the funding for this fiscal year; and discussion regarding the Corpus Christi Housing Authority's property on Everhart Road and the reason the Corpus Christi Housing Authority is not selling this asset. Gary Allsup, President of the Corpus Christi Housing Authority (CCHA) stated that the Corpus Christi Housing Authority Board recognizes the value of the Thanksgiving Homes property and has decided to keep the property as an asset to address future affordable housing needs.**

**Mr. Ortega provided the Council with an amendment to Section 4. Terms of Project Agreement, Subsection c. which reads as follows: The \$350,000 in affordable housing funds will be awarded immediately upon the CCHA providing the City proof that the \$4,800,000 in funds from various federal programs have been secured and are available for expenditure on the Project; the \$150,000 will be awarded on October 1, 2015 or as soon as possible after the adoption of the FY 2015-2016 Type A budget, upon the expected future allocation of funds by the Type A Board to the City. The parties recognize that appropriation of the future funds, budget approval, and a decision by the Type A to transfer sufficient funds to the City for affordable housing in FY 2015-2016 are within the sole discretion of the Type A Board. By execution of the Agreement, the City does not represent that these actions will occur. All of these actions are further subject to City Council approval.**

**The continuation of this Agreement after the close of any fiscal year of the City, which fiscal year ends on September 30 annually, is subject to appropriations and budget approval covering this Agreement as expenditure in said budget; however, it's within the sole discretion of the City Council of the City to determine whether to fund this Agreement. The City does not represent that this budget item will be adopted, as said determination is within the City Council's sole discretion when adopting each budget.**

**Council Member McIntyre made a motion to include the new language in Section 4 (c) of the contract, seconded by Council Member Riojas and passed. This Motion was passed as amended and approved with the following vote:**

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

Enactment No: M2015-024

- F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

Mayor Pro Tem referred to comments for the public. Jack Gordy spoke regarding the removal of palm trees on Airline Road. Rudy Medina spoke regarding the replacement of the fence behind his property and code enforcement. Cathy Huebner spoke in support of the City's initiatives for reducing water consumption and requested that the City Council include Lake Texana to the combined reservoir system. Joe Lawrence Zulea spoke regarding water and water related issues. Leonel Rios thanked the City Council for supporting veterans and asked for support in establishing a veterans home in Corpus Christi. Jerry Garcia requested support for Southside Baseball and the westside area.

**H. EXECUTIVE SESSION: (ITEMS 2 - 8)**

Mayor Pro Tem Magill referred to the day's executive sessions. Mayor Pro Tem Magill stated that City Council would handle Item 8 first in executive session and would return then reconvene to executive session. The Council went into executive session.

- 2. 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 with the U.S. Environmental Protection Agency concerning its proposals regarding the City's sanitary sewer system, with possible action and discussion in open session.**
- 3. 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 for economic development incentives with a commercial retailer; pursuant to Texas Government Code § 551.087 to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and/or financial or other incentives involving said business prospect, including but not limited to negotiations for economic development incentives with a commercial retailer; with possible action and discussion in open session.**
- 4. Executive Session pursuant to Texas Government Code § 551.072 concerning the purchase, exchange, lease or value of real**

property (including areas on or adjacent to McArdle Road) with possible action and discussion in open session.

5. **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning SOAH Docket No. 473-15-1931.WS, PUC Docket Number 44050 and wholesale water sales related litigation, with possible action and discussion in open session.

Enactment No: M2015-023

6. **Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding fire collective bargaining negotiations, the Agreement between the City of Corpus Christi and the Corpus Christi Firefighters Association and/or police association, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

7. **Executive session pursuant to Texas Government Code § 551.076** concerning security personnel and devices, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

8. **Executive session pursuant to Texas Government Code Section 551.074** Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of all Municipal Court Judges with possible discussion and action in open session.

**Mayor Pro Tem Magill referred to Item 8 and stated that the following ordinance was discussed in executive session:**

**Ordinance appointing Young Min Burkett, Ray A. Gonzalez, Inna Rogoff-Klein, Gail Loeb, Patrick O'Hare, and Mike James Alaniz as Municipal Judges of the Municipal Court of Record in the City Of Corpus Christi, Texas; appointing Gail Loeb as the Presiding Judge; appointing Jerry L. Batek, Jacqueline Del Llano Chapa, Christopher E. Matt, Todd A. Robinson and David Walsh as Part-Time Judges of the Municipal Court of Record in the City Of Corpus Christi; determining salary; providing a term of office; declaring an effective date of March 24, 2015.**

**Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Rosas. This Ordinance was passed and approved with the following vote:**

**Aye:** 5 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rubio and Council Member Rosas

**Nay:** 3 - Council Member Riojas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez



Abstained: 0

Enactment No: 030438

**N. REGULAR AGENDA: (ITEMS 17 - 20)**

**17. Second Reading Ordinance - Approving termination of RecycleRewards agreement and non-allocation of funds for budget fiscal year 2015-2016 (Tabled on 2/17/15)(1st Reading 2/24/15)**

Ordinance approving a termination of the agreement with RecycleRewards and non-allocation of funds due to the necessity to fund improvements to solid waste services in the operating budget for fiscal year 2015-2016; finding that the termination and issuance of certificates of obligation for solid waste services capital improvements are both necessary and prudent; directing that a copy of this ordinance be included with the adopted FY2015-2016 Operating Budget; and providing for severance.

Mayor Pro Tem Magill referred to Item 17. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to terminate the agreement with RecycleRewards and non-allocation of funds due to the necessity to fund improvements to solid waste services. The contract will terminate effective September 30, 2015. Mayor Pro Tem Magill called for comments from the public. Venessa Santos-Garza, local representative for RecycleBank, said RecycleBank understands that due to budget issues, this contract, in its existing form must be terminated to address crucial and mandated projects. Ms. Santos-Garza requested the opportunity to formally present a plan to continue the education program for recycling and rewards without impacting the residents. Abel Alonzo spoke in support of the termination of the agreement. Council members spoke regarding the following topics: reviewing the education component and tying together littering, illegal setout, solid waste code enforcement issues, and contaminated recycling into one program; and the education matrix associated with the overall litter campaign and recycle efforts. Council Member McIntyre made a motion to approve to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second reading and approved with the following vote:

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

Abstained: 0

Enactment No: 030443

**18. Second Reading Ordinance - Lease Agreement with Corpus Christi Regional Transportation Authority for a Temporary Bus Transfer Station Site (Requires 28 day delay) (1st Reading 2/10/15)**

Ordinance authorizing the City Manager or designee to execute a seven (7) month lease agreement with Corpus Christi Regional Transportation Authority for the use of property bounded by Leopard, Sam Rankin, Mestina and Josephine Streets, for a temporary bus transfer station.

**Mayor Pro Tem Magill referred to Item 18. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a lease agreement with the Corpus Christi Regional Transportation Authority (RTA) to permit the use of city property directly west of City Hall, bounded by Leopard, sam Rankin, Mestina and Josephine Streets for a temporary bus transfer station to continue service during the reconstruction of their new Staples Street Center building. Mayor Pro Tem Magill called for comments from the public. Scott Neeley, Chief Executive Office of the RTA, spoke in support of the temporary bus transfer station. Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

Enactment No: 030444

**19. Second Reading Ordinance - Lease Agreement for the 2015 Fiesta de la Flor event and related activities for April 17-18, 2015 (Requires 28 Day Delay) (1st Reading 1/27/15)**

Ordinance authorizing the City Manager or designee to execute a lease agreement with the Corpus Christi Convention and Visitors Bureau ("CCCVB") for 2015 Fiesta de la Flor event and related activities to be held on April 17, 2015 and April 18, 2015, and allow use of City property including the Bayfront Park located along Shoreline Blvd. between Resaca Street and Power Street.

**Mayor Pro Tem Magill referred to Item 19. Acting Assistant Director of Parks and Recreation Becky Perrin stated that the purpose of this item is to approve a lease agreement with the Corpus Christi Convention and Visitors Bureau for the 2015 Fiesta de la Flor event to be held April 17-18, 2015. There were no comments from the Council or the public. Council Member Vaughn made a motion to approve the ordinance, seconded by Council Member McIntyre. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 7 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Mayor Martinez and Council Member Scott

**Abstained:** 0

Enactment No: 030445

**20. Second Reading Ordinance - Lease Agreement with the Corpus Christi Hispanic Chamber of Commerce for Tex Mex Railroad Depot (Requires 28 day delay) (1st Reading 1/27/15)**

Ordinance authorizing the City Manager or designee to execute a five year lease agreement with Corpus Christi Hispanic Chamber of Commerce for the use of Tex Mex Railroad Depot located at 1800 block of Chaparral Street, in consideration of improvements to premises and rental payments of \$450 per month beginning month 37 increased to \$900 per month beginning month 49.

**Mayor Pro Tem Magill referred to Item 20. Acting Assistant Director of Parks and Recreation Becky Perrin stated that the purpose of this item is to execute a lease agreement with the Corpus Christi Hispanic Chamber of Commerce for the use of Tex Mex Railroad Depot. There were no comments from the Council or the public. Council Member Riojas made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 7 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Mayor Martinez and Council Member Scott

**Abstained:** 0

Enactment No: 030446

**H. EXECUTIVE SESSION: (ITEMS 2 - 7)**

**Mayor Pro Tem Magill referred to executive session Items 2-7. The Council went into executive session.**

**2. 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 with the U.S. Environmental Protection Agency concerning its proposals regarding the City's sanitary sewer system, with possible action and discussion in open session.**

**This E-Session Item was discussed in executive session.**

**3. 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 for economic development incentives with a commercial retailer; pursuant to Texas Government Code § 551.087 to discuss or deliberate regarding commercial or financial information that the**

governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and/or financial or other incentives involving said business prospect, including but not limited to negotiations for economic development incentives with a commercial retailer; with possible action and discussion in open session.

**This E-Session Item was discussed in executive session.**

- 4. Executive Session pursuant to Texas Government Code § 551.072** concerning the purchase, exchange, lease or value of real property (including areas on or adjacent to McArdle Road) with possible action and discussion in open session.

**This E-Session Item was discussed in executive session.**

- 5. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning SOAH Docket No. 473-15-1931.WS, PUC Docket Number 44050 and wholesale water sales related litigation, with possible action and discussion in open session.

**Mayor Pro Tem Magill referred to Item 5 and stated that the following motion was discussed in executive session:**

**Motion authorizing the City Manager or his designee to execute a Memorandum of Agreement with Nueces County Water Control and Improvement District #4 regarding SOAH Docket No. 473-15-1931.**

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

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

Enactment No: M2015-023

- 6. Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding fire collective bargaining negotiations, the Agreement between the City of Corpus Christi and the Corpus Christi Firefighters Association and/or police association, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

**This E-Session Item was discussed in executive session.**

7. **Executive session pursuant to Texas Government Code § 551.076** concerning security personnel and devices, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

This E-Session Item was discussed in executive session.

O. **FIRST READING ORDINANCES: (ITEMS 21 - 23)**

21. **First Reading Ordinance - Closing a portion of a utility easement located east of and at the dead-end of the Lands' End Drive public street right-of-way.**

Ordinance abandoning and vacating a 925-square foot portion of an existing 10-foot wide utility easement out of Lot 32A, Block 16, Rancho Vista Subdivision Unit 8, located east of and at the dead-end of the Lands' End Drive public street right-of-way; and requiring the owner, Yorktown Oso Venture, to comply with the specified conditions.

**Mayor Pro Tem Magill referred to Item 21. Director of Development Services Dan Grimsbo stated that the purpose of this item is to abandon and vacate a portion of a utility easement to allow for the future development of the Ranch Vista Subdivision. There were no comments from the Council or the public. Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 8 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

22. **First Reading Ordinance - Engineering contract for City of Corpus Christi Regional Water Supply Strategic Sustainability Plan (Tabled on 1/13/15)**

Ordinance amending the FY 2015 Capital Improvement Program Budget adopted by Ordinance No. 030303 to add Project No. E14001 City of Corpus Christi Regional Water Supply Strategic Sustainability Plan; transferring and appropriating \$572,365 from the Unreserved Fund Balance in No. 4041 Raw Water Supply Development Fund to and appropriating in the No. 4080 Water CIP Fund for the City of Corpus Christi Regional Water Supply Strategic Sustainability Plan; and authorizing the City Manager or designee to execute a Professional Services Agreement in the amount of \$539,967 with CH2M Hill Engineers, Inc., a Delaware Corporation with a branch office in Corpus Christi, Texas for the City of Corpus Christi Regional

Water Supply Strategic Sustainability Plan for technical, public outreach, strategic planning and associated services.

This Ordinance was withdrawn.

**23. First Reading Ordinance - Engineering Construction Contract for Cefe Valenzuela Landfill Disposal Sector 1B and 1C Re-Bid**

Ordinance amending the FY 2015 Capital Improvement Program Budget adopted by Ordinance No. 030303 by transferring \$580,749.23 from Sanitary Landfill 2006 CIP Fund 3362 project reserves to Project E13035 Cefe Valenzuela Landfill Disposal Sector 1B and 1C; transferring 74,250.77 from Sanitary Landfill 2008 CIP Fund 3365 project reserves to Project E13035 Cefe Valenzuela Landfill Disposal Sector 1B and 1C; increasing the budget by \$655,000; and authorizing the City Manager, or designee, to execute a construction contract with LD Kemp Excavating, Inc. of Fort Worth, Texas in the amount of \$3,425,921.00 for the Cefe Valenzuela Landfill Disposal Sector 1B and 1C Re-Bid for the total Base Bid plus Additive Alternate 1.

**Mayor Pro Tem Magill referred to Item 23. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a construction contract with LD Kemp Excavating for the Cefe Valenzuela Landfill Disposal Sectors 1B and 1C. Ms. Gray provided information on the project scope. There were no comments from the public. Council members spoke regarding the following topics: utilization of the dirt after excavation; penalties for exceeding date of completion; information on funding sources from 2006 and 2008 CIP funds; and other CIP funds balances awaiting transfers for utilization. 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 - Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 1 - Mayor Martinez

**Abstained:** 0

**P. FUTURE AGENDA ITEMS: (ITEMS 24 - 31)**

**Mayor Pro Tem Magill referred to Future Agenda Items. City Manager Olson stated that staff did not have any planned presentations. Council members asked questions regarding Item 30.**

**24. Authorizing a grant application submission for funding available under the Victims of Crime Act Fund**

Resolution authorizing the submission of a grant application in the amount of \$90,366.92 to the State of Texas, Criminal Justice Division for funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit with a city match of

\$18,592.68 and \$4,000 in-kind services for a total project cost of \$112,959.60; and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

**This Resolution was recommended to the consent agenda.**

**25. Authorizing a grant application submission to fund year 3 of the Victim Outreach Program**

Resolution authorizing the submission of a grant application in the amount of \$78,273.18 to the State of Texas, Criminal Justice Division Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit to continue Year 3 of the Victim Outreach Program with a City match of \$13,368.30 and \$6,200 in-kind services, for a total project cost of \$97,841.48; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

**This Resolution was recommended to the consent agenda.**

**26. Approving the Purchase of Radar Equipment**

Motion approving the purchase of twenty (20) ProLaser radars for the Corpus Christi Police Department in the amount of \$65,335.60 from Kustom Signals, Inc. Chanute, KS. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). Funds are available through the Crime Control and Prevention District.

**This Motion was recommended to the consent agenda.**

**27. Approving the Lease-Purchase of Aerial Platform Vehicle Unit**

Motion approving the lease-purchase of one (1) aerial platform vehicle unit from Siddons-Martin Emergency Group, Houston, Texas for a total amount of \$1,199,000.00, of which \$21,199.88 is required for the remainder of FY 2014-2015. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Financing for the lease-purchase will be provided through the City's lease-purchase financing contractor.

**This Motion was recommended to the consent agenda.**

**28. Approving the Purchase of the Learning Management Subscription Licenses**

Motion authorizing the City Manager or designee, to approve a five year agreement for the purchase of Learning Management Subscription licenses and consulting hours from INFOR (US), Inc., Alpharetta, GA in the amount of \$257,688. Expenditures for the first year total \$97,688 that includes \$57,688 in consulting hours and an

annual subscription licenses of \$40,000. Funds are available in the Human Resources FY2015 budget and the annual subscription licenses of \$40,000 will be requested through the budget process for subsequent years.

This Motion was recommended to the consent agenda.

**29. Approving the Purchase of Additional Licenses to a Subscription of Curated Online Courses through OpenSesame**

Motion authorizing the City Manager or designee to execute all documents necessary to approve the purchase of additional subscription service licenses provided sole source from Open Sesame Inc, Portland OR, for a total expenditure of \$74,580 for the subscription service for one (1) year. Funds are available in the Human Resources FY2015 budget.

This Motion was recommended to the consent agenda.

**30. Engineering Construction Contract for new office building at J. C. Elliott Landfill**

Motion authorizing the City Manager, or designee, to execute a construction contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$1,055,000.00 for the J.C. Elliott Landfill New Office Building for the total Base Bid.

This Motion was recommended to the regular agenda.

**31. Approving a resolution opposing a Revenue Cap and Legislative Interference with Local Services**

Resolution of the City of Corpus Christi, Texas, in opposition to a Revenue Cap and Legislative Interference with Local Services.

This Resolution was recommended to the consent agenda.

**Q. BRIEFINGS: (ITEMS 32 - 35)**

**32. Drought Update**

Mayor Pro Tem Magill referred to Item 32. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to provide information on: the Drought Update. Mr. Van Vleck presented information on the purpose of the Drought Contingency Plan; the requirements of the Drought Contingency Plan; applicable customers; history and agreed order; history of drought triggers; current update on drought stage; short-term reservoir projection model; stage 3 severe drought response; water supply index; water use by basin; and total water availability. Council members spoke regarding the following topics: the combined water supply index; overlaying the drought contingency plan trigger points based on the combined water supply index; whether there is a process



to track audit compliance of customers; when to combine the water supply; re-visiting the drought contingency plan keeping in mind the agreed order; the number of triggers and what occurs at each trigger; when the City is expected to enter 30% Stage 3 restrictions; businesses' concern that not implementing Stage 3 would accelerate Stage 4 under the current drought contingency plan; the reduction impact of once-every-two weeks watering restrictions; the percentage of the lake reservoir capacity at which wholesale customers are not able to get water from the lake; delaying Stage 3 and 4 restrictions by triggering Stage 1 and 2 restrictions earlier; the possibility of voluntary once-every-two-weeks watering; the original drought plan; the available water supply based on historical rate of consumption; the amount of water used daily in the region; and communicating the available water supply to the community.

### 33. **Water Rate Discussion No. 1 - Operations & Maintenance**

Mayor Pro Tem Magill referred to Item 33. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to provide the first in a series of presentations regarding the water rate. Mr. Van Vleck presented information on the water rate - operation and maintenance expenses including: the current rate projections; rate review schedule; calculation of unit cost; water system components; utility bill breakdown; components of costs; the cost components of the water fund; operation and maintenance costs over the next 20 years; assumptions included in the rate model; cost control measures; independent of volume costs; water fund expenses; independent of volume contract costs and services; variable costs; storm water operations and maintenance and costs. Council members spoke regarding the following topics: the current rate projection trends for all customers; the 10-year rate projections for the CIP; the number of discussions on the water rate and the adoption of the new rate; the calculation of unit cost; the criteria for adjustments; salary-related expenses; debt payment; whether the future operation and maintenance cost projections include net present value and inflation; the funds spent from the water fund on marketing and advertising; and discussions on potentially removing storm water from the water rate.

### 34. **Overview of City Code of Ethics**

Mayor Pro Tem Magill referred to Item 34. Assistant City Attorney Lisa Aguilar stated that the purpose of this item is to provide an overview of the City's Code of Ethics and five amendments. Ms. Aguilar presented information on the history of the Code of Ethics; the Ethics Commission's composition and duties; the requirements for ethics complaints; the Ethics Commission procedures; possible sanctions; the general ethical standards; standards and exceptions concerning gifts, conflicts; violations of laws; ethical standards related to no substantial interest; recent changes to the Code of Ethics; and the five proposed amendments to the complaint and hearing process. Ethics Commission Vice-Chair Karon Connelly was available to respond to questions and stated that the recommended amendments help to clarify and simplify the complaint and hearing process. Council members spoke regarding the following topics: the process for accepting the recommendation from the Ethics Commission; whether the Ethics Commission has found "loop holes" in the code; whether the Ethics Commission or City staff have performed a comparative study of the Code of Ethics with other cities of comparable size to Corpus Christi; and Council Member Vaughn having personally hiring an independent service to review the code.

Council Member Vaughn made a motion directing the City Manager to support the Ethics Commission in performing a comparative study of ethics ordinances across Texas, seconded by Council Member McIntyre and passed unanimously.

**35. MPO Bicycle and Pedestrian Plan Review**

Mayor Pro Tem Magill referred to Item 35. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to provide an update on the revisions to the MPO Bicycle and Pedestrian Plan. Executive Director of the Metropolitan Planning Organization (MPO) Jeffrey Pollack presented information on the strategic plan for active transportation, Phase 1 - bicycle mobility; the five categories of the bicycle mobility plan; the active transportation plan vision; Phase 1 goals; the schedule for Phase 1; stakeholders and support. Council members spoke regarding the following topics: significant focus on commuters inside the current street system; the ability in future bond issues to build off-street bike trails; network of bike facilities and off-road systems; short-term goals of the master plan; communication of this project; incorporating overall air attainment; the business aspect for ozone reduction; desired outcomes; prescriptive on-road design; RTA ridership; costs; safety for bike riders; type of facility and situation specific areas; supporting infrastructure; and how to implement this plan in the City.

**R. LEGISLATIVE UPDATE:**

None.

**S. ADJOURNMENT**

The meeting was adjourned at 7:05 p.m.