



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, June 9, 2015

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.

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Father Rogel "Ogie" Rosalinas, St. Joseph Catholic Church.

Father Rogel "Ogie" Rosalinas gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Sylvia Wilson, Human Relations Administrator.

Human Relations Administrator Sylvia Wilson led the Pledge of Allegiance. Mayor Martinez called for a moment of silence for Randy Charba, identified this morning as the latest flood victim from Wimberly, Texas, and all of the families from Corpus Christi that have been affected by this tragedy.

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: 9 - Mayor Nelda Martinez, 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

E. Proclamations / Commendations

1. Proclamation declaring June 9, 2015, "Corpus Christi All-Star Tiger Shark Day"
Proclamation declaring June 9-19, 2015, "150th Anniversary of the Juneteenth Celebration, the Spirit of Emancipation Days"
Proclamation declaring June 14, 2015, "20th Annual Ms. Coastal Bend Senior Pageant Day"

Mayor Martinez presented the proclamations.

I. **MINUTES:**

4. Regular Meeting of May 26, 2015 and Workshop Session of June 2, 2015.

Mayor Martinez deviated from the agenda and referred to approval of the minutes. Council Member McIntyre made a motion to approve the minutes, seconded by Council Member Rubio and passed unanimously.

J. **BOARD & COMMITTEE APPOINTMENTS:**

5. Ethics Commission
Pipeline Review Panel

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

Ethics Commission

Council Member Magill made a motion to appoint Isabel L. Barrera, seconded by Council Member McIntyre and passed unanimously.

Pipeline Review Panel

Council Member McIntyre made a motion to reappoint Kelly L. White (Community Representative), Mukesh R. Pratap (Technical Expertise), Philip E. Woods (Technical Expertise), and Robert Leon (Technical Expertise), seconded by Council Member Magill and passed unanimously. Council Member McIntyre made a motion to appoint Louis M. Lopez (Technical Expertise/Emergency Mgmt. Experience), seconded by Council Member Magill and passed unanimously.

K. **EXPLANATION OF COUNCIL ACTION:**

L. **CONSENT AGENDA: (ITEMS 6 - 16)**

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. City Secretary Huerta announced that Council Member Scott would be abstaining on Item 15. There were no comments from the Council or the public. Council Member Garza made a motion to approve the consent agenda items, seconded by Council Member McIntyre. The consent agenda was passed by one vote as follows:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

6. Purchase of Ammunition for Police Department

Motion approving the purchase of approximately 320,000 rounds of ammunition from Precision Delta Corporation, Rulerville, Mississippi in accordance with Bid Event No. 42 based on only bid for a one-time expenditure of \$66,592. Funds are budgeted in the General Fund and the Crime Control Fund No. 9010 in FY 2014-2015.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-053

7. Lease-Purchase of Ambulances

Motion approving the lease-purchase of two (2) ambulances from Knapp Chevrolet, Houston, Texas for a total amount of \$322,440.88, of which \$5,374.01 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 passed on the Consent Agenda.

Enactment No: M2015-054

8. Approving application submission for Beach Cleaning and Maintenance funding

Resolution authorizing the City Manager or designee to execute all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2015-2016 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program

This Resolution was passed on the Consent Agenda.

Enactment No: 030515

9. Engineering Construction Contracts for ADA Improvements in Community Development Block Grant (CDBG) Areas

Motion authorizing the City Manager, or designee, to execute a construction contract with Ti-Zack Concrete, Inc. of Le Center, Minnesota in the amount of \$312,267.00 for ADA Improvements in CDBG (Community Development Block Grant) Areas FY 2013 for the total base bid Part A, and to execute a construction contract with A. Ortiz Construction & Paving, Inc. of Corpus Christi, Texas in the amount of \$152,456.25 for Accessible Routes in CDBG Residential Areas Phase 3 for the total base bid Part B.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-055

10. Engineering Construction Contract for Waterline and Gas Line Extension

Motion authorizing the City Manager or designee to execute a construction contract with Clark Pipeline Services, in the amount of \$2,381,598.50 for the Padre Island Water Line and Gas Line Extension.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-056

11. Construction contract for programmed lifecycle replacement and extension of the City's water distribution system

Motion authorizing the City Manager, or designee, to execute a construction contract with Clark Pipeline Services of Corpus Christi, Texas in the amount of \$2,300,000 for the Programmed Waterline Service Life Extension for Citywide Distribution Repair and Replacement - Indefinite Delivery/Indefinite Quantity (ID/IQ) Procurement for the total base bid.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-057

12. Authorizing the City Manager to enter into Water Contracts for properties in Sun George Village Subdivision

Resolution authorizing the City Manager or designee to enter into outside city limits water contracts with the property owners in the Sun George Village Subdivision to provide public water to their respective properties pursuant to Section 55-113, City Code of Ordinances.

This Resolution was passed on the Consent Agenda.

Enactment No: 030516

13. Second Reading Ordinance - Appropriating funds for Women, Infants and Children (WIC) grant amendment (1st Reading 5/26/15)

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate additional funding in the amount of \$88,902.00 to the current contract amount of \$963,369.00 for a total grant in the amount of \$1,052,271.00 from the Texas Department of State Health Services in the Health Grants Fund

No. 1066, to provide funds for the Women, Infants, and Children (WIC) program; and to ratify acceptance of the grant to begin as of January 1, 2015.

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

Enactment No: 030517

14. Second Reading Ordinance - Closing a utility easement located north of South Padre Island Drive and east of Admiral Drive (1st Reading 5/26/15)

Ordinance abandoning and vacating a 1,450-square foot portion of an existing 10-foot wide utility easement out of a part of Lot 8, and Lots 15-17, Block J, Flour Bluff Estates, located north of the South Padre Island Drive (SH 358) state right-of-way, and east of the Admiral Drive public street right-of-way; and requiring the owner, Blue Sand Development, LLC., to comply with the specified conditions.

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

Enactment No: 030518

15. Second Reading Ordinance - Appropriating Funds and Amending the Service Agreement for Strategic Planning Services (1st Reading 5/26/15)

Ordinance appropriating \$53,997 from the unreserved fund balance in the No. 4610 Airport Fund for the Airport's share of Goody Clancy Amendment No. 2 for strategic planning services project at Corpus Christi International Airport; and amending the FY2014-2015 Operating Budget adopted by Ordinance No. 030294 to increase expenditures by \$53,997; authorizing the City Manager, or designee, to execute Amendment No. 2 to a contract with Goody Clancy and Associates Inc., of Boston, Massachusetts in the amount of \$72,835 for a total re-stated fee not to exceed \$1,409,641 for Strategic Planning Services.

Council Member Scott abstained on Item 15. This Ordinance was passed on second reading on the Consent Agenda. (Note: This item was reconsidered immediately prior to adjourning the meeting.)

Enactment No: 030519

16. Second Reading Ordinance - Appropriating funds for Airport terminal maintenance (1st Reading 5/26/15)

Ordinance appropriating \$183,000 from the unreserved fund balance in the No. 4610 Airport Fund for a major terminal maintenance and improvement project at the Corpus Christi International Airport; and amending the FY2014-2015 Operating Budget adopted by Ordinance

No. 030294 to increase expenditures by \$183,000.

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

Enactment No: 030520

N. REGULAR AGENDA: (ITEMS 19 - 20)

19. Second Reading Ordinance - Annexing land located at the intersection of Leopard Street and Clarkwood Road (1st Reading 5/26/15)

Ordinance annexing 70.25 acres of land owned by the SKB Acquisition LLC, formerly known as the Sam Kane Beef Processors, located at the intersection of Leopard Street and Clarkwood Road; providing that the owners and inhabitants are entitled to all rights, privileges, and burdens of other citizens and property owners of the City of Corpus Christi and are subject to and bound by the City Charter, ordinances, resolutions, and rules; providing for amendment of the official maps of the City of Corpus Christi; providing for severance; providing an effective date; and providing for publication.

Mayor Martinez deviated from the agenda and referred to Item 19, annexation of 70.25 acres of land owned by the SKB Acquisition LLC (formerly Sam Kane Beef Processors). There were no comments from the Council or the public. Council Member Garza made a motion to approve the ordinance, seconded by Council Member Rosas. This Ordinance was passed on second reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

Enactment No: 030521

20. Second Reading Ordinance - Construction contract and appropriating funds for Hike and Bike Trail Development - Schanen Ditch Project (BOND 2012)(1st Reading 5/26/15)

Ordinance appropriating \$721,182 of anticipated revenues from the Texas Department of Transportation in Fund No. 3280 for the Hike and Bike Trail Development - Schanen Ditch project (BOND 2012); changing the FY 2015 Capital Improvement Budget adopted by Ordinance No. 030303 to increase revenues and expenditures by \$721,182; and authorizing the City Manager, or designee, to execute a construction contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$1,194,858.16 for the Hike and Bike Trail Development - Schanen Ditch project (BOND 2012) for the Base Bid.

Mayor Martinez referred to Item 20, execution of a contract with LNV, Inc. for the Hike and Bike Trail Development - Schanen Ditch project. There were no comments from the Council or the public. Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on second reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

Enactment No: 030522

O. FIRST READING ORDINANCES: (ITEM 21)

21. First Reading Ordinance - Engineering Construction Contract for Waldron Road from Caribbean to Glenoak (BOND 2014)

Ordinance amending the FY 2015 Capital Improvement Budget adopted by Ordinance No. 030303 by transferring \$1,495,352 to the Waldron Road from Caribbean Drive to Glenoak Drive Project and increasing expenditures in the amount of \$1,495,352; rejecting the low bid of Salinas Construction Technologies Ltd. of Pleasanton, Texas, in the interest of the public; determining the lowest responsible bidder to be the second lowest bidder, Berry Contracting LP dba Bay Ltd. of Corpus Christi, Texas; making findings of fact; and authorizing the City Manager, or designee, to execute a construction contract with Berry Contracting, LP dba Bay Ltd. of Corpus Christi, Texas in the amount of \$2,580,631.90 for the Waldron Road from Caribbean Drive to Gelnoak Drive Project (BOND 2014).

Mayor Martinez referred to Item 21. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a contract with Bay. Ltd for the Waldron Road from Caribbean Drive to Glenoak Drive Project (Bond 2014). Ms. Gray explained that Bay's bid, the second lowest bid, as determined by Urban Engineering, who conducted the bid analysis, was the most responsive bidder. There were no comments from the public. Council members spoke regarding the following topics: the Bond 2014 estimated cost for the projects; the additional cost increases associated with utilities; whether the increase in this project's cost is an indicator regarding future Bond 2014 projects; the estimated project schedule; and access at all times during construction. Mayor Martinez requested a future presentation with updates on the Bond 2014 projects. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

- 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 Martinez deviated from the agenda and referred to comments from the public. Errol Summerlin, member of the Citizens' Alliance for Fairness and Progress, provided an update on discussions with Code Enforcement regarding the revised Property Maintenance Code and spoke regarding issues related to Plan CC 2035. DeeLynn Torres, Express Soccer Club, invited the public to attend the 10th Annual Express Beach Soccer Fest being held June 27-28, 2015 at McGee Beach. Ms. Torres acknowledged the work performed by the Park Maintenance Department at Manuel Salinas Park during the recent rain events and Special Events Coordinator Laura Gonzalez for assistance with their upcoming soccer event. Greg Smith provided an update on the following issues related to the Island Strategic Action Committee: the Padre Island Access Study; the light at Aquarius and South Padre Island Drive; the Packery Channel bathroom location; and the Police Department's enforcement of "no-riding" in the dunes. Abel Alonzo, on behalf of the Nueces County "I Believe in Me" Foundation, said the "Run, Walk and Roll" event was successful thanks to City leaders and sponsors. Mr. Alonzo also expressed his appreciation to those individuals who donated to the Special Olympics in honor of the late Police Chief Floyd Simpson. Foster Edwards, President/CEO of the Corpus Christi Chamber of Commerce, spoke regarding the Joint Land Use Study (JLUS) and future implementation. Carolyn Burger spoke regarding the City's process for paying alarm permits. Jeremy Coleman informed the City Council about the drainage issues preventing the Brooks Chapel Development Center from opening. Mr. Coleman recognized the Police Department for addressing the homeless issue near the center. Alex Rahmlow provided information on forestry and the economic rate of return for tree planting initiatives. Octaviano Recio, Jr. asked the City to investigate whether a large tow truck, located at 2937 Sabinas, is authorized to park on the street.

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

Mayor Martinez referred to City Manager's Comments. City Manager Olson reported on the following topics:

a. OTHER

1) The combined lake levels are currently at 57% of combined capacity and the total water resources are at 89%. The City is in much better shape than previously anticipated. Staff will present the Drought Contingency Plan ordinance on first reading at the June 23rd meeting which will include direction from the City Council to add restrictions during earlier stages to preserve more water. 2) The City Council was provided a copy of the City of Corpus Christi's Comprehensive Annual Financial Report (CAFR). The report is prepared by the Finance Department and documents the City's current financial condition. 3) The Emergency Operations Division, in coordination with other agencies,

performed a preliminary damage assessment associated with the recent storms and reported that the City incurred approximately \$301,000 in damages. The City will be providing the damage assessment to the Federal Emergency Management Agency (FEMA) to request reimbursement assistance.

M. PUBLIC HEARINGS: (ITEMS 17 - 18)

17. Public Hearing and First Reading Ordinance - Rezoning property located at 5929 Wooldridge Road (Requires $\frac{3}{4}$ vote)

Case No. 0515-01 The Mostaghasi Investment Trust: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change to the Future Land Use Plan from low density residential to medium density residential uses. The property is described as being 7.782 acres out of Lots 21 and 22, Section 12, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Durant Drive between Dewberry Drive and Dogtooth Court.

Planning Commission and Staff Recommendation (May 6, 2015): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by The Mostaghasi Investment Trust ("Owner"), by changing the UDC Zoning Map in reference to 7.782 acres out of Lots 21 and 22, Section 12, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 17, a rezoning request for property located at 5929 Wooldridge. City Secretary Huerta explained that the Planning Commission and staff recommended denial of the zoning change. The ordinance reflected on the agenda is the applicant's request and passage of this ordinance will require a three-fourths vote of the City Council due to the Planning Commission's vote to deny approval. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow construction of an apartment complex. Mr. Dimas said the proposed rezoning is not consistent with the future land use plan and the subject property does not have direct access to Wooldridge Road. Staff's opinion is that the rezoning does not increase the residential desirability of this neighborhood, which is one of the findings required of the Comprehensive Plan when determining multifamily uses.

Mayor Martinez opened the public hearing. Jim Villaume, on behalf of the applicant George Mostaghasi, is requesting that the City Council vote to allow apartments to be built. Mr. Villaume explained that Mr. Mostaghasi previously built an apartment complex with the intent to expand Phase 2 on the subject property. Mr. Villaume said the Planning Commission opposed the request

based on the fact that Mr. Mostaghasi did not originally include this property with the rezoning of Phase 1. Mr. Villaume also address the site plan for the apartment complex and traffic concerns. Sharon Hoyt, representing the Bent Tree Homeowners' Association, Angelica Salazar Garcia, Ivan Winningham, Monica Garcia, and Kathy Chachere spoke in opposition to the zoning change based on the following concerns: the impact to property values; overcrowding in schools; increased traffic volume; the lack of upkeep at Mr. Mostaghasi's existing apartment complex; and security. Mayor Martinez closed the public hearing. Council members spoke regarding the following topics: the notification process; concern with additional traffic in the area; consideration to require a planned unit development "PUD" zoning for the subject property; and other possible land uses for the subject property. City Secretary Huerta reiterated that a "Yes" vote would support the applicant's request and a "No" vote would support the Planning Commission's and staff's recommendation. This Ordinance failed on first reading for lack of a motion.

18. Public Hearing and First Reading Ordinance - Rezoning property located at 7321 South Staples Street (FM 2444)(Tabled on 5/26/15)

Case No. 0315-01 Doxa Enterprises, LP: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as 0.826 acres out of Lots 7 and 8, Section 6, Flour Bluff and Encinal Farm and Garden Tract, located west of South Staples Street (FM 2444) and south of Henderson Street.

Staff Recommendation: Approval of the rezoning to the "CG-2" General Commercial District (Requires 3/4 vote for approval).

Planning Commission Recommendation (March 25, 2015): Denial of the "CG-2" General Commercial District and, in lieu thereof, approval of the "CN-1" Neighborhood Commercial District

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Doxa Enterprises, LP ("Owner"), by changing the UDC Zoning Map in reference to 0.826 Acres out of Lots 7 and 8, Section 6, Flour Bluff and Encinal Farm and Garden Tract, from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 18. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow the development of this property in conjunction with the property immediately to the north. Mr. Dimas said staff is recommending the approval of the applicant's request. Planning Commission recommended denial of the "CG-2" rezoning and, in lieu thereof, approval of a rezoning to "CN-1". Mr. Dimas reported that the owner does want the "CG-2" and met with the neighborhood to address their concerns. The owner stated that if the "CG-2" zoning is approved, he would agree to keep the dumpster's location at

least 50 feet from the adjacent neighboring subdivision.

Mayor Martinez opened the public hearing. Craig Thompson, Naismith Engineering representing Doxa Enterprises, provided information on the concerns from the Buckingham Estates Homeowners' Association (Association) including: dumpster location and loading zones, lighting, and signage. Mr. Thompson said the applicant feels that lighting and signage are addressed in the Unified Development Code and has agreed to impose a deed restriction to limit the dumpster location. Mr. Thompson explained the differences between the "CG-2" and "CN-1" zoning requirements. Mr. Thompson stated that there are no plans at this time for development. Mr. Thompson said the Association is requesting to rezone to "CN-1" with a Special Permit prohibiting noise pollution and a 25-foot buffer. Craig Kleint, President of the Buckingham Estates Homeowners' Association, said the owners have concerns because they don't know what will be built on the property. Mr. Kleint requested that this rezoning be tabled until the applicant has a plan for the property or approve the rezoning to "CN-1" with a Special Permit to include the following conditions: 1) prohibit, within the 60-foot strip, any use that would create noise pollution to the neighboring residential homes, to specifically prohibit dumpster pick-up and storage areas, as well as loading zones and service drive lanes and 2) require design/creation of a 25-foot wide landscape buffer (zoning district buffer yard) along the Buckingham Estates fence line. Maria Truan, Sarah Graham, Marie McNeil, Douglas Waters, Daniel Corris, and Gordon Lester also spoke in opposition to the zoning change.

Council members spoke regarding the following topics: the reason loading zones were not included in the deed restriction; the notification process; rezoning being based on use, not specific projects; special permit requirements; the initial zoning for newly annexed properties that are not developed; the zoning history for the subject property; allowances on a property that has a lot with two different zonings; typical locations for "CG-2" and "CN-1" zoning; access from the subject property; whether dumpster placement can be added to zoning restrictions; and consideration to amend the UDC to address odor from dumpsters. Council Member Garza made a motion to support the Planning Commission's recommendation to deny the rezoning to "CG-2" and, in lieu thereof, approval of the rezoning to the "CN-1", seconded by Council Member Rubio. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

H. EXECUTIVE SESSION: (ITEMS 2 - 3)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session.

2. **Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining negotiations and/or the collective bargaining agreements between the

City of Corpus Christi and the Corpus Christi Firefighters Association and/or Corpus Christi Police Officers' Association.

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 status of litigation, including SOAH Docket No. 473-14-4431 and PUC Docket No. 42467 *Application of Electric Transmission Texas, LLC to Amend Its Certificates of Convenience and Necessity for the Proposed Barney Davis to Naval Base Single-Circuit 138 KV Transmission Line in Nueces County, Texas.*

This E-Session Item was discussed in executive session.

O. **FIRST READING ORDINANCES: (ITEMS 22 - 25)**

22. **First Reading Ordinance - Amending City Code to add Chapter 41 titled "Public Works" related to contractor debarment, suspension, and ineligibility (Tabled on 5/12/15)**

Ordinance amending the Code of Ordinances by adding Chapter 41 titled "Public Works"; adding provisions related to contractor debarment, suspension and ineligibility; adding provisions related to the effective administration of the procurement of public works contracts; providing for severance; and providing for an effective date.

Mayor Martinez referred to Item 22. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to approve an ordinance providing policies and procedures to debar or deem contractors ineligible to be awarded public works contracts. This item was tabled at the May 12th meeting and staff has addressed the City Council's concerns by taking the following actions: revising the ordinance for clarity and specific to public works; developing debarment process procedures; developing a process flowchart; posting the revised ordinance, procedures, and flowchart on the City's website; and evaluating and incorporating comments as appropriate. There were no comments from the public. Council members spoke regarding the following topics: the ability to appeal a decision for debarment or suspension to the City Council; the "administration" appeal process and right to appeal to City Council by City Charter; and including the ability to appeal to City Council as part of the ordinance to be codified. Council Member Magill made a motion to amend Section 41-115 to add the following language, "Any decision to debar a contractor that is upheld by both the Executive Director of Public Works and the City Manager or his designee may be subject to review by the City Council at the request of either the City Manager or City Council," and to include the City Council appeal process in the flowchart. The motion was seconded by Council Member Rubio and passed unanimously. City Secretary Huerta stated that the caption is on the agenda is different from the ordinance and clarified that the correct caption is on the ordinance. City Secretary Huerta also pointed out scrivener's errors that need to be corrected prior to second reading. Council Member McIntyre made a motion to approve the ordinance as

amended, seconded by Council Member Rosas. This Ordinance was passed on first reading as amended and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

23. First Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for construction of a wastewater collection line located south along Slough Road, east of Rodd Field Road and south of Amethyst Drive

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Grangefield Development, LLC. ("Developer"), for the construction of a wastewater collection line and appropriating \$153,270.00 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor Martinez referred to Item 23. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to execute a wastewater collection line extension construction and reimbursement agreement with Grangefield Development, LLC for the construction of a wastewater collection line to provide adequate water service to Grange Park Unit 1 Subdivision. There were no comments from the Council or the public. Council Member McIntyre made a motion to approve Item 23, seconded by Council Member Riojas. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

24. First Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for the construction of water arterial transmission and grid main line, located south along Slough Road, east of Rodd Field Road and south of Amethyst Drive.

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with Grangefield Development, LLC ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$16,574.50 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Mayor Martinez referred to Item 24. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to execute a water arterial transmission and grid main construction and reimbursement agreement with Grangefield Development, LLC for the construction of a water arterial grid main extension. There were no comments from the Council or the public. Council Member McIntyre made a motion to approve Item 24, seconded by Council Member Rubio. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

25. First Reading Ordinance - Amending City Code regarding Island Strategic Action Committee Election of Officers

Ordinance Amending City Code of Ordinances Regarding Island Strategic Action Committee Election of Officers

Mayor Martinez referred to Item 25. Assistant City Manager Wes Pierson stated that the purpose of this item is to amend the Code of Ordinances regarding the Island Strategic Action Committee's election of officers, by removing the language from the ordinance and placing it in the committee's bylaws. Council Member McIntyre thanked staff for working on the amendment. Council Member McIntyre made a motion to approve the ordinance, seconded by Council member Magill. This Ordinance was passed on first reading and approved with the following vote:

Aye: 9 - Mayor Martinez, 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

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 26 - 39)

Mayor Martinez referred to Future Agenda Items. City Manager Olson stated that staff had planned presentations on Items 35, 37, 38, and 39. A council member asked a question on Item 28.

26. Purchase of Taser Equipment for the Police Department

Motion approving the purchase of forty (40) Taser non-lethal weapons with ancillary equipment for the Corpus Christi Police Department in the amount of \$60,736.40 from TASER International, Inc., Scottsdale, Arizona based on sole source. Funds have been budgeted by the Police Department in FY 2014-2015.

This Motion was recommended to the consent agenda.

27. Purchase of Breathing Apparatus for the Fire Department

Motion approving the purchase of twenty (20) Breathing Apparatus for the Corpus Christi Fire Department in the amount of \$103,836.00 from Municipal Emergency Services, Inc., Houston, TX. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). Funds are available through the General Fund.

This Motion was recommended to the consent agenda.

28. Purchase of actuators for raw water valves at the O. N. Stevens Water Filtration Plant

Motion approving the purchase of four actuators from Rexa, Inc., of West Bridgewater, Massachusetts based on sole source for a total amount of \$142,400.00. Funds have been budgeted by the Utilities Department in FY 2014-2015.

This Motion was recommended to the consent agenda.

29. Supply Agreement for Firefighting Clothing

Motion approving a supply agreement with Casco Industries Inc., Houston, Texas for firefighting clothing consisting of ninety sets of pants and coats, based on only bid, in accordance with Bid Event No. 6 for an estimated annual expenditure of \$159,915.60 of which \$53,305.20 is required for the remainder of FY2014 - 2015. The term of the agreement will be for twelve (12) months with an option to extend for up to two (2) additional twelve-month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by Fire Department in FY 2014-2015.

This Motion was recommended to the consent agenda.

30. Supply Agreement for Cold Laid Asphalt & Pre-coated Aggregate

Motion approving a supply agreement with Vulcan Construction Materials, San Antonio, Texas, for approximately 8,000 tons of cold mix-cold laid asphalt and approximately 2,000 tons of pre-coated aggregate, in accordance with Bid Event No. 16 based on only bid for an estimated annual expenditure of \$695,900 of which \$231,966.66 is required for FY 2014 - 2015. The term of the contract will be for twelve (12) months with an option to extend for up to two (2) additional twelve month periods subject to the approval of the supplier and the City Manager or his designee. Funds are available in the Material Inventory Fund by the Street Operations Department in FY 2014 - 2015.

This Motion was recommended to the consent agenda.

31. Supply Agreement for Hot Mix Asphalt

Motion approving supply agreements with the following suppliers for the following amounts for hot mix asphalt, based on lowest responsible bid, awarding primary and secondary agreements, in accordance with Bid Event No. 5 for an estimated semi-annual expenditure of \$989,085 of which \$659,390 is required for FY 2014-2015. The term of the agreements shall be for six months with options to extend for up to five additional six month periods, subject to the approval of the suppliers and the City Manager or designee. Funds have been budgeted by Street Services in FY 2014-2015.

HAC MATERIALS, LTD.	Bay, LTD.
<u>Corpus Christi, Texas</u>	<u>Corpus Christi, Texas</u>
\$936,937.50	\$52,147.50
Primary Supplier	Secondary Supplier

Grand Total: \$989,085.00

This Motion was recommended to the consent agenda.

32. Supply Agreement for Crushed Limestone

Motion approving a Supply Agreement with Vulcan Construction Materials, San Antonio, Texas, for approximately 16,000 tons of crushed limestone in accordance with Bid Event No. 15 based on low responsible bid, for an estimated annual expenditure of \$348,000 of which \$100,000 is required for FY 2014 - 2015. The term of the contract will be for twelve months with an option to extend for up to two additional twelve month periods subject to the approval of the supplier and the City Manager or his designee. Funds are available in the Material Inventory Fund by the Street Operations Department in FY 2014 - 2015.

This Motion was recommended to the consent agenda.

33. Service Agreements for Custodial Services

Motion approving service agreements for custodial services for Aviation and City Hall with the following companies for the following amounts in accordance with Bid Event No. 29, based on lowest responsible bid for an estimated annual expenditure of \$251,039.04, of which \$83,679.68 is required for the remainder of FY 2014-2015. The term of the contract will be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the

approval of the Contractor and the City Manager or designee. Funds have been budgeted by Aviation and Facilities & Property Management Departments in FY 2014-2015.

ABM Janitorial Services

Corpus Christi, TX
Aviation
\$141,119.04

ISS Facility Services, Inc.

Corpus Christi, TX
City Hall
\$109,920.00

Grand Total \$251,039.04

This Motion was recommended to the consent agenda.

34. Submission of grant application for Body-worn Camera Pilot Implementation Program for the Police Department

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$125,000 to the U.S. Department of Justice for funding eligible under the FY 2015 Body-Worn Camera Pilot Implementation Program with City in-kind match of \$50,000 and cash match of \$75,000 from the Law Enforcement Trust Fund for a total project cost of \$250,000.

This Resolution was recommended to the consent agenda.

35. Third Party Administrator, Stop Loss Insurance and Self-Insured Employee Health Benefits

Resolution authorizing the City Manager or designee to negotiate and execute a contract with UnitedHealthcare, Houston, Texas, for the provision of third-party administration of the City of Corpus Christi's self-funded employee health and dental plans, for providing and administering a provider network, and for the provision of stop-loss insurance coverage in accordance with Request for Proposal Event Number 41; and authorizing the City Manager or his designee to negotiate and execute a contract with Express Scripts, Inc., Saint Louis, Missouri for the provision of the pharmacy benefit management portion of the City of Corpus Christi's self-funded employee health plan in accordance with Request for Proposal Event Number 41.

This Resolution was recommended to the consent agenda.

36. Amendment No. 1 to the Professional Services Contract to provide consultant services for technical assistance with projects

and management

Motion authorizing the City Manager, or his designee, to execute Amendment No. 1 to the Professional Services contract between the City of Corpus Christi and LNV, Inc. in the amount of \$215,000, for a total restated fee not to exceed \$265,000, for staff augmentation to the Utility and Public Works Departments, including professional engineering services for projects management, programs management, and land development technical issues.

This Motion was recommended to the consent agenda.

37. Interlocal Agreement for the Regional Parkway Planning and Environmental Linkages (PEL) Feasibility Study project

Resolution authorizing the City Manager, or designee, to execute all documents necessary to approve an Interlocal Agreement with the Metropolitan Planning Organization (MPO) regarding the participation in the local funding shares required for the planning project known as the Regional Parkway Planning and Environmental Linkages (PEL) Study ("PROJECT").

This Resolution was recommended to the consent agenda.

38. Design - Build Agreement for Ayers Street CNG Station

Motion authorizing the City Manager, or designee, to execute a Design - Build Agreement with Zeit Energy, LLC. of Dallas, Texas in the amount of \$1,597,271.39 for the Ayers Street CNG Station Project for the Base Bid plus Contractor Proposed Pricing Options 1, 2 and 3

This Motion was recommended to the consent agenda.

39. Resolution amending City Council Policy No. 9

Resolution amending City Council Policy No. 9, entitled Community Development Block Grant and HOME Programs by revising the language in section f.; and reaffirming the objectives and guidelines of the policy.

This Resolution was recommended to the consent agenda.

Q. BRIEFINGS: (40 - 45)

40. Water Rates - Discussion #1

Mayor Martinez referred to Item 40. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to begin discussions on alternative to explore for the water rate. Mr. Van Vleck provided information on the following alternatives: increasing minimums and creating a program to assist lower income customers; increasing first increment of block rates to 100%; adopting rates in May or June of each year with an effective date of January 1st to provide more predictable budgeting for both the city and customers; adopting rates every two years; and establishing a separate storm water rate. Council members spoke regarding the following topics: separating the storm water rate; communication with stakeholders on the storm water rates and consideration of incentives to reduce runoff on-site; the timeframe for addressing the storm water rate; informing customers that the storm water portion of the water rate will be separated on the utility bill; support for adopting the rate every two years; exploring efficiencies regarding the bill system; the ability to pay utility payments by phone; and the cost of utilizing the distribution system.

41. Job Order Contracts Construction Program

Mayor Martinez referred to Item 41. Jerry Shoemaker, Senior Project Manager for Capital Programs, stated that the purpose of this item is to discuss the Job Order Contract (JOC) Program. Mr. Shoemaker presented the following information: the background, authority and applicability for job order contracting; the benefits of using the JOC method; how pricing is determined; the JOC program process; the request for proposal (RFP) and award selection process; and results from the 2014 RFP, contract evaluation, and award. Council members spoke regarding the following topics: the scoring process; development of a clearer evaluation process to be more transparent; how JOC's reduce time on projects; an explanation on pricing, unit price book and RS Means; the individual authorized to approve delivery orders; and continuing to use a competitive process for small construction projects.

42. Consolidated Annual Action Plan FY2015

Mayor Martinez referred to Item 42. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is to provide an overview of the FY2015 Consolidated Annual Action plan process. Mr. Ortega provided the following information: the citizens' participation process; the funding amount the City will receive from the U.S. Housing and Urban Development (HUD) for 2015-2016; additional funds that will be provided; the request for proposal (RFP) and evaluation process to receive funding for Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME) and Emergency Solutions Grant (ESG) programs; and future action. Mr. Ortega explained that for FY2016 funding, Housing and Community Development will include in the a pre-application for HOME funding, a list of "mandatory" amenities which will be required in order to receive a resolution of support for a proposed tax credit development project. Mr. Ortega provided a brief overview of the proposed mandatory amenities. Council members spoke regarding the following topics: including the amenities as part of the criteria for HOME funding; background information regarding CDBG the funding request for land acquisition and/or homeless facility rehabilitation; when the homeless issues strategies update will be presented; the deadline for submission; moving the first reading to the June 23rd meeting; having the

public hearing prior to first reading in the future; and whether staff received feedback from tax credit developers on the City's mandatory amenities.

43. Development Services Update

Mayor Martinez referred to Item 43. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to provide an update on the Development Services Department. Mr. Dimas read the department's mission statement and provided an explanation of the purpose of development codes, platting and zoning and building codes. Mr. Dimas reported on the following: improvements made in Development Services over the last three (3) years; the overall development process; metrics that reflect plan reviews responses, the number of permits issued, and the number of inspections performed; results from the customer survey; and a summary of the improvements. Council members spoke regarding the following topics: improvements made to be more responsive to customers and expedite the process; information on the Citizens' Review Panel; and outreach improvements.

44. Quarterly Report on Code Enforcement Activities

Mayor Martinez referred to Item 44. Police Captain David Blackmon stated that the purpose of this item is to provide the Code Enforcement Division's quarterly report. The report is intended to update the City Council with a summary of the division's efforts to eliminate blighted conditions; educate and inform the public; reduce opportunities for criminal activity; and improve the quality of life in neighborhoods. Captain Blackmon provided a brief overview on: the objectives and purpose of the division; strategies to establish and expand law enforcement partnerships and volunteer programs, market code enforcement positively, create visibility and expand education, and find lasting solutions for blighted conditions; Code Enforcement staffing; statistics on inspections and violations; and the Code Enforcement process. Council members spoke regarding the following topics: the tremendous improvement made to address code enforcement; the focus on compliance; the department's quick response; exploring the ability for online public access to provide information on code enforcement and track the process; how the determination is made to place compliance officers in areas around the City; the need for additional public awareness on the CCMobile application and bulky trash pickup; the process to report code enforcement violations; and neighborhoods developing relationships with their code enforcement officers.

45. Park Maintenance

Mayor Martinez referred to Item 45. Acting Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of the item is to provide an update on park maintenance program and initiatives to improve operations. Ms. Anaya provided an overview on: the Park Operations Team; the Strike Force/Priority Response Team and issues addressed; mowing consolidation efficiencies, improvements and next steps; and how park maintenance enhancement funds will be utilized. Council Members spoke regarding the following topics: positive feedback from agencies that work with the Parks and Recreation Department; how levels of maintenance are determined; how to access the maintenance levels online; and creation of the master plan maintenance handbook.

R. LEGISLATIVE UPDATE:

None.

CONSENT AGENDA: (ITEMS 6 - 16)**15. Second Reading Ordinance - Appropriating Funds and Amending the Service Agreement for Strategic Planning Services (1st Reading 5/26/15)**

Ordinance appropriating \$53,997 from the unreserved fund balance in the No. 4610 Airport Fund for the Airport's share of Goody Clancy Amendment No. 2 for strategic planning services project at Corpus Christi International Airport; and amending the FY2014-2015 Operating Budget adopted by Ordinance No. 030294 to increase expenditures by \$53,997; authorizing the City Manager, or designee, to execute Amendment No. 2 to a contract with Goody Clancy and Associates Inc., of Boston, Massachusetts in the amount of \$72,835 for a total re-stated fee not to exceed \$1,409,641 for Strategic Planning Services.

Mayor Martinez referred to Item 15. City Secretary Huerta said there is an amendment that needs to be made to correct an amount and requested that the City Council reconsider the item. Council Member McIntyre made a motion to reconsider Item 15, seconded by Council Member Riojas and passed unanimously. Interim Procurement Manager Gabriel Maldonado requested to amend the total restated fee amount not to exceed \$1,409,641 to instead read \$1,609,635. Council Member McIntyre made a motion to approve the amendment as presented, seconded by Council Member Riojas. The motion to amend was passed and approved with the following vote: Martinez, Vaughn, Magill, McIntyre, Riojas, and Rosas, voting "Aye"; Rubio voting "No"; Garza was absent; Scott abstained. Council Member McIntyre made a motion to approve the ordinance as amended, seconded by Council Member Riojas. This Ordinance was passed on second reading as amended with the following vote:

Aye: 6 - Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rosas and Council Member Vaughn

Nay: 1 - Council Member Rubio

Absent: 1 - Council Member Garza

Abstained: 1 - Council Member Scott

Enactment No: 030519

S. ADJOURNMENT

The meeting was adjourned at 7:30 p.m.