



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, May 31, 2016

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 Martinez called the meeting to order.

**B. Invocation to be given by Dr. Bob Eckert.**

Dr. Bob Eckert gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Gene Delauro - Building Official, Development Services.**

Building Official Gene Delauro led the Pledge of Allegiance.

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

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

Charter Officers:

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

**Present:** 7 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Michael Hunter, Council Member Chad Magill, Council Member Lucy Rubio, Council Member Brian Rosas, and Council Member Carolyn Vaughn

**Absent:** 2 - Council Member Colleen McIntyre, and Council Member Mark Scott

**E. Proclamations / Commendations**

1. Proclamation declaring June 19, 2016, "151st Anniversary of the Juneteenth Celebration, the Spirit of Emancipation Days".  
Swearing-in Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor Martinez presented the proclamation and conducted the swearing-in

ceremony for newly appointed board and committee members.

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. Acting City Manager Margie Rose spoke regarding the following topics:

**b. Other**

1) The Oso Bay Wetland Preserve Ribbon Cutting is scheduled to be held Friday, June 10, 2016 at 9:00 a.m with tours and activities to follow. 2) Assistant Police Chief Mark Schauer and Captain Chris White provided an overview of Vector Control's enhanced Mosquito Management Plan. 3) At the Special City Council Meeting regarding the boil-water advisory, the consultant indicated that by today's council meeting, they would have a short-term plan associated with the boil water advisory. A memorandum was provided in the City Manager's report indicating that the consultants are working on the short-term action plan, but need to engage the Texas Commission on Environmental Quality (TCEQ) this week to receive input. The short-term action plan will be presented at the June 14, 2016 Regular Council Meeting.

**a. Discussion regarding discounting customer water bills.**

Acting City Manager Rose stated there has been a lot of discussion over the last several weeks regarding requests for discounting water bills. This item was placed on the agenda to inform the public that the City is taking a proactive approach on this issue. Acting City Manager Rose said staff is concerned from a legal standpoint and have engaged the City's legal counsel and bond counsel to determine whether there could be future implications, short- and long-term. Acting City Manager Rose stated that based on the preliminary information, she has concerns with moving in this direction and how this decision could impact utility bonds and refunding bonds in the future. City Attorney Miles K. Risley stated that he will provide City Council with a formal legal opinion to discuss in a future executive session.

**H. MINUTES:**

**2. Special Meeting of May 23, 2016 and Regular Meeting of May 24, 2016.**

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

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

**J. EXPLANATION OF COUNCIL ACTION:**

**K. CONSENT AGENDA: (ITEMS 3 - 5)**

### Approval of the Consent Agenda

**Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. A motion was made by Council Member Magill, seconded by Council Member Garza, to approve the Consent Agenda. The consent agenda items were approved by one vote as follows:**

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member McIntyre and Council Member Scott

**Abstained:** 0

**3. Engineering Design Services Contract for North Padre Island Beach Access Roads 3A and 2 (Bond 2014, Proposition 2)**

Motion authorizing the City Manager, or designee, to execute a contract for engineering design services with Govind Development, LLC. of Corpus Christi, Texas in the amount of \$73,935.00 for the North Padre Island Beach Access Roads 3A & 2. BOND 2014 Proposition 2.

**This Motion was passed on the Consent agenda.**

Enactment No: M2016-056

**4. Resolution approving the purchase of water testing reagents for the Water Utilities Department and Health Department**

Resolution finding that competitive bids are not required for a procurement from IDEXX Distribution, Inc., Westbrook, Maine, for the laboratory testing reagent Colilert, and authorizing the City Manager, or designee, to enter into a supply agreement for a not to exceed amount of \$135,304.00, of which \$45,101.33 is required for the remainder of FY 2015-2016. Funds have been budgeted by the Water Department and Health Department in FY 2015-2016. The term of the agreement shall be for one year with an option to extend for up to two additional one year terms, subject to the approval of the supplier and the City Manager or designee.

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

Enactment No: 030871

**5. Second Reading Ordinance - Alley closure located between Fifteenth Street and Sixteenth Street and from Buford Avenue to Hancock Avenue (1st Reading 5/24/16)**

Ordinance abandoning and vacating an undeveloped and unsurfaced

5,655-square foot (0.130 acres) portion of a 15-foot wide public right-of-way, as shown and dedicated by Plat of Bay View No. 3, Block 6, a map of which is recorded in Volume A, Page 25, Map Records of Nueces County, Texas, and requiring the owners, Corpus Christi Independent School District, and The Salvation Army, a Georgia Corporation to comply with the specified conditions.

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

Enactment No: 030872

### **REGULAR AGENDA: (ITEM 10)**

#### **10. Resolution approving extension of Temporary Staffing Services Agreements**

Resolution ratifying one year contract extensions effective as of May 15, 2016, and authorizing the City Manager or designee to execute one year extensions to the service agreements with Unique Employment Services, Advance'd Temporaries, Inc., JAT Partners, LLC dba Remedy Intelligent Staffing, and Express Employment Professionals to continue the provision of temporary staffing services for a total expenditure not to exceed \$9,057,000 of which approximately \$3,773,750 is required for the remainder of the fiscal year.

**Mayor Martinez deviated from the agenda and referred to Item 10. Interim Director of Human Resources Steven Viera stated that the purpose of this item is to approve a resolution extending the temporary staffing services agreements. There were no comments from the public.**

**Council members spoke regarding the following topics: the funding in the amount of \$3,773,750 is to pay for current temporary employees; whether the employees have been temporary employees for an extended period of time; whether the City would have to pay a penalty fee to hire contract temporary employees; the number of employees in the water department and the substantial need for temporary employees; the number of years utilizing temporary employees; establishing an in-house temporary staffing services program; concerns with future shortfalls in the budget; a list of temporary employees in each department; and the use of community service workers in certain areas.**

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

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member McIntyre and Council Member Scott

**Abstained:** 0

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Enactment No: 030873

- 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 choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. 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. Abel Alonzo, 1701 Thames, spoke in support of Acting City Manager Margie Rose's ability to help lead the City into the future. Joan Veith, 5701 Cain Drive, congratulated the City Council for appointing Margie Rose as Interim City Manager. Ms. Veith also recommended the use of dryer sheets to repel mosquitoes. John Kelley, 3621 Austin, spoke regarding the water boil issue and the recommendations provided by a consultant in 2007. Carolyn Burger, 3821 Dunstain, spoke regarding the water problems at the O.N. Stevens Water Treatment Plant and expressed concerns with personnel at the Water Department. Linda Obregon, 4934 Everhart, recommended the creation of a zoning category for single-room occupancy to address the low-income housing crisis.

- M. PUBLIC HEARINGS: (NONE)**

- N. REGULAR AGENDA: (ITEMS 9 - 11)**

- 9. Discussion and possible action regarding possible scope for third party investigation related to the past three boil water notices.**

Mayor Martinez deviated from the agenda and referred to Item 9. Acting City Manager Margie Rose stated that the purpose of this item is to discuss a possible scope for a third-party investigation related to the past three boil-water notices. Director of Engineering Services Jeff Edmonds developed the scope based on various concerns that have been raised. Staff is requesting feedback from the City Council before moving forward on this issue.

Council members spoke regarding the following topics: a recommendation regarding Section 2.0 Long-Range Action Plan, to look at existing capital projects in addition to new capital projects; the scope providing the flexibility to review internal, external and regulatory issues; creation of a new Section 1.0 to provide a summary of the water issues that have occurred since 2007, the recommendations, and what actions were taken, prior to moving forward; who would be leading the investigation; the creation of a task force to investigate the water issues; whether the Water & Utilities Department has reviewed their actions internally and provided a report; and engaging the Texas Commission on Environmental Quality (TCEQ) before moving forward.

**MOTION OF DIRECTION**

Council Member Garza made a motion to create a new Section 1.1, under Section 1.0 IMMEDIATE ACTION PLAN, of the Corpus Christi Water Utility – Boil Water Notice Investigation document, as follows: “Provide the city council with a summary detailing water issues that have occurred since 2007, what was recommended and what actions were taken.”, and that the existing 1.1 and 1.2 in said document be retained and re-numbered 1.2 and 1.3, respectively, seconded by Council Member Rubio and was unanimously approved (Council Member Scott – Absent).

Council Member Magill made a motion to appoint a three-member task force to investigate the City’s water issues, using the approved scope, and appointing the following individuals to the task force: Chair, Ed Martin; Technical Advisor, Bob Bowcock; and Acting City Manager, Margie Rose, seconded by Council Member Garza. This Motion was passed and approved with the following vote:

**Aye:** 6 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Nay:** 1 - Council Member Hunter

**Absent:** 2 - Council Member McIntyre and Council Member Scott

**Abstained:** 0

Enactment No: M2016-057

11.

**Approving the purchase of a water truck for Parks and Recreation beach services**

Motion approving the purchase of a 4,000 gallon water truck from Rush Truck Centers of Texas, L.P. of Houston, Texas, for a total cost of \$125,406.00. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council (H-GAC). Funding is available in the General Fund FY 2015-2016.

Mayor Martinez referred to Item 11. Interim Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item is to purchase a 4,000 gallon water truck in the amount of \$125,406 for Beach Operations. There were no comments from the public.

Ms. Anaya and Director of Fleet Operations Jim Davis discussed the following topics with a council member: staff researching the option of purchasing the water truck through an auction process; rental of the current water truck; protection from the sea air and the cleaning and maintenance process to help prevent corrosion.

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

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member Rubio, Council Member Rosas and Council Member Vaughn

**Absent:** 2 - Council Member McIntyre and Council Member Scott

**Abstained:** 0

Enactment No: M2016-058

**L. EXECUTIVE SESSION: (ITEMS 6 - 8)**

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

- 6. Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining matters, (including litigation) between the City of Corpus Christi and the Corpus Christi Firefighters Association.

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

- 7. Executive Session pursuant to Texas Government Code §551.071** for consultation with attorneys regarding legal matters involving the U.S. Environmental Protection Agency - Department of Justice concerns relating to sanitary sewer overflows and the City's wastewater treatment system.

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

- 8. Executive Session pursuant to Texas Government Code § 551.074** (Personnel Matters) to discuss the appointment, employment, and duties of public officers or employees, including, but not limited to, the position of the City Manager.

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

**O. FIRST READING ORDINANCES: (NONE)**

**P. FUTURE AGENDA ITEMS: (ITEMS 12 - 16)**

**Mayor Martinez referred to Future Agenda Items. Acting City Manager Rose stated that staff had planned presentations on Items 12, 13, 14, and 16. A council member requested information on Item 15.**

- 12. Contract amendments to Mind Exercise Nutrition Do it (MEND) Childhood Obesity Program Service Agreements**

Motion authorizing the Director of the Public Health District or designee to execute contract amendments with Advanced Cheer Athletics LLC; Apex Personal Training and Nutrition; Benavides Fitness, LLC; and Twisted Cheer Company to provide additional services and funding pursuant to existing MEND Childhood Obesity Program service agreements for a total expenditure not to exceed \$770,000. Funds have been budgeted by Corpus Christi-Nueces County Public Health

District (CCNCPHD) in the 1115 Transformation Waiver Fund.

Advanced Cheer Athletics, LLC 6801 Weber Road Corpus Christi, Texas \$250,000	Apex Personal Training and Nutrition, LLC 4117 South Staples Suite 260 Corpus Christi, Texas \$150,000
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Benavides Fitness, LLC 1504 Redbird Drive Rockport, Texas \$170,000	Twisted Cheer Company 3010 Old Kingsville Road Alice, Texas \$200,000
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**This Motion was recommended to the consent agenda.**

**13. Construction contract for Collier Pool Renovation Rebid- Part B (Restroom and Office Building) (Bond 2012 Proposition 4 - Aquatic Facilities)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Cruz Maintenance & Construction, Inc. of Corpus Christi, Texas in the amount of \$598,874 for the Collier Pool Renovations Rebid - Part B (Restroom and Office Building) project for replacement of the existing building. (Bond 2012 Proposition 4 - Aquatic Facilities)

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

**14. Construction contract for Street Preventative Maintenance Program - Seal Coats**

Motion authorizing the City Manager or designee, to execute a construction contract with J. Carroll Weaver, Inc. of Sinton, Texas in the amount of \$1,987,973.61 each for bid Part 1, Part 2 & Part 3, for a total fee of \$5,963,920.83 for the Street Preventative Maintenance Program 2015 (Year 2) Remaining and 2016 (Year 3) Seal Coat project.

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

**15. Construction contract for Whitecap Wastewater Treatment Plant Ultra-Violet System Upgrade**

Motion authorizing the City Manager or designee to execute a construction contract with J.S. Haren Company of Athens, Tennessee in the amount of \$5,266,997.75 for the Whitecap Wastewater Treatment Plant Ultra-Violet System Upgrade for the Base Bid.

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



**16. External Audit Firm Service Agreement**

Motion authorizing the City Manager or his designee to execute a service agreement with Padgett Stratemann & Co. L.L.P. ("PS&Co.") of San Antonio, Texas, to provide professional auditing services for a total contract value of \$601,000, inclusive of an allowance of \$36,000 for bond examination reports/statements and comfort letters that may be requested by the City during the term of this Agreement in accordance with Request for Qualifications No 66. The agreement is established for a three year period, subject to the approval of the City Manager or designee and the contractor.

**MOTION OF DIRECTION**

Council Member Magill made a motion directing the Acting City Manager to add a clause in the service agreement stating "The City's entry into this professional services agreement is conditioned upon the Contractor's continuing utilization of the professionals whose resumes have been attached to the Contractor's proposal. Failure of Contractor to utilize these professionals would entitle the City to terminate this agreement," seconded by Council Member Vaughn and passed unanimously (Council Members McIntyre and Scott - Absent)

This Motion was recommended to the regular agenda.

**Q. BRIEFINGS: (ITEM 17)****17. Discovery - Carport Regulations**

Mayor Martinez referred to Item 17. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to update the City Council about regulations regarding carports. Mr. McGinn stated that the Development Services Department has received an increasing number of requests for the installation of carports. This presentation is part of the discovery process to explain the definition of carports and discuss two issues staff are encountering when trying the permit these structures. The second phase of this discussion will include possible options moving forward and best practices throughout the state.

Mr. McGinn providing the following information: the definition of a carport; photos of various designs of carports in the City made of a combination of wood and metal and metal roofing; a dispersion map identifying carports throughout the City; the issues including: 1) being located within the front yard building setback and 2) permitting and structural integrity of carports; a site layout for a typical residential lot; and permitting.

Council members spoke regarding the following topics: whether the aluminum or wooden carports are windstorm resistant; development of a plan to permit existing structures; identifying and fining vendors that are installing carports without a permit; clarification on the permitting requirements; informing the citizens of compliance issues; the timeline for addressing this issue; a recommendation for a long lead time to identify what other cities are doing; educating the public on code enforcement issues; whether there is data in the Unified Development Code relating to non-conforming carport structures;

whether all city-owned structures that have carports are compliant; and identifying a pathway for citizens to be in compliance that is not financially or punitive.

R. **ADJOURNMENT**

The meeting was adjourned at 4:40 p.m.