



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, December 15, 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.

Mayor Martinez called for a moment of silence for former City Manager Bill Hennings who recently passed away.

B. Invocation to be given by Pastor Rick Milby, Abundant Life Fellowship.

Pastor Rick Milby gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Belinda Mercado - Director, Municipal Information Systems.

Director of Municipal Information Systems Belinda Mercado 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 required Charter Officers were present to conduct the meeting.

(Council Member Scott arrived at 11:46 a.m.)

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. Commendations for the "Alliance for a Healthier Generation Awards Recognition".

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.

Mayor Martinez recognized her Chief of Staff, Kristina Leal, for her service and support while working for the City of Corpus Christi and wished her success in her future endeavors.

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

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

b. OTHER

1) The Police Chief selection process will take place on Friday, December 18, 2015 and Saturday, December 19, 2015. On Friday, a public reception will be held at the American Bank Center in the Watergarden Room from 5:30 p.m. to 7:30 p.m to meet the seven (7) candidates. Comment cards will be available for the public to comment and will be taken into consideration during the selection process. 2) The Human Resources Department was recognized by the Coastal Bend Society for Human Resource Management and received the 2015 Award for Excellence for the best learning and development strategy in regard to the City Champions Program. 3) City Manager Olson acknowledged Public Information Officer Michelle Villarreal Leschper who was recognized by Texas A&M University - Corpus Christi and the Young Business Professionals as a recipient of the Under 40 Award. 4) City Manager Olson informed the public that the new City Hall security measures will be implemented on December 21, 2015.

a. CITY HALL SECURITY UPDATES - Senior Officer Denise Pace, Corpus Christi

City Manager Olson stated that there were no further details to report. The metal detector is on site and measures are being taking internally to educate the employees about parking.

H. MINUTES:

2. Regular Meeting of December 8, 2015

Mayor Martinez deviated from the agenda and referred to approval of the minutes. City Secretary Rebecca Huerta informed the City Council that on page 3, regarding the board appointments to the Downtown Management District, the motion is incorrect and should reflect that Council Member Scott made the motion, seconded by Council Member Magill.

Council Member McIntyre made a motion to amend the minutes, seconded by Council Member Magill and passed unanimously.

A motion was made by Council Member Magill, seconded by Council Member McIntyre, that the Minutes be passed as amended. The motion carried by a unanimous vote.

I. BOARD & COMMITTEE APPOINTMENTS:

3. Committee for Persons with Disabilities
Corpus Christi Aquifer Storage and Recovery Conservation District
Corpus Christi Regional Economic Development Corporation
Marina Advisory Committee
North Padre Island Development Corporation
Parks and Recreation Advisory Committee
Watershore and Beach Advisory Committee

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

Committee for Persons with Disabilities

Council Member Magill made a motion to appoint Linda Lindsey, seconded by Council Member Garza and passed unanimously.

Corpus Christi Aquifer Storage and Recovery Conservation District

Council Member Magill made a motion to reappoint Gustavo Gonzalez and Dan McGinn, seconded by Council Member Scott and passed unanimously.

Corpus Christi Regional Economic Development Corporation

Council Member McIntyre made a motion to reappoint Jerry Dewbre and Toby Hammett Futrell, seconded by Council Member Scott. The motion failed with the following vote: Martinez, McIntyre, Riojas, and Scott, voting "Aye"; Rosas, Rubio, Vaughn, Garza, and Magill, voting "No".

Council Member McIntyre made a motion to reappoint Toby Hammett Futrell, seconded by Council Member Magill and passed unanimously.

Council Member Rubio nominated Larry R. Elizondo, Sr. Council Member Scott nominated Jerry Dewbre.

Council members discussed the following topics: Larry R. Elizondo, Sr.'s change of address and that he now lives in District 3; and reappointment of members with good attendance and standing. (Note: After the discussion on Item 37, City Secretary Huerta clarified that the change of address provided by Mr. Elizondo was still located in District 5.)

Larry R. Elizondo, Sr. was appointed with Council Members Rosas, Magill, Garza, Rubio, and Vaughn voting for Larry R. Elizondo, Sr. and Council Members Riojas, Martinez, Scott, and McIntyre voting for Jerry Dewbre.

Marina Advisory Committee

City Secretary Huerta announced that Council Member Magill was abstaining from this item.

Council Member McIntyre made a motion to reappoint Mona Baen (Community At-Large), Curt Broomfield (Community At-Large), William McDowell (Engineer), and Hal Suter (Environmentalist), seconded by Council Scott and passed unanimously; Magill abstained.

Council Member McIntyre made a motion to appoint Ronald S. Smith (Community At-Large), seconded by Council Member Rosas and passed unanimously; Magill abstained.

North Padre Island Development Corporation

Council Member McIntyre made a motion to reappoint Rudy Garza, Colleen McIntyre, Lillian Riojas, Brian Rosas, and Carolyn Vaughn, seconded by Council Member Rubio and passed unanimously.

Park and Recreation Advisory Committee

Council Member McIntyre made a motion to appoint Doug E. McBee, Jr., seconded by Council Member Garza and passed unanimously.

Watershore and Beach Advisory Committee

Council Member Magill made a motion to realign Joseph DePalma to Regular Member, seconded by Council Member McIntyre and passed unanimously.

Council Member McIntyre made a motion to reappoint Jay Gardner (Regular Member), Paulette Kluge (CVB), Cameron Perry (Engineer), and Cliff Schlabach (Regular Member), seconded by Council Member Riojas and passed unanimously.

Council Member McIntyre nominated Terry A. Palmer (Environmentalist). Council Member Magill nominated Mukesh Subedee (Environmentalist). Mukesh Subedee (Environmentalist) was appointed with Council Members Vaughn, Rubio, Martinez, Garza, Magill, Riojas and Rosas voting for Mukesh Subedee and Council Members McIntyre and Scott voting for Terry A. Palmer (Environmentalist).

- 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 called for comments from the public. Steve Harrison, 118 Rossiter, spoke regarding the new Harbor Bridge and asked questions regarding how the complaint filed with the Federal Highway Administration's Office of Civil Rights could affect moving forward with the new bridge. Linda Gibeaut, 410 Southern, asked the City Council to consider providing additional funds to Animal Care Services during next year's

budget process to fund live releases, additional enforcement officers, and education on spay/neutering. Stacy Palacios, 7313 Candy Ridge Road, stressed the importance of bringing more attention to animal welfare in the City and other factors to improve Animal Care Services. Jeanette Ross, 1504 Van Loan, spoke regarding public comments made by citizens at the December 8, 2015 regular Council meeting asking for support to grow, beautify, and prosper the North Beach area through the use of HOT funds. Ms. Ross requested that every area of the City, especially the north and west side, Solomon Coles, Booker T. Washington School, T.C. Ayers, Hillcrest, and North Staples and Winnebago streets be given the same consideration. Susie Luna Saldana, 4710 Hakel, spoke regarding the 5-4 split decision votes made by the City Council. Jack Gordy, 4118 Bray, spoke regarding information provided to the City Council regarding the removal of the palm trees on Airline Road. Walter Saganice, 3449 Picadilly Lane, spoke regarding the palm trees on Airline Road and shared his assessment of the conditions. Mr. Saganice stated the palm trees are a clear navigation hazard for all and tree removal and similar resurfacing would enhance the safety and efficiency of the area. Henry Flores, 4904 Tahoe Trail, Austin, Texas, spoke regarding Item 49, FY2016-2017 HOME Program Housing Tax Credit Amenities. Douglas Johnson, 610 Brock, spoke regarding the removal of Staples Street, from Brawner to Kostoryz, from Bond 2012 projects.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 26)

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 McIntyre, seconded by Council Member Magill, to approve the Consent Agenda. The consent agenda items were approved 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

4. Resolution authorizing a purchase of a Digital Information Management System Hardware and Storage Upgrade

Resolution authorizing the City Manager, or designee, to purchase a Digital Information Management System Server and storage upgrade from Linear Systems, Rancho Cucamonga, California, for a total cost of \$50,164. The final cost includes a \$10,000 trade in credit for the existing outdated hardware. Funds are being used by the Police Grant Fund 1061 for the fiscal year 2016.

This Resolution was passed on the Consent Agenda.

Enactment No: 030706

5. Resolution amending the Radio Communications System Interlocal Agreement to include the Nueces County Emergency Services District #3 as a participant

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority and Nueces County to include the Nueces County Emergency Services District #3 as a participant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030707

6. Resolution amending the Radio Communications System Interlocal Agreement to include the Nueces County Emergency Services District #6 as a participant

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority and Nueces County to include the Nueces County Emergency Services District #6 as a participant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030708

7. Lease-Purchase of Ambulances

Motion approving the lease-purchase of two ambulances from Knapp, Chevrolet, of Houston, Texas based on the Cooperative Purchasing Agreement with the Texas Local Government Cooperative, in the amount of \$319,700.00. The ambulances will be used by the EMS Division of the Fire Department. These units are a replacement to the fleet. Funds for the lease purchase of the ambulances will be provided through the City's lease/financing program.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-134

8. Resolution approving the appointment of Dr. William Burgin, Jr. as the Local Health Authority for the Public Health District

Resolution approving the Director of the Corpus Christi Nueces County Public Health District's (CCNCPHD), appointment of Dr. William Burgin, Jr., to serve as the Local Health Authority for the Public Health District for a two year term beginning December 17, 2015 and ending

December 17, 2017.

This Resolution was passed on the Consent Agenda.

Enactment No: 030709

9. Real Estate Brokerage Service for Sale of 14 Surplus Parks

Motion authorizing the City Manager to execute a service agreement with The Clower Company, Inc., Corpus Christi, Texas for the sale of 14 surplus parks in accordance with Bid Event No. 64 at a commission interest rate of 4.5 percent.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-135

10. Resolution for an Interlocal Agreement for Packery Channel Aids to Navigation

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A&M University - Corpus Christi regarding Aids to Navigation at Packery Channel in amount of \$60,941.

This Resolution was passed on the Consent Agenda.

Enactment No: 030710

11. Construction Contract for Repair of City Hall Skylight and Associated Improvements

Motion authorizing the City manager or designee to execute a construction contract with Gourley Contracting, Corpus Christi, Texas in accordance with Bid Event No. 88 based on only bid for a total cost of \$230,690.00 for the repair of City Hall Skylight and Associated Repairs.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-136

12. Lease-Purchase of One Box Van and One Mobile Camera Inspection Unit

Motion approving the lease-purchase of one box van and one mobile camera inspection unit from the following companies for the amounts below for a total cost of \$170,322.62. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Government (H-GAC). Funding is available from the City's lease purchase financing contractor.

<u>Houston Freightliner</u>	<u>Green Equipment Company</u>
Houston, TX	Manvel, TX
Box Van	Mobile camera inspection unit
\$47,861.00	\$122,461.62

Total Cost: \$170,322.62

This Motion was passed on the Consent Agenda.

Enactment No: M2015-137

13. Construction Contract for the Greenwood Wastewater Treatment Plant Flare Permit Metering

Motion authorizing the City Manager or designee to execute a construction contract with Palacios Marine & Industrial Coating, Inc. of Palacios, Texas in the amount of \$87,788.60 for the Greenwood Wastewater Treatment Plant Flare Permit Metering for the total Base Bid.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-138

14. Amendments to two contracts for engineering design services within the City-Wide Wastewater Collection System Replacement and Rehabilitation Indefinite Delivery/Indefinite Quantity (IDIQ) Program

Motion authorizing the City Manager or designee to execute two contract amendments, Amendment No. 6 with LNV, Inc. of Corpus Christi, Texas in the amount of \$129,275 for a total restated fee not to exceed \$671,745, and Amendment No. 2 with Urban Engineering of Corpus Christi, Texas in the amount of \$120,880 for a total restated fee not to exceed \$362,640. These two contract amendments provide for engineering design services for the City's wastewater collection system.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-139

15. Change Order No. 16 for the Runway 17-35 Extension/Displacement and Connecting Taxiway Project

Motion authorizing the City Manager or designee to execute Change Order No. 16 with Bay, Ltd. of Corpus Christi, Texas in the amount of \$270,000.00 for a total restated fee of \$15,631,021.36 for the Corpus Christi International Airport Runway 17-35 Extension/Displacement and Connecting Taxiway project.

This Motion was passed on the Consent Agenda.

Enactment No: M2015-140

16. Resolution amending and reaffirming the City's Investment Policy and Strategies for FY2015-2016

Resolution amending and reaffirming the City of Corpus Christi's Investment Policy and Investment Strategies for Fiscal Year 2015-2016.

This Resolution was passed on the Consent Agenda.

Enactment No: 030711

17. Second Reading Ordinance - Accepting and appropriating grant funds to purchase Hazmat Communication System equipment (1st Reading 12/8/15)

Ordinance authorizing the City Manager or designee to accept a grant from Koch Companies Public Sector, LLC 2015 Helping Heroes Grant Program in the amount of \$10,000.00 to be used to purchase Hazmat Communication System Equipment; and appropriating \$10,000.00 from Koch Companies Public Sector; LLC into the Fire Grant Fund No. 1062.

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

Enactment No: 030712

18. Second Reading Ordinance - Accepting and appropriating additional grant funds for Tuberculosis Prevention and Control (1st Reading 12/8/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Tuberculosis Prevention and Control-Federal (TB/PC-FED) grant increasing the total amount to \$64,693, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, with an increase in the city match to \$12,939, for a total project cost of \$77,632, for the amended contract period September 1, 2014, through December 31, 2015; authorizing the transfer of \$3,235, from the No. 1020 General Fund to the No. 1066 Health Grants Fund, appropriating the increased cash match and increased grant amount; and ratifying acceptance of the amended grant agreement to begin September 1, 2015.

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

Enactment No: 030713

19. Second Reading Ordinance - Advancing, accepting and appropriating funds for the Texas Medicaid Managed Care Initiative 1115 Waiver - Childhood Healthy Weight Obesity Project (1st Reading 12/8/15)

Ordinance authorizing the advance of up to \$903,592, from the No. 1046 Health Medicaid Waiver Fund to the Texas Health and Human Services Commission (TXHHSC) and in turn the Centers for Medicare and Medicaid Services (CMS) for the City's local match for City projects under the Corpus Christi - Nueces County Public Health District's (CCNCPHD) 1115 Waiver; funds to be repaid from the CMS by January 31, 2016. Additionally authorizing the City Manager, or designee, to execute all documents necessary to accept and appropriate the award fund upon receipt in the amount of approximately \$1,204,158, from CMS and the TXHHSC to implement a program to reduce and prevent obesity in children and adolescents for the period of October 1, 2015, through September 30, 2016; and ratifying acceptance of the award fund to begin October 1, 2015.

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

Enactment No: 030714

20. Second Reading Ordinance - License for an electronic sign located within the Street Right of Way at 6652 Yorktown Blvd (1st Reading 12/8/15)

Ordinance authorizing the City Manager or designee to execute a License for an electronic sign located within the Street Right of Way for Butler & Diaz, Inc., d/b/a Yorktown Mini Storage, a Texas small business corporation, ("Licensee") for an electronic Advertisement Sign installation, subject to the Licensee' compliance with specified conditions.

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

Enactment No: 030715

21. Second Reading Ordinance - Exemption from the Wastewater Acreage/Lot Fees for property located at the intersection of Agnes Street (Business State Hwy No. 44) and Bockholt Road within the Greenwood Wastewater Treatment Plant, Service Area 6 (1st Reading 12/8/15)

Ordinance exempting the Lewis & Cook Addition, Block 1, lot 1 subdivision located at the intersection of Agnes Street (Business State HWY No. 44) and Bockholt Road, from the payment of the wastewater lot/acreage fees under Section 8.5.2.g.1 of the Unified Development Code; requiring the owner/developer to comply with the specified

conditions.

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

Enactment No: 030716

22. Second Reading Ordinance - Amending the Capital Improvement Budget to execute a Master Services Agreement for On Call Engineering Services with Solid Waste Operations (1st Reading 12/8/15)

Ordinance amending the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to add Project No. E15103 On Call Services/Solid Waste; transferring funds in the amount of \$280,000 from Solid Waste Project Reserves to the On Call Services/Solid Waste Project; and authorizing the City Manager or designee to execute a master service agreement with Naismith Engineering, Inc. of Corpus Christi, Texas in the amount of \$250,000.00 for On Call Services/Solid Waste for engineering services as may be required.

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

Enactment No: 030717

23. Second Reading Ordinance - Adjusting Public Agency for Resale Water Rates (1st Reading 12/8/15)

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, Utilities, regarding public agency for resale water rates; providing for publication, and providing effective date.

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

Enactment No: 030718

24. Second Reading Ordinance - Transfer of City Council Member's Salary (1st Reading 12/8/15)

Ordinance approving the transfer of an amount budgeted for Council Member Carolyn Vaughn's salary, plus applicable payroll taxes, in the total amount of \$6,459 from the No. 1020 General Fund to the No. 1042 Residential Street Fund and changing the FY 2015-2016 Operating Budget adopted by Ordinance 030620 to increase revenues and expenditures by \$6,459 in the No. 1042 Residential Street Fund.

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

Enactment No: 030719

25. Second Reading Ordinance - Continuing Texas Municipal Retirement System (TMRS) Updated Service Credits for current participants and increases for prior and current annuities (1st

Reading 12/8/15)

Ordinance authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

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

Enactment No: 030720

26. Second Reading Ordinance - Depository Banking Services Agreement (1st Reading 12/8/15)

Ordinance to accept staff recommendation to designate Frost Bank as the depository for municipal funds in accordance with section 105.016 of the Texas Local Government Code and authorizing the City Manager or designee to execute a depository services contract for a period of 3 years to commence on January 1, 2016 and end on December 31, 2018 with an option to renew for two additional one-year periods.

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

Enactment No: 030721

N. REGULAR AGENDA: (ITEMS 33 - 36)**33. Second amendment and extension to agreement for reservation of recycled water**

Motion authorizing the City Manager or designee to execute a Second Amendment and Extension to the Agreement for Exclusive Reservation of Recycled Water with Valero Refining - Texas, L.P. (Valero) for 4 million gallons per day (mgd).

Mayor Martinez deviated from the agenda and referred to Item 33. City Secretary Huerta announced that Council Member Riojas was abstaining from this item. Executive Director of Utilities Mark Van Vleck addressed questions raised at the last Council meeting regarding the fees associated with the Exclusive Reservation of Recycled Water with Valero Refining - Texas, L.P. and a revised agreement was reached to include a fee.

Council members spoke regarding the following topics: the reason the agreement was initially presented without a fee being charged; use of the recycled water from the Greenwood Wastewater Treatment Plant; and the proposed route for installation of the pipeline from the Greenwood Wastewater

Treatment Plant. Joe Almaraz, Agency Director for Valero, stated that engineering work has been completed on the project and Valero is ready to execute full funding.

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

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 1 - Council Member Riojas

Enactment No: M2015-142

34. Second Reading Ordinance - Amending the Code of Ordinances to create the City of Corpus Christi Infill Housing Incentive Program (IHIP) (1st Reading 12/8/15)

Ordinance Amending the Corpus Christi Code of Ordinances by adding a new chapter, Chapter 20, Housing; Creating Chapter 20, Article I - IN GENERAL; Creating Chapter 20, Article II - INFILL HOUSING INCENTIVE PROGRAM to set forth requirements, procedures and incentives for the development of new home construction in existing Community Development Block Grant (CDBG) neighborhoods; providing for severance; and providing an effective date.

Mayor Martinez referred to Item 34. Assistant City Manager Susan Thorpe stated that Items 34, 35, and 36 are related affordable housing programs. There were no comments from the public on Items 34, 35, and 36.

Council members asked questions regarding details on the qualified buyers being included in the guidelines to implement the Type A program. Assistant City Manager Thorpe said staff would bring back Item 36 with the correct guidelines.

Council Member McIntyre made a motion to approve Items 34 and 35, seconded by Council Member Garza. 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: 030722

35. Resolution Approving the Program Guidelines for the Infill Housing Incentive Program (IHIP).

This Item was discussed during Item 35. This Resolution was passed 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: 030723

36. Resolution approving the Affordable Housing - Type A Pilot Program

Resolution approving the Affordable Housing - Type A Pilot Program which uses Type A funds for up front/interim construction costs for a qualified builder to construct a new affordable home for an income-qualified homebuyer.

This item was discussed during Item 34.

A motion was made by Council Member McIntyre, seconded by Council Member Rudy Garza, that the Resolution be tabled. The motion carried by a unanimous vote.

L. EXECUTIVE SESSION: (ITEMS 27 - 32)

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

27. Executive session pursuant to Texas Government Code § 551.074 (personnel matters) to deliberate employment issues concerning the City Manager.

This E-Session Item was discussed in executive session.

28. Executive session pursuant to Texas Government Code § 551.071 for consultation with attorneys regarding collective bargaining matters and/or the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters Association.

This E-Session Item was discussed in executive session.

29. Executive session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues involving administrative orders and/or potential litigation from the U.S. Environmental Protection Agency, U.S. Department of Justice, and/or Texas Commission on Environmental Quality related to the City's wastewater treatment plants, sanitary sewer overflows, and the City's Sanitary Sewer Collection System.

Mayor Martinez referred to Item 29. City Attorney Miles K. Risley stated that the purpose of this item is to authorize the extension of agreements and encumbrance of funds for the City's negotiations and potential litigation with the U.S. Department of Justice over alleged overflows in the City's sanitary sewer system. City Attorney Risley said that since being approached by the U.S. Environmental Protection Agency in 2011, the City has made tremendous progress in reducing overflows. City Attorney Risley presented the following information: a chart on the alleged City overflow and treatment violations from 2007 through 2014; the projected average monthly sewer rate increase under the EPA demand; and differences between the City proposal and the EPA's proposal.

Council Member McIntyre made a motion to authorize the extension of agreements and encumbrance of funds for legal and City's case to federal agencies and courts and engineering services in analysis-negotiation and potential litigation with the U.S. Environmental Protection Agency and U.S. Department of Justice regarding sanitary sewer overflows and effluent excursions with the following entities in the following amounts, with the amounts for the "Litigation-additional amount" only authorized in the event that the City is sued by agencies of the federal government for said matters:

	Analysis-Negotiation	Litigation-additional Amount
Lloyd Gosselink	\$375,000	\$620,000
HDR	\$147,658	\$243,000
Pipeline Analysis	\$8,900	\$150,000
Barnes & Thornburg	\$165,000	\$100,000
CDM Smith	\$50,000	\$29,700
Total:	\$746,558	\$1,142,700

and further authorizing the City Manager to execute contracts with and expend the amounts designated for the aforesaid entities on different law firms and engineering firms determined to be most appropriate for the presentation of the City's case to federal agencies and courts, seconded by Council Member Scott. This Motion was passed 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: M2015-141

30. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the New Broadway Wastewater Treatment Plant and other parts of the City's Sanitary Sewer Collection System

This E-Session Item was discussed in executive session.

31. Executive Session pursuant to Texas Government Code § 551.072 regarding the purchase, exchange, lease, or value of real property

(including, but not limited to, real property in the vicinity of Corona Drive and Island Gate Plaza) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third party.

This E-Session Item was discussed in executive session.

32. **Executive session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to Interstate 37, State Highway 286, U.S. Highway 181, and existing and proposed sewer, water, street, bridge, park, and other public infrastructure in or near said highways.**

This E-Session Item was discussed in executive session.

M. **PUBLIC HEARINGS: (NONE)**

N. **REGULAR AGENDA: (ITEM 37)**

37. **Resolution to execute the Four Party Agreement upon which the federal funding for the US Highway 181 (US 181) Harbor Bridge Project is conditioned**

Resolution authorizing the City Manager or designee to execute a Four Party Agreement with the Texas Department of Transportation (TxDOT), the Port of Corpus Christi Authority (Port), and the Corpus Christi Housing Authority, to provide duties effectively required by the Federal Highway Administration related to TxDOT's construction of the Harbor Bridge; issuing consent for the Port's acquisition of property pursuant to Texas Water Code § 62.106(d); and making further authorizations and declarations related to said Four Party Agreement

Mayor Martinez referred to Item 37. City Attorney Miles K. Risley stated that the purpose of this item is to execute a Four-Party Agreement with the Texas Department of Transportation (TxDOT), the Port of Corpus Christi Authority (Port), and the Corpus Christi Housing Authority, to provide duties effectively required by the Federal Highway Administration related to TxDOT's construction of the Harbor Bridge; issuing consent for the Port's acquisition of property pursuant to Texas Water Code § 62.106(d); and making further authorizations and declarations related to said Four-Party Agreement. There were no comments from public. A council member requested that City Attorney Risley provide an explanation of the eminent domain language.

Council Member McIntyre made a motion to approve the resolution, seconded by Council Member Scott. This Resolution was passed 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: 030705

O. FIRST READING ORDINANCES: (38 - 44)

38. First Reading Ordinance - License Agreement for Youth Sports League at LyondellBasell Park

Ordinance authorizing the City Manager, or designee, to execute a License Agreement with Nueces County for South Texas Elite Youth Football League use of LyondellBasell Park on Haven Drive for youth football program with option to extend for two additional years.

Mayor Martinez referred to Item 38. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to extend a License Agreement with Nueces County for a youth sports league located at LyondellBasell Park. There were no comments from the public. In response to a council member, Mr. Ellington said there is no monetary amount associated with this lease agreement.

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

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

Absent: 2 - Council Member McIntyre and Council Member Riojas

Abstained: 0

39. First Reading Ordinance - Accepting and appropriating grant funds for Elderly Nutrition Program (ENP)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$48,225 grant funding from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY2015 Senior Community Services, Elderly Nutrition Program.

Mayor Martinez referred to Item 39. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to accept and appropriate grant funding for the FY2015 Elderly Nutrition Program. There were no comments from the Council or the public.

Council Member Garza 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: 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member McIntyre

Abstained: 0

40. First Reading Ordinance - Accepting and appropriating grant funds for the Elderly Nutrition Program (ENP)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$635,079 grant from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY2016 Senior Community Services, Elderly Nutrition Program.

Mayor Martinez referred to Item 40. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to accept and appropriate a grant for the FY2016 Elderly Nutrition Program. 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 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

41. First Reading Ordinance - Accepting and appropriating reimbursement grant funds for Title XX Meals on Wheels Program

Ordinance Authorizing the City Manager or designee to execute all documents necessary to accept a \$229,140 reimbursement grant awarded by the Texas Department of Aging and Disability Services, Title XX Meals on Wheels Program and appropriating it in the No. 1067 Parks and Recreation Grants Fund for the FY 2016 Senior Community Services, Title XX Meals on Wheels Program.

Mayor Martinez referred to Item 41. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to accept and appropriate a reimbursement grant for the Title XX Meals on Wheels program. There were no comments from the public. A council member requested that staff provide information on whether or not the Meals on Wheels Program can be expanded to allow seniors who do not fit the need-based requirement or due to other factors, to pay the cost for the delivery of food to meet their nutritional requirements.

Council Member McIntyre made a motion to approve the ordinance, 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

42. First Reading Ordinance - Accepting and appropriating developer fees and interest earnings into the Community Enrichment fund for park improvements

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$872,005.99 in developer contributions and interest earnings in the 4720 Community Enrichment Fund for park improvements and other related projects.

Mayor Martinez referred to Item 42. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to appropriate developer contributions and interest earnings in the Community Enrichment Fund for park improvements. There were no comments from the public.

Council members spoke regarding the following topics: how the designated parks are determined; the last time a presentation was given on the Master Park Plan; consideration to table the plan until another presentation is provided to the City Council; an explanation of the developer contributions and how those fees are dispersed to parks in close proximity; the number of parks in the City; and the Oso Bay Wetland Preserve.

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

Aye: 9 - Mayor 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

43. First Reading Ordinance - Construction Contract and Professional Service Agreement Amendment No. 1 for Traffic Signal and Street Lighting Improvements Indefinite Delivery/Indefinite Quantity (IDIQ)

Ordinance appropriating \$400,725.04 from the Unreserved Fund Balance in No. 1041 Street Fund for the Traffic Signal and Street Lighting Improvements IDIQ project; changing the FY 2015-2016 Operating Budget adopted by Ordinance No. 030620 by increasing expenditures by \$400,725.04; authorizing the City Manager, or Designee, to execute a construction contract with Siemens Industry,

Inc. of Austin, Texas in the amount of \$721,485.80 for the initial year with the option of four one-year extensions that may be administratively approved; and authorizing the City Manager to proceed with the design of IDIQ delivery orders for the base year by executing Amendment No. 1 to a Professional Service Agreement with Maldonado-Burkett Intelligent Transportation Systems, LLP in the amount of \$32,211.73 for a restated fee of \$71,725.04 for the Traffic Signal and Street Lighting Improvements IDIQ project.

Mayor Martinez referred to Item 43. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a construction contract with Siemens Industry, Inc., and a design amendment with Maldonado-Burkett Intelligent Transportation Systems, LLP for the Traffic Signal and Street Lighting IDIQ project. There were no comments from the public.

Council members spoke regarding the following topics: whether the lights on Park Road 22 are included in this list to address the constant problems; the project scope addressing certain TxDOT street lights; whether there is a process for funding street lighting in residential neighborhoods; including electrical and lighting expenses in future bond projects; and requests to have staff investigate the traffic signals not properly working at the intersections of Holly Road and the Crosstown Freeway, headed east and Saratoga and the Crosstown Freeway headed east.

Council Member Garza made a motion to approve the ordinance, 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

44. First Reading Ordinance - Construction Contract and Construction Materials Testing Agreement for Ocean Drive from Buford Street to Louisiana Avenue (BOND 2012)

Ordinance amending the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 by transferring \$3,500,000 to the Ocean Drive from Buford to Louisiana Avenue project; increasing expenditures in the amount of \$3,500,000; and authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$11,012,338.66 for the total base bid and to execute an agreement for construction material testing in the amount of \$68,292.00 with Rock Engineering Testing Laboratory, Inc. for the Ocean Drive from Buford Street to Louisiana Avenue BOND 2012 street project.

Mayor Martinez referred to Item 44. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a construction contract with Bay, Ltd. and a construction materials testing agreement with Rock Engineering Testing Laboratory, Inc. for the Ocean Drive from Buford Street to Louisiana Avenue Bond 2012 street project. The project provides for the full-depth reconstruction that implements a road diet concept narrowing the existing six-lane roadway to four-lanes with a divided median and bike lanes. The project includes: hot mix asphalt pavement; concrete curb and gutters; driveways; ADA improvements; signs and markings; traffic signals; utility improvements; and slope stability improvements along the Corpus Christi Bay bluff to avoid potential movement of and damage to the new roadway and utilities. There were no comments from the public.

Council members spoke regarding the following topics: the project budget identifying the wrong contractor and listing the project in the Downtown Management District; the roundabout not being included as part of the design at Louisiana and Ocean Drive; whether there are standards to which the contractor should adhere and the project's warranty; the debarment process; and plans to include a safe pedestrian crossing system.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. 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 45 - 48)

Mayor Martinez referred to Future Agenda Items. City Manager Olson stated that staff had planned presentations on Items 47 and 48.

**45. Construction Contract for City-Wide Collection System
Pipebursting Indefinite Delivery/Indefinite Quantity (IDIQ)**

Motion authorizing the City Manager or designee to execute a construction contract with PM Construction & Rehab, LLC of Pasadena, Texas in the amount of \$3,750,000 for the City-Wide Collection System Pipebursting Indefinite Delivery/Indefinite Quantity for the total Base Bid with the option to extend the contract up to four (4) possible one-year renewals.

This Motion was recommended to the consent agenda.

**46. Professional Services Contract Extension for Mary Rhodes
Pipeline Phase 2**

Motion authorizing the City Manager or designee to extend

construction management services by executing Amendment No. 14 to the professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$513,767 for a total restated fee not to exceed \$15,949,042 for Mary Rhodes Pipeline Phase 2.

This Motion was recommended to the consent agenda.

47. Engineering Design Contract Amendment No.1 for Rodd Field Road Expansion (BOND 2014, Proposition 2)

Motion authorizing the City Manager, or designee, to proceed with design phase work by executing Amendment No. 1 to a contract for professional services with LJA Engineering, Inc. of Corpus Christi, Texas in the amount of \$1,128,307.78 for a restated fee of \$1,178,207.78 for the Rodd Field Road Expansion from Saratoga Boulevard to Yorktown Boulevard. (Bond 2014, Proposition 2)

This Motion was recommended to the consent agenda.

48. Resolution authorizing the City Manager or designee to proceed with the design and construction of Fire Station 18

Resolution authorizing the City Manager or designee to proceed with the design and construction of Fire Station 18 in the area of Holly/Saratoga and Ayers.

This Resolution was recommended to the consent agenda.

Q. BRIEFINGS: (ITEMS 49 - 50)

49. FY2016-2017 HOME Program Housing Tax Credit Amenities

Mayor Martinez referred to Item 49. Interim Director of Housing and Community Development Rudy Bentancourt stated that the purpose of this item is to present information on the FY2016-2017 HOME Program Housing Tax Credit Amenities. Mr. Bentancourt provided an overview of the proposed mandatory amenities required by the City of Corpus Christi and the next steps.

Council members spoke regarding the following topics: developers' desire that appropriate zoning be included as part of the FY2017-2018 mandatory amenities and inclusion of a stipulation that these criteria are in place only when all projects are in the Corpus Christi city limits.

MOTION OF DIRECTION

Council Member McIntyre made a motion directing the City Manager to include the appropriate zoning as a requirement beginning FY2017-2018, seconded by Council Member Magill and passed unanimously.

50. Zero-based Budgeting

Mayor Martinez referred to Item 50. City Manager Olson stated that the purpose of this item is to present a briefing on zero-based budgeting for the City

Council to consider whether or not this is a process to be used during the preparation of the budget. City Manager Olson presented the following information: a definition of zero-based budgeting; other budgeting techniques; potential advantages and disadvantages; the history of zero-based budgeting; an explanation of theoretical zero-based budgeting; zero-based budgeting in practice; the method currently used by the City; and how the City would apply the zero-based budgeting process.

Council members spoke regarding the following topics: the importance of getting away from traditional incremental budgeting; the direction needed in order to move forward with zero-based budgeting; the additional effort required by staff and the City Council; the primary goal being to receive as much data as possible; the expectations regarding savings; developing a financial policy that will delineate a timeframe and take one to two years identifying elements within departments to eliminate "budget creep"; maximize benefits and minimize negatives associated with zero-based budgeting; concerns with morale issues while working through the transition; delaying implementation of zero-based budgeting until the next fiscal year's budgeting process; the ability to prioritize services; the opportunity to review public safety; and holding all departments accountable and not exempt from the zero-based budgeting process.

MOTION OF DIRECTION

Council Member Magill made a motion directing the City Manager to move forward with this budget process, with respect to elements of zero-based budgeting, performance and service-level budgeting, and including an intermittent zero-based budget reset recommendation, seconded by Council Member McIntyre and passed unanimously.

R. ADJOURNMENT

The meeting was adjourned at 6:41 p.m.