



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, May 16, 2017

11:30 AM

Council Chambers

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

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

A. Mayor Pro Tem Lucy Rubio to call the meeting to order.

Mayor Pro Tem Rubio called the meeting to order at 11:30 a.m.

B. Invocation to be given by Pastor Rob Bailey, Southside Community Church.

Pastor Rob Bailey gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Joey Gold, W. B. Ray High School Senior, Navy Junior Reserve Officers Training Corps.

Ms. Elizabeth Hardin led the Pledge of Allegiance.

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

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

Charter Officers:

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

Present: 8 - Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Michael Hunter, Council Member Joe McComb, Council Member Ben Molina, Council Member Lucy Rubio, Council Member Greg Smith, and Council Member Carolyn Vaughn

E. Proclamations / Commendations

1. Proclamation declaring May 15-21, 2017, "National Salvation Army Week".
Proclamation declaring May 18, 2017, "Dr. Hector P. Garcia & Dr. Cleo Garcia, American GI Forum Chapters of Texas, 'Stand Up for Veterans', 6th Annual Scholarship Awards Banquet".
Proclamation declaring May 19, 2017, "Bike to Work Day", May 15-19, 2017, "Bike to Work Week" and May 2017, "National Bike Month".
Proclamation declaring May 2017, "Motorcycle Safety & Awareness Month".
Swearing-In Ceremony for Newly Appointed Board, Commission and Committee Members.

Mayor Pro Tem Rubio presented the proclamations and conducted the swearing-in ceremony for newly appointed board, commission and committee members.

- J. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M.** A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak **MUST** be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

Mayor Pro Tem Rubio deviated from the agenda and referred to comments from the public. Matt Eckstrom, 1726 NPID, spoke regarding Agenda Item 29, a service agreement for dumpster collection services, and stated that Killian Calderon Disposal should be considered for the following reasons: their bid is within 1% of that of the vendor recommended by staff; Killian Calderon Disposal is the only locally owned, full-service trash provider; and will provide an economic impact to the City. Abel Alonzo, 1701 Thames, spoke regarding Agenda Item 29, a service agreement for dumpster collection services, and requested that the City Council consider awarding points for local businesses during the bidding process. Tony Reyes, 911 Park Avenue; Henry Williams, 2422 Summers St.; James Perez, 260 Circle; Minta Moore, 15205 SPID; and Joan Veith, 5701 Cain Drive asked for more police officers and firefighters. Ken Baker, 7421 Idle Hour, expressed concerns regarding electrical building codes and spoke in support of additional police officers. Jack Gordy, 4118 Bray, spoke in support of hiring additional police officers and addressed issues relating to enforcement of ordinances regulating illegal signs and parking. Margareta Fratila, 3606 Tripoli, spoke regarding the following: the need to address street signage; issuing fines for buildings without street numbers; and the Police Department's use of geotracking. Susie Luna Saldana, 4710 Hake,

spoke regarding Agenda Item 29, a service agreement for dumpster collection services, consideration for best value and local bidders; and the selection process for the soon-to-be vacant city council at-large position.

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

Mayor Pro Tem Rubio deviated from the agenda and referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

a. OTHER

1) A demonstration on backflow prevention devices will be held Wednesday, May 17, 2017 at 10:00 a.m. at the Utilities Department located at 2726 Holly Road. The demonstration will be conducted by the Texas Board of Plumbing Examiners and is open and free to the public. The demonstration is part of the ongoing effort to ensure the quality of the City's water 2) City Hall in the Mall will be held at La Palmera Mall on Saturday, May 20, 2017 from 11:00 a.m. to 6:00 p.m. 3) City Manager Rose congratulated Assistant Director of Parks and Recreation Stacie Talbert Anaya who will be leaving the City of Corpus Christi to serve as Director of Parks and Recreation of the City of Lewisville.

G. MINUTES:

2. Regular Meeting of May 9, 2017 and Workshop of May 4, 2017.

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

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 3 - 14)

Approval of the Consent Agenda

Mayor Pro Tem Rubio referred to the Consent Agenda. There were no comments from the public. A council member requested that Item 3 be pulled for individual consideration.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

4. Resolution to intervene in AEP's filing at the Public Utility

Commission for an amendment to its Distribution Cost Recovery Factors

Resolution of the City of Corpus Christi, Texas authorizing intervention in the Public Utility Commission of Texas Docket No. 47015 regarding AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to the company and legal counsel.

This Resolution was passed on the consent agenda.

Enactment No: 031135

5. Reimbursement Resolution for Bond 2016 General Obligation Bonds

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes in an amount not to exceed \$18,350,000; authorizing other matters incident and related thereto; and providing an effective date.

This Resolution was passed on the consent agenda.

Enactment No: 031136

6. Second Reading Ordinance - Rezoning property located at 3825 County Road 69 (1st Reading 5/9/17)

Case No. 0317-06 Prosperity Bank: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District. The property to be rezoned is described as a 0.629-acre tract of land out of River Ridge Unit 2, Block 1, Lot 1A, as recorded in Volume 68, Page 509, Map Records of Nueces County, Texas, located on the west side of Hazel Bazemore Parkway (County Road 69) between Northwest Boulevard (FM 624) and Riverway Drive.

Planning Commission and Staff Recommendation (April 5, 2017): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Prosperity Bank ("Owner"), by changing the UDC Zoning Map in reference to a 0.629-acre tract of land out of River Ridge Unit 2, Block 1, Lot 1A, as recorded in Volume 68, Page 509, Map Records

of Nueces County, Texas, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District; amending Plan CC to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 031137

7. Second Reading Ordinance - Amending the Urban Transportation Plan by removing the proposed extension of Delgado Street between Greenwood Drive and Castenon Street (1st Reading 5/9/17)

Ordinance amending the Urban Transportation Plan Map of MobilityCC, a transportation element of the comprehensive plan of the City of Corpus Christi (the "City"), by deleting the proposed extension of Delgado Street, between Greenwood Drive and Castenon Street; amending related elements of the comprehensive plan of the City; providing for severance; and providing for publication.

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

Enactment No: 031138

8. Second Reading Ordinance - Accepting and appropriating funds for the FY 2016 Operation Stonegarden Grant Program within the Police Department (1st Reading 5/9/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$310,000 from the State of Texas Governor's Homeland Security Grants Division for funding eligible under the FY2016 Department of Homeland Security Grant Program Operation Stonegarden to reimburse fuel, overtime, fringe benefits, and equipment expenditures for the Police Department's enforcement efforts to reduce border-security risk; and appropriating the \$310,000 in the No. 1061 Police Grants Fund.

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

Enactment No: 031139

9. Second Reading Ordinance - Accepting and appropriating grant funds for the FY 2017 Click It Or Ticket Program within the Police Department (1st Reading 5/9/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$27,964.96 from the State of Texas, Department of Transportation for the FY2017 Click It Or Ticket program grant; and appropriating the \$27,964.96 in the No. 1061 Police Grants Fund.

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

Enactment No: 031140

10. Second Reading Ordinance - Accepting and appropriating funds for the Community Preparedness Section - Laboratory Response Network - Public Health Emergency Preparedness (CPS-LRN-PHEP) grant within the Health Department (1st Reading 5/9/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept, amend, and appropriate a grant contract for the Community Preparedness Section - Laboratory Response Network - Public Health Emergency Preparedness (CPS-LRN-PHEP) grant in the amount of \$201,123.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to provide continued emergency preparedness and response laboratory activities for the contract period July 1, 2017, through June 30, 2018.

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

Enactment No: 031141

11. Second Reading Ordinance - Accepting and appropriating funds for grant amendment for the Women, Infant and Children's Nutrition Program (WIC) grant within the Health Department (1st Reading 5/9/17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Women, Infant and Children's Nutrition Program (WIC) grant in the amount of \$1,012,631.00, increasing the total amount to \$2,025,262.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund, to provide funds for the WIC program for the amended contract period October 1, 2016, through September 30, 2018; appropriating the increased grant amount; and ratifying acceptance of the grant agreement to begin February 15, 2017.

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

Enactment No: 031142

12. Second Reading Ordinance - Closing a portion of a utility easement located at 3733 South Port Avenue (1st Reading 5/9/17)

Ordinance abandoning and vacating a 268-square foot portion of an existing utility easement out of a part of Great Gulf Corporation, Block

1, Lot 3, located at 3733 South Port Ave. and requiring the owner, Nueces County Health and Retardation Community Center, to comply with the specified conditions.

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

Enactment No: 031143

13. Second Reading Ordinance - Appropriating funds bequeathed from Paralee Price estate for Library (1st Reading 5/9/17)

Ordinance appropriating \$20,000 bequeathed from Paralee Price into the Library Grants fund No 1068 to provide the opportunity for all children to have access to cost-free educational materials at Corpus Christi Public Libraries; and appropriating \$5,000 bequeathed from Paralee Price into the Library Grants fund No 1068 for the designated purpose of purchasing reading materials in large print format for the Anita & W.T. Neyland library branch.

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

Enactment No: 031144

14. Second Reading Ordinance - Creation of new Industrial District Agreement for Basic Equipment Co. Owned Property (1st Reading 5/9/17)

Ordinance disannexing from the City of Corpus Christi, Texas, an approximately 3.41-acre tract of land owned by Basic Equipment Company and located in Nueces County; adjusting the City boundaries; amending Ordinance no. 029958 by adjusting the boundary of the City's Industrial District No. 1 to include the disannexed tract; authorizing the City Manager, or designee, to execute an Industrial District Agreement with Basic Equipment Company, requiring the payment of 100 percent of the ad valorem taxes that would be due if the tract was in city limits, and to file the Industrial District Agreement in the official records of Nueces County; providing for publication; and providing for severance.

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

Enactment No: 031145

3. Supply Agreement for Aggregate Trap Rock for the City's Street Seal Coat Program

Motion authorizing City Manager, or designee, to execute a supply agreement with Vulcan Construction Materials, LLC, of San Antonio, Texas for the purchase of aggregate trap rock in response to Request for Bid No. 938 based on the lowest, responsive, responsible bid for a total amount not-to-exceed \$243,720.00, with an estimated

expenditure of \$81,240.00 in FY2016-2017 and funded by the Street Fund. The term of the agreement is for one year with an option to extend for up to two additional one-year periods, subject to the sole discretion of the City.

Mayor Pro Tem Rubio referred to Item 3, a supply agreement for aggregate trap rock for the City's street seal coat program. Director of Street Operations Andy Leal and a council member discussed the following topics: the amount of aggregate trap rock to be purchased; the materials in aggregate trap rock; the unit price; and the cost reduction.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-059

M. PUBLIC HEARINGS: (ITEM 15)

15. Public Hearing and First Reading Ordinance - Street Closure of Airheart Point Road and a portion of Ocean Drive located east of Ocean Drive

Ordinance closing, abandoning, and vacating 0.737 Acre portion of a public right-of-way tract containing partially developed and surfaced street of Airheart Point Road and adjacent .071 and .017 acre portions of the existing right-of-way adjacent to Ocean Drive, as shown on the Plat of Alta-Vista on the Bay, a map of which is recorded in Volume 1, Page 22, Map Records of Nueces County, Texas, and requiring the abutting owners (Matthew A Comay, Sandra McKinnon and George and Gippie Hawn), to comply with specified conditions.

Mayor Pro Tem Rubio referred to Item 15. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a public right-of-way tract located at Airheart Point Road and adjacent to Ocean Drive. The closure involves three property owners and will allow the property owners to fence off the area to prevent and control vandalism and crime in the public access road. The owners have agreed to pay a one-time payment of \$54,733 for this property. The City will maintain an easement over the entire area.

Mayor Pro Tem Rubio opened the public hearing. There were no comments from the public. Mayor Pro Tem Rubio closed the public hearing.

Council members and staff discussed the following topics: the reason the property would not revert back to the abutting property owners when closing an easement; the difference between the closure of a right-of-way and an easement; the definition of improvements to the area; the total acreage of the

closure; and concerns regarding safety in the area.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

N. REGULAR AGENDA: (ITEMS 16 - 18)

16. Second Reading Ordinance - Appointing Part-Time Judge to Municipal Court

Ordinance appointing Robert R. Garcia as a part-time judge of the Municipal Court of Record in the City of Corpus Christi; determining salary; providing a term of office; and declaring an effective date.

Mayor Pro Tem Rubio referred to Item 16. City Secretary Rebecca Huerta stated that the purpose of this item is to appoint a part-time judge to Municipal Court. City Secretary Huerta stated that the first reading of this item was approved after executive session at the May 9, 2017 Council meeting, as recommended by the Municipal Court Committee. There were no comments from the Council or the public.

Mayor Pro Tem Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second reading and approved with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031146

17. Discussion and consideration of the process to fill a vacancy in the office of council member.

Mayor Pro Tem Rubio referred to Item 17. City Secretary Rebecca Huerta stated that the purpose of this item is to discuss and consider the process to fill a vacancy in the office of council member. City Secretary Huerta presented the following information: a brief history of past council member vacancies; common practices used to fill the vacancy; and the recent changes made to the process in 2016 to include a background check, questionnaire, and public interviews. City Secretary Huerta suggested the following timeline: to accept applications for the vacant at-large city council position from May 18 - June 2, 2017; individual council members review applications June 8 - 12, 2017; city council executive session to review and discuss applications and name finalists on Tuesday, June 13, 2017; hold public interviews, deliberate in city council executive session and name selected applicant in open session at a Special Council Meeting on Thursday, June 20, 2017; and the newly selected

at-large council member will be sworn-in to office on Tuesday, June 20, 2017.

Mayor Pro Tem Rubio called for comments from the public. Abel Alonzo, 1701 Thames, thanked City Secretary Huerta for her recommendations and spoke in support of the public interview process.

Council members and City Secretary Huerta discussed the following topics: support for conducting interviews in open session; eliminating the special council meeting date of June 15, 2017; expediting the timeline; consideration to change the period applications are accepted to one week; and the background check process.

City Secretary Huerta recommended that the City Council table this item to later in the meeting to allow her time to provide a revised timeline based on City Council's comments.

Council Member Hunter made a motion to table this item to later in the meeting, seconded by Council Member Molina. This Motion was tabled with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

18. Construction Contract for Community Park Development and Improvements - Salinas Park (Bond 2012, Proposition 4)

Motion authorizing the City Manager, or designee, to execute a construction contract with D&SS Construction, Inc. of Corpus Christi, Texas in the amount of \$424,853 for the Community Park Development and Improvements - Salinas Park. (Bond 2012, Proposition 4).

Mayor Pro Tem Rubio referred to Item 18. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a construction contract with D&SS Construction, Inc. for the Community Park Development and Improvements - Salinas Park - Bond 2012, Proposition 4. There were no comments from the public.

Council members and staff discussed the following topics: the informal memo clarifying the design fees and design fee scope of work; whether the project requires a landscape architect; the Request for Qualification (RFQ) Process; whether the architect and engineering services were procured through a RFQ process or sole source; a suggestion to include information in future agenda memos regarding the composition of the RFQ's evaluation team; accountability of staff on projects; and addressing improvements to parking at Salinas Park.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-061

L. RECESS FOR LUNCH

Mayor Pro Tem Rubio called for a brief recess at 1:44 p.m. Mayor Pro Tem Rubio reconvened the regular Council meeting at 2:19 p.m.

N. REGULAR AGENDA: (ITEM 19)

19. Second Reading Ordinance - Authorizing a Service Agreement for Temporary Management and Operation of Al Kruse Tennis Center (1st Reading 5/9/17)

Ordinance authorizing the City Manager or designee to execute a Service Agreement with Sweet Spot Tennis, LLC ("Contractor") for management and operations of Al Kruse Tennis Center for a term of 4 months at \$3,166 per month, with up to four additional one-month extension option periods; and the Contractor will receive 95% of all Pro Revenue and 50% of collected City Revenue at Al Kruse Tennis Center and the City will receive 5% of all Pro Revenue and 50% of collected City Revenue at Al Kruse Tennis Center.

Mayor Pro Tem Rubio referred to Item 19. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute a service agreement with Sweet Spot Tennis, LLC for the management and operation of Al Kruse Tennis Center until a new Request for Proposal (RFP) process can be completed and a new contract awarded. There were no comments from the Council or the public.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio and Council Member Smith

Nay: 1 - Council Member Vaughn

Abstained: 0

Enactment No: 031147

17. Discussion and consideration of the process to fill a vacancy in the office of council member.

Mayor Pro Tem Rubio deviated from the agenda and returned to Item 17. City Secretary Huerta provided a revised timeline for the City Council's

consideration.

Council Member Carolyn Vaughn made a motion to accept applications for the vacant at-large city council position from May 18 - June 2, 2017; individual council members review applications June 8 - 12, 2017; city council executive session to review and discuss applications and name finalists on June 13, 2017; hold public interviews, deliberate in city council executive session and name selected applicant in open session on June 20, 2017; the newly selected at-large council member will be sworn-in to office on July 11, 2017; and utilizing the application packet as presented, seconded by Council Member Smith. This Motion was passed and approved with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-060

P. FUTURE AGENDA ITEMS: (ITEM 29)

29. Service Agreement for Dumpster Collection Services

Motion authorizing City Manager, or designee, to execute a service agreement with Mark Dunning Industries, Inc., of Dothan, Alabama for dumpster collection services, in accordance with Request for Bid No. 1013, based on the lowest, responsive, responsible bid for a total amount not to exceed \$110,454.59, with an estimated expenditure of \$42,581.31 in FY 2016-2017. The term of this contract will be for one year with options to extend for two additional one-year periods at the sole discretion of the City.

Mayor Pro Tem Rubio deviated from the agenda and referred to Future Agenda Item 29. Director of Solid Waste Operations Lawrence Mikolaczyk and Assistant Director of Financial Services Kim Baker responded to council members' questions on this item.

This Motion was recommended to regular agenda.

O. FIRST READING ORDINANCES: (ITEMS 20 - 23)

20. First Reading Ordinance - Amending Fire Prevention Code to Allow a Third-Party Reporting System

Ordinance amending Corpus Christi Code of Ordinances, Fire Prevention Code to allow third-party inspection reporting system; authorizing the City Manager or designee to execute a one year agreement with Brycer, LLC, of Warrenville, IL for a third-party inspection reporting system; providing for penalties; providing for severance; and providing for publication.

Mayor Pro Tem Rubio referred to Item 20. Fire Chief Robert Rocha stated that the purpose of this item is to amending the City's Code of Ordinance, Fire Prevention Code to allow a third-party inspection reporting system and to execute a one-year agreement with Brycer, LLC for a third-party reporting system. There were no comments from the public.

Council members and Chief Rocha discussed the following topics: an explanation of the third-party inspection process; the contract providing a new reporting process to service providers who inspect and test fire protection and safety systems; whether there are local vendors for inspection reporting; whether there is a redundancy of services and whether the work could be performed by the Fire Department; the cost of the inspection; and the amendment to the City's Code of Ordinance to authorize the fee.

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

Aye: 6 - Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Nay: 1 - Council Member Garza

Absent: 1 - Council Member Hunter

Abstained: 0

21. First Reading Ordinance - Accepting and appropriating Local Emergency Planning Committee grant through Texas Commission on Environmental Quality (TCEQ)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant to the City of Corpus Christi/Nueces County Local Emergency Planning Committee (LEPC) in the amount of \$92,662.80 from the Texas Commission on Environmental Quality (TCEQ) for reimbursement of expenses for Purchase of a Hazmat ID Detection Device for the Corpus Christi Fire Department, Update First Responder Service Areas in Nueces County, and City of Bishop Dispatch and EOC Enhancement Project; and appropriating the \$92,662.80 in the No. 1062 Fire Grants Fund.

Mayor Pro Tem Rubio referred to Item 21. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a grant to the City of Corpus Christi/Nueces County Local Emergency Planning Committee (LEPC) in the amount of \$92,662.80 from the Texas Commission on Environmental Quality (TCEQ) for reimbursement of expenses for the purchase of a Hazmat ID Detection Device for the Corpus Christi Fire Department, update first responder service areas for Nueces County, and the City of Bishop Dispatch and the Emergency Operations Center (EOC) Enhancement Project. There were no comments from the Council or the public.

Council Member Vaughn 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: 7 - Council Member Garza, Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Hunter

Abstained: 0

22. First Reading Ordinance - Appropriating funds for the Community Youth Development Program (CYD) Contract and subcontracts for CYD Program

Ordinance authorizing the City Manager to execute the Community Youth Development program contract with the Texas Department of Family and Protective Services from June 1, 2017 to August 31, 2021 in the amount of \$1,808,168.54, and appropriation of the funds in the No. 1060 Grants Fund for the Community Youth Development Program; and authorizing subcontracts with Boys & Girls Club of Corpus Christi, Communities in Schools of the Coastal Bend, Youth Odyssey, Inc. and the Y.W.C.A.

Mayor Pro Tem Rubio referred to Item 22. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute the Community Youth Development program contract with the Texas Department of Family and Protective Services and authorize subcontracts with four local non-profit risk-based programs. There were no comments from the Council or the public.

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

Aye: 7 - Council Member Garza, Council Member Guajardo, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Absent: 1 - Council Member Hunter

Abstained: 0

23. First Reading Ordinance - Mid-Year Budget Adjustment

Ordinance amending current Operating Budget adopted by Ordinance No. 030965 as follows: a) increase revenues by \$2,423,308 due to increased stop loss reimbursements and increase appropriations by \$6,000,000 due to increased health care costs in the Citicare Group Health Fund; (b) increase revenues by \$1,770,576 due to increased stop loss reimbursements and increase appropriations by \$3,800,000 due to increased health care costs in the Police Group Health Fund; (c) increase revenues by \$246,476 due to increased stop loss reimbursements and increase appropriations by \$800,000 due to increased health care costs in the Fire Group Health Fund.

Mayor Pro Tem Rubio referred to Item 23. Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to increase appropriations and revenues in the three health insurance funds as follows: a \$10,600,00 increase in appropriations and a \$4,000,440 increase in revenues. Mr. Houlihan presented the budgets for the Citicare, Police and Fire Group Health Funds. Director of Human Resources Steven Viera was available to respond to questions. There were no comments from the public.

Council members and staff discussed the following topics: whether the mid-year budget adjustment will carry through the year; the funding coming from reserve fund balance; whether this process was done last fiscal year; the amount remaining in reserves; the impact on bond ratings; a consumer-driven health plan; contractual obligations with police and fire; the number of general employees and retirees; a future recommendation from staff to address rising health care costs; the amount of funds spent on out-of-network providers; use of unrestricted funds; a future policy addressing an increase the reserve balance; whether police and fire have the same health care plan; the number and substantial dollar amount of recent catastrophic claims in the police health fund; educating employees regarding in-network and out-of-network usage and the related financial impact; and negative financial impact the Affordable Care Act has had on the health insurance plan.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 24 - 28 AND 30 - 32)

Mayor Pro Tem Rubio referred to Future Agenda Items 24 - 28 and 30 - 32. City Manager Margie C. Rose stated that staff had no planned presentations. Council members requested information on Items 27, 28, and 31.

24. Supply Agreements for Veterinary Medicine and Supplies for the Animal Care Services Division within the Police Department

Motion authorizing City Manager, or designee, to execute 12-month supply agreements with Patterson Veterinary Supply, Inc. of San Antonio, Texas, not to exceed \$197,542.19, and Zoetis, Inc. of Parsippany, New Jersey, not to exceed \$70,250.00, for veterinary medicine and supplies for the Corpus Christi Police Department, Animal Care Services Division, in accordance with Request for Bid No. 181, based on the lowest, responsive, responsible bids by grouped item for a total amount not to exceed \$267,792.19, with an estimated expenditure of \$30,000.00 in FY 2016-2017.

This Motion was recommended to the consent agenda.

25. Resolution authorizing a Service Agreement for Fire Apparatus

Maintenance for Parts and Services for the Fire Department

Resolution finding that the purchase of parts and services for Fire Department apparatus is necessary to preserve and protect the public health and safety of the City's residents and is also a sole source procurement; and authorizing the City Manager, or designee, to execute a service agreement with Siddons-Martin Emergency Group of Katy, Texas, to provide parts and services for a total amount not to exceed \$200,000.00; and finding that the program is critical in sustaining fire apparatus' reliability for service.

This Resolution was recommended to the consent agenda.

26. Software Licensing Agreement for 1 Year Maintenance, Licenses and Cloud Services for LANDesk Software

Motion authorizing the City Manager, or designee, to execute a software licensing agreement with Ivanti, Inc. (owner of LANDesk software) and purchase 12 months of software services and related licenses from SHI, Inc., of Austin, Texas, in accordance with the cooperative purchasing agreement of the Texas Department of Information Resources (DIR-SDD-2500), for an estimated expenditure of \$77,090.

This Motion was recommended to the consent agenda.

27. Purchase of Four 2017 Ford F-250 CNG Service Trucks for Water Utilities Department

Motion approving the purchase of four 2017 Ford F-250 CNG service trucks from Rush Truck Centers of Texas, LP, of New Braunfels, Texas, based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard for the total amount not-to-exceed \$180,996.00. Funds have been approved for FY2016-2017.

This Motion was recommended to the consent agenda.

28. Lease-Purchase of One Peterbilt 348 Truck with Roll-Off Chassis for Solid Waste Department

Motion authorizing the City Manager, or designee, to lease-purchase one Peterbilt 348 truck, with a roll-off chassis from Rush Truck Centers of Texas, L.P., of Houston, Texas, based on the cooperative purchasing agreement with Houston-Galveston Area Council, for a total amount not-to-exceed \$207,042.07, with an estimated expenditure of \$6,901.40 in FY2016-2017.

This Motion was recommended to the consent agenda.

30. Resolution authorizing Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the adjustment of manholes and water valves on Saratoga Boulevard (SH 357) and Weber Road (FM 43)

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the adjustment of manholes and water valves on Saratoga Boulevard (SH 357) and Weber Road (FM 43) with the City's payment in the amount of \$42,000.

This Resolution was recommended to the consent agenda.

31. Supply Agreement for library books, audio and visual recordings for City Libraries

Motion authorizing City Manager, or designee, to execute a supply agreement with Baker & Taylor, LLC, Charlotte, North Carolina for library books, audio and visual recordings based on the cooperative purchasing agreement with TXSmartBuy (TXMAS) for a total amount not-to-exceed \$660,000.00, with an estimated expenditure of \$255,000.00 in FY 2016-2017. The term of the agreement is for 24 months with options to extend for up to two additional 12-month periods at the sole discretion of the City.

This Motion was recommended to the consent agenda.

32. Resolution approving a Homebuyer Assistance Program agreement between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi.

Resolution approving an agreement in the amount of \$220,000, between the Corpus Christi Business and Job Development Corporation and the City of Corpus Christi for the Type A Affordable Housing Program - Homebuyer Assistance Program, ratifying acceptance of the agreement to begin April 1, 2017, and authorizing the City Manager or designee to execute said agreement.

This Resolution was recommended to the consent agenda.

Q. BRIEFINGS: (ITEM 33)

33. O.N. Stevens Water Treatment Plant Sludge Removal

Mayor Pro Tem Rubio referred to Item 33. Interim Executive Director of Utilities Dan Grimsbo stated that the purpose of this item is to discuss executing the option for the O.N. Stevens Water Treatment Plant Intermediate Sludge Removal contract. The presentation team included: Logan Burton, LNV Inc.; Director of Solid Waste Lawrence Mikolajczyk; and Assistant Director of Solid

Waste Ivan Luna. Executive Director Grimsbo presented the following information: background on sludge removal; the project schedule; progress to-date and demobilization costs; the capacity reached at each lagoon; beneficial uses and other applications; and a summary and recommendation. The Utilities Department would like to exercise the option year for the current contract to allow the treatment plant approximately five to six years of operating time to develop long-term solutions. Staff will continue to try to use the pollywog pond's capacity, which could extend the five- to six-year estimate. LNV, Inc., through a Request for Proposal (RFP) process, will identify long-term solutions.

Council members and the presentation team spoke regarding the following topics: previous City Council discussion to have this item come back in July; the current contractor being ahead of schedule and exercising the optional year, allowing for the continued removal of an additional 18,050 dry tons (DT) sludge; the ability to hear from Denali regarding land application as an option; Denali receiving their permits for land application; the feasibility study including multi-pronged approaches to handling sludge removal; the timeframe for a new RFP; continuation of the current process to ensure water quality; cost difference with land application; expectations of a new study on sludge removal and associated costs; the long-term plan including: land application, hauling sludge to landfill, digging another lagoon, life-cycle analysis, and traffic and environmental impacts; the number of belt presses currently operating; how exercising the optional year contract extensions will impact the budget; the use of sludge removal in landfill operations; the contractor's de-mobilization and re-mobilization costs; cost reductions associated with exercising the optional year contract extension; an explanation of the drainage from Lagoons 5 and 6 to Lagoon 7; the length of time it took to permit the Cefe Valenzuela Landfill; the amount of alum purchased annually; uses for cap soil and the ability to distribute it; liability issues with applications; review of less expensive options to address sludge removal; the change order being considered for a generator; and whether the City has the ability to haul the sludge.

MOTION OF DIRECTION

Council Member Garza made a motion directing the City Manager to bring back different sludge removal options for consideration no later than late June, seconded by Council Member Smith and passed unanimously.

R. LEGISLATIVE UPDATE:

None.

S. SPECIAL CONSIDERATION ITEM: (ITEM 34)

34. Ordinance canvassing returns of the Special Election for Mayor

Ordinance canvassing returns and declaring the results of the Special Election held on May 6, 2017 in the City of Corpus Christi for the purpose of electing the Mayor; making appropriate findings; and declaring an emergency.

Mayor Pro Tem Rubio referred to Item 34, canvassing returns of the May 6,

2017 Special Election for the purpose of electing the Mayor. Mayor Pro Tem Rubio read the results of the election. There were no comments from the Council or the public.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Hunter. This Ordinance was passed on emergency and approved with the following vote:

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: 031148

S. EXECUTIVE SESSION: (ITEMS 35 - 38)

Mayor Pro Tem Rubio referred to the day's executive sessions. The Council went into executive session at 5:09 p.m. The Council returned from executive session at 7:43 p.m.

- 35. 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 annexation, disannexation, apportionment of extra-territorial jurisdiction between municipalities, interlocal agreements with water districts and neighboring municipalities, contracts for the potential economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and wastewater services and pursuant to Texas Government Code § 551.087 to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).**

This E-Session Item was discussed in executive session.

- 36. 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 disposal of waste in Type IV Landfill (as described in 30 TAC § 330.5) located at/near 1435 County Road 26 (also known as Gulley-Hurst Landfill) and municipal solid waste fees.**

This E-Session Item was discussed in executive session.

- 37. 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 state and**

federal regulations involving funding for the construction of Holly Road between Crosstown Freeway and Greenwood Drive and the possible need to acquire additional property rights along said corridor to comply with said regulations and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Mayor Pro Tem Rubio referred to Item 37 and the following motion was considered:

Motion of direction to request City staff re-scope the Holly Road Project between Crosstown Expressway and Greenwood Drive to a 3-lane section with center turn lane, designated right turn lanes at major intersections, and sidewalk and cycle track within existing funding.

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

Aye: 8 - Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member McComb, Council Member Molina, Council Member Rubio, Council Member Smith and Council Member Vaughn

Abstained: 0

Enactment No: M2017-062

- 38. 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 Municipal Court and Texas Government Code § 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judges with possible discussion and action in open session.**

Mayor Pro Tem Rubio referred to Item 38 and read the following statement: "The City Council has discovered that one of its municipal court judges, Young Min Burkett, does not meet the statutory requirements for status as a municipal court judge of U.S. citizenship and status as a qualified voter. Ms. Burkett did not make any misrepresentations in seeking appointment. Instead, the City did not ask this question in the qualification process. Therefore, Ms. Burkett has been placed on unpaid leave for a period of 90 days to give her an opportunity to obtain her U.S. citizenship. The Legal Department has reviewed this matter and determined the past rulings of this judge are not invalidated by this status."

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor Pro Tem Rubio referred to Identify Council Future Agenda Items. A council member requested a briefing on the homelessness issue.

U. ADJOURNMENT

The meeting was adjourned at 7:46 p.m.