



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, July 19, 2016

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

**B. Invocation to be given by Rabbi Ilan Emanuel, Congregation Beth Israel.**

Rabbi Ilan Emanuel gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Teri Barrera, Executive Assistant to Police Chief, Police Department.**

Executive Assistant to Police Chief Teri Barrera led the Pledge of Allegiance.

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

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

Charter Officers:

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

Present: 9 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Michael Hunter, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lucy Rubio, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

**E. Proclamations / Commendations: (NONE)**

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. City Manager Margie C. Rose provided information the following topics:

**a. OTHER**

1) The Health District has established a 24-hour hotline to assist and provide information regarding the Zika virus. The hotline number is 361-826-7204. 2) The Corpus Christi International Airport is treating travelers to live music from a variety of local musicians on Thursday and Friday afternoons until mid-August. 3) The final Wastewater Management Plan public meeting will be held Thursday, July 28, 2016 at Del Mar College Center for Economic Development , 3209 Staples, Room 106. Participants will learn about three of the ten short-listed plan alternatives and have an opportunity to provide feedback.

#### H. MINUTES:

##### 1. Regular Meeting of July 12, 2016

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

#### I. BOARD & COMMITTEE APPOINTMENTS:

##### 2. Ethics Commission

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

Ethics Commission

Council Member McIntyre nominated Craig Rogers. Council Member Rubio nominated Rob Bailey. Rob Bailey was appointed with Council Members Vaughn, Rubio, Scott, Martinez, Garza, Magill, Hunter, and Rosas voting for Rob Bailey and Council Member McIntyre voting for Craig Rogers.

#### J. EXPLANATION OF COUNCIL ACTION:

#### K. CONSENT AGENDA: (ITEMS 3 - 23)

##### Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the public. City Secretary Rebecca Huerta announced that Item 6 was being pulled by staff to address a minor correction. Council members requested that Items 12 and 22 be pulled for individual consideration.

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

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**3. Resolution ratifying the submission of a grant application for the Man-Portable X-ray Units project**

Resolution ratifying the submission of a grant application in the amount of \$82,985.59 to the Office of the Governor for the Man-Portable X-ray Units project; and authorizing the City Manager or the City Manager's designee to accept, reject, alter or terminate the grant.

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

Enactment No: 030888

**4. Resolution ratifying the submission of a grant application for SWAT Ballistic Protection Equipment**

Resolution ratifying the submission of a grant application in the amount of \$181,873.20 to the Office of the Governor for the SWAT Ballistic Protection Equipment project; and authorizing the City Manager or the City Manager's designee to accept, reject, alter or terminate the grant.

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

Enactment No: 030889

**5. Approving the lease of six trucks for the Utilities Department**

Motion approving the lease of six trucks from PV Rentals, for the amount of \$65,880 based on a cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative, dba BuyBoard, of which \$16,470 is required for the remainder of FY 2015-2016. Funds have been budgeted by the Utilities Department. The remaining contract balance will be funded through FY2016-2017. The term of the contract will be for one year with no extensions.

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

Enactment No: M2016-073

**7. Change Order No. 2 for the City-Wide Collection System Replacement and Rehabilitation Indefinite Delivery/Indefinite Quantity (IDIQ) Program**

Motion authorizing the City Manager, or designee, to execute Change Order No. 2 with National Power Rodding Corporation of Chicago, Illinois in the amount of \$596,194.57 for a total restated fee of \$3,437,500.00 for the City-Wide Collection System Replacement and Rehabilitation Indefinite Delivery/Indefinite Quantity (IDIQ) Program (Program).

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

Enactment No: M2016-075

**8. Purchase of 30 Cabinet Assemblies with Cobalt Controllers and 5 individual Cobalt Controllers**

Motion approving the purchase of 30 Cabinet Assemblies with Cobalt Controllers and 5 individual Cobalt Controllers from Paradigm Traffic Systems, Houston, Texas based on a cooperative purchasing agreement with Texas Local Government Purchasing Cooperative, dba BuyBoard, for the amount of \$338,200.00. The Street Department has set aside funds in FY 2015-16 for this procurement.

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

Enactment No: M2016-076

**9. Resolution for executing the Regional Transportation Authority (RTA) Notification for Additional Funding in 2016 Street Preventative Maintenance Program (SPMP)**

Resolution authorizing the City Manager or designee to execute the "Notification for Additional Funding in 2016 (Street Maintenance Program)" in an amount of \$2,814,839.00 for the Corpus Christi Regional Transportation Authority's fiscal year 2016 allocation to the City's Street Preventative Maintenance Program (SPMP) projects.

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

Enactment No: 030890

**10. Construction contract for Greenwood Drive from Gollihar Road to Horne Road (Bond 2012, Proposition 1)**

Motion authorizing the City Manager, or designee, to execute a construction contract with HAAS-Anderson Construction, LTD of Corpus Christi, Texas in the amount of \$3,789,579.60 for Greenwood Drive from Gollihar Road to Horne Road for the total base bid. (BOND 2012 Proposition 1)

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

Enactment No: M2016-077

**11. Engineering Design contracts for North Beach Area Road Improvements and Area Beautification and Pedestrian Improvements and Area Enhancements (Bond 2012 - Proposition 8)**

Motion authorizing the City Manager, or designee, to execute Engineering Design Contracts with LJA Engineering, Inc. of Corpus Christi, Texas in the amount of \$130,524.70 for the North Beach Area

- Road Improvements and Area Beautification project and \$121,358.39 for the North Beach Area - Pedestrian Improvements and Area Enhancements for engineering design services. (Bond 2012, Proposition 8)

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

Enactment No: M2016-078

**13. Approving the purchase of Cisco SmartNet maintenance for the City's Network Infrastructure and Internet Equipment**

Motion authorizing the City Manager or designee to approve the purchase of three years Cisco SmartNet maintenance with Great South Texas Corp dba Computer Solutions of San Antonio, Texas, DIR-TSO-2542, for a total expenditure of \$485,731.11. Funds are available in the Information Technology Department FY2015-2016 budget.

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

Enactment No: M2016-080

**14. Approving the expenditure of Type A funds for the rehabilitation of La Armada II**

Motion to approve the action of the Corpus Christi Business and Job Development Corporation, authorizing the expenditure of \$150,000 of funding to the Corpus Christi Housing Authority for the rehabilitation of La Armada II.

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

Enactment No: M2016-081

**15. Resolution authorizing the emergency expenditure for HVAC repair at the American Bank Center**

Resolution authorizing the emergency expenditure of \$70,000 for HVAC repair at the American Bank Center, which was approved by the Corpus Christi Business and Job Development Corporation on May 16, 2016.

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

Enactment No: 030891

**16. Second Reading Ordinance - Rezoning property located at 2302 and 2314 Saratoga Boulevard (1st Reading 7/12/16)**

Case No. 0616-04 Kitty Hawk Development, Ltd.: A change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial

District. The property to be rezoned is described as being a 2.8 acre tract of land encompassing all of Lots 1 through 3, Block 10, Saratoga Place and a portion of Lots 4 through 9 and a portion of Lot 12, Block 10, Saratoga Place, located on the north side of Saratoga Boulevard (State Highway 357) and approximately 120 feet west of Ayers Street.

Planning Commission and Staff Recommendation (June 1, 2016):

Denial of the change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "IC" Industrial Compatible District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Kitty Hawk Development, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 2.8 acre tract of land encompassing all of Lots 1 through 3, Block 10, Saratoga Place and a portion of Lots 4 through 9 and a portion of Lot 12, Block 10, Saratoga Place, from the "CG-1" General Commercial District to the "IC" Industrial Compatible District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030892

17.

**Second Reading Ordinance - Rezoning property located at 3945 Crosstown Expressway (State Highway 286) (1st Reading 7/12/16)**

Case No. 0616-02 Coastal King, Ltd.: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District. The property to be rezoned is described as Lot 4, Block 4, Roseland Place, located on the northwest corner of Horne Road and Crosstown Expressway (State Highway 286).

Planning Commission and Staff Recommendation (June 1, 2016):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Coastal King, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to Lot 4, Block 4, Roseland Place, from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030893

**18. Second Reading Ordinance - Rezoning property located at 1402 Agnes Street (1st Reading 7/12/16)**

Case No. 0616-03 J.Z. Auto, LLC: A change of zoning from the "IL" Light Industrial District to the "CI" Intensive Commercial District. The property to be rezoned is described as Lots 15 and 16, Block 3, Chamberlin's Subdivision, located on the northwest corner of Agnes Street and 12th Street.

Planning Commission and Staff Recommendation (June 15, 2016): Denial of the rezoning from the "IL" Light Industrial District to the "CI" Intensive Commercial District and, in lieu thereof, approval of the "CI/SP" Intensive Commercial District with a Special Permit subject to three conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by J.Z. Auto, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lots 15 and 16, Block 3, Chamberlin's Subdivision, from the "IL" Light Industrial District to the "CI/SP" Intensive Commercial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030894

**19. Second Reading Ordinance - Accepting and appropriating Community Enrichment Funds for park improvements (First Reading 6/21/16)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$650,025.34 in developer contributions, other donations and interest earnings in the 4720 Community Enrichment Fund for park improvements and other related projects as described on the attached and incorporated Exhibit A.

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

Enactment No: 030895

**20. Second Reading Ordinance - Authorizing City Manager or designee to apply for, accept, and appropriate funds for the Texas State Library Archives Commission (TSLAC) items (1st Reading 6/21/16)**

Ordinance authorizing the City Manager or designee to execute documents to apply for and accept grants and reimbursements from the Texas State Library and Archives Commission (TSLAC); and to appropriate funds from TSLAC in the No. 1068 Library Grant Fund for said City programs.

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

Enactment No: 030896

**21. Second Reading Ordinance - Authorizing City Manager or designee to appropriate royalties from bequeathed oil, gas, and mineral interest funds to Library fund (1st Reading 6/21/16)**

Ordinance authorizing City Manager or designee to appropriate royalties received from oil, gas, and mineral interests bequeathed to the Corpus Christi La Retama Central Library by William T. Neyland into the Library Grants fund No 1068.

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

Enactment No: 030897

**23. Second Reading Ordinance - Amending Chapter 9 of the Code of Ordinances to allow for Transportation Network Companies (TNC) to operate at Corpus Christi International Airport (1st Reading 6/21/16)**

Ordinance amending Chapter 9 of the Code of Ordinances to establish provisions for transportation network companies and transportation network drivers to operate at the Corpus Christi International Airport; and providing for penalties, severance, publication, and an effective date.

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

Enactment No: 030899

**6. Supply Agreement for Liquid Cationic Polymer for treatment of potable drinking water**

Motion approving a Supply Agreement with Polydyne Inc. of Riceboro, Georgia for water treatment chemicals in accordance with Bid Invitation No. 116, based on the lowest responsive, responsible bid for an estimated annual expenditure of \$345,390.00 of which \$57,565.00 is budgeted by the Water Department for the remainder of FY 2015-2016. The terms of the contract will be for one year with options to extend for up to two additional one year periods, subject to the approval of the Supplier and the City Manager or designee.



Mayor Martinez referred to Item 6. Assistant Director of Financial Services Kim Baker stated that there was a minor correction to the supply agreement. The supply agreement refers to Specification 1181, dated 9/29/2008 and the Scope of Work refers to the date of March 4, 2016. When the procurement was being prepared, a previous specification that was dated 2008 was used. During the preparation of the solicitation package, the department decided to change the specifications and quantities, however, failed to change the reference in the agreement. The correction has been made and the vendor is aware of the correction.

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

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: M2016-074

## 12. **Construction Inspection Staff Augmentation Contracts Amendment No. 1**

Motion authorizing City Manager, or designee, to execute Amendment No. 1 for nine Construction Inspection Staff Augmentation (CISA) contracts totaling \$1,846,875 for a total not to exceed amount of \$2,291,695 providing augmented Construction Inspection staff within Engineering Services Department.

Mayor Martinez referred to Item 12, approval for amendments to Construction Inspection Staff Augmentation contracts. A council member asked what was being done to address equity issues with construction inspectors presently working for the City. Director of Engineering Services Jeff Edmonds stated that the internal equity issue will be looked at with the Engineering Performance Assessment Implementation Plan and staff will have to review the existing compensation plan.

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

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: M2016-079

## 22. **Second Reading Ordinance - Amending City Code Chapter 57 to include revisions for vehicles for hire (1st Reading 6/21/16)**

Ordinance amending Chapter 57, Article II "TAXICABS" of the Corpus Christi Code; Amending Chapter 57, Article IIIA "LIMOUSINE AND SIGHTSEEING SERVICE" of the Corpus Christi Code; amending Sec. 57-284. - Transportation network company permit fee and Sec. 57-294. - Transportation network vehicles-Inspections of the Corpus Christi Code; providing an effective date, severance, penalty, and publication.

Mayor Martinez referred to Item 22, regarding revisions to the vehicle-for-hire ordinance regarding taxi cabs. Interim Assistant City Manager Jay Ellington and Assistant City Attorney Buck Brice responded to council member questions regarding: the reasons for eliminating the fare cap; the number of taxi companies in the city; a comparison on fare caps in other cities; and whether removing the fare cap was requested by the taxi cab companies.

Council Member Vaughn made a motion to keep the existing cap in Section 57-131 in the ordinance, seconded by Council Member McIntyre. There was continued discussion on the potential hourly rate, flat rate cap in zones; and the minute rate.

City Attorney Miles K. Risley stated that staff would make changes to the ordinance and provide recommendations for the maximum rate in the flat rate zones and bring back the second reading of the ordinance after executive session.

Council Member Vaughn rescinded her motion and Council Member McIntyre rescinded her second.

Enactment No: 030898

- F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

Mayor Martinez deviated from the agenda and referred to comments from the public. William Goldston, 13721 Tajamar Ct., spoke on behalf of the Island Strategic Action Committee regarding: concerns with inconsistency of code enforcement on the beach and an update on the Mustang/Padre Island Area Development Plan. Rick Montes, 4040 Schanen Boulevard #142, provided suggestion on various businesses needed in the community. Chris Phelan, 1321 Ayers, expressed concern for the lack of water quality in the City. Isabel Araiza, 326 Poenisch, spoke regarding the quality of City water and the City's future water supply. Carolyn Moon, 4902 Calvin, spoke regarding the expenses related to desalination and taking care of the needs of the community. Linda Gibeaut, 410 Southern, spoke regarding the budget process and encouraged the City Council to support the little issues that improve quality of life. Joe McComb, 5323 St. Andrews, questioned the professional engineer credentials

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of Assistant City Manager Mark Van Vleck. Joan Veith, 5701 Cain Drive, stated that she was thankful to live in a wonderful city like Corpus Christi.

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

**N. REGULAR AGENDA: (NONE)**

**O. FIRST READING ORDINANCES: (ITEMS 27 - 29)**

**27. First Reading Ordinance - Accepting and appropriating State grant for motor vehicle theft enforcement**

Ordinance authorizing the City Manager or the City Manager's designee to execute all documents necessary to accept a grant from the Texas Automobile Burglary Theft Prevention Authority (ABTPA) grant in the amount of \$410,973 to continue the motor vehicle theft enforcement grant within the Police Department for Year 16, with a City match of \$660,714, in-kind match of \$55,985 in the No. 1020 Police General Fund, and program income match of \$1,020 for a total project cost of \$1,128,692; designating the Chief of Police as Program Director and Director of Finance as financial officer for this ABTPA grant; appropriating \$410,973 from the ABTPA in the No. 1061 Police Grants Fund; and appropriating \$1,020 in program income match in the No. 1061 Police Grants Fund to continue the motor vehicle theft enforcement grant within the Police Department.

**Mayor Martinez deviated from the agenda and referred to Item 27. Police Chief Mike Markle stated that the purpose of this item is to execute all documents necessary to accept a grant from the Texas Automobile Burglary Theft Prevention Authority (ABTPA) grant in the amount of \$410,973 to continue the motor vehicle theft enforcement grant for Year 16, with a City match of \$660,714, in-kind match of \$55,985, and program income match of \$1,020 for a total project cost of \$1,128,692. There were no comments from the Council or the public.**

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

**Absent:** 1 - Council Member McIntyre

**Abstained:** 0

**28. First Reading Ordinance - Appropriating abandoned/unclaimed monies from the Police Property Room**

Ordinance appropriating \$5,573.49 from abandoned/unclaimed

monies from the Police Property Room, changing the FY 2015-2016 Operating Budget adopted by Ordinance No.030620 by increasing revenue and expenditures in the General Fund No. 1020 by \$5,573.49 each.

**Mayor Martinez referred to Item 28. Police Chief Mike Markle stated that the purpose of this item is to appropriate \$5,573.49 from abandoned/unclaimed monies from the Police Property room. There were no comments from the Council or the public.**

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

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**29.**

**First Reading Ordinance - Accepting and appropriating a State grant and approving a Professional Services Contract for an Aquifer Storage and Recovery (ASR) Feasibility Study**

Ordinance amending the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 to add Project No. E16265 Corpus Christi Aquifer Storage and Recovery (ASR) Feasibility Study; accepting a Texas Water Development Board grant in the amount of \$433,388; appropriating \$1,099,320 from Raw Water Supply Development Fund No. 4041; and authorizing the City Manager or designee to execute a Professional Services Contract with HDR Engineering, Inc. of Austin, Texas in the amount of \$601,980 for an ASR Feasibility Study.

**Mayor Martinez referred to Item 29. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to award the contract for an Aquifer Storage and Recovery (ASR) Feasibility Study. Assistant City Manager Van Vleck provided the following information: ASR fundamentals; the study background; the ASR service area; the reasons for the feasibility study; the study location; scope of the study; and schedule.**

**Council members spoke regarding the following topics: the drilling and injection process; study location; scheduling an update to the City Council in 2017 to the schedule; the reasons for the ASR study; the amount of water lost due to evaporation; the advantages of the ASR; concerns with treating water prior to pumping; the capacity to treat at the O.N. Stevens Water Treatment Plant; releases during flood events; potential holding tanks or ponds to draw water to pump into aquifer; the length of time to complete the study; when the contract was last modified; and information on the agreed order.**

**Mayor Martinez called for comments from the public. John Kelley, 3621 Austin, spoke regarding fresh water input in the bay.**

**Council Member Scott made a motion to approve the ordinance, seconded by Council Member Rubio. This Ordinance was passed on first reading and**

approved with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**L. EXECUTIVE SESSION: (ITEMS 24 - 26)**

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

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

This E-Session Item was discussed in executive session.

- 25. Executive Session pursuant to Texas Government Code § 551.074** (personnel matters) to deliberate employment issues concerning Appeal to City Council from the Decision of the 580th Civil Service Board Appeal Hearing Regarding Santiago Hernandez

Mayor Martinez referred to Item 25 and the following motion was considered:

**Motion to deny the appeal of Santiago Hernandez.**

**Council Member Scott made a motion to approve the motion, seconded by Council Member Vaughn. 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

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: M2016-082

- 26. 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 conveyance, lease or sale of City property and pursuant to **Texas Government Code § 551.072** to discuss and deliberate the purchase, exchange, lease, and/or value of City-owned property at/near State Highway 286 and/or Ayers Street where deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

**P. FUTURE AGENDA ITEMS: (ITEMS 30 - 35)**

Mayor Martinez referred to the Future Agenda Items. City Manager Rose stated that staff had planned presentations on Items 32 and 35. A council member requested information on Item 33.

**30. Approving a service agreement for a chemical vent hood replacement at the Police Department**

Motion approving a service agreement with Haldeman Homme, Inc. of Minneapolis, Minnesota with offices in Austin, Texas and Houston, Texas for the chemical vent hood replacement at the Corpus Christi Police Department, Forensics Division, in accordance with Bid Event No. 84, based on the lowest, responsive, responsible bid for an amount of \$88,215.00. Funds are available in FY 2015-2016.

This Motion was recommended to the consent agenda.

**31. Approving the purchase of a Peterbilt Encore Light and Air Fire Rescue Unit**

Motion approving the purchase of a Peterbilt Encore Light and Air Fire Rescue Unit from Siddons-Martin Emergency Group, Houston, Texas for a total amount of \$397,000.00. The award is based on the cooperative purchasing agreement with Texas Local Government Purchasing Cooperative (TLGPC), dba BuyBoard. Funds have been budgeted by Fleet Maintenance Services in FY 2015-2016.

This Motion was recommended to the consent agenda.

**32. Approving Master Agreement for Facilities Multiple Award Contract (FMAC) for the Minor Construction, Repair, Rehabilitation, and Alteration of Facilities**

Motion authorizing the City Manager or designee to execute a Master Agreement for Facilities Multiple Award Contract (FMAC) for a one-year term with option to renew administratively for up to two one-year periods, with no guaranteed minimum and a maximum aggregate of \$2,000,000 per agreement in any one year; authorizing the City Manager or designee to execute all Facilities Multiple Award Contracts thereunder not exceeding \$500,000 with the following:

- Spaw Glass
- Barcom Construction
- Cruz Maintenance & Construction, Inc.
- J E Construction Services (Alternate Contractor)

This Motion was recommended to the consent agenda.

**33. Approving a service agreement for roof repair at Greenwood**

**Senior Center**

Motion authorizing the City Manager, or designee, to execute a service agreement with South Texas Metal Roofing of Corpus Christi, Texas, for the roof repair of Greenwood Senior Center, in accordance with Bid Event No. 120, based on lowest, responsive and responsible bid for an amount not to exceed \$184,250.00 and an additional 10% project contingency in the amount of \$18,425 for unforeseen repairs. Funds have been budgeted through a Certificate of Obligation in FY 2015-2016.

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

**34. Lease-purchase of four Peterbilt 367 trucks for Solid Waste Operations**

Motion approving the lease-purchase of four Peterbilt 367 trucks from Rush Truck Centers of Texas, L.P., of Houston, Texas for a total amount not to exceed \$855,000.00. Two trucks will be truck tractors used to pull large refuse trailers and two trucks will be equipped with Heil low lift 22 ft. roll-off beds to carry roll-off refuse containers. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council (H-GAC).

(2) Peterbilt 367 Haul Truck Tractor Roll-Off \$343,922.00	(2) Peterbilt 367 with Roll-Off \$456,350.00
Total Lease-Purchase Price	\$800,272.00
Total Allowable Interest for Lease	\$54,728.00
Grand Total:	\$855,000.00

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

**35. Resolution authorizing a natural gas supply contract**

Resolution authorizing the City Manager, or the City Manager’s designee, to execute a five-year natural gas supply contract with NextEra Energy Power Marketing, LLC (“NextEra”), Juno Beach, Florida for an estimated amount \$125,000,000.00, of which \$1,500,000.00 is needed for the remainder of the FY 2015-2016, for the purchase of 100% of the City’s natural gas requirement from August 1, 2016 to July 31, 2021.

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

**K. CONSENT AGENDA: (ITEM 22)****22. Second Reading Ordinance - Amending City Code Chapter 57 to include revisions for vehicles for hire (1st Reading 6/21/16)**

Ordinance amending Chapter 57, Article II "TAXICABS" of the Corpus Christi Code; Amending Chapter 57, Article IIIA "LIMOUSINE AND SIGHTSEEING SERVICE" of the Corpus Christi Code; amending Sec. 57-284. - Transportation network company permit fee and Sec. 57-294. - Transportation network vehicles-Inspections of the Corpus Christi Code; providing an effective date, severance, penalty, and publication.

Mayor Martinez deviated from the agenda and returned to the discussion on Item 22 regarding revisions to the vehicle-for-hire ordinance regarding taxi cabs. City Attorney Miles K. Risley stated that the modifications to the ordinance were distributed by email to the City Council and staff has distributed hard copies. Assistant City Attorney Buck Brice provide a brief overview of the following changes to the ordinance: removal of Section 57.131(b) regarding the minute rate; the flat rate changed from (c) to (b) and the maximum rate per zone of \$12.50 was added; and corrections changing Intercoastal Causeway Bridge to John F. Kennedy Memorial Causeway and Interstate 358 to State Highway 358. Assistant City Attorney Brice responded to questions regarding the cancellation fee and Section 57-132.

Council Member McIntyre made a motion to amend the ordinance as stated by staff, seconded by Council Member Vaughn. Council Member McIntyre requested to amend the motion to include the word maximum to the beginning of Section 57-131 (a) before the word "rates". Council Member Vaughn accepted the amendment. The motion to amend was passed unanimously (Council Member Hunter - absent).

Mayor Martinez called for comments from the public. Dan Steifel, 6773 Wood Iron Drive, spoke regarding the cap for taxi cabs and requested consideration to add a flat rate stop charge maximum.

Council Member Vaughn made a motion to amend the ordinance to include a maximum flat rate zone stop fee of \$5, seconded by Council Member Rubio and passed unanimously (Council Member Hunter - absent).

Council Member Vaughn made a motion to approve the ordinance as amended, seconded by Council Member Rubio. This Ordinance was passed on second reading as amended 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

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: 030898



**Q. BRIEFINGS: (ITEMS 36 - 38)****36. Code of Ethics Recommendations from the Ethics Commission - Presented by Dr. Haysam Dawod, Chair**

Mayor Martinez referred to Item 36. Dr. Haysam Dawod, Chair of the Ethics Commission, stated that the Ethics Commission has completed their review of the City's Code of Ethics and the purpose of this item is to present the recommendations. The presentation team included Ethics Commission Member Larry White and Senior Assistant City Attorney Lisa Aguilar.

The recommended changes are as follows: removal of Section 2-311(4) Special Privileges; expanding the "circle of influence" in Section 2-311(8)(A) Conflict of Interest; adding a new Section 2-311(8)(B) regarding Conflict of Interest to prohibit any City employee/official or their family member or friend from profiting from privileged information discussed in executive session; adding a new Section 2-311(8)(E) to prohibit a city official from using their position to influence a contract or business transaction before the City involving an individual or organization who contributed \$2,700 or more to the official's most recent election campaign; adding new Section 2-311(16) and (17) Confidential Information; amending renumbered Section 2-311(21) by adding new subsection (E) regarding appointments to prohibit participation if the person contributed \$2,700 or more to most recent election campaign; amending Section 2-316 Lobbyist by adding subsection (D) to prohibit person from registering as a lobbyist within 2 years of City service; amending Section 2-326(a)(3) to codify Ethics Commission current practice in reviewing annual financial disclosure statement to request additional information regarding possible conflict of interest; and expanding Section 2-330 Rules of Conduct to include provisions of the Preamble is Section 2-310.

Council members and the presentation team discussed the following topics: concern that the elimination of Section 2-311(4) would mean there isn't a regulation; whether there is another section that states the language that is recommended to be removed in Section 2-311(4); the definition of "cause" in Section 2-311(4); the amendment to expand the "circle of influence" by adding clients; the definition of "recusal" in Section 2-311(8) new subsection (B) and whether "recusal" would be required throughout the entire process of a project once the financial portion is approved; how the amount of \$2,700 for contributions was determined and whether this amount would relate to political action committees; removal of the \$2,700 to make the conflict of interest more stringent and mirror the language in the City Charter in Section 2-311(21)(E) because the City Council is unable to exert influence under any circumstances; prohibited participation in appointments if the person contributed \$2,700 or more to most recent election campaign; serving as guidelines when considering the viability of an ethics complaint; the expansion for the rules of conduct to include the Preamble; whether social media and professional conduct are part of the Ethics Ordinance; which recommendations from the Mureen report were excluded from the Ethics Commission's recommendations; Section 2-311(9) regarding conflicts of interest pertaining to non-profit board appointments; the list of officials updated annually by the Human Resources staff; and next steps.

**MOTION OF DIRECTION**

Council Member Magill made a motion directing the City Manager to amend Section 2-311(8)(E) by removing the language "\$2,700 or more" from the ordinance, seconded by Council Member Vaughn and passed unanimously (Council Member Hunter - absent).

### 37. Water Supply (Discovery) - Demands

Mayor Martinez referred to Item 37. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to provide a presentation on the discovery of water supply and demands. Kristi Shaw, Project Manager with HDR Engineering, presented the following information: the presentation schedule; a map of the regional water supply system; the City's water supply relationships; historical water usage over the past 15 years; a graph illustrating drought preparedness; a graph representing the combined residential per capita water use and combined system storage; recent water demands based by customer class; a range of water demand projections provided by the Texas Water Development Board & Region N (Scenario 1) and current industrial trends (Scenario 2); the existing water supply, including Choke Canyon River/Lake Corpus Christi, Lake Texana, and Colorado River; how forward water supply planning has shaped the current supplies; an explanation of firm yield and safe yield; how existing supplies address future demands; and the demand related topics for the next presentation.

Council members spoke regarding the following topics: safe yield reserve of 125,000 acre-feet; the timing of the model update; discussions with the Economic Development Corporation regarding the recovery of Eagle Ford Shale; predictability and scalability of water supply; exploring a request for information (RFI) process; strategies to prepare for alternative financial mechanisms to develop the next future water supply; the drought of record; the amount of water left in the lakes and rivers if the region were to experience another seven year drought; drought preparedness; the water supply with Mary Rhodes Pipeline Phase 2; the timeline for the next needed water supply; concerns with the industrial component affecting water supply; incentives for industry for conservation; the capacity of the water treatment plant; whether there are requirements to build or expand the plant; the status of the desalination pilot; whether the demands for the San Patricio Water District demands are based on actual usage or projected needs; the requirement that all water customers must comply with the drought management plan; Nueces County seeing the largest growth in water demand; how Stage 5 drought preparedness affect industry; including the RFI discussion during the presentation on future supply at September 20, 2016 Council meeting; presenting the agreed order as part of the presentation at the August 30, 2016 Council meeting; the impact of population growth on water needs; the adoption of the water management plan; fire hydrant flushing schedules and the amount released.

### 38. Proposed Ballot Language for November 2016 Special Election

Mayor Martinez referred to Item 38. City Secretary Rebecca Huerta and City Attorney Miles K. Riskey presented this item. City Secretary Huerta stated that at the June 21, 2016 Council meeting, the City Council reviewed the draft ballot language for the November 2016 Special Election. The Council requested revisions to the propositions regarding the 1/8th cent sales tax renewal and the designation of mayor pro tem; and removed the proposition regarding untreated water supply contracts. Additionally, at the July 12, 2016 Council

meeting, the Council made a motion to reconsider to remove the charter amendment proposition related to Council compensation. The purpose of this item is to present the ballot language for review and comments. City Secretary presented the propositions.

**Proposition 1 – Abolish part of Type A sales tax and adopt Type B sales tax.**

Discussion on Proposition 1 included: removal of the word "abolition" for the proposition language; Type A mandated language that must be incorporated in the ballot language; the expiration of the Type A sales tax; changing the effective date to April 1, 2018; keeping the Type A and Type B language combined; the reason for the 20 year; clarifying the reason for the 20 year sales tax in supplemental information; the length of the ballot language; the majority of the ballot language referring to Type A sales tax that expires on March 31, 2018 with no action from the Council or the voters; simplifying the ballot language that speaks to the establishment of a Type B corporation on April 1, 2018; and language clarifying that the City is not replacing one tax with another.

Based on the discussion, City Attorney Risley stated that he would provide two different scenarios for council review: 1) combined Type A and Type B language and 2) to authorize creation of the Type B sales tax effective on April 1, 2018.

**Proposition 2 – Continuation of the Crime Control District**

**Proposition 3 – Residential Street Reconstruction Tax**

Discussion on Proposition 3 included: consideration of a sunset provision; belief that the voters would support the proposition if there was a review date; the effective date; the length of time for a sunset provision; rollback restrictions; discouraging growth in community for additional property taxes; increasing street user fee; charter provisions for a user fee; and details in the ordinance regarding professional engineering services and utility work.

Based on discussions, City Manager Risley stated that he would provide two proposition options, one with the sunset provision and one without.

**Proposition 4 – Designation of Mayor Pro Tem**

**Proposition 5 – Increase term for procurement of Auditor Contracts**

**Proposition 6 – Allow appointment of alternative members to Civil Service Board**

**Proposition 7 – Comply with State law to allow city employees to file for election to municipal office**

**Proposition 8 – Allow issuance of bonds in accordance with State law**

**Proposition 9 – Amend waiting periods for city leases**

**Proposition 10 – Update legal references and clarify general powers**

**Proposition 11 – Clarify purchasing procedures to comply with State law**

City Secretary Huerta reviewed the timeline as follows: staff would bring back the proposed changes to the Proposition 1 and 3 language on July 26th; the first reading ordinance calling the election is scheduled for August 9, 2016; and the second reading is scheduled for August 16, 2016

**R. ADJOURNMENT**

The meeting was adjourned at 7:39 p.m.