



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 10, 2017

2:00 PM

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 5:30 P.M. ON CITY-RELATED MATTERS THAT ARE NOT SCHEDULED ON THE AGENDA. PUBLIC COMMENT ON AGENDA ACTION ITEMS WILL BE HEARD AT THE TIME THE COUNCIL CONSIDERS THE AGENDA ITEM. 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 Dan McQueen to call the meeting to order.

Mayor McQueen called the meeting to order at 2:01 p.m.

B. Invocation to be given by Pastor Adam Carrington, Brooks AME Worship Center.

Pastor Adam Carrington gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Enrique Eliseo (Leo) Gonzalez - Protocol Office, Corpus Christi Army Depot.

Enrique Eliseo (Leo) Gonzalez 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 Dan McQueen, 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:

Mayor McQueen announced the H-E-B "It's Time Texas Fitness Community Challenge" and encouraged the community to lead healthier lives over the next 12 weeks to promote Corpus Christi as the Fittest City in Texas.

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

Mayor McQueen referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

a. Staff Update - Water Crisis

City Manager Rose provided an overview of the issues staff has been working on related to the recent water crisis including: addressing backflow prevention; information related to chemicals used by industry; testing methodology; Emergency Operation's protocol and addressing the role of elected officials; review of the industrial water contracts; and an update on the status of water quality.

b. Other

City Manager Rose announced the appointment of Steven Viera as Director of Human Resources.

G. MINUTES:

1. Emergency Meeting of December 15, 2016 and Regular Meeting of December 20, 2016.

Mayor McQueen referred to approval of the minutes. A motion was made by Council Member Garza, seconded by Council Member Vaughn, that the Minutes be approved. The motion carried by a unanimous vote.

H. BOARD & COMMITTEE APPOINTMENTS:

**2. Corpus Christi Convention and Visitors Bureau
Corpus Christi Regional Economic Development Corporation
Corpus Christi Regional Transportation Authority
Port of Corpus Christi Authority of Nueces County, TX**

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

Corpus Christi Convention and Visitors Bureau

Council Member Vaughn made a motion to appoint Johnny Phillipello (Attraction Industry), seconded by Council Member Molina and passed

unanimously.

Council Member Hunter nominated Kamlesh Bhikha (Hotel Industry). Council Member Molina nominated Brian P. Murphy (Hotel Industry). Mayor McQueen nominated John Garcia (Hotel Industry).

Council Members Hunter, Vaughn, Smith, and Garza voted to appoint Kamlesh Bhikha (Hotel Industry). Council Members Molina, McComb, and Guajardo voted to appoint Brian P. Murphy (Hotel Industry). Council Member Rubio and Mayor McQueen voted to appoint John Garcia (Hotel Industry).

With no nominee receiving a majority vote, a runoff vote was conducted between Kamlesh Bhikha and Brian P. Murphy to represent the Hotel Industry. Kamlesh Bhikha (Hotel Industry) was appointed with Council Members Garza, Smith, McQueen, Vaughn, Rubio, and Hunter voting for Kamlesh Bhikha and Council Members Guajardo, McComb, and Molina voting for Brian P. Murphy.

Corpus Christi Regional Economic Development Corporation

Council Member Rubio nominated Chad Magill. Council Member Molina nominated Chris Hamilton.

Chad Magill was appointed with Council Members Garza, Smith, Guajardo, McQueen, Vaughn, Rubio, and Hunter voting for Chad Magill and Council Members McComb and Molina voting for Chris Hamilton.

Corpus Christi Regional Transportation Authority

Council Member Guajardo nominated Abel Alonzo. Council Member Rubio nominated Robert Tamez. Council Member Molina nominated Steven V. DeAses. Council Member McComb nominated Robbin C. Goodman.

Mayor McQueen and Council Members Guajardo and Smith voted for Abel Alonzo. Council Members Hunter, Rubio, Vaughn, and Garza voted for Robert Tamez. Council Member Molina voted for Steven V. DeAses. Council Member McComb voted for Robbin C. Goodman.

With no nominee receiving a majority vote, a runoff vote was conducted between Abel Alonzo and Robert Tamez. Abel Alonzo was appointed with Council Members Molina, McQueen, McComb, Guajardo, and Smith voting for Abel Alonzo and Council Members Hunter, Rubio, Vaughn, and Garza voting for Robert Tamez.

Port of Corpus Christi Authority

Council Member Vaughn made a motion to reappoint David Engel, seconded by Council Member Hunter and passed unanimously.

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 3 - 7)

Approval of the Consent Agenda

Mayor McQueen referred to the Consent Agenda. A member of the public requested that Item 7 be pulled for individual consideration. Council members requested that Items 3 and 4 be pulled for individual consideration.

A motion was made by Council Member Garza, seconded by Council Member Smith, to approve the Consent Agenda. The consent agenda items were approved by one vote as follows:

Aye: 9 - Mayor McQueen, 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

5. **Engineering Design Contract for Lift Station Repairs Citywide 2017-2018 (Capital Improvement Program)**

Motion authorizing the City Manager, or designee, to execute an engineering design contract with Urban Engineering of Corpus Christi, Texas in the amount of \$145,500 for the Lift Station Repairs Citywide 2017-2018 for design, bid and construction phase services. (Capital Improvement Program)

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

Enactment No: M2017-002

6. **Second Reading Ordinance - Accepting and appropriating Regional Grant to support delivery of emergency medical services (1st Reading 12/20/16)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$2,831; and appropriating \$2,831 from the Coastal Bend Regional Advisory Council into the No. 1056 Ambulance Grant Fund to purchase supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department.

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

Enactment No: 031034

3. **Resolution authorizing the City Manager or designee to enter into an Outside City Limit Water Contract for property located at 6917 Jurica Road**

Resolution authorizing the City Manager or designee to enter into an outside city limits water contract with John C. Avila to provide public

water to property located outside the city limits described as Robertson William J. Farm Tracts, 1 Acre out of Lot 5-A Tract 20; also commonly known by its street address as 6917 Jurica Road under Section 55-111, Code of Ordinances.

Mayor McQueen referred to Item 3. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to execute an outside city limits water contract. In response to a council member, Mr. Dimas stated that the owner has signed the water service contract and is required to comply with regulations in order to obtain public water.

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

Aye: 9 - Mayor McQueen, 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: 031033

4. Engineering Construction Contract for Staples Street Pump Station Improvements (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with Associated Construction Partners, Ltd. of Boerne, Texas in the amount of \$1,923,430 for the Staples Street Pump Station Improvements for the Total Base Bid. (Capital Improvement Program)

Mayor McQueen referred to Item 4. Director of Engineering Services Jeff Edmonds stated that the purpose of this item execute a construction contract for the Staples Street Pump Station Improvements. Council members discussed the following topics: the number of calendar and/or working days on this project; the cost estimates associated with construction observation and materials testing; use of a consultant to perform construction inspections; and the project budget cost structure.

Council Member Smith 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 McQueen, 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: M2017-001

7. Second Reading Ordinance - Accepting and appropriating a Helping Heroes grant for the Fire Department (1st Reading

12/20/16)

Ordinance authorizing the City Manager or designee to accept a grant from Koch Companies Public Sector, LLC 2016 Helping Heroes Grant Program in the amount of \$10,000.00 to be used to purchase a hydrofluoric acid monitor, a hazmat training simulator and a MagPatch system; and appropriating \$10,000.00 from Koch Companies Public Sector; LLC into the Fire Grant Fund No. 1062.

Mayor McQueen referred to Item 7. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a grant from Koch Companies Public Sector, LLC in the amount of \$10,000 as a donation from their 2016 Helping Heroes Grant Program to purchase a hydrofluoric acid monitor, a hazmat training simulator and a MagPatch system.

Mayor McQueen called for comments from the public. Sherry Sells, 5014 Wingfoot Lane, spoke in support of this item to protect firefighters from the hazardous materials that could cause illnesses such as amyotrophic lateral sclerosis (ALS).

Council Member Rubio 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: 9 - Mayor McQueen, 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: 031035

K. PUBLIC HEARINGS: (NONE)

L. REGULAR AGENDA: (ITEMS 8 - 9)

8. Resolution Adopting the City of Corpus Christi's State Legislative Agenda for the 85th Texas Legislature and the Federal Legislative Agenda for the 115th U.S. Congress

Resolution adopting the City of Corpus Christi's State Legislative Priorities for the 85th Texas Legislature and Federal Legislative Priorities for the 115th U.S. Congress.

Mayor McQueen referred to Item 8. Director of Intergovernmental Relations Tom Tagliabue stated that the purpose of this item is to adopt the City's legislative agenda. Mr. Tagliabue provided a brief overview of the changes made to the state and federal legislative agenda. The Federal Agenda changes consist of the following: three items were moved from Priorities to Actively Support: Municipal Securities as High Grade Liquid Assets; National Defense Authorization Act funding to eliminate sequestration, and Marketplace Fairness Act; deleting the Port's widening and deeping from Actively Support; and

deleting the Agriculture Department's booster pump provision from actively support to endorsement. The State Agenda changes include: deleting specific pre-emption language references in Priorities; deleting references to ride sharing, red light cameras and plastic bags; and consideration to removing the local option street funding. There were no comments from the public.

MOTION OF DIRECTION

Council Member McComb made a motion directing the City Manager to ask the Legal Department to draft a resolution that the Texas Legislature introduce legislation that would authorize a gasoline tax on the local option basis for the use on residential streets, seconded by Council Member Rubio.

Council members discussed the following regarding the motion of direction: consideration to broaden the motion to include other options including vehicular registration; whether the legislators would support this issue; the option to gain more tools; City's ability to have a local option; and focusing on residential streets.

The motion of direction was passed and approved with the following vote: Council Members McQueen, McComb, Molina, Rubio, Smith, Garza, and Guajardo, voting "Aye"; Council Members Hunter and Vaughn, voting "No".

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

Aye: 9 - Mayor McQueen, 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: 031036

9.

Engineering Construction Contract for O.N. Stevens Water Treatment Plant Fluoride Feed System Improvements (Capital Improvement Program)

Motion authorizing the City Manager, or designee, to execute a construction contract with J.S. Haren Company of Athens, Tennessee in the amount of \$1,073,000 for the O.N. Stevens Water Treatment Plant Fluoride Feed System Improvements for the Total Base Bid, Additive Alternate No.1, and Allowance. (Capital Improvement Program)

Mayor McQueen referred to Item 9. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a construction contract for the O.N. Stevens Water Treatment Plant Fluoride Feed System Improvements in the amount of \$1,073,000 for the Total Base Bid and Additive Alternate No. 1. Dr. James Mobley, Chair of the Regional Health Awareness Board, responded to questions related to the health benefits of distributing fluoride into the water system.

Council members discussed the following topics: current studies validating

that fluoride distribution in the water system is a necessary process; new processes with dental hygiene; the cost of the system; and fluoride causing corrosion of the water system equipment.

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

Aye: 9 - Mayor McQueen, 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: M2017-003

Mayor McQueen called for a brief recess at 3:29 p.m. Mayor McQueen reconvened the Council meeting at 3:49 p.m.

M. FIRST READING ORDINANCES: (ITEMS 10 - 15)

10. First Reading Ordinance - Accepting and appropriating additional grant funding for Police support in the Houston High Intensity Drug Trafficking Area (HIDTA)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept additional grant funding in the amount of \$28,898.82 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Departments role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA); and appropriating the \$28,898.82 in the No. 1061 Police Grants Fund.

Mayor McQueen referred to Item 10. Assistant Police Chief Mike Alanis stated that the purpose of this item is to accept additional grant funding in the amount of \$28,898.82 from the Executive Office of the President, Office of National Drug Control Policy to support the Police Department's role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area for the purchase of one license plate reader. There were no comments from the Council or the public.

Council Member Rubio 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: 9 - Mayor McQueen, 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

11. First Reading Ordinance - Amending the Ethics Code as recommended by the Ethics Commission

Ordinance amending the City Code of Ethics by revising sections to expand conflict of interest prohibitions; to prohibit disclosure or use of confidential information; to prohibit City Councilmember from participating in appointment of a person who contributed \$2700 or more to the Councilmember's campaign; to prohibit registration as a lobbyist within 2 years of leaving City service; to provide clarification of Ethics Commission review of Financial Disclosure Reports; providing for severance and providing for publication.

Mayor McQueen referred to item 11. Senior Assistant City Attorney Lisa Aguilar stated that the purpose of this item is to present the amendments to the City's Code of Ethics. The amendments include: removing Section 2-311(4) Special Privileges; amending Section 2-311(8)(A) Conflict of Interest to expand the circle of influence; adding Section 2-311(8)(B) Conflict of Interest to provide that no city employee or city official shall profit from privileged information discussed in confidential city meetings; adding Section 2-311(8)(D)(5) Conflict of Interest to provide for the definition of elected official; adding Section 2-311(8)(E) Conflict of Interest to provide that a person cannot use their position to influence city officials or city employees in performance of their duties related to a contract involves an individual or organization who contributed to the official during the most recent election; adding Sections 2-311(16) and (17) Confidential Information to expand the language that an official is not using their position to obtain official information other than for performing official duties and to not disclose confidential information relating to city affairs obtained through their position; adding Section 2-311(21)(E) Conflict of Interest prohibiting council participation in an appointment of a person who contributed \$2,700 or more to their total campaign contribution during the previous election; adding Section 2-316(D) Lobbyist prohibiting a person from registering as a lobbyist with the City for a period of two years from end of City service; and amending Section 2-326(a)(3) Ethics Commission duties regarding financial disclosure reports.

Mayor McQueen called for comments from the public. Denise Matow, Surfside Boulevard, spoke regarding the expansion of conflict of interest and other inquiries to the family members and employers of an elected official. Susie Luna Saldana, 4710 Hakel, and Sherry Sells, 5014 Wingfoot Lane, expressed concern regarding council members being prohibited from the appointment of a person who contributed \$2,700 or more during the previous election. Rick Milby, 4412 High Ridge Drive, and member of the Ethics Commission, provided an explanation on the Ethics Commission's decisions on the proposed amendments.

Council members spoke regarding the following topics: lowering the threshold amount for prohibiting council participation in an appointment of a person who contributed \$2,700 or more to their total campaign contribution during the previous election; the Mureen report; an explanation of Section 2-311(8)(a)(8) Conflict of Interest; how to address an elected official receiving a contribution of \$2,700 or more after an appointment occurs; City Council appointments to the Ethics Commission being an immediate conflict of interest; consideration for a third party to review complaints filed on City Council members; the last

time a council member has been removed from office for violating the ethics ordinance; public perception and trust; and alternative options for the appointment of Ethics Commission members.

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: 9 - Mayor McQueen, 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

12. First Reading Ordinance - Closing a utility easement located at 3749 Pope Drive

Ordinance closing, abandoning, and vacating a 0.028-Acre portion of an existing utility easement out of a part of Lot 16, Block 8 of Hopper Addition No. 2, located at 3749 Pope Drive and requiring the owner, Fernando Fernandez, to comply with the specified conditions; authorizing the City Manager or designee to execute a Utility Relocation Agreement; appropriating \$31,000 into Gas Fund #4130 to be used to cap an 8-inch wrapped steel line and construct a new 8-inch wrapped steel line, and changing the FY 2016-2017 Operating Budget adopted by Ordinance number 030965- to increase revenues and expenditures each by \$31,000.

Mayor McQueen referred to Item 12. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to close, abandon, and vacate an utility easement located on Pope Drive, and authorize the execution of an Utility Relocation Agreement to relocate the existing gas line. There were no comments from the public.

Council members spoke regarding the following topics: the location of the new easement; the costs associated with the relocation; and whether the cost includes repair of the road.

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

Aye: 9 - Mayor McQueen, 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

13. First Reading Ordinance - Appropriating funds for the Advance Funding Agreement and Interlocal Agreement for the Strategic Integration (Traffic Demand Model) Feasibility Study (Bond 2014, Proposition 2)

Ordinance appropriating \$368,000 of anticipated revenues from the Texas Department of Transportation (TXDOT); authorizing the City Manager, or designee, to execute an Advance Funding Agreement with TXDOT for the Strategic Integration (Travel Demand Model) Feasibility Study with a payment of \$18,400 due to TXDOT for reimbursement of direct state costs, and to execute an Interlocal Agreement with the Regional Transportation Authority (RTA) for their participation (\$55,200) in this project. (Bond 2014, Proposition 2)

Mayor McQueen referred to Item 13. **Executive Director of Public Works Valerie Gray** stated that the purpose of this item is to approve a joint effort between the City of Corpus Christi, Texas Department of Transportation (TXDOT) and the Corpus Christi Regional Transportation Authority (RTA) for the Strategic Integration (Travel Demand Model) for the City. There were no comments from the Council or the public.

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

Aye: 9 - Mayor McQueen, 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

14. First Reading Ordinance - Appropriating Funds for the Collier Pool Renovations Rebid Package B (Restroom and Office Building) (Bond 2012, Proposition 4)

Ordinance appropriating \$29,943.70 from forfeited bid bond proceeds in the No. 3280 Park CIP Fund for the Collier Pool Renovations Rebid Package B (Restroom and Office Building) Project E14008; changing the FY 2017 Capital Improvement Budget adopted by Ordinance No. 030936; increasing revenues and expenditures in the amount of \$29,943.70. (Bond 2012, Proposition 4)

Mayor McQueen referred to Item 14. **City Secretary Rebecca Huerta** announced that Council Members McComb and Hunter were abstaining from Item 14. **Director of Engineering Services Jeff Edmonds** stated that the purpose of this item is to appropriate forfeited bid bond proceeds in the amount of \$29,943.70 in the Collier Pool Renovation Rebid Package B (Restroom and Office Building) Project. Mr. Edmonds provided a brief overview of the original award of the project; the City's bid bond requirements, the contractors failure to secure the required bonds and insurance certificates in order to proceed; and the action by City Council to rescind the award to CMCI. There were no comments from the public.

Council members spoke regarding the following topics: whether the project has begun construction; the amount of the award to CMCI; the claim amount being the difference between the lowest bidder and next bidder; whether any left over funds will be used for West Guth Park; the expected date for completion of Collier Pool; and the usage of Collier Pool.

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

Abstained: 2 - Council Member Hunter and Council Member McComb

15. First Reading Ordinance - Aligning Funds after Debt Refunding

Ordinance authorizing the appropriation and transfer of approximately \$2,781,207.34 of bond proceeds from various City Utility System CIP funds to Fund 3543 Streets TMPC CO CIP Fund; and the appropriation and transfer of approximately \$2,781,207.34 of related debt liability from various City Utility System operating funds to Fund 2010 General Obligation Debt Service Fund; amending the Fiscal Year 2017 operating budget adopted by Ordinance No. 030965 to increase revenues and expenditures by approximately \$2,781,207.34 each; and providing an effective date.

Mayor McQueen referred to Item 15. Director of Financial Services Constance Sanchez stated that the purpose of this item is to align the funding, for accounting purposes, for the Texas Military Preparedness Commission (TMPC) bonds that were refunded in December. The original projects funded by the bond proceeds included approximately \$2.8 million of utility work for a project that will not occur. Last year, City Council identified other military-related projects to use those unspent proceeds, and all these projects were street related. There were no comments from the Council or the public.

Council Member Smith 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: 9 - Mayor McQueen, 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. FUTURE AGENDA ITEMS: (ITEMS 16 - 20)

Mayor McQueen referred to Future Agenda Items. City Manager Margie C. Rose stated that staff had planned presentations on Items 16 and 17. A council member requested information on Item 20.

16. Reimbursement Resolution for Certificates of Obligation

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds from the proceeds one or more series of tax-exempt or taxable obligations to be issued by the

City in an aggregate amount not to exceed \$2,500,000 for authorized purposes relating to constructing various City improvements; authorizing matters incident and related thereto; and providing an effective date.

This Resolution was recommended to the consent agenda.

17. Resolution Waiving Qualified Energy Conservation Bond (QECB) Allocation

Resolution of the City Council of the City of Corpus Christi, Texas, waiving the City's Qualified Energy Conservation Bond allocation and releasing the City's allocation to the State of Texas for reallocation; authorizing matters incident and related thereto; and providing an effective date.

MOTION OF DIRECTION

Council Member Vaughn made a motion directing the City Manager to have staff review the capital improvement projects and other alternative projects that qualify for the Energy Conservation Bonds, seconded by Council Member Hunter and passed unanimously.

This Resolution was recommended to regular agenda.

18. Service Agreement for On-Call Plumbing Services for the Corpus Christi Fire Department

Motion authorizing City Manager, or designee, to execute a service agreement with Smart Plumbing, Inc., of Corpus Christi, Texas, for plumbing services, in accordance with Request for Bids No. 176, based on lowest, responsive and responsible bid for a total amount not to exceed \$76,115.00, with an estimated expenditure of \$51,000 in FY2016- 2017. The term of the agreement is for one year with option to extend for up to one additional one year period, subject to the approval of the Contractor and the City Manager, or designee.

This Motion was recommended to the consent agenda.

19. Amending Service Agreement to include Actuarial Services for the Human Resources Department

Motion authorizing the City Manager or designee to amend a service agreement with Foster & Foster Actuaries and Consultants of Ft. Meyers, Florida to provide professional actuarial services for the Human Resources Department for a total amount not to exceed \$34,500.00 of which \$7,666.67 is required in FY 2016-2017. The agreement is established for a three year period and includes an option to extend for one additional two year period, subject to the approval of the City Manager or designee.

This Motion was recommended to the consent agenda.

20. Resolution approving Service Agreements for Wrecker Services for City-Owned Vehicles and Equipment

Resolution finding the lowest, responsive, responsible bidder for wrecker services for City-owned vehicles and equipment by group in response to Request for Bids No. 167; awarding a one-year service agreement, with two one-year renewal options, to the lowest responsible bidder per group; and authorizing the City Manager or designee to execute the service agreements.

Momento Towing, LLC	DDR & RS, Inc. dba Apollo Towing Service
Corpus Christi, Texas	Corpus Christi, Texas
Group 1	Group 2
\$101,775.50	\$47,325.00

Grand Total: \$149,100.50

This Resolution was recommended to regular agenda.

O. BRIEFINGS: (ITEM 21)

21. Proposed Backflow Prevention - Backflow Cross Connection Program

Mayor McQueen referred to Item 21. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to provide a briefing on the proposed backflow prevention - backflow cross connection program. Building Official Gene Delauro presented the following information: program history and overview; 2016 program data; immediate risk mitigation recommendations; phased risk mitigation recommendations; examples of typical forms of backflow prevention.

Council members and staff discussed the following topics: clarification on the 2016 program data; whether the City has a database of identified water wells in the City and the ability to permit those wells; addressing the water wells; the issue of contamination with cross connected wells; the establishment of the backflow prevention program in 1996; service agreements for inspections outside the City limits; requiring water service agreements for all customers; review of the language in the industrial district agreements; requirements for back flow prevention; a plan to validate backflow prevention assemblies; requiring an air gap for backflow prevention in the industrial district; the amendment to the ordinance authorizing the City to access private property; enforcement of the ordinance; contracting with a third party testing agency to test and certify delinquent backflow assemblies; issuing charges for testing, repair or replacement on customer utility bills; industry policies on incident management included in the industrial district contracts; requiring a property that has any chemicals to have an air gap; the number of wells in the City and the number tied to the system; the data to show that a sprinkler system has injected a contaminate into the water system; and the requirement for annual testing and certification for residential irrigation backflow prevention

assemblies.

- P. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 5:30 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. This Public Comment period is for items that are NOT on the Agenda. Your presentation will be 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 McQueen referred to comments from the public. Sherry Sells, 5014 Wingfoot Lane, spoke regarding the upcoming "Coffee with the City Council" not being located in a building that is compliant with the Americans with Disabilities Act (ADA). Jack Gordy, 4118 Bray, spoke regarding the removal of the palm trees stumps on Airline Road. Joan Veith, 5701 Cain Drive, wished the City Council a great and healthy new year and commended the customer service of the Gas Department. Live Oak County Judge Jim Huff, 301 Houston, George West, Texas, spoke in opposition to the application of Petro Waste Environmental, LP to operate a landfill in McMullen County, Texas. Chris Phelan, 3806 Kingston, invited the City Council to attend a forum regarding water issues on Wednesday, January 11, 2016 at Unitarian Universalist Church located at 6901 Holly Road. Melissa Zamora, 3917 Brawner Parkway, spoke regarding stricter regulations on industry and the City reaching out to students and volunteers to assist with water quality testing. Susie Luna Saldana, 4710 Hakel, spoke regarding the City being a council/manager form of government and expressed appreciation to the City Council for taking the lead during the recent water crisis.

Q. EXECUTIVE SESSION: (ITEMS 22 - 23)

Mayor McQueen referred to the day's executive sessions. The Council went into executive session at 6:10 p.m. The Council returned from executive session at 7:49 p.m.

- 22. 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 Railroad Commission Applications of Petro Waste Environmental, LP to operate a commercial disposal facility in McMullen County, Texas on a 1500 acre tract located approximately four miles north of Tilden, Texas.**

This E-Session Item was discussed in executive session.

- 23. 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 possible development agreements or other funding mechanisms related to the construction of Park Road 22 and related infrastructure, including, but not limited to, bridges, culverts, canals, sewers, lift stations, pump**

stations, revetments, pilings, and ditches.

This E-Session Item was discussed in executive session.

R. ADJOURNMENT

The meeting was adjourned at 7:49 p.m.