



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, March 25, 2014

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Pastor Josue Gray, Iglesia La Luz del Mundo.

Pastor Josue Gray gave the invocation.

C. Pledge of Allegiance to the Flag of the United States.

Cadet Commander Jeffery Miller with the Flour Bluff High School NJROTC gave 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 stated that a quorum of the Council and required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Mayor Pro Tem Priscilla Leal has been granted a leave of absence.

Charter Officers:

City Manager Ron Olson, Interim City Attorney Barney L. Knight, and City Secretary Rebecca Huerta.

Present: 7 - Council Member Kelley Allen, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

Absent: 2 - Council Member Priscilla Leal, and Council Member Chad Magill

E. Proclamations / Commendations

1. Proclamation declaring March 25, 2014, as "Flour Bluff High School NJROTC Area 10 Texas State Champions 1994-2014"
Proclamation declaring March 28-30, 2014 as "Corpus Christi Festival of the Arts"
Proclamation declaring March 30, 2014 as "15th Annual Celebration of Cesar Chavez Day"

Proclamation declaring April as "Earth Month 2014", and Saturday, April 12th, as the day of celebration, to be held at Heritage Park, "Earth Day - Bay Day 2014"

Proclamation declaring April 1, 2014 as "Mayors Day of Recognition for National Service"

Proclamation declaring April 8, 2014 as "National Equal Pay Day"

Mayor Martinez presented the proclamations.

- F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

Mayor Martinez called for comments from the audience. Jack Gordy, Johnny French, Lonnie Lenningham and Mary Ann Kelley spoke regarding the possum policy. Joan Veith expressed condolences to Council Member Loeb for the loss of his father. Abel Alonzo thanked Police Chief Floyd Simpson and officers for protecting the community. Jerry Garcia invited the Council to open ceremonies at Southside Pony League and spoke regarding assistance for the league. Carlos Torres, President of the Corpus Christi Firefighters Association spoke regarding the assessment of efficiency and effectiveness of the Fire Department.

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

Mayor Martinez referred to City Manager's Comments

a. City Performance Report - Library Services

Director of Libraries Laura Garcia provided a briefing on the operation, mission and goals of the Library Services Department.

b. Other

None.

H. EXECUTIVE SESSION: (NONE)

I. MINUTES:

- 2.** Special Meeting of March 4, 2014 and Regular Meeting of March 18, 2014

Mayor Martinez called for approval of the minutes. Council Member McIntyre made a motion to approve the minutes, seconded by Council Member Scott

and passed unanimously.

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 13-17)

Approval of the Consent Agenda

Mayor Martinez called for consent agenda Items 13-17. City Secretary Huerta announced that Council Member Loeb would abstain from the vote on Item 17. Consent agenda items 13-17 were passed by one vote as follows:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

13. Second Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, on property located at the southwest corner of Leopard Street and Rhew Road (1st Reading 3/18/14)

Case 0214-01 Bill Ferguson: A rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as being a 69.265-acre tract of land out of a 176-acre tract of land generally known as the Sedwick Tract and out of The J. Dunn Survey, Abstract 985, located along the west side of Rhew Road, between Leopard Street and Sedwick Road.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Bill Ferguson, acting as agent on behalf of D.W. Grant, Jr., Betty Grant Armstrong, Andrea Alice Armstrong Plymale, Amie Alexandria Armstrong Kirk, Amanda Annette Armstrong England, Sam Megarity Armstrong, Jr. ("Owners"), by changing the UDC Zoning Map in reference to a 69.265-acre tract of land out of a 176-acre tract of land generally known as the Sedwick Tract and out of The J. Dunn Survey, Abstract 985, from the "FR" Farm Rural District to the "IL"

Light Industrial 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: 030133

14. Second Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, on property located at 6045 Bear Lane (1st Reading 3/18/14)

Case 0214-02 Congregation of Divine Providence, Inc.: A change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change to the Future Land Use Plan. The property is described as being 40 acres of land, more or less, out of the northeast corner of Lot 1 of the Margaret Kelly Land, located on the south side of Bear Lane, approximately 350 feet west of Junior Beck Drive.

Planning Commission and Staff Recommendation (February 12, 2014): Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by the Congregation of Divine Providence, Inc. ("Owner"), by changing the UDC Zoning Map in reference to 40 acres of land, more or less, out of the northeast corner of Lot 1 of the Margaret Kelly Land, from the "FR" Farm Rural District to the "IL" Light Industrial 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: 030134

15. Second Reading Ordinance - Rezoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District, on property located at 4410 Ivy Lane (1st Reading 3/18/14)

Case No. 0214-04 Santos and Virginia Herrera:A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District, resulting in a change to the Future Land Use Plan from commercial to low density residential uses. The property is described as being a 0.113-acre tract of land out of Lot 10A, Ava Cooper Subdivision, located approximately 200 feet north of Gollihar Road and 75 feet east of Ivy Lane.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Santos Herrera and Virginia Herrera ("Owners"), by changing the UDC Zoning Map in reference to a 0.113-acre tract of land out of Lot 10A, Ava Cooper Subdivision, from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 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: 030135

16. Second Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, on property located at 7201 Yorktown Boulevard (1st Reading 3/18/14)

Case No. 0214-03 Yorktown Oso Joint Venture:A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property is described as being a 22.87-acre tract of land, more or less, out of Lots 2-4, Section 24 and Lots 29-31, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located at the ends of Fort Griffen Drive and Prax Morgan Place and south of Laurelas and Idle Hour Drives.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC") upon application by Yorktown Oso Joint Venture, acting as agent on behalf of Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 22.87-acre tract of land, more or less, out of Lots 2-4, Section 24 and Lots 29-31, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

This Ordinance was passed on second reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030136

17. Second Reading Ordinance - Closing a portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition located west of South Alameda Street and South of McKenzie Street (1st Reading 3/18/14)

Ordinance abandoning and vacating a portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition and requiring the owner, CC Tower Center, LTD., to comply with the specified conditions.

This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Council Member Allen, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 1 - Council Member Loeb

Enactment No: 030137

Mayor Mratinez called for a recess until 1:17 p.m.

CONSENT AGENDA: (ITEMS 3-12, 18-22)

Approval of the Consent Agenda

Mayor Martinez referred to the consent agenda Items 3-12 and 18-22. Mayor Martinez announced that staff requested that Item 10 be pulled for individual consideration. Johnny French requested that Item 6 be pulled for individual consideration. The remaining items on the consent agenda were passed by one vote as follows:

3. Purchase agreement for traffic control radar detection systems

Motion approving the purchase of four (4) traffic control radar detection systems from Twincrest Technologies, Mansfield, Texas for a total amount of \$77,920. The award is based on the cooperative purchasing agreement with the State of Texas Cooperative Purchasing Program.

Funds have been budgeted by the Engineering Department in FY 2013-2014.

This Motion was passed

Enactment No: M2014-033

4. Service Agreement for Maintenance of City Hall HVAC System

Motion approving a service agreement with Johnson Controls Inc., Corpus Christi, Texas for maintenance of the HVAC System located at City Hall for a total amount of \$274,122 of which \$24,794 is required for the remainder of FY 2013-2014. The award is based on the cooperative purchasing agreement with the State of Texas Cooperative Purchasing Program. The term of the agreement will be sixty months. Funds are budgeted by the Facility Maintenance Services Fund in FY 2013-2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-034

5. Authorizing submission of grant application to State for automation of police training records

Resolution authorizing the submission of a grant application in the amount of \$35,000 to the State of Texas, Criminal Justice Division for funding available under the Edward Byrne Memorial Justice Assistance Grant Program to automate Police training records; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030130

6. Agreement for permanent art to be located at the entrance to the Oso Bay Learning Center and Wetland Preserve

Motion authorizing the City Manager or designee to execute documents necessary to purchase sculpture created by artist Dixie Friend Gay for a work of permanent art created in steel and authorize disbursement of \$100,000 from the Bond Fund 3292 for such purchase.

Mayor Martinez referred to Item 6. Johnny French spoke in opposition to the City spending \$100,000 on art work and recommended the funds be allocated to Animal Control for the collection of small animals. This Motion was passed on the Consent Agenda.

Enactment No: M2014-035

7. Amendment No. 1 to architectural design contract for fleet maintenance heavy equipment shop roof replacement

Motion authorizing the City Manager or designee to execute Amendment No. 1 to an Architectural Design Contract with Solka Nava Torno, LLC from Corpus Christi, Texas in the amount of \$34,620, for a total re-stated fee of \$59,070, for Fleet Maintenance Heavy Equipment Shop Roof for the design, bid, and construction phase services. BOND ISSUE 2012

This Motion was passed on the Consent Agenda.

Enactment No: M2014-036

8. Amendment No. 1 to architectural design contract for the museum roof replacement

Motion authorizing the City Manager or designee to execute Amendment No. 1 to an Architectural Design Contract with Solka Nava Torno, LLC from Corpus Christi, Texas in the amount of \$81,450, for a total re-stated fee of \$130,040, for Museum Roof Replacement for the design, bid, and construction phase services. BOND ISSUE 2012.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-037

9. Engineering construction contract for the Bear Lane waterline replacement

Motion authorizing the City Manager or designee to execute a construction contract with Clark Pipeline Services, J.V. of Corpus Christi, Texas in the amount of \$2,475,922.13, for Bear Lane Waterline Replacement from Navigation Boulevard to Old Brownsville Road.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-038

10. Agreement to accommodate the wheeling of the Colorado River water to the Mary Rhodes pipeline

Motion to authorize the City Manager or designee to execute a contract with Lavaca-Navidad River Authority (LNRA) for use of the West Delivery System for delivery of Colorado River water to the City of Corpus Christi.

Mayor Martinez referred to Item 10. Assistant City Manager Gus Gonzalez stated that the attachments for this item were presented when the item was on the future agenda but were inadvertently left off from today's agenda. Mr. Gonzalez provided the documents that were originally presented. This Motion was passed on the Consent Agenda.

Enactment No: M2014-039

- 11. Reimbursement resolution for Marina "R" Pier project to allow the City to reimburse itself for costs incurred prior to receipt of bond proceeds (Related items 11 - 12)**

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 or taxable obligations to be issued by the City for authorized purposes in an amount not to exceed \$2,600,000; authorizing other matters incident and related thereto; and providing an effective date.

This Resolution was passed on the Consent Agenda.

Enactment No: 030131

- 12. Second Reading Ordinance - Amending Capital Improvement budget to include pier "R" replacement project (1st Reading 3/18/14)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to add Project Number E13144 City Marina Replacement of Pier R; increasing revenues and expenditures in the amount of \$3,239,496.

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

Enactment No: 030132

- 18. Second Reading Ordinance - Accepting and appropriating a State grant for Local Border Security Program (LBSP) (1st Reading 3/18/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$45,000 from the Texas Department of Public Safety, Texas Homeland Security State Administrative Agency for funding eligible under the FY2014 Local Border Security Program (LBSP) grant to reimburse overtime and fringe benefits; and appropriating the \$45,000 in the No. 1061 Police Grants Fund.

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

Enactment No: 030138

- 19. Second Reading Ordinance - Accepting and appropriating funds from State for training of police personnel and purchase of training equipment (1st Reading 3/18/14)**

Ordinance authorizing the City Manager or designee to execute all

documents necessary to accept an annual allocation payment from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$29,600.43; and appropriating funds from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$29,600.43 in the No. 1061 Police Grants Fund for training of police personnel and purchase of training equipment.

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

Enactment No: 030139

20. Second Reading Ordinance - Accepting and appropriating developer fees and interest for park improvements and other related projects (1st Reading 3/18/14)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$341,846.87 in developer contributions and \$1,498.08 in interest earnings for a sum of \$343,344.95 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

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

Enactment No: 030140

21. Second Reading Ordinance - Lease agreement for radio control automobile activity at Bill Witt Park (1st Reading 3/18/14)

Ordinance authorizing City Manager or designee to execute a 60 month lease agreement with STARCAR for Bill Witt Park, in the City, Lessee agrees to operate and maintain the premises according to City standards.

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

Enactment No: 030141

22. Second Reading Ordinance - Appropriating Lead Ballast Revenue (1st Reading 3/18/14)

Ordinance appropriating \$18,526 of revenue, from the sale of lead ballast from the Santa Maria, in the No. 1020 General Fund for payment to Columbus Sailing Association for the cost associated with the repair and restoration of the Niña or for staging facilities for the Niña; and changing the FY 2013-2014 operating budget adopted by Ordinance No. 029915 by increasing revenue and expenditures by \$18,526 each

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

Enactment No: 030142

M. PUBLIC HEARINGS: (ITEM 23)**23. Public Hearing and First Reading Ordinance - Amending the Unified Development Code by increasing time limit for Council action on applications**

Ordinance amending the Unified Development Code by revising subsections 3.3.3.C and 3.4.2.D regarding City Council final action on Zoning Map amendments (rezonings), and historic overlay districts or landmark designations; and providing for severance, penalties, and publication.

Mayor Martinez referred to Item 23. Annika Gunning with Development Services stated that the purpose of this item is to amend the Unified Development Code to increase the amount of time that City Council has to take action on rezoning and historic designations. Ms. Gunning stated that staff and Planning Commission were in favor of the proposed amendments. Council Member Riojas made a motion to open the public hearing, seconded by Council Member McIntyre and passed. There were no comments from the Council or the public. Council Member Garza made a motion to close the public hearing, seconded by Council Member McIntyre and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030147

N. REGULAR AGENDA: (ITEMS 24 - 30)**24. Approval of financial advisor for phase 2 of energy projects (Related items 24 - 25)**

Motion authorizing the appointment of M. E. Allison & Co., Inc. as Financial Advisor for the City of Corpus Christi, Texas Public Property Finance Contractual Obligations, Series 2014.

Mayor Martinez referred to Item 24. Director of Financial Services Constance Sanchez stated that Items 24 and 25 are in relation to the funding of up to \$9,000,000 for Phase 2 of the energy efficiency projects. Ms. Sanchez said these items include approving the appointment of M.E. Allison as financial advisor and authorizing the issuance of the obligations. There were no comments from the public. In response to a council member, Ms. Sanchez stated that M.E. Allison has been the City's financial advisor for over 40 years and fees have remained the same. This Motion was passed and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: M2014-040

25. Second Reading Ordinance - Approving the financing for phase 2 of energy projects (1st Reading 3/18/14)

Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas Public Property Finance Contractual Obligations, Series 2014" in an amount not to exceed \$9,000,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the contractual obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the contractual obligations; authorizing the execution of a Payment Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the requirements imposed by the Letter of Representations previously executed with the Depository Trust Company; delegating the authority to the Mayor and certain members of the City Staff to execute certain documents relating to the sale of the contractual obligations; and providing an effective date.

This item was discussed under Item 24. This Ordinance was passed on second reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030143

26. Approving financial advisor for Proposed Bond 2014 design work (Related items 26 - 27)

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the "City of Corpus Christi, Texas Tax Notes, Series 2014" in an amount not to exceed \$8,000,000.

Mayor Martinez referred to Item 26. Director of Financial Services Constance Sanchez stated that Items 26 and 27 are in relation to funding up to \$8,000,000 for design work for the 2014 proposed bond street projects. Ms. Sanchez said these items include authorizing the appointment of M.E. Allison as financial advisor and issuance of the tax notes. There were no comments from the Council or the public. This Motion was passed and approved with the following

vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: M2014-041

27. Second Reading Ordinance - Authorizing financing for proposed Bond 2014 design work (1st Reading 3/18/14)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Tax Notes, Series 2014" in an amount not to exceed \$8,000,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of a Payment Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the provisions of the Depository Trust Company's Letter of Representations; delegating the authority to the Mayor and certain members of the City Staff to execute certain documents relating to the sale of the tax notes; and providing an effective date.

This item was discussed under Item 26. This Ordinance was passed on second reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030144

28. Second Reading Ordinance - Engineering construction contract for McArdle Road from Ennis Joslin Road to Whitaker Drive (Bond 2012) (1st Reading 3/18/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by transferring \$651,654.15 from Fund 3549 Project #E12098 McArdle Road from Whitaker Drive to Nile Drive, \$65,000 from Fund 4476 Water 2009 CIP Fund Reserves, \$360,000 from Fund 4247 Wastewater 2012 CIP Fund Reserves to Project #E12097 McArdle Road from Nile Drive to Ennis Josin; increasing expenditures in the amount of \$425,000; authorizing the City Manager, or designee, to execute a construction contract with

Reytec Construction Resources, Inc. of Corpus Christi, Texas in the amount of \$10,653,999.40 for McArdle Road from Ennis Joslin to Whitaker for the base bid; and executing a testing agreement with Rock Engineering and Testing Laboratories, Inc. in the amount of \$74,850 for McArdle Road from Ennis Joslin to Whitaker for construction materials testing services. (Bond 2012)

Mayor Martinez referred to Item 28. Executive Director of Public Works Dan Biles stated that the purpose of this item is to award the construction contract for the McArdle Road bond project. There were no comments from the Council or the public. This Ordinance was passed on second reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030145

29. Change order authorization for the Mary Rhodes Pipeline Phase 2 pipeline section A, B, and C and pump stations/sedimentation basin

Motion authorizing the City Manager or designee to execute non routine change orders of up to 5% of the contract value, of (1) the construction contract with Garney Companies, Inc. for the Mary Rhodes Pipeline Phase 2: Pipeline Sections A, B, and C for \$84,121,405, or (2) the construction contract with Oscar Renda Contracting for the Mary Rhodes Pipeline Phase 2: Pump Stations/Sedimentation Basin for \$29,167,288, if changes in plans or specifications are necessary after the performance of the contract has begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, for reasons creating an urgent need for the change, including but not limited to differing site conditions, provided that (I) funding is available for that purpose; (II) the original contract price is not increased by cumulative change orders by more than 5 percent (5%) of the original contract price; (III) a report is provided to City Council as soon as possible afterward; and (IV) the Executive Director of Public Works has conducted a full review of the facts and determines, in writing, that: (a) the change is required and/or unavoidable, and (b) time is of the essence to the extent that immediate action must be taken in order (i) to avoid substantial delay damages from being incurred; or (ii) to prevent significant harm from occurring to the City's property or the City's Mary Rhodes Pipeline Phase 2 Project.

Mayor Martinez referred to Item 29. Executive Director of Public Works Dan

Biles stated that the purpose of this item is to authorize a change order for the Mary Rhodes Pipeline Phase 2 project. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: M2014-042

30. Resolution opposing wind farm development in the City's extra-territorial jurisdiction

Resolution opposing wind farm development in the City's extra territorial jurisdiction

Mayor Martinez referred to Item 30. Assistant City Manager Wes Pierson stated that the purpose of this item is to approve a resolution opposing wind farm development in the City's extra-territorial jurisdiction. Mayor Martinez called for comments from the public. Karlis Povichs, Apex Clean Energy stated that the company has been working on this wind farm project near Chapman Ranch for five years. Mr. Povichs requested that the resolution be postponed to allow Apex to meet with the City to address their concerns. David Hearn, Scott Frazier, Kim Jacobs, Carter Green, Gerald Hopkins, Bart Braselton and Commissioner Mike Pusley spoke in opposition to the wind turbines on this property. Abel Alonzo spoke regarding the education system and affordable housing in the London Independent School District. Council Members spoke regarding the following topics: legislation preventing the City from regulating in the extraterritorial jurisdiction; lack of contact between the city staff and Apex representatives; timeframe to receive the prediction of growth patterns from the Goody Clancy report; concerns that the wind farm will affect air traffic from the Naval Air Station and airport; removal of the wind turbines after the projected life span; and annexation into the extra-territorial jurisdiction. This Resolution was passed and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030146

O. FIRST READING ORDINANCES: (ITEMS 31 - 32)

32. First Reading Ordinance - Type A Agreement for Hausman Foods, LLC

Ordinance Approving a Business Incentive Agreement between the

Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Hausman Foods, LLC ("Hausman") to provide a grant of up to \$205,920, for the creation of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Hausman Business Incentive Agreement for the creation of jobs; and appropriating \$205,920 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Hausman; and changing the FY 2013-2014 operating budget, adopted by Ordinance No. 029915, by increasing proposed expenditures by \$205,920.

Mayor Martinez referred to Item 32. Emily Martinez with the Corpus Christi Regional Economic Development Corporation (EDC) stated that the purpose of this item is to approve a business incentive agreement between the Type A Board and Sam Hausman Foods in the amount of \$205,920. Ms. Martinez provided information on the terms of the contract, creation of jobs, annual payroll; and capital investment. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Leal and Council Member Magill

Abstained: 0

Enactment No: 030149

31. First Reading Ordinance - Amending the Fiscal Year 2013-14 Operating Budget to extend it by two months

Ordinance amending the Fiscal Year 2013-2014 Operating Budget adopted by Ordinance No. 029915 to extend fiscal year 2013-2014 two months, by increasing total revenues by \$111,715,725 and total expenditures by \$106,187,250 in the General Fund, Internal Service Funds, Enterprise Funds, and Special Revenue Funds.

Mayor Martinez referred to Item 31. Assistant Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to amend the FY2013-2014 operating budget by extending the budget by two months to coincide with the change in fiscal year. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre and Council Member Riojas

Absent: 3 - Council Member Leal, Council Member Magill and Council Member Garza

Abstained: 0

Enactment No: 030148

P. FUTURE AGENDA ITEMS: (ITEMS 33 - 35)

Mayor Martinez referred to the Future Agenda. City Manager Olson stated that staff did not have any planned presentation.

33. Service Agreements for Storm Water Improved ROW Strip Mowing and Bayfront Parks and Medians Turf and Grounds Maintenance

Motion approving service agreements with the following companies, in the following amounts for Storm Water Improved ROW Strip Mowing and Bayfront Parks and Medians Turf and Grounds Maintenance in accordance with Bid Invitation No. BI-0079-14, based on lowest responsible bid for an estimated annual expenditure of \$673,540.40 of which \$336,770.20 is required for the remainder of FY 2013-2014. The terms of the contracts will be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the Contractors and the City Manager or designees. Funds have been budgeted by the Utilities and Parks and Recreation Departments in FY 2013-2014.

<u>Storm Water Improved ROW Strip Mowing</u>	<u>Bayfront Parks & Medians Turf & Grounds Maintenance</u>
Aspen Lawn Care Corpus Christi, TX. \$109,399.90	D-Bar Contractors San Benito, TX \$152,423.60
D-Bar Contractors San Benito, TX \$52,186.40	Maldonado Nursery & Landscape, Inc. Corpus Christi, TX \$211,131.90
Dorame General Repair & Lawn, LLC Corpus Christi, TX \$101,346.00	
Maldonado Nursery & Landscape, Inc. Corpus Christi, TX \$47,052.60	
<u>Total: \$309,984.90</u>	<u>Total: \$363,555.50</u>

Grand Total \$673,540.40

This Motion was recommended to consent agenda

Enactment No: M2014-044

34. Supply agreement for liquid aluminum sulfate for use at the O. N. Stevens water treatment plant

Motion approving a supply agreement with General Chemical Performance Products LLC, Parsippany, New Jersey for liquid aluminum sulfate in accordance with Bid Invitation No. BI-0090-14 based on lowest responsible bid for an estimated annual expenditure of \$1,248,390.00, of which \$624,195.00 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Utilities Department in FY 2013-2014.

This Motion was recommended to consent agenda

Enactment No: M2014-045

35. Supply agreement for hot tap fittings for repairing or adding lines for new gas service

Motion approving a supply agreement with M.T. Deason Company, Inc., Birmingham, Alabama for hot tap fittings in accordance with Bid Invitation No. BI-0093-14 based on only bid for an estimated annual expenditure of \$90,264.00, of which \$45,132.00 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Utilities Department in FY 2013-2014.

This Motion was recommended to consent agenda

Enactment No: M2014-046

Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 36 - 38)

36. Animal Care Services - Small Trap Pickup Procedures

Mayor Martinez referred to Item 36. Police Chief Floyd Simpson stated that the purpose of this item is to present factual information regarding the small animal trap pickup process. Police Commander Todd Green referred to a powerpoint presentation including the reasons for changing the procedures; information on murine typhus; the types and total number of calls received by Animal Control Services; the hours expended and cost to euthanize or relocate opossum; the state's response on the effectiveness of trapping possums to combat murine typhus; and effective measures. Commander Green stated that the policy is consistent with other major cities in Texas and the Animal Control Advisory Committee voted unanimously to endorse the practice currently in place. Council Members spoke regarding the following topics: euthanizing

possums versus relocation; the Public Health Department's perspective on spending funds for possum removal; private services for wildlife removal; and prevention of disease by controlling environment.

37. Parks and Recreation - Mowing Consolidation

Mayor Martinez referred to Item 37. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to provide an update on the mowing consolidation program. Mr. Morris provided information on the departments that do mowing; the methodology used; challenges; potential savings and recommendations for Phases I - III. Council members spoke regarding the following topics: the criteria for mowing high profile areas and the cost associated with Phase II.

38. Assessment of the Efficiency and Effectiveness of the City of Corpus Christi Fire Department

Mayor Martinez referred to Item 38. City Manager Ron Olson stated that the purpose of this item is to provide an overview of the results from the assessment of the efficiency and effectiveness of the Fire Department. Mr. Olson said this study is part of the City's focus on continuous improvement to departments and their functions. Mr. Olson provided an overview of the review process; the general objectives of the review; and the specific objective to determine how the Fire Department can best meet its mission while cost-effectively delivering services. Travis Miller with MGT of America Inc. provided information on the overview of the Fire Department; responses and recommendations to 11 specific questions; the demand by service; response performance; total incidents of concurrency by station by hour of day; and incident density. Fire Chief Robert Rocha stated that he concurred with many of the recommendations made and an action plan has been developed to implement the recommendations. Council members spoke regarding the following topics: social economics of the workload; updating the GIS database to include accurate information on streets; incident density and stations optimally located; and the timeframe for the action plan.

Council Member Loeb made a motion directing the City Manager and staff to work to implement the recommendations and bring back to the Council action items to take the actions necessary to implement this study, seconded by Council Member McIntyre. The motion was passed and approved with the following vote: Martinez, Allen, Garza, Loeb, McIntyre, Riojas and Scott, voting "Aye"; Leal and Magill were absent.

R. ADJOURNMENT

The meeting was adjourned at 4:43 p.m.