



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes - Final City Council

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Tuesday, June 11, 2013

11:30 AM

Council Chambers

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### A. CALL MEETING TO ORDER

Mayor Martinez called the meeting to order at 11:30 am.

### B. INVOCATION.

The invocation was delivered by Dr. Bob Eckert.

### C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Tamera Riley, City Secretary's Office.

### D. ROLL CALL

City Secretary Chapa verified that the necessary quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Ron Olson, City Attorney Carlos Valdez, and City Secretary Armando Chapa.

**Present:** 9 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

### E. Proclamations / Commendations

1. Proclamation declaring June 9-19, 2013 as the "148th Anniversary of the Juneteenth Celebration, the Spirit of Emancipation Days"  
Proclamation declaring June 23, 2013 as "Homicide Survivors Support Group 8th Annual Teddy Bear Sunday"

Mayor Martinez read and presented the Proclamation(s).

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

Mayor Martinez referred to City Manager Comments. City Manager Olson made the following announcements: 1) Street Fee Survey has been completed and currently analyzing data; 2) Oscar Martinez, Assistant City Manager will be leaving in mid-August and has started to advertise and hired a Consultant to assist with the recruitment; 3) due to Budget cuts, the Library's accreditation had been challenged, the City filed an appeal and it has been accepted; 4) the City's Public Information department recently received the Award of Excellence for the "City's Electronic Newsletter" by the Texas Association of Municipal

Information Officers; 5) recognized Albert Perez for receiving award and participating in the Truck Driver Rodeo; 6) 66% of resident participate in Recycling Program; 7) the City will be hosting the US Sailing National Youth Competition in August 2013; 8) recognized Constance Sanchez, Director of Finance for quality work on the City's Financial Report; 9) recognized the Legal department for their work in settlement of lawsuits resulting in savings to the City of approximately \$300,000 to \$400,000.

#### **F. PUBLIC COMMENT**

Mayor Martinez referred to Public Comment. The following citizens spoke: Gene Reuner spoke regarding leaf blowers and code enforcement issues; Sterling Bokash spoke about the "No Kid left Behind" program and the removal of flouride from the water; Verna Townsend asked Council to reconsider the 2% Cost of Living Increase for City employees; Jose Marroquin spoke regarding the finances of the City, street maintenance fee and funding for private ventures; Roland Garza referred to an appeal filed by a Senior Citizen and the appeal process; Brooks Hooper asked the Council to reconsider the 2% Cost of Living Increase for City employees; Joan Veith spoke of the good things happening in Corpus Christi; Kim Mrazek asked the Council to consider placing a item on June 25th agenda regarding the "Nina" Ship; Joe Homnick spoke of the condition of the "Nina" Ship; Howard Lovelood spoke of the street maintenance fee; and John Kelley spoke of issues related to the Unified Development Code; Cost of Living Increase; and expanding master plans.

#### **H. EXECUTIVE SESSION: (ITEM 2)**

Mayor Martinez referred to Item No. 2. The Council went into executive session.

2. Executive session pursuant to Section 551.087 of the Texas Government Code to discuss confidential commercial or financial information received from a business prospect that the City seeks to have locate, stay, or expand within the City limits and with which the City is conducting economic development negotiations and to deliberate possible offers of financial or other incentives to said business prospect with possible discussion and action in open session.

The council returned from executive session. Mayor Martinez announced that no action will be taken today on this item.

#### **I. MINUTES:**

3. Approval of Meeting Minutes - May 28, 2013.

Mayor Martinez referred to Item No. 3. A motion was made by Council Member Scott, seconded by Council Member Magill to approve the minutes as presented and passed.

#### **J. BOARDS & COMMITTEE APPOINTMENTS:**

4. Ethics Commission  
Human Relations Commission  
Retired and Senior Volunteer Program Advisory Committee  
Sister City Committee  
Water Resources Advisory Committee

Mayor Martinez referred to Board, Commission and Committee appointments and the following appointments were made:

Ethics Commission: Reappointed - Haysam Dawood; New Appointment - Rod Wolthoff. (Note: The new appointment of Rod Wolthoff will be reconsidered at the June 24th council meeting since he did not receive the required two-thirds vote required by the Ethics Ordinance)

Human Relations Commission: Reappointed - Elias Valverde, Jaimee Contreras, Corey Elizondo (Youth); New Appointment - Alice Aparicio-Bussey (Sells Dwellings), Almira Flores, Kyle James (Youth) and Faith Sara Meza (Youth)

Retired and Senior Volunteer Program Advisory Committee: Reappointed - Dale Berry, Sylvia Portales, Abel Sanchez, and Merced Pena

Sister City Committee: New Appointment - Mark Bradsher and Kevin Aguilar-Ferrari

Water Resources Advisory Committee: New Appointment - Don Roach (Wholesale/Treated Water Customer), Jeff Edmonds (Residential Customer), Sam Sanders (Large Commercial Customer), and Mark Stroop (Military Facility Representative)

Enactment No:

L. **CONSENT AGENDA: (ITEMS 5 - 29)**

Mayor Martinez referred to the Consent Agenda, Item Nos. 5 through 29. Mayor Martinez asked for comments from the Council and the Public and there were none. The items were approved by one vote:

5. **Amending Financial Policy**

Resolution amending Financial Policies adopted by Resolution 029826 and providing financial policy direction on preparation of the annual budgets.

The foregoing resolution was passed and approved with the following vote:

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029848

6. **Lease agreement for the lease of Copiers**

Motion approving a Lease Agreement with Dahill Office Technology Corporation, San Antonio, Texas for eighty-four (84) copiers in

accordance with Request For Proposal No. BI-0121-13 based on lowest responsible proposal for an estimated three-year expenditure of \$737,306.64. The term of the lease agreement shall be for thirty-six (36) months with an option to extend for up to two (2) additional twelve-month periods subject to the approval of the Contractor and the City Manager or designee. Funding will be requested for future fiscal years in the normal budget process.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-093

**7. Service Agreement for Drug & Alcohol Testing and Occupational Medical Services**

Motion approving a service agreement with Nueces Emergency Services d.b.a. The Doctor's Center of Corpus Christi, Texas for drug and alcohol testing and occupational medical services, based on only proposal received, in accordance with Request for Proposal Number BI-0048-13, for an estimated annual expenditure of \$121,484.10, of which \$20,247.35 is budgeted for the remainder of FY 12/13. The term of the service agreement will be for one-year with four automatic one-year extension periods.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-094

**8. Interlocal Agreement with Calallen Independent School District for bus transportation for Summer 2013**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with the Calallen Independent School District to provide transportation services for summer youth recreation programs.

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029849

**9. Interlocal Agreement with Corpus Christi Independent School District for bus transportation for Summer 2013**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with the Corpus Christi Independent School District to provide transportation services for summer youth recreation programs.

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029850

**10. Interlocal Agreement with Flour Bluff Independent School District for bus transportation for Summer 2013**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with the Flour Bluff Independent School District to provide transportation services for summer youth recreation programs.

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029851

**11. Interlocal agreement for the 2013 Summer Food Program**

Resolution authorizing the City Manager or designee to execute an Interlocal Cooperation Agreement with Corpus Christi Independent School District to provide summer food services for summer recreation.

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029852

**12. Approving the use of Permanent Art Trust funds to complete sculpture installation**

Motion to approve expenditure up to \$20,000 of Permanent Art Trust Fund for expenses related to installation of Gron art sculpture at Corpus Christi Police Department.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-095

**13. Engineering design contract for improvements for International Boulevard from State Highway 44 through the Corpus Christi International Airport (Bond Issue 2012) (Proposition No. 8 Economic Development Projects)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with RVE, Inc. of Corpus Christi, Texas in the amount of \$147,850, for International Boulevard from State Highway 44 through the Corpus Christi International Airport, for design, bid, and construction phase services BOND ISSUE 2012. (Proposition No. 8 Economic Development Projects)

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-096

**14. Engineering design contract for Wastewater Service Line Repair and Clean-out Installation and Manhole Ring and Cover Adjustment Program FY 2013**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Engineering & Construction Management Services, LLC, of Corpus Christi, Texas in the amount of \$83,500.00, for the Wastewater Service Line Repair and Clean-out Installation and Manhole Ring and Cover Adjustment Program FY 2013.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-097

**15. Engineering design contract for new office building at landfill**

Motion authorizing the City Manager or designee to execute a Contract for Professional Services with Kleinfelder Central, Inc., of Corpus Christi, Texas in the amount of \$115,509.00 for design, bid and construction phase services.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-098

**16. Engineering design contract amendment no. 3 for Bear Lane from Old Brownsville Road to South Padre Island Drive (Bond Issue 2008)**

Motion authorizing the City Manager, or designee, to execute Amendment No. 3 to a Contract for Professional Services with Coym, Rehmet and Gutierrez Engineering, L.P. of Corpus Christi, Texas in the amount of \$73,470.00 for a restated fee of \$1,170,020.00 for the Bear Lane Street Improvement Project from Old Brownsville Road to South Padre Island Drive for design of required waterline replacement. (Bond 2008)

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-099

**17. Authorizing the appointment of financial advisor for the issuance of General Improvement Bonds to finance Bond 2012 Projects**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the issuance of "City of Corpus Christi, Texas General Improvement Bonds, Series 2013" in an amount not to

exceed \$88,010,000.

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-100

**18. Approving the FY 2013-2014 budget for the Corpus Christi Crime Control and Prevention District**

Resolution approving the FY 2013-2014 budget for the Corpus Christi Crime Control and Prevention District.

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029853

**19. Second Reading Ordinance - Rezoning from Residential for Palm Land Investments, Inc. on property located at 7564 Brooke Rd. (1st Reading 5/28/13)**

Case No. 0413-01 Palm Land Investment, Inc.: A change of zoning from the "FR" Farm Rural District, "RS-6" Single-Family 6 District, and "RS-10" Single-Family 10 District to the "RS-4.5" Single-Family 4.5 District, resulting in a change to the Future Land Use Plan from medium density residential to low density residential. The property to be rezoned is described as being a 60.54-acre tract of land out of Lots 5A, 6A, 7A, 9, 10, and 11, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, located east of Quail Creek Drive and at the east ends of Oso Parkway and Brooke Road.

Planning Commission and Staff Recommendation (April 24, 2013): Approval of the change of zoning from the "FR" Farm Rural District, "RS-6" Single-Family 6 District, and "RS-10" Single-Family 10 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Palm Land Investment, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 60.54-acre tract of land out of Lots 5A, 6A, 7A, 9, 10, and 11, Section 26, Flour Bluff and Encinal Farm



and Garden Tracts, from the "FR" Farm Rural District, "RS-6" Single-Family 6 District, and "RS-10" Single-Family 10 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 and publication.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029854

20.

**Second Reading Ordinance - Rezoning from Industrial to Commercial for The Palms at Leopard, Ltd. on property located at 2725 Leopard Street (1st Reading 5/28/13)**

Case No. 0413-04 The Palms at Leopard, Ltd.: A change of zoning from the "IH/SP" Heavy Industrial District with a Special Permit to the "CI" Intensive Commercial District, resulting in a change to the Future Land Use Plan from light industrial to commercial uses. The property to be rezoned is described as being a 2.11-acre tract of land out of Tract C, Hawn Tract, and all of Tracts D and E, Hawn Tract, located along the east side of Palm Drive between Leopard Street and Lipan Street.

Planning Commission and Staff Recommendation (April 24, 2013): Approval of the change of zoning from the "IH/SP" Heavy Industrial District with a Special Permit to the "CI" Intensive Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by The Palms at Leopard, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 2.11-acre tract of land out of Tract C, Hawn Tract, and all of Tracts D and E, Hawn Tract, from the "IH/SP" Heavy Industrial District with a Special Permit to the "CI" Intensive Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029855

**21. Second Reading Ordinance - Authorizing the issuance of General Improvement Bonds to finance Bond 2012 Projects (1st Reading 5/28/13)**

Ordinance authorizing the issuance of "City of Corpus Christi, Texas General Improvement Bonds, Series 2013" in an amount not to exceed \$88,010,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement and a purchase contract; 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 bonds; and providing an effective date.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029856

**22. Second Reading Ordinance - Texas General Land Office (GLO)-Coastal Impact Assistance Program (CIAP) grant award for construction of the Oso Bay Learning Center and Wetland Preserve (1st Reading 5/28/13)**

Ordinance authorizing the City Manager, or designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$1.5 Million from the Texas General Land Office-Coastal Impact Assistance Program (CIAP) for the construction of the Oso Bay Coastal Environmental Learning Center.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029857

**23. Second Reading Ordinance - Appropriating a State grant for the**

**2013 Parks and Recreation Summer Food Program (1st Reading 5/28/13)**

Ordinance appropriating a \$250,000 grant from the Texas Department of Agriculture in the No. 1067 Parks and Recreation grant fund to operate a summer food service program for summer recreation participants ages one to eighteen.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029858

**24. Second Reading Ordinance - Amending the lease of International Westside Baseball to add additional baseball fields at Greenwood/Horne Youth Sports Complex (Tabled 3/19/13) (Tabled 4/23/13) (1st Reading 5/28/13)**

Ordinance authorizing the City Manager or designee to execute an Amendment to the Lease Agreement with International Westside Baseball League for additional baseball fields at Greenwood/Horne Youth Sports Complex.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029859

**25. Second Reading Ordinance - Construction contract for Billings Bait Stand and Clems Marina Parking Lot Construction (Re-Bid) (1st Reading 5/28/13)**

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 by adding \$100,000 in appropriated street assessments; adding \$132,863.80 in Street Tax Notes; transferring \$284,597.80 from Water CIP Project No. 180198 Programmed Waterline Lifecycle Replacement Project to the Billings Bait Stand and Clems Marina Boat Ramp Rehabilitation Phase Two Project; increasing expenditures in the amount of \$232,863.80; and authorizing the City Manager or designee to execute a construction contract with Garrett Construction of Ingleside, Texas in the amount of

\$972,177.05, for the Billings Bait Stand and Clems Marina Parking Lot Construction for the Base Bid only.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029860

**26. Second Reading Ordinance - Approval of a Developer Participation Agreement to reimburse Developer for the City's cost of Sydney Street (1st Reading 5/28/13)**

Ordinance authorizing the City Manager to execute a developer participation agreement with Alty Enterprises, Inc. ("Developer"), to reimburse the Developer up to \$86,559.82 for the City's share of the cost to expand and extend Sydney Street.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029861

**27. Second Reading Ordinance - Appropriating reimbursement funds from the Texas State Library Archives Commission (1st Reading 5/28/13)**

Ordinance appropriating \$11,012.75 reimbursement received from the Texas State Library and Archives Commission for participation in Project Loan into the General Fund No. 1020, Central Library Organization No. 12800 to be used for library technology services.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029862

**28. Second Reading Ordinance - Appropriating royalties from oil,**

**gas, and mineral interests of the Estate of William T. Neyland (1st Reading 5/28/13)**

Ordinance appropriating \$2,741.44 from royalties from oil gas and mineral interests bequeathed to the City from the Estate of William T Neyland into the Library Grants fund No 1068, Project No. 807713L for library technology services.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029863

**29. Second Reading Ordinance - Repealing Section 2 - 78 of the City code regarding the City's lay representative to the South Texas Library System (1st Reading 5/28/13)**

Ordinance repealing Sec 2-78 "Lay representative of city" of Article IV of Chapter 2 of the Corpus Christi Code, providing an effective date; and providing for publication.

**The foregoing ordinance was passed and approved on Second Reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 029864

**Mayor Martinez deviated from the agenda and referred to Item No. 38, Recycled Water Service.**

**38. First Reading Ordinance - Setting Terms and Conditions for Recycled Water Service**

Ordinance amending the Code of Ordinances by adding Article XIX, Recycled Water to Chapter 55 to provide for recycled water service, recycled water rates, recycled water delivery; providing for penalties; providing for severance; and providing for publication.

**Dan Biles, Director of Engineering stated that the purpose is to set terms and conditions for recycled water service and establish a rate and monthly charge**

for usage. He added that the City received authorization from the Texas Commission on Environmental Quality to use and deliver recycled water. Mr. Biles discussed the basics of the ordinance including the requirements for applying for recycled water service, terms and conditions for delivery, receipt and use of recycled water, establishing a monthly rate charge of \$1.00 per 1,000 gallons used, and stated that the start date to begin charging this rate is August 1, 2013.

Mr. Biles then discussed the requirements for recycled water service, possible Type II uses, and water rate design. He stated that the public benefit values are that it is less expensive to use or to treat and users benefit from the savings; is a drought-resistant source of water; it is the only source of water that automatically increase with increased economic activity and population growth, and helps conserve traditional sources of water such as groundwater and surface water.

After discussion, Council Member Magill made a motion to amend the Ordinance to reflect that as rate payers join the system, the cost for Year 1 is .75¢ per thousand gallons; Year 2 is .75¢ per thousand gallons; and Year 3 is \$1.00 per thousand gallons, seconded by Council Member Leal and passed with the following vote: Allen, Garza, Leal, McIntyre, Magill, Riojas, voting "Aye"; Loeb and Martinez, voting "No"; and Scott "Abstained".

The forgoing ordinance was passed and approved on first reading as amended with the following vote:

**Aye:** 7 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Nay:** 1 - Mayor Martinez

**Abstained:** 1 - Council Member Scott

**M. PUBLIC HEARINGS: (ITEMS 30 - 31)**

**30. Public Hearing and First Reading Ordinance - Rezoning from Resort Commercial to Multifamily with a Planned Unit Development for Townhouses for Alex Harris, on property located at 14306 through 14334 Nemo Court.**

Case No. 0513-01 Alex H. Harris: A change of zoning from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan on the property described as Lots 17 - 24, Block 45, Padre Island - Corpus Christi Island Fairway Estates, located along the east side of Nemo Court, approximately 525 feet west of South Padre Island Drive (PR 22).

Planning Commission and Staff Recommendation (May 22, 2013):  
Approval of the change of zoning from the "CR-2/IO" Resort

Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions.

#### Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., owner of Lots 17-21, and by Alex H. Harris, owner of Lots 22-24, Block 45, Padre Island - Corpus Christi - Island Fairway Estates, from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item No. 30. Mark Van Vleck, Director of Development Services stated that the purpose of this request is to allow 44 townhouses as part of a Planned Unit Development for property located along the east side of Nemo Court. A motion was made by Council Member McIntyre, seconded by Council Member Loeb to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Scott, seconded by Council Member McIntyre to close the public hearing and passed.**

**The foregoing ordinance was passed and approved on first reading with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

**31. Public Hearing and First Reading Ordinance - Rezoning from Estate Residential to Low Density Residential for Kitty Hawk Development, Ltd. on property located at 3142 South Staples Street (Tabled on 5/28/13)**

Case No. 0413-02 Kitty Hawk Development, Ltd.: A change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1, the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3. The property is described as being a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, located along the south side of South Staples Street (FM 2444) and along the east side of County Road 41.

Planning Commission and Staff Recommendation (April 24, 2013): Approval of the change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1,

from the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3.

#### 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 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1 and to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item No. 31. Mark Van Vleck, Director of Development Services stated that the purpose of this request is to allow development of a single-family subdivision with minimum lot sizes of 15,000 square feet and reduce the amount of neighborhood commercial zoning. A motion was made by Council Member Garza, seconded by Council Member Scott to open the public hearing and passed. Javier Huerta spoke in support of a special permit; John Kelly stated that a new district, RS-21 or RS-22 would adequately describe the zoning; and Pat Veteto spoke on behalf of the applicant and in support of the RS-15 zoning recommended. A motion was made by Council Member Loeb, seconded by Council Member Scott to close the public hearing and passed.**

**The foregoing ordinance was passed and approved on first reading with the following vote:**

**Aye:** 8 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Nay:** 1 - Council Member Leal

**Abstained:** 0

#### **N. REGULAR AGENDA: (ITEMS 32 - 36)**

#### **32. Amending the Consolidated Emergency Dispatch Center Interlocal Agreement between the City of Corpus Christi and Nueces County to include the City of Driscoll as a participant**

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Consolidated Emergency Dispatch Center Interlocal Agreement between the City of Corpus Christi and Nueces County to include the City of Driscoll as a participant.

**Mayor Martinez referred to Item No. 32. Floyd Simpson, Chief of Police stated that this item is modifying the existing MetroCom interlocal agreement to**



include the City of Driscoll to use the MetroCom for all 911 emergency calls and law enforcement functions. Mayor Martinez asked for comments from the public and there were none.

The foregoing resolution was passed and approved with the following vote:

**Aye:** 8 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Absent:** 1 - Council Member Loeb

**Abstained:** 0

Enactment No: 029865

**33. Amending the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority (RTA) and Nueces County to include the City of Driscoll for the public safety radio system**

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority and Nueces County to include the City of Driscoll as a participant for a public safety radio system.

**Mayor Martinez referred to Item No. 33. Floyd Simpson, Chief of Police stated that this item is to amend the Radio Communications Sytem agreement between the City, the Regional Transportation Authority, and Nueces County to include the City of Driscoll to use the public safety radio system. Mayor Martinez asked for comments from the public and there were none.**

The foregoing resolution was passed and approved with the following vote:

**Aye:** 7 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Absent:** 2 - Council Member Loeb and Council Member Scott

**Abstained:** 0

Enactment No: 029866

**34. Resolution supporting the Harbor Bridge Replacement Project**

Resolution in support of the Texas Department of Transportation's project to replace the Harbor Bridge and the Corpus Christi Metropolitan Planning Organization's commitment to provide certain project funding.

**Mayor Martinez referred to Item No. 34. Dan Biles, Director of Engineering stated that this item is to support funding for the replacement of the Harbor Bridge. Mayor Martinez called for comments from the public and there were none.**

**The foregoing resolution was passed and approved with the following vote:**

**Aye:** 8 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Absent:** 1 - Council Member Loeb

**Abstained:** 0

Enactment No: 029867

**35. Installation of LED Street Lights on Chaparral between William and Schatzell (Bond Issue 2008)**

Motion authorizing the City Manager or designee to execute a Contribution-In-Aid-of-Construction Agreement with AEP in the amount of \$51,032.14 for the installation of LED Street Lights on Chaparral Street between William and Schatzell .(Bond 2008)

**Mayor Martinez referred to Item No. 35. Dan Biles, Director of Engineering stated that this item is to approve an agreement with AEP to install LED street lights on Chaparral Street between William and Schatzell. Mayor Martinez asked for comments from the public and there were none.**

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 8 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Absent:** 1 - Council Member Loeb

**Abstained:** 0

Enactment No: M2013-101

**36. Engineering design contract for the Oso Water Reclamation Plant nutrient removal and re-rate to 24 million gallons daily - Phase 2 (Final)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with LNV, Inc. of Corpus Christi, Texas in the amount of \$9,998,629.00, for the Oso Water Reclamation Plant Nutrient Removal and Re-rate to 24 MGD - Phase 2 (Final) for design, bid, and construction phase services.

**Mayor Martinez referred to Item No. 36. Dan Biles, Director of Engineering stated that this item is to authorize the design contract related to Phase 2 facility improvements for the Oso Water Reclamation Plan Nutrient Removal. Mayor Martinez asked for comments from the public and there were none.**

**The foregoing motion was passed and approved with the following vote:**

**Aye:** 7 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 2 - Council Member Loeb and Council Member Riojas

**Abstained:** 0

Enactment No: M2013-102

**O. FIRST READING ORDINANCES: (ITEMS 37 - 40)**

**37. First Reading Ordinance - Approving the Annual Audit Plan**

Ordinance to approve the Annual Audit Plan for FY 2013-2014

**The foregoing ordinance was passed and approved on first reading with the following vote:**

**Aye:** 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**39. First Reading Ordinance - Appropriating funds to reimburse John C. and Cheryl L. Hooper for the wastewater development fees paid in 2003**

Ordinance appropriating \$5,495.10 from the No. 4220 Wastewater Trunk System Trust Fund to refund John C. and Cheryl L. Hooper wastewater lot/acreage fees previously paid for Lot 7, Block 4, Oak Terrace Unit 2 and authorizing the City Manager or designee to issue payment.

**The foregoing ordinance was passed and approved on first reading with the following vote:**

**Aye:** 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**40. First Reading Ordinance - Type A Grant for Sam Kane Beef Processors, LLC**

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Sam Kane Beef Processors, LLC ("Sam Kane") to

provide a grant of up to \$3,000,000 for the retention of jobs at their beef packing plant in the City of Corpus Christi extra territorial jurisdiction, amending the budget to allow for this funding of up to \$3,000,000 from the Unreserved Fund balance in the No. 1140 Business/Job Development Fund and appropriating up to \$3,000,000 to the Unreserved Fund Balance in the No. 1140 Business/Job Development Fund.

**Mayor Martinez referred to Item No. 40. Emily Martinez, Economic Development Corporation stated that this is approving a grant of \$3,000,000 over five years for Sam Kane Beef Processors for the retention of 739 jobs and creation of 100 job at their facility located in Corpus Christi. Mayor Martinez asked for comments from the public and there were none. A motion was made by Council Member Loeb, to include the approval of the Project Service Agreement, seconded by Council Member McIntyre and passed.**

The foregoing ordinance was passed and approved on first reading with the following vote:

**Aye:** 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**P. FUTURE AGENDA ITEMS: (ITEMS 41 - 45)**

**Mayor Martinez referred to the Future Agenda, Items 41 through 45 and stated that these items are for informational purposes only and that no action or public comment would be taken. There was no requested presentation on the items.**

**41. Purchase and Installation of Security Equipment**

Motion approving the purchase and installation of sixteen (16) CCTV cameras and an access control system from MCS Fire & Security, Corpus Christi, Texas in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$76,634.81. Funds have been budgeted by the Aviation Department in FY 2012- 2013.

**This Motion was recommended by staff to the Consent Agenda.**

**42. Application for a Hazardous Materials Emergency Preparedness Planning Grant**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2014 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability

assessment to increase effectiveness in safely and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

**This Resolution was recommended by staff to the Consent Agenda.**

**43. Engineering Design Contract - for emissions and odor control improvements at the Greenwood Wastewater Treatment Plant**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Coym, Rehmert & Gutierrez Engineering, L.P. of Corpus Christi, Texas in the amount of \$85,954.00, for the Greenwood Wastewater Treatment Plant Emissions and Odor Control Improvements.

**This Motion was recommended by Staff to the Consent Agenda.**

**44. Agreement with Texas Department of Transportation (TXDOT) to contribute Right of Way funds for highway improvements on FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard**

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard, with the City's participation in the amount of \$5,500.

**This Resolution was recommended by Staff to the Consent Agenda.**

**45. Agreement with Texas Department of Transportation (TXDOT) to contribute Right Of Way funds for highway improvements on FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway**

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway, with the City's participation in the amount of \$67,000.

**This Resolution was recommended by Staff to the Consent Agenda.**

**Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 46 - 47)****46. City Council Policy regarding Board Recommendations**

Mayor Martinez referred to Item No. 46, City Council Policy regarding Board Recommendations. Mr. Armando Chapa, City Secretary stated that the policy of requesting recommendations for City boards, commissions and committee appointments has been in existence since March 1988. Mr. Chapa provided and referred to a listing of the City's boards with Advisory Authority Only and City Boards with Limited or Final Authority.

Council Member Loeb made a motion to only seek board recommendation for appointment from the following committees: City Council's Youth Advisory Committee, Commission on Children & Youth, Committee for Persons with Disabilities, Food Service Advisory Committee, Leadership Committee for Senior Services, Oil & Gas Advisory Committee, Retired and Senior Volunteer Program Advisory Committee, Senior Companion Program Advisory Committee, and Tree Advisory Committee, seconded by Council Member Scott and passed. Council Member Magill requested that the address information for individuals being considered for appointment be included in the board packet.

**47. Phased Evacuation Procedures in the Event of a Hurricane**

Mayor Martinez referred to Item No. 47, Evacuation Procedures in the Event of a Hurricane. Billy Delgado, Emergency Management Coordinator provided an overview of the Phased Evacuation Procedures. He discussed the evacuation trigger points, the clearance times for different scenarios, inundation through the city, and the evacuation surge. Mr. Delgado then discussed the evacuation zones for Zone A - Port Aransas and Padre Island; Zone B - Flour Bluff, North Beach, Texas A&M University - CC and portions of the Port; Zone C - South Side and Port; Zone D - Midtown; and Zone E - all others and Western County. He then discussed the evacuation planning timeline, RTA Collection Points, bus boarding, and registration of citizens using the Texas Evacuation Tracking Network.

**R. ADJOURNMENT**

There being no further business to come before the council, Mayor Martinez declared the meeting adjourned at 4:05 pm.