



## **MINUTES**

City of Corpus Christi, Texas  
Regular Council Meeting  
April 17, 2012 - 12:00 p.m.

### **Present:**

Mayor Joe Adame

### **Council Members:**

Chris Adler  
Kelley Allen  
Larry Elizondo  
David Loeb  
Priscilla Leal  
Nelda Martinez  
Mark Scott

### **City Staff:**

Assistant City Manager Oscar Martinez  
City Attorney Carlos Valdez  
City Secretary Armando Chapa

### **ABSENT**

John Marez

Mayor Adame called the meeting to order in the Council Chambers of City Hall. The invocation was delivered by Chuck Goodwin, Fish for Life Ministries and the Pledge of Allegiance to the United States Flag was led by Council Member David Loeb.

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

Mayor Adame called for approval of the minutes of the Workshop and Regular Council meetings of April 10, 2012. A motion was made and passed to approve the minutes as presented.

## **CONSENT AGENDA**

Mayor Adame called for consideration of the Consent Agenda (Items 2 - 11). Item No. 11 was pulled for individual consideration. There were no comments from the audience on the remaining items. City Secretary Chapa polled the Council for their votes as follows:

### **2. MOTION NO. 2012-072**

Motion approving a supply agreement with Baker & Taylor, Inc., of Charlotte, North Carolina for library books and recordings, based on lowest responsible bid in accordance with Bid Invitation No. BI-0074-12 for a total estimated annual expenditure of \$216,360 of which \$54,090 is required for the remainder of FY2011-2012. The term of the agreement shall be for twelve months with options to extend for up to four additional twelve month periods, subject to the approval of the suppliers and the City Manager or designee. Funds have been budgeted by the Corpus Christi Public Libraries in FY2011-2012.

The foregoing motion was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

3. MOTION NO. 2012-073

Motion approving the purchase of seven (7) Ford Fusions from Philpott Motors, of Nederland, Texas for a total amount of \$131,721.75. The award is based on the Cooperative Purchasing Agreement with the Texas Local Government Cooperative. These units are replacements to the fleet and will be used by the Police Department. Funds are available in FY2011-2012 Capital Outlay Budget of the Maintenance Service Fund.

The foregoing motion was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

4. MOTION NO. 2012-074

Motion authorizing the purchase of specialized equipment for a total amount of \$118,223.01 utilizing funds from the Department of Homeland Security FEMA under the 2010 Port Security Grant Program (PSGP) and the Law Enforcement Trust Fund to purchase law enforcement equipment for the Police Department. Funds are available in the Police Grant Fund 1061.

The foregoing motion was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

5.a. MOTION NO. 2012-075

Motion authorizing the City Manager or designee to accept a grant in the amount of \$165,840 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.

The foregoing motion was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

5.b. ORDINANCE NO. 029444

Ordinance appropriating \$165,840 in the No. 1061 Police Grants fund 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.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

6. RESOLUTION NO. 029445

Resolution authorizing the City Manager or designee to submit a grant application to Texas Department of Agriculture for a Summer Food Program Grant in the amount of \$250,000 to operate a Summer Food Service Program for summer recreation program participants ages one to eighteen years.

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

7.a. RESOLUTION NO. 029446

Resolution authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$191,120 from the Texas Department of Agriculture for the Latchkey After School Snack Program.

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

7.b. ORDINANCE NO. 029447

Ordinance appropriating a grant in the amount of \$191,120 from the Texas Department of Agriculture in the No. 1067 Parks and Recreation Grants Fund for the Latchkey After School Snack Program.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

8. ORDINANCE NO. 029448

Ordinance authorizing the City Manager or designee to execute a three-year lease agreement with Gulf Coast Gem and Mineral Society for the use of a building at 3933 Timon.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

9. RESOLUTION NO. 029449

Resolution authorizing the City Manager or designee to sign and submit documentation of Eminent Domain Authority to the Texas Comptroller of Public Accounts detailing the City's legal authority to exercise its power of eminent domain, as required by Chapter 2206, Subchapter C, Texas Government Code (added by Senate Bill 18, 82<sup>nd</sup> Regular Session).

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

10.a. RESOLUTION NO. 029450

Resolution authorizing the City Manager or designee to accept a FY2012-2013 Biennium Rider 8 Grant from the Texas Commission on Environmental Quality (TCEQ) in the amount of \$442,300.00 for Air Quality Planning; authorizing the City Manager or designee to execute Amendment No. 1 to the Interlocal Cooperation Agreement with North Texas University in the amount of \$70,000.00 to extend the term of the Agreement through August 31, 2012 for Air Quality Monitoring and Modeling; authorizing the City Manager or designee

to execute Amendment No. 1 to the Interlocal Cooperation Agreement with Texas A & M University in the amount of \$70,000.00 to extend the term of the Agreement through August 31, 2012 for the Pollution Partnership Alliance (Air Quality).

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

10.b. ORDINANCE NO. 029451

Ordinance appropriating \$442,300 from the Texas Commission on Environmental Quality (TCEQ) in the No. 1071 Community Enrichment Grants Fund for air quality planning activities.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

The following item(s) was pulled for individual consideration and was voted on separately. Mayor Adame asked for comments from the audience and the following individuals spoke: Allen Lizakowski, Bryan Johnson, and Shannon Gulley. After discussion, the council postponed this item for later in the meeting.

11. POSTPONED

~~Amending Ordinance No. 028064 with regard to the condition noted at SECTION 2.a., by replacing former Exhibit B with the current Exhibit B, pages 1 through 3, and by deleting the last sentence. (First Reading 4/10/12)~~

Assistant City Manager Martinez announced later in the meeting that staff is still working on resolving issues related to this item and would not be ready for action for today's meeting. Council Member Loeb made a motion to postpone for one week, seconded by Council Member Martinez and passed; Scott voting "No"; Marez was absent.

**EXECUTIVE SESSIONS**

Mayor Adame announced the executive sessions which were listed on the agenda as follows:

- Executive session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the City wastewater treatment plants, with possible discussion and action in open session.
- Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding Cause No. 2011-DCV-1103-C, styled J.D. Maldonado, Gabriel Vega, Timothy Wells, et al v. City of Corpus Christi, presently pending in the 94<sup>th</sup> District Court of Nueces County, Texas, with possible discussion and action in open session.
- Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from a

business prospect that the City Council seeks to have locate, stay or expand within the City 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 went into executive session. The council returned from executive session. Mayor Adame announced that no action would be taken on the executive sessions.

Mayor Adame deviated from the agenda and referred to Item No. 17. Public hearing regarding the City of Corpus Christi's proposed FY 2012-2013 Consolidated Annual Action Plan (CAAP) for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnerships (HOME) Programs.

Eddie Ortega, Director of Neighborhood Services provided an overview of the process and background of the programs. He stated that the funding allocation amount for Community Development Block Grant (CDBG) is \$2,592,315, an 11% reduction from last year; Emergency Solutions Grant (ESG) is \$264,533, a 78% increase from last year; and HOME Investment Partnership Program (HOME) is \$1,030,675, 38% reduction from last year. Mayor Adame stated that each program be handled separately, beginning with CDBG, followed by ESG and HOME program. A motion was made by Council Member Martinez and seconded by Council Member Elizondo to open the public hearing on the three programs. The following individuals spoke regarding the CDBG allocation: Bob Beanland spoke in support of funding Del Mar College Business Resource Center; Abel Alonzo, spoke in support of funding Mental Health Mental Retardation Center of Nueces County; Hope Malkan, spoke in support of funding Small Business Center; Jimmie McCurn spoke in support of funding for the Mary McLeod Bethune Day Nursery; Brian Devaney spoke in support of funding for Miracle League; Gary Kemp, spoke in support of funding Del Mar College Business Resource Center; Anita Stackhouse, spoke in support of funding Del Mar College Business Resource Center; Eddie Herrera spoke in support of funding Amistad Community Health Center; Amy Grandberry, Charlie's Place spoke in support of the process.

Mayor Adame asked for comments from the public on the ESG program. There were no comments. Mayor Adame asked for comments from the public on the HOME program. There were no comments. A motion was made by Council Member Loeb, seconded by Council Member Scott to close the public hearing and passed.

## **REGULAR AGENDA**

Mayor Adame referred to Item No. 2. Dan Biles, Interim Director of Engineering stated that this item includes two resolutions for the Flour Bluff Street Assessments and authorizes the construction of a Sound Wall. Mayor Adame asked for comments from the audience. There were no comments. City Secretary Chapa polled the council for their votes as follows:

### **12.a. RESOLUTION NO. 029452**

Resolution determining the necessity for and ordering the following highway improvement in Corpus Christi, Nueces County, Texas, in connection with the Flour Bluff Street Improvements: construction of a sound wall structure on public right of way at the corner of Flour Bluff Drive and Cornerstone Drive; specifying that this improvement will be paid for partly by the City and partly by assessments; and directing the City's Director of

Engineering Services to file a notice of the proposed assessment with the Nueces County Clerk.

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

12.b. RESOLUTION NO. 029453

Resolution approving plans and specifications for improvement to the following highway in Corpus Christi, Nueces County, Texas: Flour Bluff Drive and Cornerstone Drive; approving the Director of Engineering Services' Project Construction Cost Estimate including an estimate of the portion of costs to be paid by the City and the portion to be paid by assessments; setting a public hearing on the proposed assessment to occur during the April 24, 2012 City Council Meeting; directing the City Secretary to arrange to publish notice of this public hearing; and ordering the Director of Engineering Services to provide written notice of the public hearing to property owners.

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

Mayor Adame referred to Item No. 13. Eddie Ortega, Director of Neighborhood Services stated that this item is acknowledging CDG Housing Corpus Christi application for Texas Department of Housing and Community Affairs; HOME Investment Partnership Program as part of their local match required in their tax credit application for the proposed multi-family projects for the Villas at Woodbend. He added that the project will consist of 156 residential units. Mayor Adame asked for comments from the audience. There were no comments. City Secretary Chapa polled the council for their votes as follows:

13. RESOLUTION NO. 029454

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed construction of The Villas at Woodbend, approving an application for 9% housing tax credits and Home Investment Partnership Program Funds to finance such project; and providing an effective date.

The foregoing resolution was passed and approved with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

**FIRST READING ORDINANCES**

Mayor Adame referred to Item No. 14. Troy Riggs, Assistant City Manager stated that this item relates to the funding of an additional Assistant Police Chief. Mayor Adame asked for comments from the audience. Abel Alonzo spoke in support of this item. City Secretary Chapa polled the council for their votes as follows:

14. FIRST READING ORDINANCE

Changing the FY2011-2012 Operating Budget adopted by Ordinance No. 029155, regarding the number of police officer positions budgeted, reducing the number of Police

Commanders from five to four, and increasing the number of Assistant Police Chiefs from two to three; and providing an effective date.

The foregoing ordinance was passed and approved on first reading with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

Mayor Adame referred to Item No. 15, Dan Biles, Interim Director of Engineering stated that this item is a two part item, amending the CIP budget and appropriating funds for repairs to the American Bank Center loading dock. Mayor Adame asked for comments from the audience. There were no comments. City Secretary Chapa polled the council for their votes as follows:

15.a. FIRST READING ORDINANCE

Approving and appropriating the transfer of \$75,000 from No. 1130 Arena Facility Fund to and appropriating in the No. 3274 Arena Type A Capital Improvement Project (CIP) Fund for the preliminary investigation of the American Bank Center loading dock; amending the FY2011-2012 Operating Budget, adopted by Ordinance No. 029155 by increasing expenditures by \$75,000.

The foregoing ordinance was passed and approved on first reading with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

15.b. FIRST READING ORDINANCE

Amending the FY2012 Capital Improvement Budget adopted by Ordinance No. 029135 to add Project No. E12016 American Bank Center loading dock; increasing expenditures in the amount of \$75,000.

The foregoing ordinance was passed and approved on first reading with the following vote: Adame, Adler, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Marez was absent.

**PUBLIC HEARINGS**

Mayor Adame referred to Item No. 16. A motion was made and passed to open the following public hearing.

Case No. 0212-05: Juan G. Romero: The applicant is requesting a change of zoning from the "FR" Farm-Rural District to a "RS-6" Single-Family 6 District, not resulting in a change of the future land use. The property to be rezoned is a 0.213 acre out of the southwest 3 acres out of Lot 27, Section 26, Flour Bluff & Encinal Farm and Garden Tract, located east of Rodd Field Road (County Road 9) and north of Slough Road (County Road 26).

Anika Gunning, Development Services stated that this zoning case was presented during the future agenda. Ms. Gunning stated that the Planning Commission and Staff recommend approval of the rezoning to the "RS-6" Single-Family 6 District. Mayor Adame asked for comments from the audience. There were no comments. Council Member Elizondo made a motion to close

the public hearing, seconded by Council Member Scott. City Secretary Chapa polled the council for their vote as follows:

16. ORDINANCE NO. 029455

Amending the Unified Development Code (UDC) upon application by Juan G. Romero, Owner, by changing the UDC zoning map in reference to 0.213 acre out of the southwest 3 acres out of Lot 27, Section 26, Flour Bluff and Encinal Farm and Garden Tract, from the "FR" Farm-Rural District to the "RS-6" Single-Family 6 District, amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; and providing for publication.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote: Adame, Allen, Elizondo, Leal, Loeb, Martinez and Scott, voting "Aye"; Adler and Marez were absent.

**FUTURE AGENDA ITEMS**

Mayor Adame referred to the Future Agenda Item section on the agenda (Items 18 - 26). Mayor Adame stated that these items are for informational purposes only and that no action or public comment will be taken at this time. Staff provided a presentation on Item Numbers 21 through 26.

18. Motion approving the lease purchase of five (5) dump trucks from Rush Truck Centers of Texas LP, of Houston, Texas for a total amount of \$897,500 of which \$65,085.77 is required for the remainder of FY2011-2012. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). All units are replacements to the fleet and will be used by the Wastewater Department. Financing for the lease purchase of the vehicles will be provided through the City's lease/purchase financing program.
19. Motion approving the purchase of one (1) Series III tractor/loader/backhoe from Nueces Power Equipment, of Corpus Christi, Texas for a total amount of \$67,140.85. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The equipment will be used by the Gas Department. Funds are available in FY2011-2012 Capital Outlay Budget of the Maintenance Service Fund.
20. Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$681,248 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 12 with a City cash match of \$503,003, in-kind match of \$14,019 and program income match of \$8,541 for a total project cost of \$1,206,811 and authorizing the City Manager or designee to apply for, accept, reject, alter or terminate the grant.
21. Motion authorizing the City Manager or designee to execute a construction contract with Associated Construction Partners, of Boerne, Texas in the amount of \$381,190 for O.N. Stevens Water Treatment Plant Caustic Feed and East Program Logic Control (PLC) Upgrades.



22. Motion authorizing the City Manager or designee to execute a construction contract with H2O Construction Services, Inc., of Corpus Christi, Texas in the amount of \$403,272 for the Corpus Christi Beach Promenade Northward Extension for the Base Bid.
23. Motion approving a two-year subscription agreement for the Envista Project Coordination software from Envista Corporation, of Beverly, Massachusetts, based on sole source for the total amount of \$96,000, to be used by the Utility Departments for the web-based infrastructure project coordination. Monies are available in the Water and Wastewater Department Operating Budgets for FY2012.
24. Motion approving the Sanitary Sewer Collection Line Extension Construction and Reimbursement Agreement submitted by Mostaghasi Enterprises, Inc., owner and developer of Ranch Lake Unit 2, located south of Yorktown Boulevard between the Schanen Ditch and Lake Superior Drive, for the extension of an 8-inch collection line, including all related appurtenances.
25. Case No. 0311-02: The NRP Group: The applicant is requesting that Zoning Ordinance 029044 be amended by adding a twenty-four (24) month time extension for a previously granted Special Permit.
- 26.a. Public Hearing on Proposed Assessments for Improvements (Construction of a Sound Wall Structure on Public Right-of-Way) on Flour Bluff Drive.
- 26.b. Ordinance closing the public hearing on proposed assessments for improvements to the following highway in Corpus Christi, Nueces County, Texas: Flour Bluff Street Improvements: construction of a sound wall structure on public right-of-way at the corner of Flour Bluff Drive and Cornerstone Drive; imposing assessments totaling \$23,509.68 against property abutting the improvements; fixing corresponding liens on property and charges against property owners; providing for subsequent adjustment of assessment amounts and the corresponding liens and charges based on as-built conditions; specifying assessment payment terms and lien enforcement measures.

#### **PUBLIC COMMENT**

Mayor Adame called for comments from the audience. Abel Alonzo, spoke about the computer technology and viewing of city council meetings on the internet.

There being no further business to come before the Council, Mayor Adame adjourned the Council meeting at 3:40 p.m. on April 17, 2012.