



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, July 16, 2013

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 at 11:30 a.m.

B. Invocation to be given by Pastor Scott Higginbotham, Lexington Baptist Church.

Invocation was given by Pastor Higginbotham.

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

The Pledge of Allegiance was given by Assistant City Secretary Rebecca Huerta.

D. City Secretary Armando Chapa to call the roll of the required Charter Officers.

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 July 16, 2013 as "ADA Awareness Day" Swearing-in Ceremony of Newly Appointed Board, Commission, and Committee Members

Mayor Martinez presented the proclamations. Additionally, Mayor Martinez designated Ms. Alyssa Beaupre as a Goodwill Ambassador for representation of Corpus Christi in the America's Youth on Parade at Notre Dame University on July 23-27, 2013.

I. MINUTES: (NONE)

J. BOARDS & COMMITTEE APPOINTMENTS:**L. CONSENT AGENDA: (ITEMS 7 - 24)**

Mayor Martinez referred to the Consent Agenda. Item No. 24 was withdrawn by staff. Council Member Scott abstained on Consent Agenda Items 10 and 11. There were no comments from the Council or the public. The items were approved by one vote as follows:

7. Engineering Construction Contract for the O.N. Stevens Water Treatment Plant - Water Utilities Lab HVAC Rehabilitation

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Scott Air Conditioning & Heating Co. of Corpus Christi, Texas in the amount of \$68,470.00, for the O.N. Stevens Water Treatment Plant HVAC Rehabilitation.

his 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: M2013-107

8. Resolution in support of AEP Texas Central Company's LED Pilot Program

Resolution supporting AEP Texas Central Company's (AEP) "LED Pilot Program" to provide LED Street Lighting Service on Chaparral Street and other mutually agreed to locations within the City of Corpus Christi; and supporting any amendments to AEP's Tariff necessary to make the service available.

This 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: 029885

9. Change Order No. 5 for Corpus Christi International Airport Runway 17 - 35 Extension/Displacement and Connecting Taxiway Project

Motion authorizing the City Manager, or designee, to execute Change Order No. 5 to the Construction Contract with Bay, Ltd. of Corpus

Christi, Texas in the amount of \$718,655.07 for a total restated fee not to exceed \$13,728,905.59, for the Corpus Christi International Airport (CCIA) Runway 17-35 Extension/ Displacement and Connecting Taxiway Project.

This 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: M2013-108

10. Agreement for temporary tax abatement for Kinney Hotel Partners LTD

Resolution authorizing the execution of an agreement with Kinney Hotel Partners LTD providing for temporary property tax abatement.

This Resolution was passed and approved with the following vote:

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

Abstained: 1 - Council Member Scott

Enactment No: 029886

11. Chapter 380 Agreement for Kinney Hotel Partners LTD for waiver of Development fees

Resolution authorizing the City Manager or designee to execute a Chapter 380 Economic Development Incentive Agreement with Kinney Hotel Partners LTD ("Agreement") to waive City Development Fees for development of a boutique hotel within the City's Downtown Catalyst Area, for the benefit of the City.

This Resolution was passed and approved with the following vote:

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

Abstained: 1 - Council Member Scott

Enactment No: 029887

12. Amending Council Policy regarding Board Recommendations

Resolution amending City Council policies for City board, committee, and commission appointment recommendations.

This 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: 029888

13. Second Reading Ordinance - Rezoning from the "CG-2" General Commercial District and the "IH" Heavy Industrial District to the "IL" Light Industrial District, on property located at 1515 North Tanchua Street (1st Reading 7/9/13)

Case No. 0413-03 Avalon Corpus Christi Transitional Center, LLC: A change of zoning from the "CG-2" General Commercial District and the "IH" Heavy Industrial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from commercial to light industrial. The property to be rezoned is described as being a tract of land comprised of Lots 1 - 6, Block 58, Beach Portion of the City of Corpus Christi, a portion of Fitzgerald Street closed by Ordinance No. 024009, and the northmost 10 feet of Lot 16, Block 48, Beach Portion, located on the southwest corner of North Tanchua Street and Resaca Street.

Planning Commission and Staff Recommendation (May 22, 2013): Denial of the change of zoning from the "CG-2" General Commercial District and the "IH" Heavy Industrial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit, subject to two conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Avalon Corpus Christi Transitional Center, LLC, acting as agent on behalf of Darla-I, Ltd., owner of Lots 1-6, Block 58, Beach Portion of the City of Corpus Christi, and MyrtleSon, Ltd., owner of a portion of Fitzgerald Street closed by Ordinance No. 024009, and the northmost 10 feet of Lot 16, Block 48, Beach Portion, by changing the UDC Zoning Map from the "CG-2" General Commercial District and "IH" Heavy Industrial District to the "CG-2/SP" General Commercial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

The foregoing ordinance was passed 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: 029889

14. Second Reading Ordinance - Rezoning from Single-Family to Two-Family for Sababa Holdings, LLC., on property located at 1213 Central Street (1st Reading 7/9/13)

Case No. 0513-02 Sababa Holdings, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lot 17, Block 4, Flour Bluff Center, located on the east side of Central Street, between South Padre Island Drive (SH 358) and O'Neill Street.

Planning Commission and Staff Recommendation (May 22, 2013): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Sababa Holdings, LLC, acting as agent on behalf of RZ Texas Properties, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 17, Block 4, Flour Bluff Center, from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family 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 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: 029890

15. Second Reading Ordinance - Rezoning from Farm Rural to Residential Estate for Solomon and Lisa De La Fuente, on property located at 7850 Starry Road (1st Reading 7/9/13)

Case No. 0513-03 Solomon and Lisa De La Fuente: A change of zoning from the "FR" Farm Rural District to the "RE" Residential Estate District, resulting in a change to the Future Land Use Plan from park to estate residential. The property to be rezoned is described as being a 3.86-acre tract of land out of Lot 15, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, located on the northeast corner of Starry Road and Starry Circle, approximately one-half mile south of Yorktown Boulevard.

Planning Commission and Staff Recommendation (May 22, 2013):

Approval of the change of zoning from the "FR" Farm Rural District to the "RE" Residential Estate District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Solomon De La Fuente and Lisa De La Fuente ("Owners"), by changing the UDC Zoning Map in reference to a 3.86-acre tract of land out of Lot 15, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RE" Residential Estate 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 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: 029891

16.

Second Reading Ordinance - Rezoning from Office to Single-Family by City of Corpus Christi for properties in Jackson Woods Subdivision, on properties located at 10609-10621 Gettysburg Street and 10618-10630 Potomac Street (1st Reading 7/9/13)

Case No. 0613-03 City of Corpus Christi: A change of zoning from the "ON" Office District to the "RS-6" Single-Family 6 District, resulting in a change to the Future Land Use Plan from park to low density residential. The property is described as Lots 13-16 and Lots 18-21, Block G, Jackson Woods Subdivision Unit 1, located on Gettysburg Street and Potomac Street, east of Peachtree Street.

Planning Commission and Staff Recommendation (June 19, 2013):

Approval of the change of zoning from the "ON" Office District to the "RS-6" Single-Family 6 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon initiation by the City of Corpus Christi, by changing the UDC Zoning Map in reference to Lots 13-16 and Lots 18-21, Block G, Jackson Woods Subdivision Unit 1, from the "ON" Office District (formerly AB Professional Office 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 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: 029892

17. Second Reading Ordinance - Closing a portion of Laurelas Drive out of the Rancho Vista Subdivision Unit 3 (1st Reading 7/9/13)

Ordinance abandoning and vacating an undeveloped and unsurfaced 521.50 square-foot portion of the Laurelas Drive public street right-of-way out of Rancho Vista Subdivision Unit 3 and requiring the owners, Yorktown Oso Joint Venture and American Bank, to comply with specified conditions.

This ordinance was passed on second reading 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: 029893

18. Second Reading Ordinance - Waterline easement dedication for constructing a potable waterline to education facility (1st Reading 7/9/13)

Ordinance authorizing the City Manager or designee to execute a Waterline Easement to dedicate and grant to the Coastal Bend Bays and Estuaries Program (CBBEP) a fifteen (15) foot wide easement across a 8.646-acre City-owned tract of land to construct a potable waterline across city property for purposes of supplying potable water to the CBBEP's education facility, located on CBBEP-owned land.

This Ordinance was passed on second reading 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: 029894

19. Second Reading Ordinance - Appropriating fund proceeds from interest and other revenues into the City's Capital Improvement

Program Funds (1st Reading 7/9/13)

Ordinance appropriating \$15,697.59 in AIRPORT CIP interest earnings in the funds as listed in Attachment 1, Section 1 for the City's match for future FAA Grant Projects; Changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase expenditures by \$15,697.59; appropriating \$131,046.95 in BOND PROCEED interest earnings for Bayfront, Public Health and Safety, Fire, Police, Sanitary Landfill, Library, Convention Center, Parks, and Streets in the funds as listed in Attachment 1, Section 2 for the stated bond projects not yet complete, similar projects to be approved by City Council or the payment of debt service; Changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase expenditures by \$131,046.95; appropriating \$87,780.05 in UTILITY REVENUE BOND interest earnings as listed in Attachment 1, Section 3 for the support of the City's approved Capital Improvement Program; Changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase expenditures by \$87,780.05; appropriating \$17,720.72 in SPECIALTY BOND PROCEED interest earnings, reimbursement from the Regional Transportation Authority, Sales Tax Bonds for the Seawall and Arena, Packery Channel Bonds, Energy Efficiency Bonds and Generic Capital Improvement Funds as listed in Attachment 1, Section 4 for the stated bond projects not yet complete, the support of the City's approved Capital Improvement Program, specific military supported projects and as determined by the Type A Board; Changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase expenditures by \$17,720.72; and appropriating \$100,666.05 in STREET ASSESSMENTS as listed in Attachment 1, Section 5 for partial payment of the Billings Clem Marina construction improvements as approved by City Council on May 28, 2013 and repayment of approved assessment projects; Changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase expenditures by \$100,666.05.

This Ordinance was passed on second reading 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: 029895

20.

Second Reading Ordinance - Approving reimbursement agreement and appropriating funds to reimburse developer for the construction of a collection line located along the south side of State Highway 44; east of Heinsohn Road and west of North Padre Island Drive (1st Reading 7/9/13)

Ordinance authorizing execution of a sanitary sewer collection line extension construction and reimbursement agreement ("Agreement") with 5961 HWY 44, LLC ("Developer"), for the construction of a sanitary sewer collection line and appropriating \$18,710.61 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

This Ordinance was passed on second reading 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: 029896

21.

Second Reading Ordinance - Appropriating funds to reimburse the developer for the construction of a sanitary sewer collection line located on State Highway 44, west of Bockholt Road and east of Clarkwood Road (1st Reading 7/9/13)

Ordinance appropriating \$191,607.92 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse N. M. Edificios, LLC, ("Developer") for the construction of the sanitary sewer collection line improvements in accordance with the approved reimbursement agreement executed with the Developer.

This ordinance was passed on second reading 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: 029897

22.

Second Reading Ordinance - Approving reimbursement agreement and appropriating funds to reimburse developer for the construction of a collection line located east of South Navigation Boulevard and south of Bates Drive (1st Reading 7/9/13)

Ordinance authorizing execution of a wastewater collection line extension and reimbursement agreement ("Agreement") with Thomas S. Davis ("Developer"), for the construction of a wastewater collection line and appropriating \$11,782.50 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse Developer in accordance with

Agreement.

This Ordinance was passed on second reading 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: 029898

23. Second Reading Ordinance - Authorize a lease and concession agreement with Tailwind CRP, LLC for operation of food and beverage concession at Corpus Christi International Airport and termination of existing lease with Game Time (1st Reading 7/9/13)

Ordinance authorizing the City Manager, or designee, to terminate the Lease Agreement between the City of Corpus Christi and Amarillo Sports Services, Inc. dba Game Time Food and Beverage Services, Inc. ("Game Time") and execute an Airport Facilities Lease and Concession Agreement ("Lease") with Tailwind CRP, LLC ("Tailwind") for the operation of a food and beverage concession at the Corpus Christi International Airport ("Airport"), in consideration of the greater of an annual minimum rental fee or a sum equal to twelve percent (12%) of all food, sundries and non-alcoholic beverages gross revenues and sixteen percent (16%) of all alcoholic beverages gross revenues, for a term of five (5) years.

This Ordinance was passed on second reading 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: 029899

24. Second Reading Ordinance - Amending the lease agreement with the Columbus Sailing Association regarding the Nina (1st Reading 7/9/13)

Ordinance authorizing the City Manager or designee to execute an amendment to the Lease Agreement with the Columbus Sailing Association ("CSA") for the lease of the Columbus ship, Niña; appropriating \$8,800 of revenue in the No. 1020 General Fund from the sale of lead ballast from the Santa Maria for payment to CSA for the cost associated with the repair and restoration of the Niña; changing the FY 2012-2013 operating budget adopted by Ordinance No. 029565 by increasing revenues and expenditures by \$8,800 each;

providing an effective date; and providing for publication.

This Ordinance was withdrawn by staff.

Enactment No:

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (ITEMS 25 - 26)

25. Second Reading Ordinance - Approving and adopting an appeals process for the Street Maintenance Fee (1st Reading 7/9/13) (Related Items 25 - 26)

Ordinance adopting the Appeals Process for the Street Maintenance Fee attached as Exhibit "A" (Appeals Process); authorizing the City Manager to establish rules and procedures related to the Appeals Process; and authorizing the City Manager to take actions necessary to effectuate its purposes.

Mayor Martinez referred to Item 25. Assistant City Manager Oscar Martinez stated that this was the second reading of the ordinance to establish a general appeals process for the Street Maintenance Fee. Mayor Martinez asked for public comment on the item, and there was none. Council members asked questions regarding exemptions for persons with disabilities; and building a notification process regarding the appeals process for customers. 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: 029900

26. Second Reading Ordinance - Amending the Code of Ordinances to establish a Street Maintenance Fee Board of Appeals (1st Reading 7/9/13)

Ordinance amending the Code of Ordinances by adding Section Division 29, to Chapter 2, to establish the Street Maintenance Fee Board of Appeals; providing for severance; and providing for publication.

Mayor Martinez referred to Item 26. Assistant City Manager Oscar Martinez stated that the purpose of the item was to establish a Street Maintenance Fee Board of Appeals. The board would consist of five members: The ACM of General Government and Operations; the Director of Water or Wastewater, the Director of Street Operations, and two citizens appointed by the City Manager. Citizens who have complaints about their Street Maintenance Fee bill will be referred to this Board by the Utility Accounts Manager in the Utilities Business

Office. The Board will evaluate and resolve citizen complaints on a case by case basis. Mayor Martinez asked for public comment on the item, and there was none. Council members asked questions regarding how the board composition could be changed if necessary. The foregoing ordinance was passed 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: 029901

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 referred to Public Comment. The following individuals spoke in favor of increasing fire department staffing in the proposed budget to fully staff the 2 new medic units: 1) Carolyn Moon, 2) Rudy DeLeon, 3) Joan Veith, 4) Tony Jimenez, 5) Kim Dees, 6) Lionel Lopez, and 7) Ray McMurray. Cheryl Martinez invited Council to attend a special event on July 19 at 6:30 p.m. in support of Rachael Ray Challenge; and she spoke against proposed budget cuts that would eliminate temporary staff in the animal control division who clean kennels and support veterinarian. Jerry Garcia questioned how the City distributed and prioritized CDBG funding in the community. Mayor Martinez outlined the guidelines of Council meeting decorum with Mr. Garcia.

H. EXECUTIVE SESSION: (ITEMS 2 - 5)

Mayor Martinez deviated from the agenda and referred to the executive sessions. The Council went into executive session.

2. Executive session pursuant to Texas Government Code, Section 551.074, Personnel Matters, to deliberate the evaluation of the City Manager with possible discussion and action in open session.

The Council returned from executive session. The Council returned from executive session. Mayor Martinez announced that no action will be taken today on Items 3 - 5. Regarding Item 2, Mayor Martinez stated that the Council had given City Manager Olson a favorable review. She said he was an exceptional city manager with good skills. She said his salary would be addressed in conjunction with general employee compensation during the budget discussion. City Manager Olson thanked the Council for their positive and constructive comments, and said he enjoyed working for the City.

3. Executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the lease of real property because deliberations in an open session would have detrimental effect on the position of the City in negotiations with a third party, with possible

discussion and action in open session.

This E-Session Item was discussed in executive session

4. Executive session pursuant to Section 551.071(1)(A) to consult with attorneys regarding contemplated litigation regarding employee benefits with possible discussion and action in open session.

This E-Session Item was discussed in executive session

5. 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

This E-Session Item was discussed in executive session

REGULAR AGENDA: (ITEMS 27)

27. **Engineering Design Contract - Amendment No. 3 for the New Broadway Wastewater Treatment Plant**

Motion authorizing the City Manager, or designee, to execute Amendment No. 3 to the Contract for Professional Services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$1,120,662.00, for the New Broadway Wastewater Treatment Plant for construction observation services.

Mayor Martinez deviated from the agenda and referred to Item 27. City Engineer Dan Biles stated that the purpose of the item was to provide Construction Observation Services for the remainder of Phase 1 and the entire duration of Phase 2 construction of the New Broadway Wastewater Treatment Plant. He said the project under construction is a new eight million gallons per day wastewater treatment plant located on land adjoining the existing plant, with a portion of the new plant built on top of existing Broadway Wastewater Plant facilities. He said the project includes renovation of the Resaca Lift Station and provides for a new effluent outfall by separate construction contract. The new plant will provide state of the art treatment, meet all State and Federal environmental requirements/permits, provide for odor control and be developed in a manner to minimize impacts within the community. Mayor Martinez asked for public comment, and there was none. Council Member Scott requested a copy of a previous Council presentation in which a lower cost estimate was given for the project. 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: M2013-109

O. FIRST READING ORDINANCES: (ITEMS 28 -34)**28. First Reading Ordinance- Accepting and appropriating Federal grant for the FY 2013 Port Security Grant Program**

Ordinance authorizing the City Manager or designee to accept a sub-grant in the amount of \$40,000 from the Department of Homeland Security, FEMA, for funding eligible under the 2012 Port Security Grant Program (PSGP) grant to purchase law enforcement equipment for the Police Department; and appropriating \$40,000 in the No. 1061 Police Grants fund from the Department of Homeland Security, FEMA, to purchase law enforcement equipment for the Police Department.

Mayor Martinez referred to Item 28. Ms. Pat Eldridge with the Police department explained that the purpose of the item was to request Council approval to accept a subgrant from the U.S. Department of Homeland Security FEMA for the FY 2013 Port Security Grant Program and appropriating funds. Ms. Eldridge stated that the funds would be used to purchase law enforcement equipment. There were no comments from the Council or the public. The foregoing ordinance passed 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

Enactment No: 029903

29. First Reading Ordinance - Appropriating funds for the Women, Infants and Children (WIC) grant amendment to increase funding

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant amendment in the amount of \$12,460 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, increasing the award amount for the Women, Infants and Children nutrition program peer counselor project by \$12,460.

Mayor Martinez referred to Item 29. Director of Health Annette Rodriguez stated that the purpose of the item was to request Council approval to accept a grant amendment allowing the Health District to educate and encourage the breastfeeding women who are eligible for the program. She said the City would partner with the Bay Area Hospital Women's Health Services to encourage and provide initial breastfeeding opportunities soon after deliveries. There were no comments from the Council or the public. 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

Enactment No: 029904

30. First Reading Ordinance - Appropriating Funds and approving the lease purchase for vehicles for daily operational use

Ordinance appropriating \$115,000 from the Fleet Maintenance Services Reserve for Future Fleet Replacement Fund No. 5110 into the Capital Outlay Budget of the Maintenance Services Fund No. 5110 for the purchase of vehicles to be used by Development Services; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 by increasing appropriations by \$115,000 in the No. 5110 Maintenance Service Fund; and approving the purchase of thirty-nine (39) pickup trucks, two (2) cargo vans, six (6) heavy trucks and the lease-purchase of two (2) heavy trucks and one (1) pickup truck from AutoNation Ford, Corpus Christi, Texas, in accordance with Bid Invitation No. BI-0146-13, for the total amount of \$1,229,148.

Mayor Martinez referred to Item 30. Assistant Director of Finance Michael Barrera stated that the purpose of the item was to appropriate funding to purchase 9 vehicles for Development Services; and approving the purchase of thirty-nine (39) pickup trucks, two (2) cargo vans, six (6) heavy trucks and the lease-purchase of two (2) heavy trucks and one (1) pickup truck. He said all vehicles will be used in the day-to-day operations of the Solid Waste, Park & Recreation, Water, Gas, Wastewater, Storm Water, Neighborhood Services and the Development Services Departments. Council members asked questions regarding why the vehicles were not fitted for CNG. Director of General Services Jim Davis discussed the rationale. Mayor Martinez asked for public comment and there was none. The foregoing ordinance was passed and approved with the following vote:

Enactment No: 029905

SPECIAL BUDGET RELATED ITEMS (ITEMS 31 - 35)

31. First Reading Ordinance - Adopting the Proposed Operating Budget for FY 2013 - 2014

Ordinance adopting the City of Corpus Christi budget for the ensuing fiscal year beginning August 1, 2013; to be filed with the County Clerk; appropriating monies as provided in the budget; and providing for severance.

Mayor Martinez referred to Item 31. Assistant City Manager Margie Rose stated that the purpose of the item was to adopt the proposed operating budget on first reading. Ms. Rose referred to Attachment A, which listed a schedule of adjustments to the budget. She said that number of changes that arose during budget discussions that required amending the Proposed Budget. The proposed changes are: 1) increasing Hotel Occupancy Tax revenue by \$263,169; 2) increasing Gulf Beach maintenance by \$180,400; 3) increasing Bay Beaches maintenance by \$142,980; 4) adding Military Task Force Contribution of \$75,000; 5) eliminating the increase for Fire Health Plan - \$473,789; 6) increasing the General Fund transfer to Street Fund by \$9,540; 7) increasing

Street Fund revenues and expenditures for Street Maintenance Fee and increased General Fund transfer - \$5,711,992; 8) increasing Business and Job Development expenditure for Small Business Development – Intern Program by \$46,027; 9) reducing Golf Fund revenue by \$136,145; 10) increasing expenses for Golf Capital Reserve Fund by \$45,000; 11) increasing General Fund Reserve Appropriation by \$80,988; and 12) reducing General Fund Fire Health Insurance expenditures by \$308,508. Additionally, an increase of \$45,000 in General Fund expenditures was being proposed to fund a grants position in the Fire department. She said total revised proposed expenditures are \$769,988,137 and total revised proposed revenues are \$771,540,496 which includes an increase of \$5,827,519 in property tax revenues over the prior year.

City Manager Olson mentioned that staff may bring a budget amendment in August to fund the Strike Force 1 program, a new initiative to clean-up and otherwise improve the aesthetic appearance of the community.

Mayor Martinez asked for Council comments. Council members spoke regarding the following issues: opposed the use of City funds to maintain TxDOT roads and rights-of-way; condition of S.P.I.D. around La Palmera Mall; and mowing program for the City rights-of-way.

Assistant City Manager Rose stated that Item 45, Proposed Changes to the Compensation & Classification Plan, was related to the proposed budget and asked that it be discussed. (see Item 45 for discussion)

After discussion, Mayor Martinez called for public comment. Abel Alonzo, spoke in support of city employee compensation. The following individuals spoke in support of increasing fire department daily staffing levels from 96 to 100 to man 2 additional medic units: Lonnie Loosemore; Jim Kallas; Steve Bowers; Robert Rodriguez; Carlos Torres. Jim Devisser spoke in support of putting the ambulances in service with the current personnel levels in the Fire department.

Mayor Martinez asked for Council comments. The Council commented on the following issues: \$1.2M cost to staff the additional 16 firefighters; number of ambulance calls; response times on the Island; need for a Fire Master Plan; reported disrepair of existing ambulances; effects of temporary staffing cuts in the animal control division; request for a copy of total animal control division delineated budget; need for a fire communication plan; waiting until the fire academy graduates before bringing new ambulances online; clarifying the 2-in, 2-out policy.

Council Member Loeb made a motion to amend the proposed FY 2014 budget that are outlined in Attachment A of the agenda item; and transferring the car allowances of Council Members Loeb and McIntyre to the street maintenance fund; seconded by Council Member McIntyre. The motion carried unanimously.

Council Member Loeb made a motion to amend the proposed FY 2014 budget to include the pay equity adjustments and to provide a 2.5% salary increase for the City Manager, seconded by Council Member McIntyre. Council Member Leal asked if the motion could be amended to include \$1.1 million for additional fire department staffing. The motion failed for lack of a second. The motion carried unanimously.

The foregoing ordinance was passed on first reading as amended 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

45. Proposed changes to the Compensation & Classification Plan

Mayor Martinez deviated from the agenda and referred to Item 45 as requested by staff. Director of Human Resources Yasmine Chapman stated that the purpose of the presentation was to discuss the proposed compensation and classification plan. She said the new plan was a market-based approach consisting of 3 pay groups for non-exempt, exempt, and executive employees. It also established new pay ranges that were established to be approximately 25% above and below the market midpoint; 20 annual steps to maximum of the range, each step is a 2.5% increase; and employees progress through range with annual step increases, if their performance warrants. She said in September 2013, all employees would be brought to the closest step based on their current salary. Beginning in October 2013, she said employees will advance one step on the first pay period following their anniversary date in the position. She described the funding plan - FY 2013-14 General Fund \$738,000; annual steps in 2014 \$757,000. She discussed the next steps- including verifying classifications.

Mayor Martinez asked for Council comments. Council members spoke regarding the following issues: whether the plan was performance based; does it cost more to do the proposed pay equity plan in FY 2014 (\$1.4 million) than the initial COLA increase in the FY 2013 (\$1.1 million); how the plan will address chronically unfilled positions in the city due to low salaries; how to address salary compression issues.

32. First Reading Ordinance - Adopting the Proposed Capital Budget for FY 2013 - 2014

Ordinance approving the FY 2014 Capital Budget and Capital Improvement Planning Guide in the amount of \$294,964,300

Mayor Martinez referred to Item 32. Assistant City Manager Oscar Martinez stated that the purpose of the item was to approve the Fiscal Year 2013-2014 Capital Budget and Capital Improvement Planning Guide in the amount of \$294,964,300 on first reading. He noted that Year 2013-14 was fully funded.

Mayor Martinez asked for public comment, and there was none. Mayor Martinez asked for Council comments. The Council asked questions regarding the Council's motion directing staff to contact regulators about delaying interim treatment at the Oso Wastewater Treatment until construction is completed. Assistant City Manager Martinez said he had received a memo from the Legal department regarding the issue but he felt it was unresponsive.

He stated that he felt that there was a slim chance that the TCEQ would approve the request. Council members requested a response prior to second reading.

City Attorney Carlos Valdez stated that the City was in serious negotiations with the EPA on sanitary sewer overflow issues, and the TCEQ was part of the discussion. He said that delaying compliance with the TCEQ mandate could harm negotiations.

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

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

Nay: 3 - Council Member Loeb, Council Member Magill and Council Member McIntyre

Abstained: 0

33. First Reading Ordinance - Amending City code regarding water, gas, wastewater, and street maintenance rates and fees

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, regarding water, gas, wastewater, and street maintenance rates and fees; consolidating, codifying, and adopting clarifying amendments of Ordinance No. 029876 and Ordinance No. 029877 regarding street maintenance fees; providing for publication, providing for severance, and providing effective date.

Mayor Martinez referred to Item 33. Assistant Director of Management and Budget Eddie Houlihan stated that the purpose of the item was to amend the code of ordinances to include utility rate increases and street maintenance fee that had been previously discussed. Mayor Martinez asked for public comment, and there was none. Council members asked questions regarding the residential irrigation rate; if the rates could be changed if the TCEQ granted our request to delay interim measures on Oso Wastewater Treatment Plant.

The foregoing ordinance was passed and approved on first reading 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

Nay: 1 - Council Member Loeb

Abstained: 0

34. First Reading Ordinance - Increasing registration fees for animals not spayed or neutered

Ordinance amending section 6-27 of the Corpus Christi Code by increasing registration fees for animals not spayed or neutered; Providing an effective date; Providing for severance; and Providing for publication.

This Ordinance was withdrawn by staff.

P. FUTURE AGENDA ITEMS: (ITEMS 35 - 43)

Mayor Martinez referred to Future Agenda Items. City Manager Olson said that staff had presentations on Items 35, 42, and 43. Council members asked for a presentation on Item 40.

35. Parks and Recreation FY14 new fees and fees increasing more than 25%

Resolution adding new rental and recreational use fees for fiscal year 2013-2014 and providing for publication; effective date; and severance of the same.

This Resolution was recommended to regular agenda

36. Purchase of Mini Track Excavators

Motion approving the purchase of three (3) Mini Track Excavators from Doggett Machinery, Corpus Christi, Texas in accordance with Bid Invitation No. BI-0151-13 based on lowest responsible bid for a total expenditure of \$84,150.00. Funding is available in the FY 2012-2013 Capital Outlay Budget of the Maintenance Service Fund.

This Motion was recommended to consent agenda

Enactment No: M2013-111

37. Service Agreements for Custodial Services for City Hall and Frost Building

Motion approving service agreements for custodial services for City Hall and Frost Building with the following companies for the following amounts in accordance with Bid Invitation No. BI-0135-13, based on low responsible bid for an estimated annual expenditure of \$170,920.80 of which \$15,974.80 is required for FY 2012-2013. The term of the contract will be for twelve months with an option to extend for up to two additional twelve-month periods subject to the approval of the service providers and the City Manager or designee. Funds have been budgeted by Facility Maintenance Services in FY 2012-2013.

Martin's Janitorial Service
Corpus Christi, TX
City Hall
\$127,656

ISS Facility Services, Inc.
Corpus Christi, TX
Frost Building
\$43,264.80

Grand Total: \$170,920.80

This Motion was recommended to consent agenda

Enactment No: M2013-112

38. Supply Agreement for food items for the Meals on Wheels Elderly Nutrition Program

Motion approving supply agreements with the following companies for the following amounts in accordance with the Coastal Bend Council of Governments Bid Invitation No. CBCOG-13-3 for food items which include canned and frozen fruit and vegetables; meats and condiments, for an estimated six month expenditure of \$208,750.32 of which \$17,395.86 is required for FY 2012-2013. The terms of the contracts shall be for six months with options to extend for up to three additional months, subject to the approval of the Coastal Bend Council of Governments, the suppliers, and the City Manager or designee. Funds are available through the Meals on Wheels Grant.

| | |
|------------------------------|------------------------|
| LaBatt Food Service | Performance Food Group |
| <u>Corpus Christi, Texas</u> | <u>Victoria, Texas</u> |
| 109 Line Items | 91 Line Items |
| \$78,011.32 | \$130,739.00 |

Grand Total: \$208,750.32

This Motion was recommended to consent agenda

Enactment No: M2013-113

39. Lease - Purchase of two heavy trucks and purchase of nine heavy trucks

Motion approving the lease-purchase of two (2) heavy trucks and the purchase of nine (9) heavy trucks for the total amount of \$1,211,268.00, of which \$1,015,992.00 is required for the remainder of FY 2012-2013. The heavy trucks are awarded to the following companies for the following amounts in accordance with Bid Invitation No. BI-0164-13 based on lowest responsible bid. Funding for the purchase of heavy trucks is available in the Capital Outlay Budget of the Maintenance Service Fund. Financing for the lease-purchase of heavy trucks will be provided through the City's lease/purchase financing contractor.

| | |
|------------------------------------|----------------------------------|
| <u>Corpus Christi Freightliner</u> | <u>Santex Truck Center, Ltd.</u> |
| Corpus Christi, TX | Corpus Christi, TX |
| Items 1,2,3,4,7, & 8 | Items 5 & 6 |
| \$902,508.00 | \$308,760.00 |

Grand Total: \$1,211,268.00

This Motion was recommended to consent agenda

Enactment No: M2013-114

40. Mowing Services for Storm Water drainage and street rights-of-way and Water production facilities

Motion approving service agreements for mowing services for Storm Water drainage and street rights-of-way and Water production facilities with the following companies, for the following amounts, in accordance with Bid Invitation No. BI-0119-13 based on lowest responsible bid for an estimated annual expenditure of \$479,958.09, of which \$39,996.50 is required for FY 2012-2013. The term of the service agreements will be for one-year with an option to extend for two additional one-year periods. Funding is available in the Storm Water and Water Operations budgets.

| | |
|--------------------------|-----------------------------|
| <u>Brown Mule Mowing</u> | <u>Aspen Lawn Care, LLC</u> |
| Corpus Christi, TX | Corpus Christi, TX |
| Storm Water - Group 1 | Water - Groups 2 & 3 |
| \$417,197.99 | \$62,760.10 |

Grand Total: \$479,958.09

This Motion was recommended to regular agenda

Enactment No: M2013-115

41. Memorandum of Understanding (MOU) regarding aerial spraying for mosquitoes

Resolution authorizing the City Manager or his designee to execute a Memorandum of Understanding with Nueces County to work together in unison in determining the need for using aerial spraying to combat the spread of the West Nile virus.

This Resolution was recommended to consent agenda

Enactment No: 029902

42. Resolution in Support of 2014 General Obligation Bond Election and approval of propositions and projects (Related items 32 - 33)

Resolution in support of calling for a General Obligation Bond Election in November 2014 for the purpose of funding Street Improvements in the amount of \$84,410,000 (with \$55,000,000 representing streets in the greatest need of reconstruction and \$29,410,000, representing street capacity priorities and other street-related improvement projects); and to review, finalize and approve the staff-recommended street project list.

This Resolution was recommended to regular agenda

43. Reimbursement Resolution in Support of 2014 General Obligation Bond Election

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 obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

This Resolution was recommended to regular agenda

Q. BRIEFINGS TO CITY COUNCIL: (ITEM 44 - 45)

44. Texas Medicaid Managed Care Initiative (Grant Total \$14.8 Million)

Mayor Martinez referred to Item 44. Director of Health Annette Rodriguez stated that the purpose of the presentation was to discuss the Texas Medicaid Managed Care Initiative, a \$20 million grant that the City was awarded over 4 years. It directs more funding to hospitals, mental health facilities, and health districts who provide care to uninsured patients. She said the health district applied for a diabetes intervention project grant (\$10 million) through the county, and a obesity prevention grant (\$10 million) through the city. Dr. William Burgin, local health authority, spoke regarding the obesity program, which is called the MEND (Mind, Exercise, Nutrition, Do It!) program. He discussed public education efforts for the program, which kicks off October 1, 2013.

Council members asked how many patients would enroll in the program; addressing concerns of Dr. Wilson regarding the diabetes initiative.

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

Mayor Martinez referred to the City Manager Comments. City Manager Olson reported on the following issues: participation of Parks, Solid Waste, and Streets departments in the Holmes Drive emergency; public/private partnership to demolish a dilapidated property on 1400 block of Leopard Street; street dedication on 7700 block of Slough Road in honor of Mr. Larry Breeding; and that he would show a music video written by San Marcos City Manager Jim Nuse as part of his City Manager comments next week.

R. ADJOURNMENT

Mayor Martinez adjourned the meeting at 9:55 p.m.