



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, July 9, 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 Deacon Michael Mantz, Diocese of Corpus Christi.

The invocation was delivered by Deacon Michael Mantz, Diocese of Corpus Christi.

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

The Pledge of Allegiance was led by Dan Biles, City Engineer.

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.

NOTE: Council Member Magill arrived at 11:40 a.m.

Present: 8 - 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 Lillian Riojas, and Council Member Rudy Garza

Absent: 1 - Council Member Colleen McIntyre

E. Proclamations / Commendations

1 Proclamation declaring July 2013 as "Park and Recreation Month"
Certificate of Commendation Presentation to Mary V. Juarez
Swearing in ceremony for newly appointed Municipal Court Judge Inna S. Rogoff-Klein

Mayor Martinez read and presented the Certificate of Commendation and the Proclamation(s). City Secretary Armando Chapa presented a retirement gift to Assistant City Secretary Mary Juarez. 347th District Court Judge Missy Medary

conducted the swearing-in ceremony for newly appointed Municipal Court Judge Inna S. Rogoff-Klein.

I. MINUTES:

3 Approval of Workshop Meeting of June 18, 2013 and Regular Meeting of June 25, 2013.

A motion was made and seconded to approve the minutes as presented and passed.

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

City Manager Olson made the following announcements: 1) update on the City's Water Supply levels; 2) response to news report showing City employees taking extra long breaks; 3) discussed the evaluation process that the Mayor and Council will use to evaluate his job performance on July 16.

J. BOARDS & COMMITTEE APPOINTMENTS:

4 Cable Communication Commission
Corpus Christi Business and Job Development Corporation
Corpus Christi Convention & Visitors Bureau
Ethics Commission
Leadership Committee for Senior Services
Planning Commission
Regional Health Awareness Board

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

Cable Communications Commission: Reappointed - Mary Ann Kelley.

Corpus Christi Business and Job Development Corporation: Reappointed - R. Bryan Gulley; New Appointment - Gabriel Guerra.

Corpus Christi Convention & Visitors Bureau: Reappointed - Rakesh "Rick" Patel (Hotel Industry), Kaushik "Sheik" Bhakta (Hotel Industry), Daniel Dain (Restaurant Industry), Michael Womack (Attractions), and Angie Flores (At Large).

Ethics Commission: New Appointment - Rod Wolthoff.

Leadership Committee for Senior Services: New Appointment - Laurel Garza (Community Representative)

Planning Commission: Reappointed - Fred Braselton and Curtis A. Rock; New Appointments - Eric Villarreal and Marsha Williams.

Regional Health Awareness Board: New Appointment - Assistant City Manager Susan Thorpe (City Representative).

Enactment No:

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

Mayor Martinez called for Public Comment. The following citizens spoke: 1) Abel Alonzo spoke regarding the retirement of Assistant City Secretary Mary Juarez and said the news report regarding city employees taking long breaks was ; 2) Dan Vera spoke regarding ideas for reuse of the Harbor Bridge; 3) Colin Sykes spoke regarding the need to protect and improve Magee Beach; 4) Fr. Sean Mulrone, St. Bartholomew Church, spoke regarding the street maintenance fee for non-profit agencies; and 4) Rev. John Hardie, St. Mark's Episcopal Church, spoke regarding the street maintenance fee for non-profit agencies, and whether the fee was being applied fairly to all religious entities.

H. EXECUTIVE SESSION: (ITEM 2)

Mayor Martinez referred to Item 2. The Council went into executive session.

- 2** 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.

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

L. CONSENT AGENDA: (ITEM 5)

Mayor Martinez called for the Consent Agenda, which consisted of Item No. 5. Mayor Martinez asked for comments from the Council and the Public and there were none.

- 5 Second Reading Ordinance - Rezoning from Commercial and Residential to Light Industrial on Tract 1 and from Residential to Commercial on Tract 2 for Jubalee Properties, Ltd., on property located at 9801 South Padre Island Drive (SH 358), 1130 Baywood Lane, and 1133 Baywood Lane (1st Reading 6/25/13)**

Case No. 0413-05 Jubalee Properties, Ltd.: A change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2, resulting in a change to the Future Land Use Plan from commercial to industrial uses on Tract 1 and not resulting in a change to the Future Land Use Plan on Tract 2. Tract 1 is described as being Lots 1 through 5, Block 2, Baywood Addition, and Tract 2 is described as being Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition. The property to be rezoned is located south of South Padre Island Drive (SH 358) on Baywood Lane.

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

Tract 1 - Denial of the change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-1/SP" General Commercial District with a Special Permit, subject to the nine conditions. **Tract 2** - Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Jubalee Properties, Ltd., acting as agent on behalf of Mostafa Bighamian, Morteza Shafinury and First National Bank ("Owners"), by changing the UDC Zoning Map in reference to Lots 1 through 5, Block 2, Baywood Addition ("Tract 1"), and Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition ("Tract 2"), from the "CG-1" General Commercial District and the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2; 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: 7 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Scott and Council Member McIntyre

Abstained: 0

Enactment No: 029883

P. FUTURE AGENDA ITEMS: (ITEMS 29 - 30)

Mayor Martinez deviated from the agenda and referred to Items 29 and 30 on the Future Agenda.

29 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.

Mayor Martinez referred to Item 29. Emily Martinez with the Regional Economic Development Corporation stated that the purpose of the item was to grant a tax abatement to Kinney Hotel Partners for a term of up to eight years to develop a boutique hotel. She said the development would be located downtown near the proposed Destination Bayfront development. This

Resolution was recommended by staff to Consent Agenda.

Enactment No: 029886

30 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.

Mayor Martinez referred to Item No. 30. Emily Martinez with the Regional Economic Development Corporation stated that the purpose of the item was to grant a waiver for development fees to Kinney Hotel Partners LTD for the construction of a boutique hotel in the Downtown Catalyst Area. Improvements to the building are estimated to be approximately \$4.7 million. The property is currently appraised at \$438,670. Mr. Rodd Martin, the developer of the Kinney Hotel partnership in the downtown area, thanked the council for their support. This Resolution was recommended by staff to Consent Agenda.

Enactment No: 029887

M. PUBLIC HEARINGS: (ITEMS 6 - 12)

6 Public Hearing for the Fiscal Year 2013 - 2014 Operating Budget

Public hearing for the City of Corpus Christ Fiscal Year 2013-2014 Operating Budget for July 9, 2013 during the regular City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

Mayor Martinez called for Item No. 6 regarding the Public Hearing for the FY 2013-2014 Operating Budget. Assistant City Manager Margie Rose provided a brief overview regarding the proposed operating budget. Council Member Scott made a motion to open the public hearing, seconded by Council Member Garza, and passed. The following citizens spoke in support of increasing the daily staffing levels of the Fire Department from 96 to 100 to adequately staff two additional medic units included in the proposed budget: 1) Joan Veit, 2) Andrew McGuire, 3) Kristy Veit, 4) Lonnie Loosemore, 5) Carolyn Moon, 6) Scott Moreland, 7) Rudy DeLeon, 8) Eric Hardin, 9) Carlos Torres, 10) Natasha Ross, 11) Moises Estrada, 12) Stacy Gilmore, and 13) Chris DeLeon. Abel Alonzo stated that the Fire unions were bullying the Council and the community to increase staffing at the expense of city employees.

Mayor Martinez called for Council comments. Council members asked questions regarding the following issues: adequate staffing levels for the Fire department; developing a master plan for the Fire Department operations; what were the city's debt ratios; wastewater permit requirements; litter maintenance on rights-of-way; job description and duties of the new Economic Development Manager, now called the Assistant to City Manager; downtown master plan;

City Manager Olson said that as City Manager, he has to balance the staffing needs of all city departments, which is a difficult task. He said the proposed budget is a finely balanced document that considers all those needs. He said there are still needs that are being unmet, but any additional changes would require us to go to the voters and request more money.

Mayor Martinez called for a motion to close the public hearing. Council Member Magill made a motion to close the public hearing, seconded by Mr. Garza, and passed.

7 Public Hearing on FY 2013 -2014 Proposed Capital Budget & Capital Improvement Planning Guide

Public hearing for the City of Corpus Christ Fiscal Year 2013-2014 Capital Budget & Capital Improvement Planning Guide for July 9, 2013 during the regular City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

Mayor Martinez referred to Item No. 7. Assistant City Manager Oscar Martinez made a brief presentation regarding the proposed Capital Budget and Capital Improvement Planning Guide. He noted that the Capital Budget is being brought to Council at the same time as the Operating Budget, which is appropriate. Council Member Scott made a motion to open the public hearing, seconded by Mr. Magill, and passed. There were no comments from the public or the Council. Council Member Scott made a motion to close the public hearing, seconded by Mr. Garza, and passed.

8 Public Hearing and First 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 Tancahua Street.

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 Tancahua 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.

Mayor Pro Tem Riojas referred to Item No. 8. Director of Development Services Mark Van Vleck made a brief presentation regarding the proposed zoning change. Council Member Scott made a motion to open the public hearing, seconded by Council Member Garza, and passed. There were no comments. Council Member Scott made a motion to close the public hearing, seconded by Mr. Magill, and passed. The foregoing ordinance was passed on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Leal, Mayor Martinez and Council Member McIntyre

Abstained: 0

Enactment No: 029889

9

Public Hearing and First Reading Ordinance - Rezoning from Single-Family to Two-Family for Sababa Holdings, LLC., on property located at 1213 Central Street.

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.

Mayor Pro Tem Riojas referred to Item No. 9. Director of Development Services Mark Van Vleck made a brief presentation regarding the zoning change.

Council Member Scott made a motion to open the public hearing, seconded by Mr. Garza, and passed. There were no comments from the public or Council. Council Member Scott made a motion to close the public hearing, seconded by Mr. Garza, and passed. The foregoing ordinance was passed on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Leal, Mayor Martinez and Council Member McIntyre

Abstained: 0

Enactment No: 029890

10

Public Hearing and First Reading Ordinance - Rezoning from Farm Rural to Residential Estate for Solomon and Lisa De La Fuente, on property located at 7850 Starry Road.

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.

Mayor Pro Tem Riojas referred to Item No. 10. Director of Development Services Mark Van Vleck made a brief presentation regarding the zoning change. Council Member Magill made a motion to open the public hearing, seconded by Mr. Garza, and passed. There were no comments from the public or Council. Council Member Magill made a motion to close the public hearing,

seconded by Mr. Garza, and passed. The foregoing ordinance was passed on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Leal, Mayor Martinez and Council Member McIntyre

Abstained: 0

Enactment No: 029891

11

Public Hearing and First 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.

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.

Mayor Pro Tem Riojas referred to Item No. 11. Director of Development Services Mark Van Vleck made a brief presentation regarding the zoning change. Council Member Scott made a motion to open the public hearing, seconded by Mr. Magill, and passed. There were no comments from the public. Council Member Scott made a motion to close the public hearing, seconded by Mr. Loeb, and passed. The foregoing ordinance was passed on first reading with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member McIntyre

Abstained: 0

Enactment No: 029892

12 Public Hearing and First Reading Ordinance - Closing a portion of Laurelas Drive out of the Rancho Vista Subdivision Unit 3

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.

Mayor Pro Tem Riojas referred to Item No. 12. Director of Development Services Mark Van Vleck made a brief presentation regarding the street right-of-way closure. Council Member Magill made a motion to open the public hearing, seconded by Mr. Scott, and passed. There were no comments from the public or Council. Council Member Magill made a motion to close the public hearing, seconded by Mr. Loeb, and passed. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029893

N. REGULAR AGENDA: (ITEMS 13 - 14)

13 Purchase of Police Motorcycles

Motion approving the purchase of six (6) police motorcycles from GRAMB, Inc. dba Corpus Christi CyclePlaza, Corpus Christi, Texas in accordance with Request For Proposal No. BI-0087-13 based on best value for an estimated expenditure of \$163,386.00, of which \$149,886.00 is required for the remainder of FY 2012-2013. Funding is available in the FY 2012-2013 Capital Outlay Budget.

Mayor Martinez referred to Item No. 13. Assistant Director of Financial Services Mike Barrera discussed the process for purchasing the police motorcycles, and noted that the purchase was awarded on best value rather than low bid. He said that the recommended contractor will also provide routine maintenance for the motorcycles. Police Chief Simpson stated that with the procurement, the Police Department would standardize the motorcycle fleet with the Victory cycles being recommended. Council members asked questions regarding the following issues: why the procurement was being awarded on best value rather than low bid; and the roles and responsibilities of the Crime Control and Prevention District Board. Mayor Martinez asked for public comment. Abel Alonzo asked staff to explain what a best value bid award is based on. Matt Werkoven with Corpus Christi CyclePlaza spoke in support of their proposal. The foregoing motion was passed and approved 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: M2013-106

14

Second Reading Ordinance - Setting Terms and Conditions for Recycled Water Service (1st Reading 6/11/13)

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.

Mayor Martinez referred to Item 14. City Engineer Dan Biles stated that the purpose of the agenda item was to set terms and conditions for recycled water service including establishing a rate and monthly charge for usage. He said staff had incorporated the amendments Council had requested on first reading. He also presented 3 recommended motions to amend prior to second reading for Council consideration. The first amendment would allow the Director of Wastewater to negotiate with fracking companies on the rate. The second amendment was related to grant credits for dedicated infrastructure. City Engineer Biles stated one of the motions extends that exemption for city-owned property to include independent school districts, public institutions of higher education, Nueces County, and agencies and departments of the State of Texas. City Manager Olson clarified the exemption also applies to city-owned property that is leased, such as golf courses and Corpus Christi Botanical Gardens. Council members asked questions about how the exemptions could affect revenues; definition of offsite facilities; the \$50,000 limit on contracts requiring Council approval. Mayor Martinez called for public comment. Mr. John Casey with Texas A&M University Corpus Christi, thanked the Council and staff for using effluent amendment related to exemptions for public institutions for higher learning. The Council asked staff to develop an outreach program with industry. After discussion, the Council decided not to accept the first amendment related to fracking companies until a later date.

Council Member Garza made a motion to amend the ordinance prior to second reading, seconded by Council Member Loeb, as follows: to provide for the ability to credit for dedicated infrastructure; and to exempt independent school districts, public institutions of higher education, Nueces County, and agencies and departments of the State of Texas. The motion to amend passed with the following vote: Mayor Martinez, Council Members Allen, Garza, Leal, Loeb, and Magill, voting "Aye"; Council Member Riojas abstained; and Council Members McIntyre and Scott were absent. The foregoing ordinance passed on second reading as amended with the following vote:

Aye: 6 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill and Council Member Garza

Absent: 2 - Council Member Scott and Council Member McIntyre

Abstained: 1 - Council Member Riojas

Enactment No: 029884

O. FIRST READING ORDINANCES: (ITEMS 15 - 23)

15 First Reading Ordinance - Approving and adopting an appeals process for the Street Maintenance Fee

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 15. Assistant City Manager Oscar Martinez stated that the purpose of the item was to establish a general appeals process for the Street Maintenance Fee that was approved by Council on June 25. He reviewed the process for residential and low-income customers. Council discussion centered around the ability to identify non-profit agencies, and whether they should be exempted this year. The foregoing Ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029900

16 First Reading Ordinance - Amending the Code of Ordinances to establish a Street Maintenance Fee Board of Appeals

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 16. Assistant City Manager Oscar Martinez stated that the purpose of the item was to establish a Street Maintenance Fee Board of Appeals. Mayor Martinez asked for public comment and Council comment, and there was none. The foregoing Ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029901

17

First Reading Ordinance - Waterline easement dedication for constructing a potable waterline to education facility

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.

Mayor Martinez referred to Item 17. City Engineer Dan Biles stated that the purpose of the item is to construct a potable water line across the City's land to an education facility located on Coastal Bend Bays and Estuaries-owned land. Mayor Martinez asked for public comment and Council comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029894

18

First Reading Ordinance - Appropriating fund proceeds from interest and other revenues into the City's Capital Improvement Program Funds

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.

Mayor Martinez referred to Item 18. City Engineer Dan Biles stated that the purpose of the item was to appropriate all unappropriated capital proceeds accrued through April 30, 2013 in the City's Capital Improvement Program funds. Mayor Martinez asked for public comment and Council comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029895

19

First 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

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.

Mayor Martinez referred to Item 19. Director of Development Services Mark Van Vleck stated that the purpose of the item was to allow the developer to install a 500 linear feet of 8-inch sanitary sewer collection line extension to provide adequate wastewater to a proposed body shop development. Mayor Martinez called for public comment and Council comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029896

20

First 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

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.

Mayor Martinez referred to Item 20. Director of Development Services Mark Van Vleck stated that the purpose of the item was to reimburse the developer for construction of the 10-inch sanitary sewer collection line improvements. Mayor Martinez called for public comment and Council comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029897

21

First 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

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.

Mayor Martinez referred to Item 21. Director of Development Services Mark Van Vleck stated that the purpose of the item was to reimburse the developer for the construction of an 8-inch collection line required to serve the proposed Lot 2, Block 1, Saxet Industrial. Mayor Martinez called for public comment and Council comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029898

22

First 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

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.

Mayor Martinez referred to Item No. 22. Director of Aviation Fred Segundo stated that the purpose of the item was to recommend terminating the existing lease with Game Time and approval of a five-year lease agreement with Tailwind for operation of three food venues at the airport. Council member asked questions regarding whether the staff had conducted customer surveys, and timeline for the construction. Mayor Martinez called for public comment, and there was none. The foregoing ordinance was passed 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 Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029899

23

First Reading Ordinance - Amending the lease agreement with the Columbus Sailing Association regarding the Nina

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.

Mayor Martinez referred to Item 23. Assistant City Manager Wes Pierson stated that the purpose of the item is to amend the lease agreement with the Columbus Sailing Association for the lease of the Columbus Ship Nina. The major elements of the lease were to The foregoing ordinance was passed on first reading

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

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No:

P. FUTURE AGENDA ITEMS: (ITEMS 24 - 28, 31)

Mayor Martinez referred to the Future Agenda items. Assistant City Manager Susan Thorpe stated that the staff had presentations on Items 26 and 27.

24 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.

This Motion was recommended to consent agenda.

Enactment No: M2013-107

25 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 recommended to consent agenda.

Enactment No: 029885

26 Engineering design contract amendment No. 1 for the Citywide Street Overlay and Seal Coat Indefinite Delivery/Indefinite

Quantity (Pilot) Program

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to a Contract for Professional Services with RH Shackelford, Inc. from Corpus Christi, Texas in the amount of \$743,360.00, for a re-stated fee not to exceed \$789,110.00 for Citywide Street Overlay and Seal Coat Indefinite Delivery/Indefinite Quantity Program-Pilot Program.

This Motion was recommended by staff to Regular Agenda.

**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.

This Motion was recommended by staff to Regular Agenda.

Enactment No: M2013-109

**28 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 recommended to consent agenda.

Enactment No: M2013-108

31 Amending Council Policy regarding Board Recommendations

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

This Resolution was recommended to consent agenda.

Enactment No: 029888

Q. BRIEFINGS TO CITY COUNCIL: (ITEM 32)**32 Utility Business Office Collections Management Program**

Mayor Martinez referred to Item 32. Assistant City Manager Margie Rose stated that the purpose of the presentation is discuss the new program. She mentioned the selected findings of the a recent audit, including administration of customer payment plans, disconnection of delinquent account, and write offs. Assistant Director of Financial Services Mike Barrera stated that the new program will require updates to the code of ordinances, a proactive approach to customer assistance, accelerated enforcement of delinquencies, and honor existing customer agreements. The new program will also disconnect all delinquent customers, provide for a neutral Board, requires entire delinquent account balance to be paid once disconnected, and extended hours of service. He discussed the goals of the program. He also provided a timeline for program implementation and public education program. He introduced Ms. Rose Leal Flores with the UBO. Council member discussed the following issues: electronic appointment process; how Council members can handle constituent complaints; more reader friendly utility bills; ability to autopay utility bills (ACH); more secure locks on delinquent meters; more staff to handle customer concerns; and coordinating efforts with Municipal Court and Legal.

R. ADJOURNMENT

Mayor Martinez adjourned the meeting at 7:15 p.m.