



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, April 8, 2014

11:30 AM

Council Chambers

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

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

Mayor Martinez called the meeting to order.

B. Invocation to be given by Rabbi Kenneth D. Roseman, Congregation Beth Israel.

Rabbi Kenneth D. Roseman gave the invocation.

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

Assistant City Manager Gus Gonzalez gave the Pledge of Allegiance.

D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.

City Secretary Rebecca Huerta called the roll and stated that a quorum of the Council and required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Mayor Pro Tem Priscilla Leal has been granted a leave of absence. Mayor Martinez announced that due to the absence of Mayor Pro Tem Leal, she will rotate the Mayor Pro Tem position during April and May.

Charter Officers:

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

Present: 8 - Council Member Kelley Allen, 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

Absent: 1 - Council Member Priscilla Leal

E. Proclamations / Commendations

1. Proclamation declaring April 6-12, 2014, as "National Crime Victims' Rights Week"
Proclamation declaring April 7-11, 2014, as "Human Trafficking Awareness Week"

Proclamation declaring April 24, 2014, as "Pay It Forward Day"
Proclamation declaring April 2014, as "Corpus Christi Safe Digging Month"
Proclamation declaring April 2014, as "Sexual Assault Awareness & Prevention Month"

Mayor Martinez presented the proclamations.

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

Mayor Martinez called for comments from the audience. Johnny French spoke regarding the opossum policy. Dr. Tony C. Diaz and Abel Alonzo spoke regarding the hard work by City staff and officials on addressing the water supply. Art Norman spoke regarding war games being conducted at Oso Creek Park and asked the Police Department to enforce the ordinances violated by this activity.

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

Mayor Martinez referred to City Manager's Comments.

b. Other

1) City Manager Olson introduced the "City Employee of the Quarter" Mary Ann Reddy with the Engineering Services Department. 2) The American Institute of Architects (AIA) has approved the Regional/Urban Design Assistant Team (R/UDAT) study for the greater downtown area. 3) The Texas General Land Office (GLO) provided an update on the recent oil spill and reported that the spill has been cleaned up with no reports of negative affects. 4) The City applied for a grant in conjunction with the rebuilding of a marina pier and has received approval for the grant in the amount of \$502,000 from Texas Parks and Wildlife. 5) Mr. Olson invited the City Council to attend the City Employee Talent Show scheduled for May 10th at the American Bank Center Selena Auditorium.

a. City Performance Report - Health Department

Director of Public Health Annette Rodriguez provided a briefing on the operations, mission and goals of the Health Department.

I. MINUTES:

- 4.** City Council Retreat of March 4, 2014 and Regular Meeting of March 25, 2014

Mayor Martinez called for approval of the minutes. Council Member Loeb made a motion to approve the minutes, seconded by Council Member Garza and passed unanimously.

J. BOARD & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 5 - 10)

Approval of the Consent Agenda

Mayor Martinez deviated from the agenda and called for the consent agenda. There were no comments from the Council or the public. The following consent agenda was passed by one vote as follows:

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

Absent: 1 - Council Member Leal

Abstained: 0

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

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

Storm Water Improved ROW Strip Mowing

Bayfront Parks & Medians Turf & Grounds Maintenance

Aspen Lawn Care
Corpus Christi, TX.
\$109,399.90

D-Bar Contractors
San Benito, TX
\$152,423.60

D-Bar Contractors
San Benito, TX

Maldonado Nursery &
Landscape, Inc.

Enactment No: M2014-046

8. Second Reading Ordinance - Amending the Unified Development Code by increasing time limit for Council action on applications (1st Reading 3/25/14)

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

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

Enactment No: 030147

9. Second Reading Ordinance - Amending the Fiscal Year 2013-14 Operating Budget to extend it by two months (1st Reading 3/25/14)

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

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

Enactment No: 030148

10. Second Reading Ordinance - Type A Agreement for Hausman Foods, LLC (1st Reading 3/25/14)

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

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

Enactment No: 030149

M. PUBLIC HEARINGS: (ITEMS 11 - 12)**11. Public hearing regarding a "Substantial Amendment" to the FY2013-2014 Consolidated Annual Action Plan to extend the current Fiscal Year**

Public hearing to inform the general public of the extension of the FY2013-2014 Consolidated Annual Action Plan which will be August 1, 2013 to September 30, 2014 and to allow for public comment.

Mayor Martinez referred to Item 11. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is to hold a public hearing for a substantial amendment to the FY2013-2014 Consolidated Annual Action Plan. Mr. Ortega reported that the agenda memo referenced the comment period regulation 24 CFR 94.115 and it should have read 24 CFR 91.105. Council Member Loeb made a motion to open the public hearing, seconded by Council Member Scott. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Scott and passed.

12. Public Hearing and First Reading Ordinance - Exempting The Grand Reserve Subdivision Unit 2, located between Glenoak and Caribbean Drives and East of Flour Bluff Drive, from the wastewater lot/acreage fees

Ordinance exempting The Grand Reserve Subdivision Unit 2, a subdivision located between Glenoak and Caribbean Drives, East of Flour Bluff Drive, from the payment of wastewater lot/acreage fees under Section 8.5.2.G.1 of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

Mayor Martinez referred to Item 12. Interim Director of Development Services Barney Williams stated that the purpose of this item is to exempt The Grand Reserve Subdivision Unit 2 from wastewater lot/acreage fees because it is unlikely that the subdivision will receive wastewater within the next 15 years. Mr. Williams stated that Planning Commission and staff were in favor of the exemption. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill. There were no comments from the Council or the public. Council Member Loeb made a motion to close the public hearing, seconded by Council Member McIntyre and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 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

Absent: 1 - Council Member Leal

Abstained: 0

H. EXECUTIVE SESSION: (ITEMS 2 - 3)

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

2. Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys to seek advice on contract matters, with possible action and discussion in open session.

This E-Session Item was discussed in executive session

3. Executive Session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the city wastewater systems, with possible discussion and action in open session.

The Council returned from executive session. Mayor Martinez stated that the following motion was discussed in e-session for Council consideration:

Motion to amend legal services agreement with Lloyd Gosselink to authorize funding up to \$900,000 for subcontracts for additional technical evaluation of wastewater systems, subject to certification of funds.

Council Member McIntyre made a motion to approve the motion as presented, seconded by Council Member Loeb, and passed.

Enactment No: M2014-043

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 13 - 20)

13. **First Reading Ordinance - Participation agreement for the bridge on South Oso Parkway**

Ordinance authorizing the City Manager, or his designee, to execute a Participation Agreement with VOJO Ventures, LLC, Developer of The Coves at Lago Vista Unit 3B, in the amount of \$171,451.95 for the City's portion of the cost of the South Oso Parkway Bridge over King Estates Ditch, in accordance with the Unified Development Code.

Mayor Martinez referred to Item 13. Interim Director of Development Services Barney Williams stated that the purpose of this item is to authorize execution of a participation agreement with VOJO Ventures, LLC, developer of The Coves at Lago Vista Unit 3B, in the amount of \$171,451.95 for the City's portion of the cost for the South Oso Parkway Bridge. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Leal and Council Member Scott

Abstained: 0

14. First Reading Ordinance - Appropriating funds for replacement of Gulf beach lifeguard stand

Ordinance appropriating \$11,500 from additional revenue in Fund No. 1020 General Fund, Parks and Recreation operating budget for the replacement of Gulf beach lifeguard stand; changing FY2013-2014 Operating Budget adopted by Ordinance No. 029915 by increasing revenues and appropriations by \$11,500 each.

Mayor Martinez referred to Item 14. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to appropriate funds collected to replace a lifeguard stand that was vandalized. Mr. Morris reported that the perpetrator was caught and required to pay for the damages. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

15. First Reading Ordinance - Accepting and appropriating Regional partial grant for the Elderly Nutrition Program

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$219,808 partial grant from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY 2014 Senior Community Services, Elderly Nutrition Program.

Mayor Martinez referred to Item 15. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to appropriate the annual grant funding for the Elderly Nutrition Program in the amount of \$219,808. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

16. First Reading Ordinance - Accepting and appropriating State grant for home delivered meals for the elderly

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$62,142.63 grant

from the Texas Department of Agriculture Texans Feeding Texans Program in the No. 1067 Parks and Recreation Grants Fund for the FY 2014 Senior Community Services - Texans Feeding Texans.

Mayor Martinez referred to Item 16. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to appropriate grant funds for the home delivery program, Meals on Wheels. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

17. First Reading Ordinance - Engineering design contract for Old Robstown Road from State Highway 44 to Leopard Street (Proposed 2014 Bond Election)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer capital reserves in the amounts of \$127,540.00 from Storm Water CIP Fund 3494, \$66,320.80 from Wastewater CIP Fund 4510, and \$61,219.20 from Water CIP Fund 4479 to the Bond 2014 Street Project Old Robstown Road from State Highway 44 to Leopard Street; increasing expenditures in the amount of \$255,080.00; and authorizing the City Manager, or designee, to execute an engineering design contract with CH2M Hill Engineers, Inc., a Delaware Corporation with Branch office in Corpus Christi, Texas in the amount of \$554,390.00 for Old Robstown Road from State Highway 44 to Leopard Street.

Mayor Martinez referred to Item 17. Executive Director of Public Works Dan Biles stated that the purpose of this item is to execute an engineering design contract for the Old Robstown Road project as part of the proposed 2014 bond election. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

18. First Reading Ordinance - Construction contract for Runway 13-31 Extension/Displacement and Connecting Taxiway

Ordinance appropriating \$23,277,531 from the Federal Aviation

Administration Grant No. 3-48-0051-050-2013 in the No. 3020 Airport Capital Improvement Fund for the following projects: 13/31 Runway Extension Displacement and Connecting Taxiway, 1,000 ft Extension Displacement and Connection of Taxiways, Expansion of the North GA Apron, Reconstruction of the East GA Apron, Reconstruction of the Air Carrier Taxiway, Extension of Taxiway F, and Runway 18-36, NAVIDS' Site Work and Installation of Gate 10B; changing the FY 2013-2014 Capital Budget adopted by Ordinance No. 029565 to increase revenues and expenditures by \$23,277,531; and authorizing the City Manager or designee to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$34,766,637.10 for the 13/31 Runway Extension Displacement and Connecting Taxiway Project for the Base Bid plus Additive Alternates 1 - 8.

Mayor Martinez referred to Item 18. Executive Director of Public Works Dan Biles stated that the purpose of this item is to appropriate and award a construction contract for the Runway 13/31 Extension/Displacement and Connecting Taxiway project for the Base Bid plus Additives Alternates 1-8 with four (4) additives contingent upon Federal Aviation Administration (FAA) funding. Mr. Biles presented the project scope, schedule and budget. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

19. First Reading Ordinance - Lease agreement with Brooks Chapel for property located at 1517 Winnebago

Ordinance authorizing the City Manager or designee to execute a lease with Brooks Chapel for property located at 1517 Winnebago for a term of one year, with a four year renewal option.

Mayor Martinez referred to Item 20. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is to execute a lease agreement with Brooks Chapel for property located at 1517 Winnebago. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

20. First Reading Ordinance - Appropriating funds for marketing and co-promotion expenditures at the American Bank Center

Ordinance appropriating \$100,000 from the unreserved fund balance in the No. 1130 Arena Facility Fund and transferring to and appropriating in the No. 4710 Visitors Facilities Fund for American Bank Center Marketing and Co-Promotion Expenditures; changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 to increase revenue by \$100,000 and expenditures by \$200,000.

Mayor Martinez referred to Item 20. Assistant City Manager Wes Pierson stated that the purpose of this item is to appropriate \$100,000 from the Unreserved Fund Balance in the Arena Facility Fund and appropriate to the Visitors Facility Fund for American Bank Center Marketing and Co-Promotion. Mr. Pierson said these funds are used as an incentive for securing special events at the American Bank Center Arena. This Ordinance was passed on first reading and approved 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

Absent: 1 - Council Member Leal

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 21 - 24)

Mayor Martinez referred to the Future Agenda. Mayor Martinez announced that Item 21 was withdrawn. City Manager Olson stated that staff did not have any planned presentations.

21. Agreement for Bond Counsel Services

Motion authorizing the City Manager to enter into an agreement with Fulbright & Jaworski, LLP of San Antonio, Texas to perform bond counsel services for the City of Corpus Christi.

This Motion was withdrawn

22. Authorizing forensics building to be constructed at an alternate location due to excessive cost at planned location (Bond 2012)

Resolution determining that to construct a portion of the Police Vehicle Impound Yard and Garage Phase 2 - a Bond 2012 Project (Project) at its originally proposed location would be unwise and unnecessary; authorizing the City Manager or designee to proceed with construction of the forensics building portion of the Project at an alternate, more suitable, and less costly location.

This Resolution was recommended to consent agenda

23. Engineering design contract amendment no. 1 for Greenwood Wastewater Treatment Plant Process Rehabilitation/Replacement Project

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Urban Engineering of Corpus Christi, Texas in the amount of \$32,710, for a total restated fee not to exceed \$82,550 for the Greenwood Wastewater Treatment Plant Process Rehabilitation/Replacement for additional design, bid, and construction phase services.

This Motion was recommended to consent agenda

24. Approving agreement and purchase of permanent art for Fire Station #5

Motion authorizing the City Manager or designee to execute documents necessary to purchase sculpture created by artist Lynda Jones for a work of permanent art created in glass tile and authorize disbursement of \$17,770 from the Bond Fund 3191 for such purchase.

This Motion was recommended to consent agenda

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

R. ADJOURNMENT

The meeting was adjourned at 1:59 p.m.