



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, July 29, 2014

11:30 AM

Council Chambers

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**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 Father John Hayden Haby, St. Nicholas Greek Orthodox Church.**

Father John Hayden Haby gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Margie Rose, Deputy City Manager.**

Deputy City Manager Margie Rose led 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 the required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Council Member Leal has been granted a leave of absence. City Secretary Huerta announced that Council Members David Loeb and Mark Scott are absent. Mayor Martinez stated for the record that Council Member Leal is under the weather and Council Member Scott had a long-standing commitment.

**Charter Officers:**

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

**Present:** 6 - Mayor Nelda Martinez, Council Member Kelley Allen, Council Member Rudy Garza, Council Member Chad Magill, Council Member Colleen McIntyre, and Council Member Lillian Riojas

**Absent:** 3 - Council Member Priscilla Leal, Council Member David Loeb, and Council Member Mark Scott

**E. Proclamations / Commendations**

- 1. 14-00859** Recognition of Sister Cities Exchange Students - Presentation of Certificates of Honorary Citizenship

Mayor Martinez recognized the Sister Cities Exchange Students and presented Certificates of Honorary Citizenship. Mayor Martinez reported that the local representatives of the Korean Chamber of Commerce presented two checks; one to the Sister City Program and one to the City of Corpus Christi to assist the less fortunate.

Mayor Martinez publicly expressed condolences to the Silverman family for their loss.

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

Mayor Martinez deviated from the agenda and referred to the City Manager's comments.

**a. City Performance Report - Utilities - Treatment**

Assistant Director of Treatment Brian Butscher provided a briefing on the operations, mission and goals of the Utilities Department, Treatment Division.

**b. Rules of Decorum during City Council Meetings - Interim City Attorney Barney Knight**

Interim City Attorney Barney L. Knight stated that a City Council meeting is considered a limited public forum and the City Council is entitled to adopt rules that limit the issues presented, represented and discussed to city business. These may include rules that limit distractions during meetings. A great many City Councils, the Courts, the Texas Legislature and many other public bodies have adopted rules of decorum. Mr. Knight stated that in this day and age, these rules are simply necessary. The 2nd and 11th Federal Circuit Court of Appeals have upheld rules of decorum very similar to the City of Corpus Christi. In addition, one of those dealt with a political sign on a T-shirt. However, we try to not regulate more than is necessary. The rules of decorum provide that political advertisements of any type, disruptive banners, placards, signs or posters are prohibited. These rules are currently under review by the City's Legal Department and staff anticipates offering some minor adjustments to the Council in the near future. In the interim, staff is requesting voluntary compliance with the rules of decorum. Council Member McIntyre said she would like the staff to come back with a compromise that minimizes distractions in the area behind the podium.

**c. Other**

1) Mr. Olson informed the Council that he has selected Kim Womack to serve as Director of Communications effective yesterday. 2) An article by the U.S. National Bureau of Economic Research has named Corpus Christi one of the top ten (10) happiest cities in America.

**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 public. Abel Alonzo spoke regarding the rules of decorum and spoke in support of Council Member McIntyre's recommendation. Jeff Devillez spoke regarding a sewage problem at his residence and the City's denial of responsibility. Huxley Smith suggested increasing the size of the monitors in the Council Chambers. Foster Edwards, President/CEO of the Corpus Christi Chamber of Commerce, thanked the City Council and staff for their support of the South Texas Military Task Force and requested that an item be placed on a future agenda to allow him to provide a briefing on the activities of the task force. Mr. Edwards also invited the Council to attend the "Salute to the Military" Annual Luncheon with James Olson on August 27, 2014. John Helm and Shane Torno spoke regarding the effects of wind turbines and requested that the Council continue supporting the efforts to stop the wind turbine development. Susie Luna Saldana spoke regarding the language for Bond 2014 and requested a commitment to complete the bond package if the propositions pass. Ms. Saldana also thanked City Manager Olson for being on her program to explain the duties of the City Manager and she spoke regarding the rules of decorum.

**I. MINUTES:**

4. **14-00861** Regular Meeting of July 22, 2014

Mayor Martinez deviated from the agenda and referred to approval of the minutes. Council Member Magill made a motion to approve the minutes, seconded by Council Member McIntyre and passed unanimously.

**J. BOARD & COMMITTEE APPOINTMENTS:**

5. **14-00860** Commission on Children and Youth  
Leadership Committee for Senior Services

Mayor Martinez referred to board and committee appointments. The following appointments were made:

**Commission on Children and Youth**

Council Member McIntyre made a motion to reappoint Danny Kollaja, David Dow and Warren Andrich, seconded by Council Member Magill and passed unanimously. Council Member McIntyre made a motion to appoint Donine Schwartz and Megan Beck, seconded by Council Member Magill and passed unanimously.

**Leadership Committee for Senior Services**

Council Member McIntyre made a motion to reappoint Adelfa M. Martinez, Esperanza "Hope" Lopez, Ida Alvarado Hobbs, Araceli V. Cabral and Val Salinas, seconded by Council Member Riojas and passed unanimously. Council Member McIntyre made a motion to appoint Anita Woolsey, Angela Munselle-Woods and Ginger Bryant, seconded by Council Member Magill and passed unanimously. Council Member Magill made a motion to appoint Juan Carlos Ayala, Theresa Garcia and Denise S. Villagran, seconded by Council Member Allen and passed unanimously.

**K. EXPLANATION OF COUNCIL ACTION:****L. CONSENT AGENDA: (ITEMS 6 - 27)****Approval of the Consent Agenda**

**Mayor Martinez referred to the Consent Agenda. City Manager Olson requested that Item 12 be pulled for individual discussion. Darryl Haas requested that Item 24 be pulled for individual discussion. The remaining consent agenda items were approved by one vote as follows:**

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

**6. 14-00590 Supply agreement for non-shear flexible couplings**

Motion approving a supply agreement with Ferguson Enterprises, Corpus Christi, Texas for non-shear flexible couplings in accordance with Bid Invitation No. BI-0147-14 based on lowest local bid for an estimated annual expenditure of \$80,291.09, of which \$13,381.85 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. These items are purchased into the Warehouse Inventory and charged out to the Utilities Department.

**Sponsors:** Purchasing Division and Office of Public Utilities

**This Motion was passed.**

Enactment No: M2014-095

**7. 14-00591 Supply agreement for meter box lids**

Motion approving a supply agreement with Ferguson Enterprises, Corpus Christi, Texas for meter box lids in accordance with Bid Invitation No. BI-0154-14 based on lowest responsible bid for an estimated annual expenditure of \$52,397.50, of which \$17,465.83 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Utilities Department in FY 2013-2014.

**Sponsors:** Purchasing Division and Office of Public Utilities

**This Motion was passed.**

Enactment No: M2014-096

**8. 14-00596 Service agreement for custodial services for nine (9) outlying police buildings**

Motion approving a service agreement with Martin's Janitorial Service, Corpus Christi, Texas for Custodial Services for Outlying Police Buildings in accordance with Bid Invitation No. BI-0176-14, based on only bid for an estimated annual expenditure of \$100,644.00, of which \$25,161.00 is required for the remainder of FY 2013-2014. The term of the contract 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 Contractor and the City Manager or designee. Funds have been budgeted by the Police Department in FY 2013-2014.

Sponsors: Purchasing Division and Police Department

**This Motion was passed.**

Enactment No: M2014-097

**9. 14-00754 Purchase of spare Patterson pump rotating assembly for the Bloomington Pump Station**

Motion approving the purchase of one (1) spare Patterson pump rotating assembly from The Scruggs Co., Houston, Texas based on sole source for a total amount of \$65,290.00. Funds have been budgeted by the Utilities Department in FY 2013-2014.

Sponsors: Purchasing Division and Office of Public Utilities

**This Motion was passed.**

Enactment No: M2014-098

**10. 14-00751 Service agreement for preservation of historical documents**

Motion approving the purchase of historical document preservation services from Kofile Preservation, Inc., Dallas, Texas, in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$147,545.73, of which approximately \$41,724.64 is required for the remainder of FY 2013-2014. Funds have been budgeted by the Office of the City Secretary in FY 2014-2015 and will be requested in future fiscal years.

Sponsors: City Secretary's Office and Purchasing Division

**This Motion was passed.**

Enactment No: M2014-099

**11. 14-00733 Amending interlocal agreement to include Nueces County Emergency District #4 as a participant in the Radio Communications System**

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority and Nueces County to include the Nueces County Emergency Services District #4 as a participant.

Sponsors: Police Department

**This Resolution was passed.**

Enactment No: 030233

**13. 14-00730 Change order no. 4 for head works (Phase 1) and grit system (Phase 2) for Allison Wastewater Treatment Plant**

Motion authorizing the City Manager or designee to execute Change Order No. 4 with R.M. Wright Construction Company of El Paso, Texas in the amount of \$348,897.89, for a total restated fee of \$3,281,860.89 for the Allison Wastewater Treatment Plant Head Works (Phase 1) and Grit System (Phase 2).

Sponsors: Office of Public Works and Office of Public Utilities

**This Motion was passed.**

Enactment No: M2014-100

**14. 14-00469 Interlocal agreement for research services for the City's water distribution system**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with the University of Texas at Austin for research services for the City's water distribution system, with City's cost to be \$49,547.

Sponsors: Office of Public Utilities and Water/Wastewater Treatment

**This Resolution was passed.**

Enactment No: 030235

**15. 14-00784 Amendment no. 1 to engineering monitoring contract for Periodic Corrosion Monitoring Survey 2015 for Mary Rhodes Pipeline**

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Russell Corrosion Consultants, LLC of Simpsonville, Maryland in the amount of \$46,095

for a total restated fee not to exceed \$75,825 for Mary Rhodes Pipeline Periodic Corrosion Monitoring Survey 2015.

Sponsors: Water/Wastewater Treatment and Capital Programs

**This Motion was passed.**

Enactment No: M2014-101

16. 14-00782

**Amendment no. 1 to engineering contract for the Nueces River Raw Water Pump Station**

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 \$1,688,299 for a total restated fee not to exceed \$1,738,035 for Nueces River Raw Water Pump Station for preliminary, design, bid, and construction administration services.

Sponsors: Water/Wastewater Treatment and Capital Programs

**This Motion was passed.**

Enactment No: M2014-102

17. 14-00817

**Purchase consulting hours from Infor (US), Inc. for duration of Infor Enterprise Resource Planning (ERP) project**

Motion approving the purchase of additional consulting hours from Infor (US), Inc., Alpharetta, GA, for a total expenditure of \$349,400. The acquisition of these consulting hours is available only from Infor (US), Inc. Contingency funds from the Infor ERP Project will be used for this purpose.

Sponsors: Municipal Information Systems

**This Motion was passed.**

Enactment No: M2014-103

18. 14-00785

**Renewal of State and Federal external legislative consultant contracts**

Motion authorizing the City Manager to execute 26-month renewal agreements for governmental relation services with Focused Advocacy for state governmental relations services for \$102,000 per year plus reasonable expenses and with Meyers & Associates for federal governmental relations services for \$78,000 per year plus reasonable expenses.

Sponsors: Intergovernmental Relations

**This Motion was passed.**

Enactment No: M2014-104

**19. 14-00755 Second Reading Ordinance - Accepting and appropriating State grant for the 2015 Selective Traffic Enforcement Program (STEP) (1st Reading 7/22/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$98,082.00 for the 2015 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI) and Speed enforcement overtime, with a city match of \$40,266.75, for a total project cost of \$138,348.75 and appropriating \$98,082.00 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

**This Ordinance was passed on second reading.**

Enactment No: 030236

**20. 14-00741 Second Reading Ordinance - Amending City Code to modify the peddler permit and unlawful solicitation sections of the code (1st Reading 7/22/14)**

Ordinance amending Chapter 38, Section 22 of the Corpus Christi Code to modify the hours soliciting is allowed and to prohibit soliciting at homes with no soliciting or trespass signs; amending Chapter 38, Section 6 of the Corpus Christi Code to require proof of identification and background checks for peddler, commercial solicitor and itinerant merchant permittees and deny permits to applicants convicted of any felony or of any offense involving moral turpitude; amending Chapter 38, Section 4 of the Corpus Christi Code to require the displaying of permit; amending Chapter 38, Section 3 and Section 2 of the Corpus Christi Code to exempt local youth organizations from permitting process; amending Chapter 38, ARTICLE II. SOLICITATIONS FOR CHARITABLE PURPOSES of the Corpus Christi Code in its entirety; providing for severance; providing for publication; providing for penalty; and providing an effective date.

Sponsors: Police Department and Development Services

**This Ordinance was passed on second reading.**

Enactment No: 030237

**21. 14-00761 Second Reading Ordinance - Accepting and appropriating additional funding for the Women, Infants and Children (WIC) grant program (1st Reading 7/22/14)**



Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a grant amendment in the amount of \$141,003.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program; and to ratify acceptance of this grant amendment to begin as of June 6, 2014.

**Sponsors:** Health Department

**This Ordinance was passed on second reading.**

Enactment No: 030238

**22. 14-00813**

**Second Reading Ordinance - Closing a portion of a utility easement located west of the South Padre Island Drive (Park Road 22) state right-of-way, and north of the Encantada Avenue public right-of-way (1st Reading 7/22/14)**

Ordinance abandoning and vacating a 1,361-square foot portion of an existing utility easement out of a part of Lot 10A and Lot 12, Blk. 16, Padre Island Number 1, located west of the South Padre Island Drive (Park Road 22) state right-of-way, and north of the Encantada Avenue public right-of-way; and requiring the owner, Island Foundation, Inc., to comply with the specified conditions.

**Sponsors:** Development Services

**Council Member McIntyre abstained from the vote on this item. This Ordinance was passed on second reading.**

Enactment No: 030239

**23. 14-00812**

**Second Reading Ordinance - Closing a portion of a utility easement located north of the Encantada Avenue public right-of-way, and east of the Palmira Avenue public right-of-way (1st Reading 7/22/14)**

Ordinance abandoning and vacating a 2,130-square foot portion of a 10-foot wide utility easement out of a part of Lots 7B, 8B, 9B, 10A, 10B, and 12, Blk. 16, Padre Island Number 1, located north of the Encantada Avenue public right-of-way, and east of the Palmira Avenue public right-of-way; and requiring the owner, Island Foundation, Inc., to comply with the specified conditions.

**Sponsors:** Development Services

**Council Member McIntyre abstained from the vote on this item. This Ordinance was passed on second reading.**

Enactment No: 030240

**25. 14-00737 Second Reading Ordinance - Amending City Code for Utilities to extend utility rates to coordinate with extended fiscal year (1st Reading 7/22/14)**

Ordinance amending the City Code of Ordinances, Chapter 55, Utilities, to continue the current water, gas, and wastewater utility rates adopted by Ordinance 029917 through September 30, 2014, to coordinate with the extended fiscal year for FY 2013-2014, and changing the annual wastewater winter averaging usage to apply to wastewater service after August 31.

**Sponsors:** Office of Public Utilities, Water/Wastewater Treatment, Maintenance of Lines and Gas Department

**This Ordinance was passed on second reading.**

Enactment No: 030242

**26. 14-00781 Second Reading Ordinance - Amending the City code to convert portions of streets as one way during school hours as indicated by signs to relieve traffic congestion near Oak Park Elementary (1st Reading 7/22/14)**

Ordinance amending Section 53-250(b) of the Code of Ordinances to designate all traffic shall move only in the direction indicated during the school hours, indicated by signs, on Elmore Drive and Macleod Drive.

**Sponsors:** Street Department and Capital Programs

**This Ordinance was passed on second reading.**

Enactment No: 030243

**27. 14-00770 Second Reading Ordinance - Amending City Code for Self-Insurance; Claims Settlement to reflect current practices and modify authority to settle claims (1st Reading 7/22/14)**

Ordinance amending Chapter 17, Section 17-18 Self-Insurance; claims settlement, of the Corpus Christi Code of Ordinances in its entirety; providing for severance; providing for publication; and providing an effective date

**Sponsors:** Legal Department

**This Ordinance was passed on second reading.**

Enactment No: 030244

**12. 14-00734 Amending interlocal agreement to include the Nueces Jim Wells County Emergency Services District #5 as a participant in the Radio Communications System**

Resolution authorizing the City Manager, or his designee, to execute an amendment to the Radio Communications System Interlocal Agreement between the City of Corpus Christi, the Regional Transportation Authority and Nueces County to include the Nueces Jim Wells County Emergency Services District #5 as a participant.

**Sponsors:** Police Department

**Mayor Martinez referred to Item 12. Police Chief Floyd Simpson stated that the purpose of this item is to execute an amendment to the Radio Communications System Interlocal Agreement between the City, the Regional Transportation Authority and Nueces County to include the Nueces Jim Wells County Emergency Services District #5. Chief Simpson stated that an amendment is required on the contract to paragraph 4, to remove Jim Wells from the paragraph. Council Member Magill made a motion to amend, seconded by Council Member McIntyre. This Resolution was passed and approved as amended with the following vote:**

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

Enactment No: 030234

**24. 14-00783**

**Second Reading Ordinance - Engineering construction contract for Navigation Boulevard from Up River Road to Leopard Street; amendment no. 1 to an agreement for construction observation services; construction materials testing contract (BOND 2012)(1st Reading 7/22/14)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by adding capital reserves in the amounts of \$1,425,000 from Storm Water CIP Fund 3494, \$65,650 from Water CIP Fund 4088, \$60,847 from Gas CIP Fund 4551, \$1,661,514 from Wastewater CIP Fund 4249, transferring \$555,557.73 from Street Project 170371 Holly Road from Greenwood to State Highway 286, \$1,174,386.14 from Street Project E12102 Twigg from Shoreline to Broadway, \$1,575,148.09 from Street Project E12103 Leopard from Crosstown to Palm to the Bond 2012 Street Project Navigation Boulevard from Up River Road to Leopard Street; increasing expenditures in the amount of \$3,213,011; authorizing the City Manager or designee to execute a construction contract with Reytec Construction Resources, Inc. from Houston, Texas in the amount of \$14,480,215 for Navigation Boulevard from Up River Road to Leopard Street for the Base Bid and Additive Alternate #3, to execute Amendment #1 to an Engineering Agreement with LNV, Inc. of Corpus Christi, Texas in the amount of \$269,818 for a restated fee of \$1,062,168, for Navigation Boulevard from Up River Road to

Leopard Street for construction observation services, and to execute a Construction Materials Testing Contract with Rock Engineering of Corpus Christi, Texas in the amount of \$62,044 for Navigation Boulevard from Up River Road to Leopard Street. (Bond 2012)

**Sponsors:** Street Department and Capital Programs

Mayor Martinez referred to item 24. Darryl Haas stated that the City is de-funding three (3) Bond 2012 projects in order to fund Navigation Boulevard which include 84% of the Twigg Project, 56% of the Leopard project, and 22% of the Holly Road project. Mr. Haas said that if the City starts de-funding projects, he is concerned with the creditability of future bond programs if the City does not complete the current bond program. Interim Executive Director of Public Works Valerie Gray stated that the Council received a Bond 2012 update on June 17th which listed all of the projects and the cost overruns that occurred as the projects were being designed. Ms. Gray added that the total amount of the projects was \$10,669,000 and the increase in costs is due to market conditions; the availability of materials and contractors. Ms. Gray stated that staff reported during the update that they were working on a plan to address these problems and that the Twigg, Leopard, and Holly projects would be affected. Ms. Gray explained that the projects are not being defunding, just delayed. This Ordinance was passed on second reading and approved with the following vote:

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

Enactment No: 030241

#### **M. PUBLIC HEARINGS: (ITEMS 28 - 30)**

#### **28. 14-00752 Public Hearing for the FY 2014-2015 budget for the Corpus Christi Crime Control and Prevention District**

Public Hearing for the FY 2014-2015 budget for the Corpus Christi Crime Control and Prevention District

**Sponsors:** Police Department

Mayor Martinez referred to Item 28. Police Administration Management Services Director Pat Eldridge stated that the purpose of this item is to present the FY2014-2015 Crime Control and Prevention District's budget and hold a public hearing. Ms. Eldridge provided an overview of the budget including the continued focus on core programs and long-term fiscal responsibility and control; the assignment of 50 police officers; the total expenditures and revenues; the ending fund balance; and timeline to adopt the budget. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill and passed. Abel Alonzo stated that the Crime Control and Prevention District should take the lead and provide funding for the prevention of drugs and gangs in the community. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member

Magill and passed.

**29. 14-00787 Public Hearing and First Reading Ordinance - Rezoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, on property located at 8233 Leopard Street**

Case No. 0714-01 Leopard Business Park, LLC: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, not resulting in a change to the Future Land Use Plan. The property is described as Lot 1, Block B, Stillwell Addition, located along the west side of Tuloso Road between Leopard Street and Stillwell Lane.

Planning Commission and Staff Recommendation (July 2, 2014): Approval of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Leopard Business Park, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 1, Block B, Stillwell Addition, from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

Mayor Martinez referred to Item 29. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for light industrial and commercial uses for the construction of a small business park. Ms. Gunning stated that the Planning Commission and staff were in favor of the zoning change. Council Member Garza made a motion to open the public hearing, seconded by Council Member Riojas and passed. There were no comments from the Council or the public. Council Member Garza 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:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

**30. 14-00802 Public Hearing and First Reading Ordinance - Rezoning for Barisi Village to add a Planned Unit Development Overlay to the subject property's existing zoning districts of "RS-6" Single-Family 6 District and "RS-10" Single-Family 10 District, on property located at 7111 Pharaoh Drive.**

Case No. 0614-04 Blackard Global: A change of zoning to add a Planned Unit Development Overlay to the subject property's existing zoning districts of "RS-6" Single-Family 6 District and "RS-10" Single-Family 10 District. The property to be rezoned is described as being 57.75 acres comprised of a portion of Tract 1, The Pharaohs Country Club and all of Block 3, Pharaoh Valley Northeast, located on Ennis Joslin Road (Spur 3), Pharaoh Drive, and McArdle Road.

Planning Commission and Staff Recommendation (July 2, 2014): Approval of the rezoning to add the Planned Unit Development Overlay to the subject property's existing zoning districts of "RS-6" Single-Family 6 District and "RS-10" Single-Family 10 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Blackard Global on behalf of Apex Golf Properties Corporation ("Owner"), by changing the UDC Zoning Map in reference to 57.75 acres comprised of a portion of Tract 1, The Pharaohs Country Club and all of Block 3, Pharaoh Valley Northeast (the "Property"), by adding a Planned Unit Development Overlay to the Property's existing zoning of "RS-6" Single-Family 6 District and "RS-10" Single-Family 10 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

**Mayor Martinez referred to Item 30. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for redevelopment of a portion of the closed Pharaoh Valley golf course with a mixed-use, pedestrian-oriented development called "Barisi Village". Ms. Gunning provided information on the key features of the Planned Unit Development (PUD) ordinance; a site plan; and an exhibit representing the height limitations and buffer. Ms. Gunning stated that the Planning Commission and staff recommend approval of the zoning change. Ms. Gunning added that the developer was required to conduct a Traffic Impact Analysis and a give recommendations on how they would maintain the level of service that exists in this area. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Garza and passed. Mayor Martinez called for comments from the public. Francis Garrigues spoke in opposition to the zoning change and expressed concern regarding the increased traffic. John White, Al Tsovic, and Chris Kuehn spoke in support of the zoning change. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Riojas and passed. Raymond Chong, Traffic Engineer, responded to council members questions regarding the traffic impact. City Secretary Huerta stated that Council Member Magill submitted a conflict of interest form and is abstaining from the vote on this item. This Ordinance was passed on first reading with the following vote:**

**Aye:** 5 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 1 - Council Member Magill

**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. 14-00843** Executive session pursuant to Section 551.071 of the Texas Government Code for consultaion with attorneys regarding fire collective bargaining negotiations with possible discussion and action in open session

**This E-Session Item was discussed in executive session.**

- 3. 14-00844** Executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, and Section 551.087, Deliberations regarding economic development negotiations with possible discussion and action in open session.

**This E-Session Item was discussed in executive session. City Secretary Huerta stated that Council Member Magill recused himself from the discussion.**

**N. REGULAR AGENDA: (ITEMS 31 - 32)**

- 31. 14-00776 Second Reading Ordinance - Accepting and appropriating funds for park improvements (1st Reading 7/22/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$658,416.54 in developer contributions and \$220.93 in interest earnings for a sum of \$658,637.47 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

**Sponsors:** Parks and Recreation Department

**Mayor Martinez referred to Item 31. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to appropriate Community Enrichment Funds received from developer fees and interest earned. Mr. Morris stated that that the correction has been made to appropriate funds from Manhattan Estates to the Oso Bay Wetland Preserve. There were no comments from the Council or the public. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 5 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill and Council Member McIntyre

**Absent:** 4 - Council Member Leal, Council Member Loeb, Council Member Riojas and Council Member Scott

**Abstained:** 0

Enactment No: 030245

**32. 14-00786 Second Reading Ordinance - Rezoning from the "RE" Residential Estate District to the "RE/SP" Residential Estate District with a Special Permit, on property located at 822 Graham Road**

Case No. 0614-03 CCSemloh Partnership, Ltd.: A change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District. The property to be rezoned is described as a 10.861-acre tract of land out of Lot 10, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Compton Road between the intersections with First National Boulevard and Waldron Road.

Staff Recommendation (July 22, 2014):

Denial of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District and in lieu thereof, approval of a Special Permit for a boat storage facility subject to a site plan and nine conditions.

Planning Commission (June 18, 2014):

Approval of the change of zoning from the "RE" Residential Estate District to the "CG-2" General Commercial District.

Ordinance passed on first reading:

Ordinance amending the Unified Development Code ("UDC"), upon application by CCSemloh Partnership, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 10.861-acre tract of land out of Lot 10, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, from the "RE" Residential Estate District to the "RE/SP" Residential Estate District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

**Mayor Martinez referred to Item 32. Council Member McIntyre made a motion to table Item 32, seconded by Council Member Garza. The Motion to table was passed with the following vote:**

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

**O. FIRST READING ORDINANCES: (ITEMS 33 - 35)**

**35. 14-00820 First Reading Ordinance - Ordering a Special Election to be held on November 4, 2014**



Ordinance ordering a Special Election to be held on November 4, 2014, in the City of Corpus Christi, on the questions of authorizing bond issuances of the City supported by ad valorem taxes and the sale of city park land; providing for the procedures for holding such an election; providing for notice of election and publication thereof; providing for the establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; enacting provisions incident and relating to the subject and purpose of this ordinance.

Sponsors: City Secretary's Office

Mayor Martinez deviated from the agenda and referred to Item 35. City Secretary Rebecca Huerta stated that the purpose of this item is to approve an ordinance ordering a Special Election to be held on November 4, 2014 to consider the questions of two (2) Bond Propositions for street and street-related improvements and one (1) Proposition for the sale of city park land. Interim Executive Director of Public Works Valerie Gray stated the following: Proposition No. 1 is valued at \$55 million, representing streets in the greatest need of construction; Proposition No. 2 is valued at \$44.2 million, consisting of street and street-related improvement projects that promote economic development, economic revitalization, increase street capacity or enhance street safety. Ms. Gray reported that staff made minor changes to Proposition No. 2 since the last discussion on July 15th which included increasing No. 20, Traffic Signals and Lighting Improvements from \$5 million to \$6 million; and changing No. 26 to North Padre Island Beach Access Roads. Ms. Gray added that design contracts were issued in January 2014 from Proposition No. 1 to allow for projects to be shovel ready if they are approved by the voters, thus minimizing the cost of overruns. Ms. Gray stated that the Planning Commission reviewed and approved the list as presented on July 2, 2014.

Mayor Martinez called for comments from public. Darryl Haas spoke regarding Bond 2012 program projects that have not been designed or completed; concerns with the carry over of Bond 2012 costs and Bond 2014 costs should both propositions pass; and stated that he was in opposition to Proposition No. 2. Abel Alonzo spoke regarding comments made during public comment that were misleading in reference to Bond 2012 projects and thanked staff for addressing those comments. Mr. Alonzo also spoke regarding the cost and challenges associated with concrete versus asphalt. Dr. Sue Nelson, Superintendent of Tuloso-Midway Independent School District, spoke in support of Propositions 1 and 2 and requested consideration to include the construction of two-tenths of a mile of Stonewall to McKenzie on Proposition 2 to assist with the increasing and future traffic in and around the elementary school in that area. Dr. Nelson stated that the property is owned by three (3) landowners and the school district is willing to work to see if the land owners would consider volunteering easement rights and cost sharing.

Council Members spoke regarding the following topics: changing No. 27, Proposition 2, to read North Padre Island Park Beach Maintenance Facility; the location of the Beach Maintenance facility; the use of new beach equipment on North Padre Island; a future presentation on the timeframe of bidding, construction, and completion for the Bond 2012 and potential Bond 2014; the

matrix for the pavement condition index (PCI); costs associated with Stonewall to McKenzie; whether Tuloso-Midway will be able to meet with property owners and provide information before the second reading; developing an outreach system with the school districts to continuously discuss when school districts have bond projects and future development of schools; request that staff develop a "catch up" plan to address Bond 2012; development of a recruiting system to attract construction companies to the community; moving \$1 million for Park Road 22 traffic signal and lighting to TXDOT participation; clarifying Beach Access Roads as 3A and 2; and removing language from Proposition 2 that states that if the City Council removes a projects, it does not replace it with another project and instead, earmarking those funds for ADA improvements, residential traffic management or sidewalks.

Council Member Allen made a motion directing the City Manager to further examine the costs for consideration to add Stonewall Street to Proposition 2, seconded by Mayor Martinez and passed unanimously.

Council Member McIntyre made a motion to amend the ordinance by re-wording the preface of the ordinance by moving the language "the sale of park land" prior to "bond issuance of the City supported by ad valorem taxes"; seconded by Council Member Allen and passed unanimously.

Council Member McIntyre made a motion to amend the ordinance to move \$1 million from Traffic Signal and Lighting Improvements to TXDOT Participation; seconded by Council Member Magill and passed unanimously.

Council Member McIntyre made a motion to amend the ordinance to revise the North Padre Beach Access Roads to include 3A and 2; seconded by Council Member Magill and passed unanimously.

Mayor Martinez referred to the discussion on Proposition 3. Director of Parks and Recreation Michael Morris stated that Proposition 3 has been revised since the public hearing on June 24th from 24 parks to 20 parks. Mr. Morris reported that the following parks were adopted by their neighborhood and removed from the original list: Lee Manor Park, Brandywine Park, Holly Park and Lexington Park. Mr. Morris referred to a petition that was received to save Ridgewood Park and said he has been in contact with an individual representing the saving of Ridgewood Park and has previously provided him with the "adopt a park" information. Mr. Morris stated that Nueces County has requested a formal agreement to maintain First Colony Park and staff is requesting to remove First Colony Park from the list.

Council Member McIntyre made a motion to remove First Colony Park from the list as it is to be maintained and operated by Nueces County, pending an interlocal agreement; seconded by Council Member Allen and passed unanimously.

Council Members asked questions regarding the petition for Ridgewood Park; requiring a notification process to property owners prior to the repurposing or sale of park land to allow property owners to participate in the process; whether Caribbean Park can be developed; and a request to receive a map and list of currently adopted parks. There was a general consensus of the Council to have staff draft a resolution developing a notification process to property owners prior to the repurposing or sale of park land.

Council Member McIntyre made a motion to amend the ordinance to change No. 27, Proposition 2 to read "North Padre Island Park Beach Maintenance Facility; seconded by Council Member Magill and passed unanimously. This Ordinance was passed on first reading as amended and approved with the following vote:

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill, Council Member McIntyre and Council Member Riojas

**Absent:** 3 - Council Member Leal, Council Member Loeb and Council Member Scott

**Abstained:** 0

**33. 14-00765 First Reading Ordinance - Appropriating Federal funds for equipment purchases through the U.S. Immigration and Customs Enforcement (ICE) FY 2014 Joint Operations Program Funding**

Ordinance appropriating \$12,000.00 in General Fund No. 1020 from the U.S. Immigration and Customs Enforcement FY2014 Joint Operations Program Funding program for the purchase of Police equipment; and changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 by increasing revenue and expenditures in the General Fund No. 1020 by \$12,000.00 each.

**Sponsors:** Police Department

Mayor Martinez referred to Item 33. Police Management Services Director Pat Eldridge stated that the purpose of this item is to appropriate \$12,000 from the U.S. Immigration and Customs Enforcement Joint Operations Funding Program for the purchase of police equipment. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 5 - Mayor Martinez, Council Member Allen, Council Member Loeb, Council Member Magill and Council Member Riojas

**Absent:** 4 - Council Member Garza, Council Member Leal, Council Member McIntyre and Council Member Scott

**Abstained:** 0

**34. 14-00821 First Reading Ordinance - Ordering a General Election to be held on November 4, 2014**

Ordinance ordering a general election to be held on November 4, 2014, in the City of Corpus Christi for the election of mayor and eight council members; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County, and a runoff election, if one is necessary; and enacting provisions incident and relating to the subject and purpose of this ordinance.

**Sponsors:** City Secretary's Office

Mayor Martinez referred to Item 34. City Secretary Rebecca Huerta stated that the purpose of this item is ordering the General Election to be held on November 4, 2014 for the election of mayor and eight council members. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 5 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Magill and Council Member Riojas

**Absent:** 4 - Council Member Leal, Council Member Loeb, Council Member McIntyre and Council Member Scott

**Abstained:** 0

**P. FUTURE AGENDA ITEMS: (ITEMS 36 - 38)**

Mayor Martinez referred to Future Agenda Items. City Manager Ron Olson stated that staff has planned presentations on Items 37 and 38.

**36. 14-00848 Authorizing submission of a grant application for Hazardous Materials Emergency Preparedness (HMEP) planning**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$34,593.22 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2015 Hazardous Materials Emergency Preparedness (HMEP) grant program, phase II & III, to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safety and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to Know Act of 1986, with a hard match of \$6,918.64; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

**Sponsors:** Fire Department

**This Resolution was recommended to consent agenda.**

**37. 14-00796 Service agreement for upgrade to Fleet Management Information System (FMIS)**

Motion approving a professional service agreement with Mercury Associates, Inc., Gaithersburg, Maryland to upgrade the Fleet Management Information System (FMIS) in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$298,600.76. Funds have been budgeted by the Fleet Maintenance Services in FY 2013- 2014.

**Sponsors:** Purchasing Division and Fleet Maintenance Services

**This Motion was recommended to the consent agenda.**

- 38. 14-00842            Recommending the 84th Texas Legislature appropriate funding for the FY16-17 biennium to partner with local sponsors to implement one or more seawater desalination projects**

Resolution recommending the 84th Texas Legislature appropriate adequate funding for the Fiscal Years 2016-2017 biennium for the State of Texas to partner with local project sponsors to implement one or more seawater desalination projects to provide uninterrupted water supply and have corresponding positive impacts for water supplies in adjacent regions which will strengthen Texas' economy and sustain economic prosperity.

Sponsors:            Intergovernmental Relations

**This Resolution was recommended to the consent agenda.**

**Q.    BRIEFINGS TO CITY COUNCIL: (NONE)**

**R.    ADJOURNMENT**

**The meeting was adjourned at 4:25 p.m.**