



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, March 18, 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 Pastor Kenneth Mutchler, Immanuel Fellowship Church

Pastor Kenneth Mutchler gave the invocation.

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

Police Management Services Director Pat Eldridge 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.

*Council Member Scott arrived at 12:10 p.m.

Charter Officers:

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

Present: 7 - 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: 2 - Council Member Kelley Allen, and Council Member Priscilla Leal

E. Proclamations / Commendations

1. Proclamation declaring March 18, 2014 as "Leadership Corpus Christi 42 Day"
Proclamation declaring March 18, 2014, as "World Water Day"
Proclamation declaring March 2014, as "Professional Social Work"

Month"

Presentation of Mayor's Clean & Green Awards

Recognition of Hotel Occupancy Tax Fund Arts Grant Recipients for 2014 chosen by the Arts & Cultural Commission

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 informed the Council of a program that will replay on Friday, March 21st at 3:30 p.m. on Public Access Channel 10 regarding the possum policy. Mike Hurst, Saltwater Fisheries Enhancement Association (SEA) requested to be placed on a future agenda to discuss an opportunity to put a small coastal freighter on the artificial reef and support from the City. Mary Ann Kelley spoke regarding the possum policy and asked for consideration to spay or neuter possums before they are released. Dr. Gloria Scott spoke regarding the routes of the Harbor Bridge project.

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

Mayor Martinez referred to City Manager's Comments.

b. Other

City Manager Olson reported that the Animal Control Advisory Board will hold their monthly meeting this Thursday and will discuss the possum issue. Mr. Olson said that staff will present an item to the Council once the Board has taken a position.

a. City Performance Report - Streets Department

Director of Street Operations Valerie Gray provided a briefing on the operation, mission, and goals of the Street Department.

H. EXECUTIVE SESSION: (NONE)

I. MINUTES:

2. Regular Meeting of February 25, 2014

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

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**K. EXPLANATION OF COUNCIL ACTION:****M. PUBLIC HEARINGS: (ITEMS 25 - 29)****25. Public Hearing and First Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, on property located at the southwest corner of Leopard Street and Rhew Road.**

Case 0214-01 Bill Ferguson: A rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as being a 69.265-acre tract of land out of a 176-acre tract of land generally known as the Sedwick Tract and out of The J. Dunn Survey, Abstract 985, located along the west side of Rhew Road, between Leopard Street and Sedwick Road.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Bill Ferguson, acting as agent on behalf of D.W. Grant, Jr., Betty Grant Armstrong, Andrea Alice Armstrong Plymale, Amie Alexandria Armstrong Kirk, Amanda Annette Armstrong England, Sam Megarity Armstrong, Jr. ("Owners"), by changing the UDC Zoning Map in reference to a 69.265-acre tract of land out of a 176-acre tract of land generally known as the Sedwick Tract and out of The J. Dunn Survey, Abstract 985, from the "FR" Farm Rural District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez deviated from the agenda and referred to Item 25. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for future light industrial development. Ms. Gunning said that staff and Planning Commission were in favor of the zoning change. Council Member McIntyre 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 Garza made a motion to close the public hearing, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

26. Public Hearing and First Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "IL" Light Industrial District, on property located at 6045 Bear Lane.

Case 0214-02 Congregation of Divine Providence, Inc.: A change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change to the Future Land Use Plan. The property is described as being 40 acres of land, more or less, out of the northeast corner of Lot 1 of the Margaret Kelly Land, located on the south side of Bear Lane, approximately 350 feet west of Junior Beck Drive.

Planning Commission and Staff Recommendation (February 12, 2014): Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by the Congregation of Divine Providence, Inc. ("Owner"), by changing the UDC Zoning Map in reference to 40 acres of land, more or less, out of the northeast corner of Lot 1 of the Margaret Kelly Land, from the "FR" Farm Rural District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 26. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for development of an oil field service facility. Ms. Gunning said that staff and Planning Commission were in favor of the zoning change. Council Member Loeb made a motion to open the public hearing, seconded by Council Member McIntyre. 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 Loeb. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

27. Public Hearing and First Reading Ordinance - Rezoning from the

"CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District, on property located at 4410 Ivy Lane.

Case No. 0214-04 Santos and Virginia Herrera:A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District, resulting in a change to the Future Land Use Plan from commercial to low density residential uses. The property is described as being a 0.113-acre tract of land out of Lot 10A, Ava Cooper Subdivision, located approximately 200 feet north of Gollihar Road and 75 feet east of Ivy Lane.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Santos Herrera and Virginia Herrera ("Owners"), by changing the UDC Zoning Map in reference to a 0.113-acre tract of land out of Lot 10A, Ava Cooper Subdivision, from the "CN-1" Neighborhood Commercial 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 Martinez referred to Item 27. Annika Gunning with Development Services stated that the purpose of this item is to rezone the rear portion of the subject property to allow the owners to expand their lot. Ms. Gunning said that staff and Planning Commission were in favor of the zoning change. Council Member Loeb 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 McIntyre made a motion to close the public hearing, seconded by Council Member Riojas. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

28. Public Hearing an First Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, on property located at 7201 Yorktown Boulevard.

Case No. 0214-03 Yorktown Oso Joint Venture:A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property is described as being a 22.87-acre tract of land, more or less,

out of Lots 2-4, Section 24 and Lots 29-31, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located at the ends of Fort Griffen Drive and Prax Morgan Place and south of Laurelas and Idle Hour Drives.

Planning Commission and Staff Recommendation (February 12, 2014):

Approval of the rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC") upon application by Yorktown Oso Joint Venture, acting as agent on behalf of Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 22.87-acre tract of land, more or less, out of Lots 2-4, Section 24 and Lots 29-31, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

Mayor Martinez referred to Item 28. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for future phase development of the Ranch Vista subdivision. Ms. Gunning said that staff and Planning Commission were in favor of the zoning change. 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 McIntyre made a motion to close the public hearing, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

29. Public Hearing and First Reading Ordinance - Closing a portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition located west of South Alameda Street and South of McKenzie Street

Ordinance abandoning and vacating a portion of a 10-foot wide utility easement out of Block 903, Fitchue Place Addition and requiring the owner, CC Tower Center, LTD., to comply with the specified conditions.

Mayor Martinez referred to Item 29. Interim Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a utility easement and allow for the future development of the property.

Mr. Dimas said staff recommended approval of the closure. Council Member Garza 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 Garza made a motion to close the public hearing, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 1 - Council Member Loeb

L. CONSENT AGENDA: (ITEMS 3 - 24)

Approval of the Consent Agenda

Mayor Martinez referred to the consent agenda. Items 10 and 11 were pulled for individual consideration and were voted on separately. City Secretary Rebecca Huerta announced that Council Member Loeb would abstain from the vote on Item 20. The remaining items on the consent agenda were passed by one vote as follows:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

3. Supply agreement for police uniforms

Motion approving a supply agreement with Nardis, Inc., Kilgore, Texas for police uniforms in the amount of \$64,972.60 of which \$32,486.30 will be required for the remainder of FY 2013 - 2014. The term of the contract will be for twelve (12) months with an option to extend the contract for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. The award is in accordance with the U.S. General Services Administration (GSA) Federal Supply Schedule 84 Cooperative Purchasing Program. Funds have been budgeted by the Police Department in FY 2013 - 2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-028

4. Purchase of electronic citation handheld units (ticket writers)

Motion approving the purchase of sixty-two (62) Electronic Citation Handheld Units from Brazos Technologies, College Station, Texas for a total amount of \$233,773. The award is based on the General

Services Administration (GSA) Federal Supply Schedule 70 Cooperative Purchasing Program. Funds are available in the Crime Control and Prevention District in FY 2013-2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-029

5. Purchase of video equipment and system upgrade for video surveillance system

Motion approving the purchase of video cameras and equipment; to include a system upgrade from Zones, Solutions Group, Auburn, Washington based on the General Services Administration (GSA) Federal Supply Schedule 70 Cooperative Purchasing Program for a total amount of \$79,322.48. Funds are available in the Crime Control and Prevention District in FY 2013-2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-030

6. Purchase and installation of a roll-off hoist body for a reconfigured roll-off truck to be used at transfer station

Motion approving the purchase and installation of one (1) roll-off hoist body from Texan Waste Equipment, Inc., Houston, Texas for a total amount of \$60,483. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC).

This Motion was passed on the Consent Agenda.

Enactment No: M2014-031

7. Authorizing submission of grant application to State for a victim outreach program under the Victims of Crime Act (VOCA)

Resolution authorizing the submission of a grant application in the amount of \$68,163.15 to the State of Texas, Criminal Justice Division. For funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit to continue Year 2 of the Victim Outreach Program with a city match of \$13,840.79 and \$3,200 in-kind services, for a total project cost of \$85,203.94; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030110

8. Authorizing submission of grant application to the State for

victims of crime under the Victims of Crime Act (VOCA)

Resolution authorizing the submission of a grant application in the amount of \$77,084.05 to the State of Texas, Criminal Justice Division for funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit with a city match of \$20,271.07 and \$4,000 in-kind services, for a total project cost of \$101,355.06; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030111

9. Authorizing submission of grant application to the State for violence against women under the Violence Against Women Act (VAWA)

Resolution authorizing the submission of a grant application in the amount of \$44,356.71 to the State of Texas, Criminal Justice Division. For funding available under the Violence Against Women Act (VAWA) fund for the Police Department's Family Violence Unit with a city match of \$20,280.21 and \$5,520 in-kind services, for a total project cost of \$70,156.92; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

This Resolution was passed on the Consent Agenda.

Enactment No: 030112

10. Aquisition of real property rights for Navigation Boulevard street improvement project from Up River Road to Leopard Street (Bond 2012)

Resolution of the City Council of the City of Corpus Christi, Texas **(1)** determining the public necessity and public use for the acquisition of parcels of land by fee simple title to the surface estate, right-of-way easements, utility easements, and temporary construction easements for a street improvement project known as the Navigation Boulevard Street Improvement Project which is to be generally located from Leopard Street northward to Up River Road, Bond 2012; **(2)** authorizing the City Manager or his designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; **(3)** authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire the fee simple and easement interests in the properties; **(4)** authorizing payment pursuant to an award by Special Commissioners; **(5)** authorizing acceptance and recording of appropriate legal instruments; and **(6)** approving condemnation for all

units of property to be acquired by condemnation the parcels of land described herein by a single record vote of the City Council.

Mayor Martinez referred to Item 10. Executive Director of Public Works Dan Biles stated that the resolution for acquisition of property rights requires a separate vote. There were no comments from the Council or the public. This Resolution was passed and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

Enactment No: 030113

11. Support of project that will study redevelopment of area affected by Harbor Bridge relocation

Resolution to provide support to the Regional/Urban Design Assistance Team Project.

Mayor Martinez referred to Item 11. Council Member Magill addressed the following concerns regarding the Regional/Urban Design Assistance Team Project including those areas affected by the new Harbor Bridge such as the Downtown Management District, Hillcrest and Westside; the transportation elements; the financial impact to the City; and involving the community. Executive Director of Public Works Dan Biles stated that the purpose of this item is to focus on what is taking place in the area of the existing Harbor Bridge and how to reconnect the land uses. Mayor Martinez called for comments from the public. Dr. Gloria Scott asked questions regarding the stakeholders; the process for public involvement and a timeline. This Resolution was passed and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

Enactment No: 030114

12. Refunding of Lavaca-Navidad River Authority (LNRA) water supply facilities revenue bonds for debt service savings

Resolution authorizing the City Manager to take actions necessary to approve the issuance of refunding bonds designated as Lavaca-Navidad River Authority Water Supply Contract Revenue Refunding Bonds Taxable Series 2014, (Lake Texana Project); and other matters in connection therewith.

This Resolution was passed on the Consent Agenda.

Enactment No: 030115

- 13. Second Reading Ordinance - Exempting Buena Vista Addition, located on Guth Lane, north of Interstate Highway 37 and west of Sessions Road, from the wastewater lot/acreage fees (1st Reading 2/25/14)**

Ordinance exempting Buena Vista Addition, Block 3, Lots 2A & 3, a subdivision located on Guth Lane, north of Interstate Highway 37 and west of Sessions Road, from the payment of the wastewater lot/acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

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

Enactment No: 030116

- 14. Second Reading Ordinance - Exempting King Estates Unit 4, located south of South Staples Street (FM 2444) at the intersection with Oso Parkway South, from the wastewater lot/acreage fees (1st Reading 2/25/14)**

Ordinance exempting King Estates Unit 4, a subdivision located south of South Staples Street (FM 2444) at the intersection of South Staples Street (FM 2444) and Oso Parkway South, from payment of wastewater lot/acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

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

Enactment No: 030117

- 15. Second Reading Ordinance - Changing the name of Bufferhead Drive to Bufflehead Drive (1st Reading 2/25/14)**

Ordinance changing the name of Bufferhead Drive to Bufflehead Drive between Eider Drive and Goldeneye Drive

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

Enactment No: 030118

- 16. Second Reading Ordinance - Accepting and appropriating grant funds for the Operation Stonegarden program for reduction of crime in the Rio Grande Valley (1st Reading 2/25/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$126,000 from Nueces County for funding eligible under the FY2012

Department of Homeland Security Grant Program Operation Stonegarden to reimburse fuel, overtime, fringe benefits, and equipment expenditures for the Police Department's collaborative enforcement efforts with Nueces County along routes of ingress and egress to include (but not limited to) U. S. Highway 77 and State Highway 44; and appropriating the \$126,000 in the No. 1061 Police Grants Fund.

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

Enactment No: 030119

17. Second Reading Ordinance - Appropriating funds for the Infor Enterprise Resource Planning (ERP) implementation (1st Reading 2/25/14)

Ordinance appropriating \$1,212,449 from the Unreserved Fund Balance in the Municipal Information Systems Fund No. 5210 and \$1,311,979 from the Unreserved Fund Balance in the General Fund No. 1020, and transferring to and appropriating in the MIS Fund No. 5210 for the Infor Enterprise Resource Planning (ERP) implementation; changing the FY 2013-2014 Budget adopted by Ordinance No. 029915 to increase appropriations by \$2,524,428.

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

Enactment No: 030120

18. Second Reading Ordinance - Authorization for streamlining the approval process for repeat special events requesting use of City property (1st Reading 2/25/14)

Ordinance authorizing the City Manager or designee to execute agreements for use of City property by repeat special events.

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

Enactment No: 030121

19. Second Reading Ordinance - Lease agreement for the 2014 Buccaneer Days Festival and related activities (1st Reading 2/25/14)

Ordinance authorizing the City Manager or designee to execute a lease agreement with the Buccaneer Commission, Inc. ("Commission") for 2014 Buccaneer Days Festival and related activities to allow use of City property including areas bounded by Kinney Street, North Shoreline, South Shoreline, and Park Avenue, including adjacent parking lots, during April 24, 2014 through May 4, 2014; use of parking lot north of former Memorial Coliseum site from April 18, 2014 through April 10, 2014 provide for Commission paying

fees for City services in amount not to exceed \$33,000.00

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

Enactment No: 030122

20. Second Reading Ordinance - Engineering construction contract for downtown (Chaparral) signal improvements (Bond Issue 2008) (1st Reading 2/25/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by transferring \$459,111.75 from Fund 3541 Bond 2004 Project Reserves and \$459,117.75 from Fund 3544 Bond 2004 Project Reserves to the Downtown Street Chaparral Project (Bond 2008); increasing expenditures in the amount of \$918,235.50; and authorizing the City Manager, or designee, to execute a construction contract with Austin Traffic Signal Construction Co., Inc. of Round Rock, Texas in the amount of \$918,235.50 for the Downtown Streets Chaparral Signal Improvements for the Base Bid plus Additive Alternate One.

This Ordinance was passed on second reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 1 - Council Member Loeb

Enactment No: 030123

21. Second Reading Ordinance - Engineering construction contract for Health Department parking lot (Bond 2012) (1st Reading 2/25/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by accelerating funding for the Health Department Building Parking Lot Bond 2012 project in the amount of \$150,000 from Fiscal Year 2015 to Fiscal Year 2014; increasing expenditures in the amount of \$150,000; and authorizing the City Manager, or designee, to execute a construction contract with Mako Contracting of Corpus Christi, Texas in the amount of \$402,734.13 for Health Department Building Parking Lot for the Base Bid plus Additive Alternate Nos. 1 and 2. (Bond 2012)

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

Enactment No: 030124

22. Second Reading Ordinance - Engineering design contract for

Gollihar Road from Weber Road to Carroll Lane, Phase One and from Carroll Lane to Kostoryz Road, Phase Two (1st Reading 2/25/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer budgeted funds in the amount of \$600,384.20 from Storm Water CIP Fund 3495 Project No. E09025 Williams Drive Outfall; reserves in the amount of \$40,488.50 from Wastewater CIP Fund 4510; reserves in the amount of \$32,390.80 from Water CIP Fund 4479; reserves in the amount of \$8,097.70 from Gas CIP Fund 4551 for the Gollihar Road from Weber Road to Carroll Lane (Phase One) Project; transferring budgeted funds in the amount of \$600,384.20 from Storm Water CIP Fund 3495 Project No. E09025 Williams Drive Outfall; reserves in the amount of \$40,488.50 from Wastewater CIP Fund 4510; reserves in the amount of \$32,390.80 from Water CIP Fund 4479; reserves in the amount of \$8,097.70 from Gas CIP Fund 4551 for the Gollihar Road from Carroll Lane to Kostoryz Road (Phase Two) Project; increasing expenditures in the amount of \$1,362,722.40; and authorizing the City Manager, or designee, to execute an engineering design contract with RVE, Inc. from Corpus Christi, Texas in the amount of \$2,009,621.00 for the Gollihar Road from Weber Road to Carroll Lane (Phase One) and Gollihar Road from Carroll Lane to Kostoryz Road (Phase Two) Projects.

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

Enactment No: 030125

23. Second Reading Ordinance - Engineering design contract for Southern Minerals Road from Up River to IH 37 (1st Reading 2/25/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer capital reserves in the amounts of \$151,145.75 from Storm Water CIP Fund 3494, \$70,795.79 from Wastewater CIP Fund 4510, and \$65,349.96 from Water CIP Fund 4088 to the Bond 2014 Street Project Southern Minerals Road from Up River to IH 37; increasing expenditures in the amount of \$287,291.50; and authorizing the City Manager, or designee, to execute an engineering design contract with LNV, Inc. from Corpus Christi, Texas in the amount of \$604,675.00 for Southern Minerals Road from Up River to IH 37.

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

Enactment No: 030126

24. Second Reading Ordinance - Engineering design contract for

Ayers Street from Ocean to Alameda (1st Reading 2/25/14)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer capital reserves in the amounts of \$163,384.75 from Storm Water CIP Fund 3494, \$97,120.07 from Wastewater CIP Fund 4510, and \$78,424.68 from Water CIP Fund 4479 to the Bond 2014 Street Project Ayers Street from Ocean to Alameda; increasing expenditures in the amount of \$338,929.50; and authorizing the City Manager, or designee, to execute an engineering design contract with Freese and Nichols, Inc. from Corpus Christi, Texas in the amount of \$811,935.00 for Ayers Street from Ocean to Alameda.

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

Enactment No: 030127

Mayor Martinez called for a recess until 1:30 p.m.

N. REGULAR AGENDA: (ITEMS 30 - 32)**30. Confirming Barney L. Knight as Interim City Attorney and approving agreement**

Motion confirming Barney L. Knight as Interim City Attorney and approving an agreement with Barney L. Knight of Knight & Partners, Attorneys at Law, for a period of one calendar month with an option to extend for up to three additional calendar months for a fee of \$16,000 a month.

Mayor Martinez referred to Item 30. Assistant Director of Strategic Management Sandra Thaxton stated that the purpose of this item is to confirm Barney L. Knight as Interim City Attorney and approve a agreement with Barney L. Knight of Knight & Partners for one calendar month with an option of up to three additional months. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

Enactment No: M2014-032

31. Reimbursement resolution for energy efficiency projects

Resolution relating to establishing the City Council of the City of

Corpus Christi, Texas' intention to reimburse itself for the prior lawful expenditure of funds relating to the acquisition of a new energy management and control system on a city-wide basis and certain other personal property from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

Mayor Martinez referred to Item 31. Executive Director of Public Works Dan Biles stated that Items 31, 32, and 33 are related to the energy efficiency projects with McKinstry Essention. Mr. Biles stated that the purpose of these items is to approve the reimbursement resolution; appropriate and execute the contract amendment with McKinstry Essention, and approve the financing for Phase 2. There were no comments from the public. Council Member Magill stated that he hopes that McKinstry will prove his concerns wrong and he would be voting "No" on this item. This Resolution was passed and approved with the following vote:

Aye: 6 - Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Nay: 1 - Council Member Magill

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

Enactment No: 030128

32.

Second Reading Ordinance - Contract amendment no. 2 for energy performance contract for Energy Efficiency Conservation Retrofit for Major City Facilities Project, Phase 2 (1st Reading 2/25/14)

Ordinance appropriating \$32,326.50 from AEP Program Incentives in the No. 3160 City Hall CIP Fund for the Energy Efficiency Conservation Retrofit for Major City Facilities Project; changing the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to increase revenues and expenditures by \$4,982,326.50 each; and authorizing the City Manager, or designee, to execute Amendment No. 2 to the Fixed Price Energy Performance Contract with McKinstry Essention of Seattle, Washington for Energy Efficiency Conservation Retrofit for Major City Facilities, Phase 2 in the amount of \$7,709,592, for a total re-stated fee of \$14,724,124.28.

This item was discussed under Item 31. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Nay: 1 - Council Member Magill

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

Enactment No: 030129

O. FIRST READING ORDINANCES: (ITEMS 33 - 41)

33. First Reading Ordinance - Approving the financing for phase 2 of energy projects

Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas Public Property Finance Contractual Obligations, Series 2014" in an amount not to exceed \$9,000,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the contractual obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the contractual obligations; authorizing the execution of a Payment Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the requirements imposed by the Letter of Representations previously executed with the Depository Trust Company; delegating the authority to the Mayor and certain members of the City Staff to execute certain documents relating to the sale of the contractual obligations; and providing an effective date.

This item was discussed under Item 31. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Nay: 1 - Council Member Magill

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

34. First Reading Ordinance - Accepting and appropriating a State grant for Local Border Security Program (LBSP)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$45,000 from the Texas Department of Public Safety, Texas Homeland Security State Administrative Agency for funding eligible under the FY2014 Local Border Security Program (LBSP) grant to reimburse overtime and fringe benefits; and appropriating the \$45,000 in the No. 1061 Police Grants Fund.

Mayor Martinez referred to Item 34. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate funds from the FY2014 Local Border Security Program Grant to reimburse overtime for highway border security in the amount of \$45,000. 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

35. First Reading Ordinance - Accepting and appropriating funds from State for training of police personnel and purchase of training equipment

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an annual allocation payment from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$29,600.43; and appropriating funds from the State of Texas - Law Enforcement Officer Standards and Education Account in the amount of \$29,600.43 in the No. 1061 Police Grants Fund for training of police personnel and purchase of training equipment.

Mayor Martinez referred to Item 35. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate an annual allocation payment from the State of Texas Law Enforcement Officer Standard and Education Account for continuing education of officers. 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

36. First Reading Ordinance - Accepting and appropriating developer fees and interest for park improvements and other related projects

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$341,846.87 in developer contributions and \$1,498.08 in interest earnings for a sum of \$343,344.95 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

Mayor Martinez referred to Item 36. Assistant City Manager Susan Thorpe stated that the purpose of this item is to accept and appropriate funds received from developer fees and interest earned in the Community Enrichment Fund. 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

37. First Reading Ordinance - Lease agreement for radio control automobile activity at Bill Witt Park

Ordinance authorizing City Manager or designee to execute a 60 month lease agreement with STARCAR for Bill Witt Park, in the City, Lessee agrees to operate and maintain the premises according to City standards.

Mayor Martinez referred to Item 37. Assistant City Manager Susan Thorpe stated that the purpose of this item is to renew the lease agreement with STARCAR for Bill Witt Park. 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

38. First Reading Ordinance - Authorizing financing for proposed Bond 2014 design work

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Tax Notes, Series 2014" in an amount not to exceed \$8,000,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of a Payment Agent/Registrar Agreement and a Purchase and Investment Letter; complying with the provisions of the Depository Trust Company's Letter of Representations; and providing an effective date.

Mayor Martinez referred to Item 38. Director of Financial Services Constance Sanchez stated that the purpose of this item is to provide funding for the design work for the proposed Bond 2014 street projects. Ms. Sanchez said this item will be a private placed loan and the institution offering the lowest interest rate would win the bid. There were no comments from the Council or the public.

Council Member Scott made a motion to add the following language to the caption: "delegating the authority and certain members of the City staff to

execute certain documents, relating to the sale of the tax notes", seconded by Council Member McIntyre and passed. This Ordinance was passed on first reading as amended and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

39. First Reading Ordinance - Amending Capital Improvement budget to include pier "R" replacement project

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to add Project Number E13144 City Marina Replacement of Pier R; increasing revenues and expenditures in the amount of \$3,239,496.

Mayor Martinez referred to Item 39. Executive Director of Public Works Dan Biles stated that the purpose of this item is to amend the FY2014 Capital Improvement Program Budget to include the replacement of the City Marina Pier "R". 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

40. First Reading Ordinance - Engineering construction contract for McArdle Road from Ennis Joslin Road to Whitaker Drive (Bond 2012)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by transferring \$651,654.15 from Fund 3549 Project #E12098 McArdle Road from Whitaker Drive to Nile Drive, \$65,000 from Fund 4476 Water 2009 CIP Fund Reserves, \$360,000 from Fund 4247 Wastewater 2012 CIP Fund Reserves to Project #E12097 McArdle Road from Nile Drive to Ennis Joslin; increasing expenditures in the amount of \$425,000; authorizing the City Manager, or designee, to execute a construction contract with Reytec Construction Resources, Inc. of Corpus Christi, Texas in the amount of \$10,653,999.40 for McArdle Road from Ennis Joslin to Whitaker for the base bid; and executing a testing agreement with Rock Engineering and Testing Laboratories, Inc. in the amount of \$74,850 for McArdle Road from Ennis Joslin to Whitaker for construction materials testing services. (Bond 2012)

Mayor Martinez referred to Item 40. Executive Director of Public Works Dan

Biles stated that the purpose of this item is to award the design and construction projects for the McArdle Road improvements from Ennis Joslin Road to Whitaker Drive. Council members spoke regarding the following topics: safety issues on McArdle Road; sidewalks; and working with Carriage Park to incorporate a jersey barrier. Mayor Martinez called for comments from the public. Abel Alonzo, Committee for Persons with Disabilities, thanked Mr. Biles and staff for their work and sensitivity to community concerns. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

41. First Reading Ordinance - Appropriating Lead Ballast Revenue

Ordinance appropriating \$18,526 of revenue, from the sale of lead ballast from the Santa Maria, in the No. 1020 General Fund for payment to Columbus Sailing Association for the cost associated with the repair and restoration of the Niña or for staging facilities for the Niña; and changing the FY 2013-2014 operating budget adopted by Ordinance No. 029915 by increasing revenue and expenditures by \$18,526 each

Mayor Martinez referred to Item 41. Director of Financial Services Constance Sanchez stated that the purpose of this item is to appropriate \$18,526 of revenue from the sale of lead ballast from the Santa Marina to be used for payment to the Columbus Sailing Association (CSA). 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 Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Leal

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 42 - 54)

Mayor Martinez referred to the Future Agenda. City Manager Ron Olson stated that staff had planned presentations on Items 51 and 54. City Secretary Rebecca Huerta announced that Council Member Magill would abstain from the discussion on Item 54. Council Members asked questions regarding Item 43.

42. Purchase agreement for traffic control radar detection systems

Motion approving the purchase of four (4) traffic control radar detection systems from Twincrest Technologies, Mansfield, Texas for a total amount of \$77,920. The award is based on the cooperative purchasing agreement with the State of Texas Cooperative Purchasing

Program. Funds have been budgeted by the Engineering Department in FY 2013-2014.

This Motion was recommended to consent agenda

43. Service Agreement for Maintenance of City Hall HVAC System

Motion approving a service agreement with Johnson Controls Inc., Corpus Christi, Texas for maintenance of the HVAC System located at City Hall for a total amount of \$274,122 of which \$24,794 is required for the remainder of FY 2013-2014. The award is based on the cooperative purchasing agreement with the State of Texas Cooperative Purchasing Program. The term of the agreement will be sixty months. Funds are budgeted by the Facility Maintenance Services Fund in FY 2013-2014.

This Motion was recommended to consent agenda

44. Authorizing submission of grant application to State for automation of police training records

Resolution authorizing the submission of a grant application in the amount of \$35,000 to the State of Texas, Criminal Justice Division for funding available under the Edward Byrne Memorial Justice Assistance Grant Program to automate Police training records; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

This Resolution was recommended to consent agenda

45. Agreement for permanent art to be located at the entrance to the Oso Bay Learning Center and Wetland Preserve

Motion authorizing the City Manager or designee to execute documents necessary to purchase sculpture created by artist Dixie Friend Gay for a work of permanent art created in steel and authorize disbursement of \$100,000 from the Bond Fund 3292 for such purchase.

This Motion was recommended to consent agenda

46. Approval of financial advisor for phase 2 of energy projects (Related items 24 - 25)

Motion authorizing the appointment of M. E. Allison & Co., Inc. as Financial Advisor for the City of Corpus Christi, Texas Public Property Finance Contractual Obligations, Series 2014.

This Motion was recommended to consent agenda

47. Approving financial advisor for Proposed Bond 2014 design work (Related items 26 - 27)

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the "City of Corpus Christi, Texas Tax Notes, Series 2014" in an amount not to exceed \$8,000,000.

This Motion was recommended to consent agenda

48. Reimbursement resolution for Marina "R" Pier project to allow the City to reimburse itself for costs incurred prior to receipt of bond proceeds (Related items 11 - 12)

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt or taxable obligations to be issued by the City for authorized purposes in an amount not to exceed \$2,600,000; authorizing other matters incident and related thereto; and providing an effective date.

This Resolution was recommended to consent agenda

49. Amendment No. 1 to architectural design contract for fleet maintenance heavy equipment shop roof replacement

Motion authorizing the City Manager or designee to execute Amendment No. 1 to an Architectural Design Contract with Solka Nava Torno, LLC from Corpus Christi, Texas in the amount of \$34,620, for a total re-stated fee of \$59,070, for Fleet Maintenance Heavy Equipment Shop Roof for the design, bid, and construction phase services. BOND ISSUE 2012

This Motion was recommended to consent agenda

50. Amendment No. 1 to architectural design contract for the museum roof replacement

Motion authorizing the City Manager or designee to execute Amendment No. 1 to an Architectural Design Contract with Solka Nava Torno, LLC from Corpus Christi, Texas in the amount of \$81,450, for a total re-stated fee of \$130,040, for Museum Roof Replacement for the design, bid, and construction phase services. BOND ISSUE 2012.

This Motion was recommended to consent agenda

51. Change order authorization for the Mary Rhodes Pipeline Phase 2 pipeline section A, B, and C and pump stations/sedimentation basin

Motion authorizing the City Manager or designee to execute non

routine change orders of up to 5% of the contract value, of (1) the construction contract with Garney Companies, Inc. for the Mary Rhodes Pipeline Phase 2: Pipeline Sections A, B, and C for \$84,121,405, or (2) the construction contract with Oscar Renda Contracting for the Mary Rhodes Pipeline Phase 2: Pump Stations/Sedimentation Basin for \$29,167,288, if changes in plans or specifications are necessary after the performance of the contract has begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, for reasons creating an urgent need for the change, including but not limited to differing site conditions, provided that (I) funding is available for that purpose; (II) the original contract price is not increased by cumulative change orders by more than 5 percent (5%) of the original contract price; (III) a report is provided to City Council as soon as possible afterward; and (IV) the Executive Director of Public Works has conducted a full review of the facts and determines, in writing, that: (a) the change is required and/or unavoidable, and (b) time is of the essence to the extent that immediate action must be taken in order (i) to avoid substantial delay damages from being incurred; or (ii) to prevent significant harm from occurring to the City's property or the City's Mary Rhodes Pipeline Phase 2 Project.

This Motion was recommended to regular agenda

52. Engineering construction contract for the Bear Lane waterline replacement

Motion authorizing the City Manager or designee to execute a construction contract with Clark Pipeline Services, J.V. of Corpus Christi, Texas in the amount of \$2,475,922.13, for Bear Lane Waterline Replacement from Navigation Boulevard to Old Brownsville Road.

This Motion was recommended to consent agenda

53. Agreement to accommodate the wheeling of the Colorado River water to the Mary Rhodes pipeline

Motion to authorize the City Manager or designee to execute a contract with Lavaca-Navidad River Authority (LNRA) for use of the West Delivery System for delivery of Colorado River water to the City of Corpus Christi.

This Motion was recommended to consent agenda

54. Resolution opposing wind farm development in the City's extra-territorial jurisdiction

Resolution opposing wind farm development in the City's extra territorial jurisdiction

This Resolution was recommended to regular agenda

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

R. ADJOURNMENT

The meeting was adjourned at 3:02 p.m.