



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, September 17, 2013

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 at 11:30 a.m.

**B. Invocation to be given by Mr. Chuck Goodwin, Fish for Life Ministries**

Mr. Goodwin gave the invocation.

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

Ms. Mary Ann Pena with the City Secretary's Office gave the Pledge of Allegiance.

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

Assistant City Secretary Rebecca Huerta stated that a quorum of the Council and the required Charter Officers were present to conduct the meeting.

**Charter Officers: City Manager Ron Olson, First Assistant City Attorney Alison Logan, and Assistant City Secretary Rebecca Huerta.**

**Present:** 9 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

**E. Proclamations / Commendations**

**1. Swearing-in Ceremony for Newly Appointed Board and Commission Members**

Mayor Martinez conducted the swearing-in ceremony.

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

Mayor Martinez deviated from the agenda and referred to the City Manager's Comments. City Manager Olson reported on the recent rainfall's impact on the watershed. He said the impact was not substantial. Water levels in Choke Canyon and Lake Corpus Christi remained the same.

**I. MINUTES:****4. Regular Council Meeting of September 10, 2013**

**Mayor Martinez deviated from the agenda and referred to the approval of the minutes. Councilmember Scott made a motion to approve the minutes as presented, seconded by Ms. Leal. The Minutes were approved.**

**J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)****L. CONSENT AGENDA: (ITEMS 5 - 20)****Approval of the Consent Agenda**

**Mayor Martinez deviated from the agenda and called for the consent agenda. Councilmember(s) requested that Item 6 be pulled for individual consideration. There were no comments from the public. The consent agenda was passed in one vote as follows:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

**5. Service Agreement for Pump & Motor Repairs at water treatment plant**

Motion approving a service agreement with Smith Pump Company, Inc., Woodway, Texas, based on best value, in accordance with Request for Proposal BI-0120-13, for an estimated annual expenditure of \$664,260 of which \$553,550 is budgeted in FY 2013/2014. The term of the agreement will be for one year and will automatically be extended for up to two additional one-year periods, subject to the approval of the service provider and the City Manager or designee. Funds have been budgeted by the Water Department in FY 2013/2014.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-140

**6. Service Agreement for Workers' Compensation Third-Party Administrator Services**

Motion approving a service agreement with York Risk Services Group, Inc. of Corpus Christi, Texas for workers' compensation third-party administration services, in accordance with Request for Proposal Number BI-0063-13, based on lowest responsible proposal, for an estimated one-year expenditure of \$329,290, of which \$301,849.17 is required for FY13/14. The term of the service agreement will be for one year with an option to extend for up to three additional one-year

periods subject to the approval of the service provider and the City Manager or designee. This service will be used by the Risk Management Division of the Legal Department in administering the City's workers' compensation claims. Funding is available in the Liability and Employee Benefits Workers' Compensation Fund for FY13/14.

**Mayor Martinez referred to Item 6. Councilmember(s) asked if the company had a local office and for clarification regarding the budgeted amount for the contract. There were no comments from the public. This Motion was passed and approved with the following vote:**

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

**Nay:** 1 - Council Member Leal

**Abstained:** 0

Enactment No: M2013-141

**7. Use of Permanent Art Trust funds to complete sculpture installation and identification**

Motion to approve an \$9,920 expenditure from the Permanent Art Trust Fund for expenses related to fabrication, re-installation, and identification of Chin art sculpture at the American Bank Center on the Corpus Christi Bay Front.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-142

**8. Contract Amendment No. 1 for Water Conservation Outreach**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to the Contract for Professional Services with dlo Three Dimensional Development, LLC of Corpus Christi, Texas in the amount of \$30,000.00, for a total restated fee not to exceed \$78,500.00 for Water Conservation Outreach.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-143

**9. Construction Contract - for Corpus Christi International Airport (CCIA) 17-35 Runway Navigational Aids**

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Bay, Ltd. of Corpus Christi, Texas for the Corpus Christi International Airport (CCIA) 17-35 Runway NAVAIAs (Navigational Aids) project in the amount of \$857,863.80 for the Base

Bid plus Additive 2.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-144

**10. Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District, on property located south of La Quinta Road and bayward of the City limit line. (1st Reading 9/10/13)**

Case No. 0713-05 Port of Corpus Christi Authority of Nueces County, Texas: A rezoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District on property described as being a 268.68-acre tract of land out of the Geronimo Valdez Survey, Abstract 269, the John Garreghty Survey, Abstract 139, the T.T. Williamson Surveys, Abstracts Nos. 284, 285, 286, 287, 288, and 289, and the State Mineral Tract Nos. 1, 11, and 12, located south of La Quinta Road and bayward of the City of Corpus Christi city limit line.

Planning Commission and Staff Recommendation (July 31, 2013)

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District

Ordinance

Ordinance amending the Unified Development Code upon application by the Port of Corpus Christi Authority of Nueces County, Texas ("Owner"), by changing the UDC Zoning Map in reference to a 268.68-acre tract of land out of the Geronimo Valdez Survey, Abstract 269, the John Garreghty Survey, Abstract 139, the T.T. Williamson Surveys, Abstracts Nos. 284, 285, 286, 287, 288, and 289, and the State Mineral Tract Nos. 1, 11, and 12, from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 029948

**11. Second Reading Ordinance - Rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, on property located at 2301 Agnes Street. (1st Reading 9/10/13)**

Case No. 0813-01 Stuart Spigel: A rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lots 1-24, Block 8, Patrick-Webb Addition, located between Agnes and Marguerite Streets and between Twentieth

and Twenty-first Streets.

Planning Commission and Staff Recommendation (August 14, 2013):  
Approval of the change of zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Stuart Spigel, acting as agent on behalf of SPS Texas Centers, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to Lots 1-24, Block 8, Patrick-Webb Addition, from the "IL" Light Industrial District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 029949

**12. Second Reading Ordinance - Accepting and appropriating the 2014 Selective Traffic Enforcement Program grant from the Texas Department of Transportation (TXDOT) (1st Reading 9/10/13)**

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 \$96,397.90 for the 2014 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI) and Speed enforcement overtime, with a city match of \$48,041.33, for a total project cost of \$144,439.23 and appropriating \$96,397.90 in the No. 1061 Police Grants Fund.

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

Enactment No: 029950

**13. Second Reading Ordinance - Accepting and appropriating a Regional grant for WebEOC (1st Reading 9/10/13)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Council in the amount of \$30,000 for the benefit of the City's WebEOC operations; and appropriating \$30,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

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

Enactment No: 029951

**14. Second Reading Ordinance - Construction contract for Fire Station No. 5 Relocation Re-Bid (Bond 2008) (1st Reading 9/10/13)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer \$181,690 in programmed project savings from Project No. 140232 New Fire Station in area of Holly/Saratoga and Ayers to Project No. 140231 Relocation of Fire Station No. 5 Project and authorizing the City Manager, or designee, to execute a Construction Contract with Safenet Services of Corpus Christi, Texas for the Fire Station No. 5 Relocation Re-Bid (Bond 2008) project in the amount of \$1,777,037.00 for the Base Bid plus Additive Alternates C, E, F, I, J and K.

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

Enactment No: 029952

**15. Second Reading Ordinance - Appropriating funds for park improvements and other related projects (1st Reading 9/10/13)**

Ordinance appropriating \$410,468.46 in developer contributions and \$766.93 in interest earnings for a sum of \$411,235.39 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

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

Enactment No: 029953

**16. Second Reading Ordinance - Funding the creation of a strike force for minor emergency maintenance items (1st Reading 9/10/13)**

Ordinance appropriating \$296,500 from the Unreserved Fund Balance in the No. 1020 General Fund Reserve to be used for emergency maintenance employees and equipment; changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 to increase appropriations by \$296,500.

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

Enactment No: 029954

**17. Second Reading Ordinance - Changing Born Street from one-way traffic to two-way traffic (1st Reading 9/10/13)**

Ordinance amending Section 53-250 of the Code of Ordinances to delete "Born Street, between Water Street and Chaparral Street" from Schedule I, One-way streets and alleys; providing for penalties; providing for severance; and providing for publication.

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

Enactment No: 029955

**18. Second Reading Ordinance - Granting a Revocable Easement to allow a pipeline to cross two tracts of City owned land (1st Reading 9/10/13)**

Ordinance granting a Revocable Easement to TexStar Midstream Utility, LP to construct, operate, maintain, repair and remove one (1) 12-inch pipeline across two tracts of City owned land located southwest of the O.N. Stevens Water Treatment Plant; for the amount of \$70,000 paid to the City; authorizing the City Manager or designee to execute the Revocable Easement instrument and other related documents for the conveyance of the revocable easement.

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

Enactment No: 029956

**19. Second Reading Ordinance - Approving agreement and reimbursement for construction of a water arterial transmission and grid main line (1st Reading 9/10/13)**

Ordinance authorizing execution of a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with Kitty Hawk Development LTD., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$30,691.40 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 029957

**20. Second Reading Ordinance - Reestablishing Industrial Districts and authorizing City Manager to execute Industrial District Agreements for a ten year period.(1st Reading 9/10/13)**

Ordinance authorizing the reestablishment of land areas located within the extraterritorial jurisdiction of the City of Corpus Christi, Texas as Industrial Districts; reserving and preserving all rights, powers and duties of the City Council; authorizing the City Manager, or designee, to execute Industrial District Agreements by and between the City and various property owners located within the extraterritorial jurisdiction of the City.

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

Enactment No: 029958

- 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 deviated from the agenda and called for public comment. Mr. Dick Messberger with the Kingsville EDC spoke regarding Beechcraft, a new manufacturer for the T-6, the primary trainer for NAS-CC. He presented the Mayor with a model T-6 in honor of their support for the community. Mr. Johnny French stated that during Item 26 on the day's agenda, he asked Council to ask whether all the elements of the Packery Channel "6-Pack" would be completed and ask if the \$4 million in the the Packery Channel maintenance fund would be enough for future maintenance.

- H. EXECUTIVE SESSION: (ITEMS 2 - 3)**

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

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

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

**Motion authorizing lifetime full golf and cart privileges at Corpus Christi Municipal Golf Courses for City Secretary Armando Chapa.**

**Councilmember Scott made a motion to approve the motion as presented, seconded by Ms. McIntyre, and passed.**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: M2013-139

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

This E-Session Item was discussed in executive session.

- M. PUBLIC HEARINGS: (NONE)**

- N. REGULAR AGENDA: (NONE)**



**O. FIRST READING ORDINANCES: (NONE)****P. FUTURE AGENDA ITEMS: (ITEM 21)**

Mayor Martinez called for future agenda items. City Manager Olson said staff had a presentation on Item 21.

**21. Agreement for the Assessment of the Efficiency and Effectiveness of the Fire Department**

Motion authorizing the City Manager or designee to execute a consultant agreement with MGT of America, Inc. to provide an assessment of the efficiency and effectiveness of the City of Corpus Christi Fire Department for an amount not to exceed \$97,950. Funding is available in the Fire Department Budget for fiscal year 2013/2014.

This Motion was recommended by staff to regular agenda.

Enactment No: M2013-145

**Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 22 - 27)****22. Port Corpus Christi Project 2020 Strategic Planning Process**

Mayor Martinez called for Item 22. Mr. Al Jones, Port of Corpus Christi commissioner, stated that the purpose of the presentation was to discuss the Port of Corpus Christi's Project 2020 Strategic Planning Process. He discussed the trends in tonnage by commodity, crude oil inbound v. outbound, the impacts of shifting cargo movements, and new developments in the area. Mr. John LaRue, executive director of the Port of Corpus Christi, stated that the strategic plan was needed to assess this period of fast-paced change and growth. He said the plan components were to determine the strengths, weaknesses, and opportunities analysis for the region; commodity forecasts; assessment of current assets; and identification of objectives to be completed in a 7-year horizon. He said the Planning Guide would help guide decisions regarding budgeting, leasing, land use and potential for highest and best use; and preservation of sites and corridors for future development. Mr. Rich Stroot, team leader and rail specialist for the project, discussed the strategic planning process. He said the three main concerns being voiced by the Port community were water supply reliability; electric power capacity, short and long term; and workforce availability. Chairman Mike Carrell asked for the Council's input on the project.

Councilmembers spoke regarding the following issues: status of the Channel Improvement Project; Rincon Channel artificial reef; offers to assist the Port with their concerns regarding water supply and workforce, or other concerns; desalinization efforts; city efforts to increase housing through infill program; available land and docks for long-term growth; additional rail capacity; how Harbor Bridge height will affect the Port.

**23. Joint Land Use Study**

Mayor Martinez referred to Item 23, Joint Land Use Study (JLUS). Bob Payne with the Planning Department stated that the purpose of the presentation was to encourage land use compatibility for public safety surrounding NAS-CC, Waldron Field, Cabaniss Field, and Corpus Christi International Airport. Additionally, he said the JLUS would help with military mission sustainability. He said the JLUS was a grant funded study involving many partners, including property owners, city council members, Texas A&M Corpus Christi, TxDOT, and the Port of Corpus Christi. He reviewed the JLUS background report, which explained the technical issues and provided a comprehensive reference. He said 24 compatibility factors were assessed in the report, and staff was requesting that the Council accept the background report. He reviewed the joint land use study, including highlights and recommendations. He also discussed the public involvement process. Capt. David Edgecomb of NAS-CC thanked the Council and the community for their support of the military. Councilmembers spoke positively regarding the public involvement process for the project. Mr. Payne stated that the public hearing and first reading ordinance for the JLUS were scheduled for next week's Council meeting.

#### **24. Street Preventive Maintenance Program**

Mayor Martinez referred to Item 24. City Engineer Dan Biles stated that the purpose of the presentation was to discuss the street preventive maintenance program. He discussed the street selection criteria for the project; the street network; and the workplan action items. He said the goal was to catch streets in need of maintenance before they fall into the category with those that need reconstruction. He said the work needed to be completed every seven years. He said engineers should have their maintenance plan of action completed in November; they will coordinate the plan with utilities. If the City awards contracts in December, he said that the overlay work could begin in January 2014. Most the work would be done in-house. City Manager Olson emphasized that the January start was not a guarantee. Councilmembers spoke regarding the following issues: how a PCI index for a street is determined; condition of Nesbit Street; discussion about scheduling a presentation on residential streets in the spring once progress on the street preventive maintenance program was assessed.

#### **25. Street Component Discussion**

Mayor Martinez referred to Item 25. City Engineer Dan Biles stated that the purpose of the presentation was to discuss the components of a street. He reviewed the various street elements, and showed photos of rolled curb and gutters on selected streets. Councilmembers spoke regarding the following issues: creating a utility bill insert to encourage residents to clean gutters; any city policies that could prevent heavy trucks from going down residential roads; retention pond on Paul Jones / Holly Road.

#### **26. Parks and Recreation Advisory Committee Annual Update**

Mayor Martinez referred to Item 26. Director of Parks and Recreation Michael Morris introduced Dr. Rick Barrera with the Parks and Recreation Advisory Committee to provide their annual update. Dr. Barrera reported on the committee's efforts to get the word out regarding parks and recreation programs. He said parks and recreation volunteers put in about 100,000 hours last year. Councilmembers thanked the committee for their efforts. City

Engineer Dan Biles provided a brief update on Packery Channel 6-pack project. He said none of the projects had been canceled. He said Phases 1 and 2 were completed. He said three meetings would be held in October to discuss the continued funding of the projects.

**27. Wastewater Trust Fund**

Mayor Martinez referred to Item 27. Interim Assistant City Manager Mark Van Vleck said that the purpose of the presentation was to discuss the solvency of the wastewater trunk line system trust fund. He discussed the purpose of the fund, the causes of the insolvency, and the current costs and revenues. He said the trunk balance had a positive balance of \$152,000. He provided staff's recommendations to improve the system, including: only increasing fees to prevent inflation; UDC text amendment to change the priority of the reimbursement; and to exempt the are south of Oso Creek. He said he vetted the proposed changes with larger developers. Councilmembers discussed platting requirements; ways to fund projects without using trust fund dollars.

**R. ADJOURNMENT**

Mayor Martinez adjourned the meeting at approximately 4:30 p.m.