



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, May 19, 2015

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 Priest M. S. Chandrasekhar, Sri Venkateswara Temple.**

Priest M. S. Chandrasekhar gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Sylvia Wilson, Human Relations Administrator.**

Director of Development Services Dan Grimsbo 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 verified that a quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Ron Olson, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

**Present:** 9 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, Council Member Lucy Rubio, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

**E. Proclamations / Commendations**

1. Proclamation declaring May 17-23, 2015, "National Public Works Week"  
Certificate of Commendation Presented to Anne C. Parr  
Swearing-in Ceremony for Newly Appointed Board, Commission and Committee Members

Mayor Martinez presented the proclamations.

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

Mayor Martinez referred to City Manager's Comments. City Manager Olson reported on the following topics:

1) Due to recent rainfall, Lake Corpus Christi is full, significant water is being discharged and flooding downstream of the dam is expected; the combined lake levels are at 77.1% today; although current releases of water count toward environmental flows, the releases are not environmental releases, but are necessary so that water does not overflow the dam; and Mary Rhodes Phase 2 is approximately 2 months behind schedule. 2) The Corpus Christi Police Department is joining other law enforcement agencies in Texas in the next few weeks in the "Click it or Ticket" campaign. 3) Belinda Mercado was introduced as the new Director of Municipal Information Systems. 4) Mr. Olson discussed Plan CC 2035 and encouraged input from citizens by way of: [www.plancc2035.com](http://www.plancc2035.com), e-mailing or mailing comments to Annika Gunning in the City's Development Services Department or by leaving comments on comment sheets at the City's public libraries; the Plan is expected to be brought back to the City Council in about two months. 5) Sunday, May 24, 2015, beginning at 8:00 a.m. at City Hall, the City will hold its third annual City Motorcycle Ride for city employees and their friends. This year's ride will be dedicated to the memory of Police Chief Floyd Simpson.

a. OTHER

**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 referred to comments from the public. Rick Melby of the Coastal Bend Tea Party thanked the City Council members for their service and spoke regarding the need to complete revisions to the City's Ethics Ordinance. Abel Sanchez with NDCA of North America spoke regarding the availability of energy assistance funds for the community.

**PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:**

- 1. MAKE A STATEMENT OF FACTUAL INFORMATION.**
- 2. RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.**
- 3. ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.**

**PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.**

**I. MINUTES:****3. Regular Meeting of May 12, 2015**

**Mayor Martinez referred to approval of the minutes. Council Member McIntyre made a motion to approve the minutes with the following amendments to Item 19: 1) correct the spelling of the last name of a member of the public who spoke from, Mike Leonard to Mike Lehnert in the last sentence of the first paragraph, and 2) correct the vote such that Council Members Vaughn's, Rubio's and Magill's votes are recorded as "Nay" votes, seconded by Council Member Magill and passed unanimously.**

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**J. BOARD & COMMITTEE APPOINTMENTS: (NONE)****K. EXPLANATION OF COUNCIL ACTION:****L. CONSENT AGENDA: (ITEMS 4 - 11)****Approval of the Consent Agenda**

**Mayor Martinez referred to the Consent Agenda. Mayor Martinez called for comments from the public. There were no comments from the public or the council. A motion was made by Council Member McIntyre, seconded by Council Member Magill, to approve the Consent Agenda. The Consent Agenda items were passed by one vote as follows:**

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

**4. Mutual Aid Agreement with Naval Air Station Corpus Christi, Fire Departments and Emergency Service districts in Nueces County for fire fighting assistance**

Resolution authorizing the City Manager, or his designee, to execute a Mutual Aid Agreement with the Naval Air Station Corpus Christi and the fire departments and emergency service districts located in Nueces County for the provision of fire fighting assistance.

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

Enactment No: 030502

**5. Engineering Contract Amendment No. 1 - Engineering services for the installation of two diesel power generators at Navigation and Staples Pump Stations for the Alternative Capacity Power Generation**

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Bath Engineering of Corpus Christi, Texas in the amount of \$90,955 for a total restated fee not to exceed \$123,455 for the Alternative Capacity Power Generation.

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

Enactment No: M2015-047

**6. Engineering Construction Contract and Engineering Professional Services Contract for the Lifecycle Curb and Gutter Replacement Project**

Motion authorizing the City Manager, or designee, to execute a construction contract with A. Ortiz Construction & Paving, Inc. of Corpus Christi, Texas in the amount of \$445,950 for the Lifecycle Curb and Gutter Replacement for base bid and to execute a Contract for Professional Services with Engineering & Construction Management Services, LLC (ECMS, LLC) in the amount of \$88,440.00 for the Lifecycle Curb and Gutter Replacement project.

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

Enactment No: M2015-048

**7. Change Order No. 15 for the Runway 17-35 Extension/Displacement and Connecting Taxiway Project**

Motion authorizing the City Manager or designee to execute Change Order No. 15 with Bay, Ltd. of Corpus Christi, Texas in the amount of \$298,651.24 for a total restated fee of \$15,361,021.36 for the Runway 17-35 Extension/Displacement and Connecting Taxiway project.

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

Enactment No: M2015-049

**8. Second Reading Ordinance - Rezoning from Single-Family and Farm Rural to General Commercial at 2101 and 2139 Rodd Field Road (1st Reading 5/12/15)**

Case No. 0415-03 Related Investors, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan from low density residential to commercial uses.

The property to be rezoned is described as being a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, located on the southwest corner of Holly Road and Rodd Field Road.

Planning Commission and Staff Recommendation (April 8, 2015):  
Approval of the change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District and "FR" Farm Rural 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: 030503

9.

**Second Reading Ordinance - Rezoning from Neighborhood Commercial to General Commercial at 2901 Airline Road (1st Reading 5/12/15)**

Case No. 0415-04 Gulfway Shopping Center: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District on Lot 2, Block 14, Brighton Village Unit 2, located on the southwest corner of Airline Road and Saratoga Boulevard (SH 357).

Planning Commission and Staff Recommendation (April 8, 2015):  
Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Gulfway Shopping Center ("Owner"), by changing the UDC Zoning Map in reference to Lot 2, Block 14, Brighton Village Unit 2, from the "CN-1" Neighborhood Commercial 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: 030504

**10. Second Reading Ordinance - Rezoning from Farm Rural to Single-Family on Tract 1, Neighborhood Commercial on Tract 2, and Multifamily on Tract 3 at 3401, 3421, and 3513 Airline Road (1st Reading 5/12/15)**

Case No. 0415-01 MPM Development, LP: A change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, located east of Airline Road at the intersection of Brooke Road.

Planning Commission and Staff Recommendation (April 8, 2015): Approval of the change of zoning from the "FR" Farm Rural District to the to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MPM Development, LP ("Owner"), by changing the UDC Zoning Map in reference to Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3; 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: 030505

**11. Second Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for construction of off-site wastewater collection line for subdivision located on the south side along Holly Road, east of Rodd Field Road (SH 357) and west of Encino Drive. (1st Reading 5/15/15)**

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Palm Land Investment, Inc. ("Developer"), for the construction of a wastewater collection line and appropriating \$245,864.14 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

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

Enactment No: 030506

**M. PUBLIC HEARINGS: (ITEMS 12 - 14)**

**12. Public Hearing and First Reading Ordinance - Rezoning property located at 10113 Up River Road**

Case No. 0415-05 AAF-Vantage at Corpus Christi: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change to the Future Land Use Plan from commercial and medium density residential to medium density residential. The property is described as being 19.74 acres out of the remainder of a 20.26 acre tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, located on the south side of Up River Road between Deer Run Drive and Carbon Plant Road.

Planning Commission and Staff Recommendation (April 22, 2015): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by AAF-Vantage at Corpus Christi, Inc. ("Owner"), by changing the UDC Zoning Map in reference to 19.74 acres out of the remainder of a 20.26 acre tract described as Parcel 5, in a Special Warranty Deed from William E. McKinzie, Jr. to William E. McKinzie, Jr. Family Limited Partnership, from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 12. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for an approximately 300-unit apartment complex. Mr. Grimsbo stated that the Planning Commission and Staff are in favor of the zoning change. Mayor Martinez opened the public hearing. The following individuals spoke in opposition to the zoning change: Suzanne Nelson, Superintendent of Tuloso Midway Independent School District, Michelle Flower, Robert Johnson,**

Jennifer Carver and Mario Guerra and spoke about: the surrounding properties being single-family residential, a petition opposing the re-zoning having been submitted to the City Secretary's Office; traffic congestion concerns; that the homes to be built across from and behind the school were not considered in the traffic study; the use of East Harrington Street by residents of the proposed apartment complex and solid waste and fire trucks; the provision of sewer and Fire Department water service to the area; the purpose of zoning laws; potential decreases in property values; current drainage and flooding problems; that two pipelines currently traverse the area; and the number of notices sent to residents. The following individuals spoke in support of the zoning change: Abel Alonzo and Susie Luna Saldana spoke about: being in favor of affordable housing, educational opportunities for children who will live in the proposed apartment complex and the need to be inclusive. Chris Weigand, representing the developer, addressed: traffic and drainage concerns, pedestrian access to the school from the proposed apartment complex; the number of three- and one-bedroom units; and that this is not a tax credit project. Mayor Martinez closed the public hearing.

Council Members spoke regarding the following topics: when Stonewall Road will be open; drainage issues and the use of retention ponds; what was included in the traffic study; if Up River Road can be converted to one-way at certain times of the day; traffic congestion; drainage and flooding concerns; the amount of opposition both inside and outside the 200 ft. notification area; students' safety; that the current traffic level is "B" and that, with completion of the apartment complex, the traffic level is anticipated to remain at that level; the developer's stormwater management requirements; whether the developer has engaged in meetings with local residents; adding more housing units in the City; the number of single-family homes that could be constructed on the subject property; the number of apartment units that are planned to be three-bedroom; overcrowding in and student transfers into the Tuloso Midway Independent School District; encouraging the developers to meet with local residents; that traffic level of service is calculated based on average level of traffic; that peak traffic levels are measured in the traffic study; that an update on Ennis Joslin & Lipes is needed; that construction access to the apartment complex will be limited to Up River Road; whether the proposed apartment complex is an affordable housing or luxury complex; that Tuloso Midway has "schools of choice"; why the traffic study was not included in the agenda packet and requesting that staff provide it to council; recommendation regarding queuing in the school's parking lot; water pressure in the area; Charles Drive being a means of exit for residents of the apartment complex; the use of Harrington Street by garbage and fire trucks; elevated water storage capacity in the area; and requesting that staff provide information on the taxable value of the land now and the taxable revenues to Tuloso Midway School District, the City of Corpus Christi and the Hospital District. Council Member Vaughn made a motion to table the Ordinance until June 16, 2015 to allow staff time to provide council with the information it has requested and to allow the developer to meet with the community, seconded by Council Member Rubio and passed with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0



**13. Public Hearing and First Reading Ordinance - Rezoning property located at 520 Naval Air Station Drive**

Case No. 0415-08 Corpus Bayside Investments, LLC: A change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lot 15, Block 2, Flour Bluff Estates #2, located at the northwest corner of Scotland Drive and Naval Air Station Drive.

Planning Commission and Staff Recommendation (April 22, 2014): Denial of the change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-1/SP" General Commercial District with a Special Permit for a microbrewery subject to a site plan and five conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Corpus Bayside Investments, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 15, Block 2, Flour Bluff Estates #2, from the "CG-1" General Commercial District to the "CG-1/SP" General Commercial District with a Special Permit for a microbrewery; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 13. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow operations of a microbrewery. Mr. Grimsbo said that the Planning Commission and staff recommend denial of the change in zoning from "CG-1" General Commercial to "IL" Light Industrial District, and, in lieu thereof, approval of the "CG-1/SP" General Commercial District with a Special Permit for the operation of the microbrewery. Mayor Martinez opened the public hearing. Abel Alonzo spoke in favor of the zoning change citing monies to be invested and jobs created. The developers, Varian and Tom Criser, spoke in support of the zoning change citing an investment of approximately \$600,000, and the employment of 5-10 employees, as well as the potential for the microbrewery to become a tourist attraction. Mayor Martinez closed the public hearing. A council member spoke regarding investments being made in the NAS corridor. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: 030510

**H. EXECUTIVE SESSION: (ITEM 2)**

2. **Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining negotiations, the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters Association and/or Corpus Christi Police Officers' Association, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

This E-Session Item was discussed in executive session.

**PUBLIC HEARINGS: (ITEMS 12 - 14)**

14. **Public Hearing and First Reading Ordinance - Rezoning property located at 718 South Navigation Boulevard**

Case No. 0415-06 GMG Partners, LP: A change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction, not resulting in a change to the Future Land Use Plan. The Special Permit is requested to allow the extraction of sand and gravel. The property to be rezoned is described as 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, located on the east side of South Navigation Boulevard and north of Bates Drive.

Planning Commission and Staff Recommendation (April 22, 2014): Approval of the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction, subject to compliance with the site plan and six conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by GMG Partners, LP ("Owner"), by changing the UDC Zoning Map in reference to 34.12 acres out of Lot 1, Block 10, J.C. Russell Farm Blocks, from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit for Resource Extraction; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 14. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for resource extraction. Mr. Grimsbo stated that the Planning Commission and staff were in favor of the zoning change. Mayor Martinez opened the public hearing. Darryl Haas spoke in opposition to the zoning change stating that the resource extraction requested is excavation and should not be permitted. Mayor Martinez closed the public hearing. City Attorney Miles Risley cited applicable excavation laws. Dan Grimsbo stated that once the zoning change is approved, the applicant is then required to apply for an excavation permit which will go before the Planning Commission; and that the**

applicant currently has a 90-day temporary use permit allowing for excavation.

Council members discussed the following topics: timeline regarding excavation and issuance of the temporary use permit; the effective date of the temporary use permit; whether the property is intended to be developed as an industrial park or used for resource extraction; backfilling the property; whether resource extraction should be allowed in Light Industrial zoning within the City limits; the requirements to return the property to its original state; the ability to enforce backfill requirements through code enforcement action; questions asked by Development Services staff at the beginning of the special permit process; existing areas where excavation has occurred on an exception basis; how special permits relate to the future land use and comprehensive plans; bonds being required to be put up by companies until a hole is backfilled and properly compacted; if special permits for this purpose have been issued previously; increased competition regarding the price of roadwork material; and water and sanitary sewer lines laid to the subject property by the developer. Council Member Magill made a motion to approve the ordinance, seconded by Council Member Rubio. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: 030511

**N. REGULAR AGENDA: (ITEMS 15 - 17)**

**15. Approving use of Type A Seawall Sales Tax Funding and approving job order construction contract for Miradores Improvement Project**

Motion authorizing the City Manager or designee to execute a Job Order Contract with Barcom Commercial, Inc. in the amount of \$318,624.56 for the Miradores Improvement Project, for improvements to the eight Miradores located on the Seawall.

Mayor Martinez referred to Item 15. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute a Job Order Contract (JOC) with Barcom Commercial, Inc. for improvements to the eight miradores located on the Seawall, with the work expected to be completed in about three months. There were no comments from the public. Council members spoke regarding the following topics: being provided a summary of the JOC program, as previously requested by a council member; being provided with a report on how contractors become JOC contractors, as requested of staff by a council member. Council Member Garza made a motion to table this item until these questions are addressed by staff and was seconded by Council Member Rubio. Council Members spoke regarding the following additional topics: the frequency with which and the process used to procure JOC contractors; that there are currently a total of five JOC contractors under contract with the City; the process for assigning work among JOC contractors; the specific

percentages used to evaluate companies applying to become JOC contractors; concerns regarding tabling this item; that JOC contracts are designed to efficiently move contracts forward; who oversees the City's JOC contracts; the process for initiating use of JOC contracts; the requirements by which JOC contractors must abide; bonding and insurance requirements for JOC contractors; which current JOC contractor has the lowest coefficient; how the coefficient is derived; that the City endeavors to award contracts to the contractor who has the lowest coefficient; that selecting the JOC contractor with the lowest coefficient is the responsibility of the Senior Program Manager in Capital Programs; Barcom is recommended for this project because, when the project was initiated in the Fall of 2014, Barcom was the sole JOC contractor; concerns regarding ensuring completion of the project before the tourist season; that the contractor will work on two Miradores at a time for approximately three to four days each; a request for an explanation of the coefficient scoring process; and the JOC programs effect on competition. Council Member Garza withdrew his motion to table this Item and Council Member Rubio withdrew her second. Council Members discussed the need to pass this item so as not to delay the improvements and Council Members requested that an agenda item be placed on the next city council agenda for staff to present a general overview of the JOC program and to discuss possible quarterly JOC reports being provided to the city council. Council Member Garza made a motion to approve the motion, seconded by Council Member McIntyre. This motion was passed and approved with the following vote:

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: M2015-050

**16. Second Reading Ordinance - Rezoning from Single-Family 6 to Single-Family 4.5 at 817 Graham Road (Requires 3/4 vote)(1st Reading 5/12/15)**

Case No. 0415-02 Superior N&R Development, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, located south of Graham Road between Ruddock Drive and Dove Lane.

Staff Recommendation: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Planning Commission Recommendation (April 8, 2015): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Superior N&R Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 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 and publication.

**Mayor Martinez referred to Item 16. Director of Development Services Dan Grimsbo stated that the purpose of this item is to rezone the subject property to allow for construction of a single-family subdivision. Mr. Grimsbo said that the Planning Commission recommended denial of the change in zoning. The Planning Commission had concerns regarding increased density and the impact to existing wetlands. Staff recommended approval of the zoning change because the current zoning allows for single-family development. There were no comments from the Council or the public. Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second reading and approved with the following vote:**

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

**Nay:** 2 - Council Member Rubio and Council Member Vaughn

**Abstained:** 0

Enactment No: 030507

**17. Second Reading Ordinance - Amendment No. 1 to Lease for Real Property for U.S. Coast Guard Navigational Marker ACLL 7817 (1st Reading 4/21/15)(Requires 28 day delay)**

Ordinance authorizing the City Manager or designee to execute Amendment No. 1 to the US Government Lease for Real Property for the US Coast Guard Aid to Navigation Marker ACLL 7817, amending Paragraph four (4) NOTICE section, of the current lease of real property to the U.S. Government in connection with a navigation marker mounted on the east wall of the South Texas Institute for the Arts building, an aid to navigation (ATON) structure known as the "Corpus Christi Channel Cut "B" West Range Front Light (ACLL 7817)"; and providing for publication.

**Mayor Martinez referred to Item 17. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to execute Amendment No. 1 to the U.S. Government Lease for U.S. Coast Guard Aid to Navigation Marker mounted on the east side of the South Texas Institute of the Arts building. The amendment authorizes the Coast Guard and the City to terminate the lease, without cause or reason, by giving each party thirty days' notice in writing. There were no comments from the Council or the public. Council Member**

**Garza made a motion to approve the ordinance, seconded by Council Member McIntyre. This Ordinance was passed on second reading and approved with the following vote:**

**Aye:** 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Abstained:** 0

Enactment No: 030508

**O. FIRST READING ORDINANCES: (ITEM 18)**

**18. First Reading Ordinance - Appropriating Funds for the Regional Health Awareness Board**

Ordinance appropriating payments from Nueces County, in the amount of \$31,000, and from the City of Corpus Christi, in the amount of \$31,000.00, and San Patricio County, in the amount of \$21,000.00 in the No. 1066 Health Grants Fund, as the fiduciary agent on behalf of the Regional Health Awareness Board, for services to be provided by the Board.

**Mayor Martinez referred to Item 18. Director of Public Health Annette Rodriguez stated that the purpose of this item is to appropriate payments from Nueces County, in the amount of \$31,000, and from the City of Corpus Christi, in the amount of \$31,000, and from San Patricio County, in the amount of \$21,000 in the No. 1066 Health Grants Funds, as the fiduciary agent on behalf of the Regional Health Awareness Board, for services to be provided by the Board. There were no comments from the Council or the public. Council Member Rubio made a motion to approve the Ordinance, seconded by Council Member Riojas. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 7 - Mayor Martinez, Council Member Garza, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

**Absent:** 2 - Council Member Magill and Council Member McIntyre

**Abstained:** 0

Enactment No: 030512

**P. FUTURE AGENDA ITEMS: (ITEMS 19 - 21)**

**Mayor Martinez referred to Future Agenda Items. City Manager Ron Olson stated that staff had a planned presentation on Item 21.**

**19. Service Agreement for Utility Worksite Restoration**

Motion approving a service agreement with Dorame General Repair and Lawn, LLC, Corpus Christi, Texas for Utility Worksite Restoration

Services in accordance with Bid Event No. 13, based on lowest responsible bid for an estimated annual expenditure of \$364,225.00, of which \$182,112.50 is required for the remainder of FY 2014-2015. 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 Utilities Department in FY 2014-2015.

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

Enactment No: M2015-051

**20. Purchase of Chlorine Gas Monitoring and Detection System**

Motion approving the purchase of one (1) chlorine gas monitoring and detection system from Ranger Analytics, Inc., Stafford, Texas in accordance with Bid Event No. 36, based on only bid for an expenditure of \$51,550.00. Funds have been budgeted by the Utilities Department in FY 2014-2015.

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

Enactment No: M2015-052

**21. Interlocal Agreement for workers' compensation panel**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement to participate in My Texas Direct with other Texas local governments to provide for a physician panel for workers' compensation medical benefits as authorized by Chapter 504 of the Texas Labor Code, and provide for expenditures pursuant to said agreement in an amount of \$11.50 per medical bill, estimated to be \$39,433 per year

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

Enactment No: 030509

**Q. BRIEFINGS: (ITEMS 22 - 23)**

**22. Corpus Christi Regional Economic Development Corporation**

Mayor Martinez referred to Item 22. Iain Vasey, President & CEO of the Corpus Christi Regional Economic Development Corporation (EDC), stated that the purpose of this item is to provide a quarterly update on the economic development conditions for the first quarter of 2015. Mr. Vasey presented information on the following: the increases and decreases, by job category, in the region; First Data closing its call center in Corpus Christi; employment by sector; business attraction activity update; existing industry activity update; the EDC's strategic plan overview; the EDC's goals; and key economic

indicators, including: oil prices, Texas' rig count and Texas' unemployment rate.

Council members spoke regarding the following topics: government job losses; job losses at Naval Air Station Corpus Christi; the dollar value of business attraction; Corpus Christi's share of investment stretching from the Louisiana Gulf Coast to Corpus Christi; adjustment to the 200 mile-radius for rig counts; the Coastal Bend's share of total manufacturing coming to the US; the ratio between natural gas and oil prices as an economic indicator; and Corpus Christi's air attainment status.

23.

### **Wastewater Treatment Plant (WWTP) Consolidation**

Mayor Martinez referred to Item 23. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to provide an overview of the Wastewater Treatment Plant Consolidation Plan. Mr. Van Vleck presented information on the following: existing wastewater treatment plants' condition, analysis to date and the path forward to include: the current number of wastewater treatment plants; the treatment process; existing "flows" of plants; total violations by year and plant from 2010 through April 23, 2015; and the existing condition of each plant.

Council members spoke regarding the following topics: fines associated with Texas Commission on Environmental Quality-related violations; the ability to take down the basins at the Allison plant and the inability to do so at the City's other plants due their design; what was and was not included in the analysis to date regarding continuing to operate the six existing plants versus the phased consolidation plan aimed at having a consolidated wastewater treatment plant; the average customer's bill if the existing six plants are maintained versus with a consolidated regional plant; the path forward; restrictions regarding the use of effluent; "small footprint" plants; the status of cleaning the line at the Whitecap plant; if a new facility will be built to allow for maintenance; funding mechanisms; "building it right"; the potential for the provision of effluent to schools; participation by local contractors in the building of a regional/consolidated wastewater treatment plant; the potential location of a consolidated plant; flood plain considerations regarding a new plant; the size of a consolidated plant; the possibility of locating the plant near the refineries regarding sale of effluent to the refineries; the number and size of pipes at a new consolidated plant; the strategic plan in terms of existing plants; integration of this effort into the consent decree regarding sanitary sewer overflows; set and clear criteria to determine if a project is viable to be moved to the next stage; the point at which decisions have to be made regarding major maintenance of existing plants versus construction of a consolidated plant; capital costs and level of investment; whether O&M costs are used in projections; if discounted value of money or inflation is factored in the analysis; the acceptable level of rate increases; the costs associated with potential sites for the consolidated plant; what effects consolidation may have on the City's CIP; the number of paths regarding: existing plants, the proposed new plant and the consent decree, the City will be taking concurrently; that staff will bring a plan, regarding this item, to city council in approximately six months; plants that have had sanitary sewer overflows and how to reduce overflows; the number of consolidated plants proposed; the need for a competent and experienced contractor to build a consolidated plant; that there are 100 lift stations in the city; and the need for a cost-analysis as far as customer rates are concerned.



Council Member Magill made a motion directing the City Manager to publish the RFQ (Request for Qualifications) for wastewater treatment program development, seconded by Council Member Riojas and passed unanimously.

**R. LEGISLATIVE UPDATE:**

Legislative Update

Mayor Martinez referred to the Legislative Update and stated that no revenue cap was added to Creighton Senate Bill 1760 in the House Committee.

**S. ADJOURNMENT**

The meeting was adjourned at 6:07 p.m.