



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
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Meeting Minutes City Council

Tuesday, October 15, 2013

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 Chaplain Lynn Blackler, CHRISTUS Spohn Health System

Chaplain Blackler gave the invocation.

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

Mr. Steve Klepper, Strategic Management and Budget Manager gave the Pledge of Allegiance.

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

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

Note: Councilmember Scott arrived at 11:41 a.m.

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

None.

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

Mayor Martinez deviated from the agenda and called for City Manager's Comments. City Manager Ron Olson reported on the following issues: 1)

BikeFest was held over this past weekend and was a first time event in Corpus Christi with an estimated 16,000 visitors, approximately 5,000 hotel rooms booked and an estimated economic impact of \$6 million. 2) The City has received rain over the last couple of months with various amounts falling throughout the City but very little in the storage basin. Mr. Olson reported that this week's rain brought significant amounts to the storage basin and will receive a report on the actual percentage increase. 3) The changes to the Utilities Office Collections began in October and staff has encountered a few glitches that need to be modified. Staff has currently suspended disconnects and should be back on track at the beginning of next month. 4)The Fire Department's consultant, MGT of America is in Corpus Christi conducting the interview process of the contract. 5) City Manager Olson announced that Assistant City Manager interviews are being conducted this week. 6) Mr. Olson asked Interim Assistant City Manager Mark Van Vleck to provide a brief overview of the implementation of the street fee and the street preventative maintenance program schedule. 7) City Manager Olson asked Strategic Management and Budget Manager Steve Klepper to provide a preview of the work on the City Performance Reporting (CRP) Program. Mr. Olson outlined the duties of the City Manager including providing leadership, advising the City Council, managing City operations; and external representation. Mr. Olson discussed the steps of the strategic plan developed for the City. Mr. Klepper presented the business plans for City departments and provided an on-line demonstration of the CRP outlining the framework of how the City departments are performing. 8) Mr. Olson congratulated Mayor Martinez for being selected President Elect of the Texas Municipal League.

- 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.**

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.

Mayor Martinez deviated from the agenda and called for public comment. Colin Sykes spoke against the bond proposition for Destination Bayfront and stated

that the City has other important issues to address. Abel Alonzo spoke in support of Destination Bayfront because of the economic impact it will provide to the City and increase sales tax funding for Crime Control, the Regional Transportation Authority, and the Type A Board. Juan Ariaza stated that he is a victim of retaliation based on false allegations because he is looking into certain issues in the City.

H. EXECUTIVE SESSION: (ITEM 1)

- 1. Executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City of Corpus Christi in negotiations with a third person with possible discussion and action in open session.

This E-Session Item was withdrawn.

I. MINUTES:

- 2. Regular Council Meeting of October 8, 2013

A motion was made by Council Member Chad Magill, seconded by Council Member Mark Scott, that the Minutes be passed. The motion carried by an unanimous vote.

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

None.

L. CONSENT AGENDA: (ITEMS 3 - 17)

Approval of the Consent Agenda

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

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

Absent: 1 - Council Member Allen

Abstained: 0

- 3. **Purchase of Victory Police Motorcycles**

Motion approving the purchase of four (4) police motorcycles from

GRAMB, Inc. dba Corpus Christi CyclePlaza, Corpus Christi, Texas for an estimated expenditure of \$114,364.00, of which \$110,614.00 is required for the remainder of FY 2013-2014. Funding is available in the FY 2013-2014 Capital Outlay Budget.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-156

4. Construction contract for the Public Safety Warehouse Re-Bid (Bond 2008)

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Henock Construction from San Antonio, Texas in the amount of \$2,103,883.77, for the Public Safety Warehouse Re-Bid project for the base Bid plus Additive Alternates 1, 2 & 3 (Bond 2008).

This Motion was passed on the Consent Agenda.

Enactment No: M2013-157

5. Engineering Construction Contract for Lifecycle Curb and Gutter Replacement

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 \$386,350.00 for the Base Bid for Lifecycle Curb and Gutter Replacement for the Indefinite Delivery/Indefinite Quantity (IDIQ) contract base year.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-158

6. Engineering Design Contract Amendment No. 1 for High Service Pump Building No. 3 (HSPB No. 3) at the O. N. Stevens Water Treatment Plant

Motion authorizing the City Manager or designee to execute the Amendment No. 1 to the Contract for Professional Services with LNV, Inc. of Corpus Christi, Texas in the amount of \$2,358,103.00, for a total restated fee of \$2,405,603.00 for the O.N. Stevens Water Treatment Plant High Service Building No. 3.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-159

7. Certification of 2013 Tax Levy

Motion approving the 2013 Property Tax Levy of \$89,809,808.21

based on the adopted property tax rate of \$0.585264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Property Tax Code.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-160

8. Supporting potential Federal Transit Administration (FTA) grantee status for the City and authorizing a Memorandum of Understanding with the Corpus Christi Regional Transit Authority and the Corpus Christi Metropolitan Planning Organization for grant coordination

Resolution in support of the City of Corpus Christi (City) becoming a Federal Transit Administration (FTA) grantee and authorizing the City Manager or designee to file documentation necessary for the City to achieve FTA grantee status; and authorizing the City Manager or designee to execute an agreement with the Corpus Christi Regional Transit Authority and the Corpus Christi Metropolitan Planning Organization to provide for transportation grant coordination.

This Resolution was passed on the Consent Agenda.

Enactment No: 029971

9. Second Reading Ordinance - Accepting and appropriating the FY 13 Edward Byrne Memorial Justice Assistance Grant for crime control and prevention (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$162,583 for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and Appropriating the \$162,583 in the No. 1061 Police Grants Fund to fund the enhancement of law enforcement efforts by the Police Department and Nueces County under an established interlocal agreement which provides that 50% of the funds to be distributed to Nueces County

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

Enactment No: 029972

10. Second Reading Ordinance - Accepting and appropriating the Victims of Crime Act (VOCA) Outreach Program grant within the Police Department for Year 1 (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$67,660.55 to establish the

Victims of Crime Act (VOCA) Outreach Program within the Police Department with a City match of \$13,533.07 and an in-kind match of \$3,382.07 from the No. 1020 Police General Fund; Appropriating the \$67,660.55 in the No. 1061 Police Grants Fund for the VOCA Outreach grant in the Police Department; and authorizing the transfer of \$13,533.07 from the No. 1020 Cash Contribution to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$84,575.69.

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

Enactment No: 029973

11. Second Reading Ordinance - Accepting and appropriating the Victims of Crime Act Grant (VOCA) within the Police Department for Year 14 (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$79,188.69 for Year 14 of the Victims of Crime Act Grant (VOCA) Program within the Police Department with a City match of \$16,964.54 and an in-kind match of \$4,000 from the No. 1020 Police General Fund; appropriating the \$79,188.69 in the No. 1061 Police Grants Fund for the VOCA grant in the Police Department; and authorizing the transfer of \$16,964.54 from the No. 1020 Cash Contribution to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$100,153.23.

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

Enactment No: 029974

12. Second Reading Ordinance - Accepting and appropriating a Continued Services "Bundle" Grant from the Department of State Health Services (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a total grant amount of \$726,622 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide continued clinical services for the contract period of September 1, 2013 through August 31, 2014; and to ratify acceptance of the grants to begin as of September 1, 2013.

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

Enactment No: 029975

13. Second Reading Ordinance - Accepting and appropriating State grant for bay water sample analysis (1st Reading 10/8/13)

Ordinance authorizing the City manager or designee to execute all documents necessary to accept and appropriate a grant of \$22,500 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide laboratory services for the analysis of bay water samples for the contract period of September 1, 2013 through August 31, 2014; and to ratify acceptance of the grant to begin as of September 1, 2013.

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

Enactment No: 029976

14. Second Reading Ordinance - Appropriating funds to reimburse developer for construction of wastewater collection line (1st Reading 10/8/13)

Ordinance appropriating \$63,794.00 from the NO. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse I5T Investments, LLC., ("Developer"), for the extension of a 10-inch sanitary sewer collection line, including all related appurtenances for development of Lot 2, Block 13 Airport Industrial Subdivision, as specified in the wastewater collection line extension construction and reimbursement agreement.

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

Enactment No: 029977

15. Second Reading Ordinance - Appropriating funds to reimburse Wal-mart Real Estate Business Trust for the shared cost to construct Dunbarton Oaks Drive for Cimarron Estates (1st Reading 10/8/13)

Ordinance appropriating \$647.90 of interest earned in the NO. 4730 Infrastructure Fund and transfer to NO. 3530 Streets CIP Fund; and appropriating \$102,218.24 from the NO. 4730 Infrastructure Fund to reimburse Wal-Mart Real Estate Business Trust; and approving \$194,180.07 to reimburse Wal-Mart Real Estate Business Trust from the NO. 4730 Infrastructure Fund for ½ street construction cost of constructing Dunbarton Oaks Drive, for Cimarron Estates.

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

Enactment No: 029978

16. Second Reading Ordinance - Accepting and appropriating Keep America Beautiful Grant for National Day of Action and Great American Clean Up Events (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$1,000 grant from

Keep America Beautiful for National Day of Action and the Great American Clean Up Events in the No. 1051 Solid Waste Grant Fund to be used to reimburse for National Day of Action expenses.

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

Enactment No: 029979

17. Second Reading Ordinance - Accepting and appropriating grant for Cigarette Litter Prevention Program (1st Reading 10/8/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$2,000 grant from Keep America Beautiful's Cigarette Litter Prevention Program in the No. 1051 Solid Waste Grant Fund to fund projects, activities and clean ups associated with Cigarette Litter Prevention.

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

Enactment No: 029980

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 18 - 21)

18. First Reading Ordinance - Accepting and appropriating additional funding from the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program

Ordinance appropriating \$409,664 from the United States Department of Homeland Security - amendment to the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program into the No 1062 Fire Grants Fund to maintain 8 military veteran firefighter within the Fire Department

Mayor Martinez referred to Item 18. Fire Chief Robert Rocha stated that the purpose of this item is to accept a supplemental grant from the Staffing for Adequate Fire and Emergency Response (SAFER) Grant for the third year salary and benefit costs for eight (8) military veteran firefighters. There were no comments from the public or the Council. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 1 - Council Member Allen

Abstained: 0

19. First Reading Ordinance - Ratifying acceptance and appropriating the 2013 Emergency Management Performance Grant

Ordinance ratifying acceptance of a grant from the Texas Department of Public Safety, Governor's Division of Emergency Management, in the amount of \$75,325.21 for the Emergency Management Performance Grant (EMPG); and appropriating \$75,325.21 from the Emergency Management Performance Grant Program in the no. 1063 Emergency Management Grants Fund to improve mitigation, preparedness, response, and recovery capabilities for the City of Corpus Christi

Mayor Martinez referred to Item 19. Fire Chief Robert Rocha stated that the purpose of the item is to ratify acceptance of the Emergency Management Performance Grant (EMPG) in the amount of \$75,325.21. There were no comments from the public or Council. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member McIntyre

Abstained: 0

20. First Reading Ordinance - Accepting and appropriating FY 2013 Elderly Nutrition Program (ENP) Grant Award

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$647,713 grant from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation Grants Fund for the FY 2013 Senior Community Services, Elderly Nutrition Program.

Mayor Martinez referred to Item 20. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to appropriate the grant funds for the Elderly Nutrition Program. There were no comments from the public or Council. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Allen and Council Member McIntyre

Abstained: 0

21. First Reading Ordinance - Revising the membership of the Watershore and Beach Advisory Committee

Ordinance to revise the membership of the Watershore and Beach Advisory Committee.

Mayor Martinez referred to Item 21. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to request an amendment to revise the Watershore and Beach Advisory Committee membership. Mr. Morris stated that it is difficult to fill the seat designated for an owner of the hotel or condo on the Island and recommends changing the language to a representative of a hotel. There were no comments from the public or Council. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 1 - Council Member McIntyre

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEM 22)

Mayor Martinez referred to the Future Agenda. City Manager Ron Olson stated that staff did not have a presentation for Item 22.

22. Authorization to apply for continued financial assistance from Texas General Land Office Beach Cleaning and Maintenance Assistance Program

Resolution authorizing the City Manager or designee to execute all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2013-2014 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

This Resolution was recommended to consent agenda.

Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 23 - 26)

23. Adopting the Federal Legislative Policy for the 113th Congress

Mayor Martinez referred to Item 23. Director of Intergovernmental Relations Tom Tagliabue introduced the City's federal relations representative Larry Meyers, President of Meyers and Associates, who assisted with the presentation. Mr. Tagliabue stated that the purpose of this item is to present a list of policy issues to adopt as legislative priorities. Mr. Tagliabue referred to a presentation outlining the delegation members, the legislation the City generally supports and opposes; and the priority policy topics including tax policy, Housing and Urban Development (HUD), appropriations, military installations, transportation infrastructure and development, the Gulf of Mexico, Environmental Protection Agency (EPA), Clean Water Act Renewal, Water Resources Development Act (WRDA), higher education, appointment for the U.S. District Judge for the Corpus Christi District, and flood insurance. Council members spoke regarding the following topics: a specific time for the Clean Water Act; unfunded mandates; the National Flood Insurance Program; funding for Community Development Block Grants; taxation of the interest

earned by investors on bonds issued by municipalities; and the Market Place Fairness Act.

24. Blue Ribbon Task Force

Mayor Martinez referred to Item 24. Director of Water Utilities Gus Gonzalez stated that the Water Department in conjunction with the Mayor's Blue Ribbon Task Force is working to implement a plan to help sustain a growing economy by developing a water supply business plan. Mr. Gonzalez introduced Dr. Robert Furgason to present the presentation. Other members of the Task Force present included Frank Brogan, Bill Hennings, Jim Naismith, Dr. Paul Orser and Valerie Pompa. Dr. Furgason discussed the recommendations of the Task Force including to create a dynamic, integrated water development plan to 2050; strong support for the completion of Mary Rhodes Pipeline Phase II; various alternatives for surface water; groundwater opportunities, use of desalination; and changes to the City's administrative structure. Council members asked questions regarding consideration of impact fees and the legislation required; the business plan for the Water Department; identifying ground water supply; action plan for desalination; consolidation of water and wastewater; the groundwater management areas and districts; industry rate structure; standardizing contracts and timeframes; restructuring the financing of water; and whether desalination would be the best practice for conservation.

Council members strongly supported the need to move forward with the Mary Rhodes Pipeline Phase II and including the reuse of existing water into the business plan.

25. Corpus Christi Regional Economic Development Corporation Quarterly Report

Mayor Martinez referred to Item 25. Roland Mower, CEO of the Corpus Christi Regional Economic Development Corporation (EDC) presented the quarterly update including the 2013 economic trends for employment and building permits; an activity summary for business attractions and existing industry; successes; and external marketing opportunities.

Mayor Martinez called for a 20-minute recess.

26. Litter Reduction Plan Update

Mayor Martinez reconvened the council meeting and referred to Item 26. Interim Assistant City Manager Mark Van Vleck provided an update on the progress of the Litter Reduction Plan. Mr. Van Vleck reported that staff has been working on a strategic plan to reduce litter by developing five (5) focus categories including measurement; education and awareness; enforcement; improvements; and ordinances.

R. ADJOURNMENT

The meeting was adjourned at 3:58 p.m.