



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, July 30, 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 at 11:30 a.m.

B. Invocation to be given by Jeanne Gardiner, Unity by the Sea Church

The invocation was delivered by Ms. Gardiner.

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

The Pledge of Allegiance was led by Ms. Reba George, Parks and Recreation Department.

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

City Secretary Chapa verified that the necessary quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Ron Olson, City Attorney Carlos Valdez, and City Secretary Armando Chapa.

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. Proclamation declaring August 2013 as "National Immunization Awareness Month"

This Proclamation was presented by Mayor Martinez.

Mayor Martinez also presented a proclamation declaring July 30, 2013 as "Bernard 'Bernie' Paulson Day"

I. MINUTES:

3. Approval of Regular Meeting of July 16, 2013 and Regular Meeting of

July 23, 2013

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

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

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 4 - 24)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda (Items 4 - 24). She said Items 15 and 16 would be considered after Item 26, approval of the operating budget. Council Members had questions regarding Items 5, 9, 12, and 22. There were no comments from the public. The items were approved by 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

4. Service Agreement for custodial services at Police Department

Motion approving a service agreement with ABM Janitorial Services - South Central Inc., San Antonio, Texas for custodial service for the main police building in accordance with Bid Invitation No. BI-0161-13 based on low responsible bid for an estimated annual expenditure of \$85,500. The term of the contract will be for twelve months with an option to extend for up to two additional twelve-month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Police Department in FY 2012-2013 and will be requested during the normal FY 2013-2014 budget approval process.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-117

5. Purchase of Law Enforcement Firearms & Accessories

Motion approving the purchase of firearms and accessories from Smith & Wesson Corporation, Springfield, Massachusetts, based on sole

source, in the amount of \$91,395. Funds are budgeted in the Police and Fire departments' FY 2012-2013 budgets.

Council members asked for clarification that the fire marshals carry weapons. This Motion was passed on the Consent Agenda.

Enactment No: M2013-118

6. Purchase of six vehicles for Fire Department use

Motion approving the purchase of four (4) Chevrolet Tahoes and two (2) Ford Explorers from Caldwell Country Chevrolet/Ford, Caldwell, Texas for a total amount of \$152,222. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC) and the State of Texas Cooperative Purchasing Program. Funding is available in the FY 2012-2013 of the Fire Department Fund.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-119

7. Purchase and Installation of Fire Alarm Systems for Senior Centers

Motion approving the purchase and installation of four (4) fire alarm systems from MCS Fire & Security, Corpus Christi, Texas in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$64,958.00. Funds have been budgeted by the Parks and Recreation Department in FY 2012- 2013.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-120

8. Purchase of Water Truck

Motion approving the purchase of one (1) 2,000 gallon Water Truck from Corpus Christi Freightliner, Corpus Christi, TX for a total amount of \$88,800.00. The award is based on the cooperative purchasing agreement with the Houston Galveston Area Council. The equipment will be used by the City's Water Department. This unit is an addition to the fleet. Funds are available from the Water Department Fund No. 4010.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-121

9. Contingency service agreement for Hurricane/Storm Disaster Recovery Services

Motion awarding a contingency service agreement with CrowderGulf, LLC, Theodore Alabama, to provide hurricane disaster recovery operation services, in accordance with Bid Invitation No. BI-0167-13, based on most advantageous proposal, for an estimated event expenditure of \$62,620,440. The term of the contract will be for five years.

Council members asked questions regarding the response time for this company in the event of an emergency. This Motion was passed on the Consent Agenda.

Enactment No: M2013-122

10. Supply Agreement for Library Books and Recordings

Motion approving supply agreements with the following companies for the following amounts, for library books and recordings in accordance with Bid Invitation No. BI-0173-13, for an estimated annual expenditure of \$300,000. Awards are based on lowest responsible bid; providing for secondary suppliers for Groups I and II. The term of the contracts will be for twelve months with an option to extend for up to four additional twelve-month periods subject to the approval of the suppliers and the City Manager or his designee. Funds have been budgeted by the Corpus Christi Public Libraries in FY 2012- 2013 and will be requested during the normal FY 2013-2014 budget approval process.

<u>Primary</u>	<u>Secondary</u>	
<u>Secondary</u>		
Baker & Taylor, Inc.	Brodart Company	Ingram
Library Services, Inc.		
<u>Charlotte, NC</u>	<u>Williamsport, PA</u>	<u>La Vergne,</u>
<u>TN</u>		
Groups: I - VIII	Group: I	Group: II
Total: \$290,000	Total: \$5,000	Total:
\$5,000		

Grand Total: \$300,000

This Motion was passed on the Consent Agenda.

Enactment No: M2013-123

11. Engineering Design Contract for construction phase services to support the Minor Street Indefinite Delivery/Indefinite Quantity (IDIQ) program

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Engineering and Construction Management Services LLC from Corpus Christi, Texas in the amount

of \$85,600.00, for Indefinite Delivery/Indefinite Quantity Minor Street improvements Year Two.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-124

12. Engineering Design Contract Amendment No. 9 for the Mary Rhodes Pipeline Phase 2

Motion authorizing the City Manager, or designee, to execute Amendment No. 9 to the Contract for Professional Services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$195,664.00, for a total restated fee not to exceed \$ 11,335,503.00 for Mary Rhodes Pipeline Phase 2.

Council members asked questions about desalination efforts. This Motion was passed on the Consent Agenda.

Enactment No: M2013-125

13. Adopting a resolution for the acquisition of real property rights for the Holly Road Street Improvement Project - Greenwood Dr. to (SH286) Crosstown Expressway, Bond 2008

A 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, utility easements, and temporary construction easements for a street improvement project known as the Holly Road Street Improvement Project which is to be generally located from Greenwood Dr. to (SH286) Crosstown Expressway, Bond 2008; (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.

This Resolution was passed on the Consent Agenda.

Enactment No: 029906

14. Type A Grant for Service Corps of Retired Executives (SCORE) Chapter 221 for Fiscal Year 2014

Resolution approving a Small Business Incentives Agreement between

the Corpus Christi Business and Job Development Corporation and Service Corps of Retired Executives (SCORE) Chapter 221 to provide grant up to \$50,000 to assist small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the SCORE Chapter 221 Small Business Incentives Agreement.

This Resolution was passed on the Consent Agenda.

Enactment No: 029907

17. Renewal of State and Federal external legislative consultant contracts

Motion authorizing the City Manager to execute one year renewal agreements for governmental relation services with Focused Advocacy for stategovernmental relations services for \$78,000 per year plus reasonable expenses and with Meyers & Associates for federal governmental relations services for \$72,000 per year plus reasonable expenses.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-128

18. Second Reading Ordinance - Rezoning from the "RS-4.5" Single-Family 4.5 District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay, on property located east of Rancho Vista Boulevard East (1st Reading 7/23/13)

Case No. 0613-01 Yorktown Oso Joint Venture: A change of zoning from the "RS-4.5" Single-Family 4.5 District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as being a 5.74-acre tract of land out of Lots 19, 20, 29, and 30, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located east of Rancho Vista Boulevard East, between Stampede Drive and Vaquero Drive. The rezoning also includes the associated PUD plat.

Planning Commission and Staff Recommendation (June 19, 2013): Approval of the change of zoning from the "RS-4.5" Single-Family 4.5 District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay, subject to six conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Yorktown Oso Joint Venture ("Owner"), by changing the

UDC Zoning Map in reference to a 5.74-acre tract of land out of Lots 19, 20, 29, and 30, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-4.5" Single-Family 4.5 District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay; 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: 029908

19. Second Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, on property located at 7401 and 7555 Holly Road (1st Reading 7/23/13)

Case No. 0613-02 Southside Ventures, L.P.: 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 to be rezoned is described as Lots 3, 4, and 5, Section 27, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Holly Road, approximately 1,160 feet east of Rodd Field Road.

Planning Commission and Staff Recommendation (June 19, 2013): Approval of the change of zoning 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 Southside Ventures, L.P., acting as agent on behalf of Palm Land Investments, Inc. ("Owner"), by changing the UDC Zoning Map in reference to Lots 3, 4, and 5, Section 27, 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 and publication.

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

Enactment No: 029909

20. Second Reading Ordinance - Accepting and appropriating Federal grant to combat drug trafficking (1st Reading 7/23/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant modification award in the amount of \$71,837 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Department's role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA) for the salary and benefits of a

full-time program coordinator, one administrative assistant, overtime for 4 Corpus Christi Police Officers, and 4 lease vehicles; and appropriating the \$71,837 in the No. 1061 Police Grants Fund.

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

Enactment No: 029910

21. Second Reading Ordinance - Appropriating funds from the sale of police handguns to police officers (1st Reading 7/23/13)

Ordinance appropriating \$87,526 in the General Fund No 1020 from the sale of Police handguns; and Amending the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenue and expenditures in the General Fund No 1020 by \$87,526

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

Enactment No: 029911

22. Second Reading Ordinance - Appropriating funds from the Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (1st Reading 7/23/13)

Ordinance appropriating \$3,380,824 from the United States Department of Homeland Security - Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, into the No. 1062 Fire Grants Fund to hire and maintain 34 additional firefighters within the Fire Department.

Council members asked staff to apply for another SAFER grant to increase funding to hire more firefighters to staff ambulances and fire trucks. This Ordinance was passed on second reading on the Consent Agenda.

Enactment No: 029912

23. Second Reading Ordinance - Engineering Design Contract Amendment No. 1 for Cefe Valenzuela Outfall Modifications and On-Call Consulting Services (1st Reading 7/23/13)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E11050 Cefe Valenzuela Outfall Modifications; transferring funds from Fund No. 3365 Reserve Appropriation in the amount of \$100,000 to Project No. E11050 Cefe Valenzuela Outfall Modifications and authorizing the City Manager or designee to execute Amendment No. 1 to the Contract for Professional Services with HDR Engineering, Inc. of Corpus Christi, Texas in the amount of \$69,800, for a total restated fee not to exceed \$116,200 for the Project No. E11050 Cefe Valenzuela Outfall Modifications and On-Call Consulting Services.

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

Enactment No: 029913

24. Second Reading Ordinance - Accepting and appropriating State grant for air quality planning (1st Reading 7/23/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant in the amount of \$442,300 from the Texas Commission on Environmental Quality in the No. 1071 Community Enrichment Fund for air quality planning purposes.

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

Enactment No: 029914

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 public comment. The following individuals spoke in favor of a plastic bag ban as follows: Wes Tunnell; Patricia Reinhart Mondragon; Neil McQueen; Stephanie Martinez; Cliff Slavic; Beth Wilson Becerra; Adriana Lira; Theresa Kline; Jim Kline; Peggy Duran; Wyatt James; and Mr. Clayton.

The following individuals spoke against the plastic bag ban: Jeanne Cross; Kim Dees; Dolores Dees.

Johnny French spoke regarding removing language in the draft ordinance for fees collected to hire more code enforcement officers (Item 3), or spending money for any other use (Item 7).

Mary Lou Huffman spoke regarding an event on Agnes Street tomorrow and in favor of bond funding for Old Robstown Road.

The following individuals spoke in favor of amending the budget to increase firefighter funding: Lionel Lopez; Carolyn Moon; Kim Dees; Rudy DeLeon; Jim Kline.

Abel Alonzo stated that he supported the firefighters but not the fire union tactics.

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.

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

City Manager Olson reported on the following issues: Staples Street construction project is ahead of schedule; Solid Waste employees Eduardo Morales and David Garza for assisting an injured individual; the TAAF games were a success; and presentation to Assistant City Manager Oscar Martinez for 16 years of service.

Mayor Martinez mentioned a number of Mr. Olson's accomplishments, including: completing street fee; improved budget process due to workshops; completed compensation and classification plan; appointed Assistant City Manager Susan Thorpe as a customer service champion; continued work on a comprehensive economic development plan; Schlitterbahn project; industrial district contract negotiation; solid waste competitive review; citywide facilities improvement and service plan; city performance measures program; organization of public works and utilities departments; moving forward on Mary Rhodes Pipeline Phase II project.

H. EXECUTIVE SESSION: (ITEM 2)

Mayor Martinez deviated from the agenda and referred to the executive session. The Council went into executive session.

- 2.** Executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the lease of real property because deliberations in an open session would have detrimental effect on the position of the City in negotiations with a third party, with possible discussion and action in open session.

This E-Session Item was discussed in executive session.

M. PUBLIC HEARINGS: (ITEM 25)

- 25.** Public Hearing and First Reading Ordinance - Amending the

Unified Development Code and Code of Ordinances for sidewalk cafes and streetscape zones.

Ordinance amending the Unified Development Code by revising subsections 1.11.3 - Defined Terms, subsection, 6.13.1 Streetscape Zone and Pedestrian Amenities; establishing a new subsection 6.13.1 - Permission to Use City Sidewalks; amending the City of Corpus Christi, Texas, Code of Ordinances, by revising Section 49-2 - Obstructions Generally, and Section 49-6 - Gates opening across sidewalks; and providing for severance, penalties, and publication.

Mayor Martinez referred to Item 25. Director of Development Services Mark Van Vleck stated that the purpose of the item was to amend the Unified Development Code (UDC) to allow the director of development services, rather than the City Council, to approve use privilege agreements for sidewalk cafes, awnings, outdoor displays and sales, street furniture, and other improvements of structures. Council members asked if there was fee for the agreement; maintenance of improvements; and reduction of sidewalk width.

Council Member Magill made a motion to open the public hearing, seconded by Council Member Leal. Abel Alonzo asked about adherence to ADA requirements. A motion was made and seconded to close the public hearing. This Ordinance was passed on first reading and approved with the following vote:

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: 029923

N. REGULAR AGENDA: (ITEMS 26 - 33)**SPECIAL BUDGET CONSIDERATION ITEMS (ITEMS 26 - 30)****26. Second Reading Ordinance - Adopting the Proposed Operating Budget for FY 2013 - 2014 (1st Reading 7/16/13)**

Ordinance adopting the City of Corpus Christi budget for the ensuing fiscal year beginning August 1, 2013; to be filed with the County Clerk; appropriating monies as provided in the budget; and providing for severance.

Mayor Martinez referred to Item 26. Assistant City Manager Margie C. Rose stated that on July 25, the City received the certified appraisal roll from the Nueces County Tax Appraisal District. She said there was an increase of 7.99% in values compared to last year. In the proposed budget, staff estimated an increase of 5%. She said this translates into an additional \$1,440,000 more of general fund revenues that are not currently part of the budget. She truth in taxation laws require that if the City is considering a tax rate where the maintenance and operations rate increase of 8%, then the Council must

consider the roll back rate. She presented the Council with two property tax options:

1) Maintain current rate - \$.588797. She said that's a total of \$1,440,000, which is the budget now. Deducting the portion required for street fund transfer, the total amount available for the general fund is \$1,364,524.

2) Adopt the roll back rate - \$.058524. The new additional revenues are \$944,578. Deducting the portion required for street fund transfer, the total amount available for general fund is \$895,069.

Ms. Rose noted that if the Council were to maintain the current rate, the action could be subject to a referendum to consider the roll back rate.

Mayor Martinez called for public comment. The following individuals spoke regarding increasing funding for firefighter staffing: Natasha Ross; Christopher Steele; Carlos Torres; Steve Bowers; Ingrid Dees; Scott Leeton. Cheryl Martinez spoke in favor of increasing funding for temporary employees in animal control division: Cheryl Martinez. Abel Alonzo stated that the fire and police departments should be held accountable and managed effectively.

Council members asked questions about the cost for temporary staff to clean kennels at the animal control department. Police Chief Floyd Simpson replied that the additional cost to the budget was \$100,000; the actual cost was \$107,225.

Council Member Magill made a motion to amend the FY 2013-14 Proposed Budget to approve \$107,225 for the animal control division either out of fund balance or the roll back rate, seconded by Council Member Loeb. Council Member McIntyre asked for an amendment to specify that \$29,225 of the \$107,225 was for the veterinarian technician. Council Member Magill accepted her amendment, seconded by Mr. Loeb. Mayor Martinez asked if there was any discussion on the motion. Council members noted that their priorities were street fee and/or pension liability issue, and reducing debt; and concerns about cutting animal control funding. The motion passed with the following vote: Mayor Martinez, Riojas, Garza, Leal, Loeb, Magill, McIntyre, voting "Aye"; Allen and Scott, voting "Nay".

Council Member Loeb made a motion to amend Mr. Magill's motion by amending the FY 2013-14 Proposed Budget to adopt the roll back rate; amend budget to include \$107,225 for animal control division; and the remaining \$393,922 to debt service fund; \$393,922 to pension liability fund. Council Member Magill did not accept the amendment.

The Council discussed issues related to amending the budget to increase fire department staffing. Council Member Magill made a motion to amend the FY 2013-14 Proposed Budget to fund \$600,000 in overtime for this FY for the specific purpose of raising daily minimum staffing to 100 with current fire personnel, seconded by Ms. Leal. The motion failed with the following vote: Leal and Magill, voting "Aye"; Martinez, Riojas, Scott, Allen, Garza, Loeb, and McIntyre, voting "Nay".

Council Member Scott made a motion to amend the FY 2013-14 Proposed Budget to adopt the roll back rate, seconded by Council Member McIntyre. The

motion passed with the following vote: Martinez, Riojas, Scott, Allen, Garza, Loeb, Magill, McIntyre, and Leal, voting "Aye".

Council Member Loeb made a motion to use the remaining balance of \$393,922 for debt service funding, and \$393,922 for pension liability funding, seconded by Mr. Magill. The motion passed with the following vote: Martinez, Riojas, Scott, Garza, Leal, Loeb, Magill, McIntyre, voting "Aye"; and Allen voting "Nay".

This Ordinance was passed on second reading as amended with the following vote:

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: 029915

31. Resolution supporting Destination Bayfront

Resolution approving and adopting the Corpus Christi Destination Bayfront Master Implementation Plan, Schematic Design and the phasing plan outlined therein prepared by Hargreaves Associates for the Destination Bayfront Project ("Project"); directing staff to prepare an ordinance calling for a November 5, 2013 Election with language for a bond proposition to fund the construction of the Project; authorizing the City Manager or designee to execute Amendment No. 11 to the Professional Services Contract with Hargreaves Associates, Inc. in the amount of \$1,936,300 and Amendment No. 2 to the Testing Agreement with Rock Engineering & Testing Laboratory in the amount of \$102,500, contingent upon voter-approval of the Bond Proposition.

Mayor Martinez deviated from the agenda and referred to Item 31. City Engineer Dan Biles stated that the purpose of the item was to direct staff to develop an ordinance for November 5, 2013 General Obligation Bond Election to include the Destination Bayfront Project; adopt the project's Master Implementation Plan, schematic design and phasing; and approve an amendment and testing agreement to facilitate the completion of the design phase. He said the contracts were contingent upon voter-approval of the bond proposition.

Mayor Martinez asked for public comment. Ms. Hebert spoke in opposition to the Destination Bayfront project. Johnny French stated that street maintenance, street improvements, and destination bayfront should all be considered during the same election (2014) because citizens will be paying for all of them together. Carolyn Moon stated that she believed that destination bayfront was going to be paid strictly with private funds. Abel Alonzo spoke in support of the project.

Trey McCampbell spoke regarding the economic benefits of the destination bayfront project. Council members commented that the City had other infrastructure needs that were higher in priority; and the economic benefits of the projects. This Resolution was passed and approved with the following

vote:

Aye: 7 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre and Council Member Riojas

Nay: 2 - Council Member Magill and Council Member Garza

Abstained: 0

Enactment No: 029920

37. First Reading Ordinance - Calling for Special Election on November 5, 2013

Ordinance ordering a Special Election to be held on November 5, 2013 in the City of Corpus Christi on the question of authorizing one or more series of bonds supported by ad valorem taxes; providing for procedures for holding such election; providing for notice of election and publication; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; making provisions for the conduct of such joint election; and enacting provisions and resolving other matters incident and related to such election.

Mayor Martinez deviated from the agenda and referred to Item 37. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

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: 029925

FUTURE AGENDA ITEMS: (ITEMS 38 - 39)

38. Resolution establishing the City's binding intention for Destination Bayfront Bond Issuance

Resolution establishing the City's binding intention to issue General Improvement Bonds to design, develop, construct, renovate, and improve Destination Bayfront upon obtaining the approval of City voters and upon raising private contributions and other financial support of such Project; authorizing other matters incident and related thereto; and providing an effective date.

Mayor Martinez deviated from the agenda and referred to Item 38 on the future agenda. This Resolution was recommended by staff to regular agenda.

Enactment No: 029926

39. Regulating the use of plastic checkout bags

Ordinance amending Chapter 21, Part III Garbage, Trash, and other refuse of the Code of Ordinances, by adding new Article VI regulating the use of Plastic Checkout Bags in the City of Corpus Christi, and providing for penalties.

Mayor Martinez deviated from the agenda and referred to Item 39 on the future agenda.

Council Member Loeb made a motion directing staff to amend Section 21-62e, subsection (i) to say "may" to "will", and to delete (i) in Line 7, "any other use approved by the City Council"; seconded by Mayor Martinez. Council Member McIntyre asked for an amendment to the motion to change Item 3 from say "any other ordinance" to "any other litter ordinance"; and item 2 to add "proper use, disposal and recycling". Mr. Loeb accepted Ms. McIntyre's amendment, seconded by Mayor Martinez. The motion passed with the following vote: Martinez, Rlojas, Scott, Allen, Garza, Leal, Loeb, and McIntyre, voting "Aye".

Mayor Martinez made a motion directing staff to bring back the proposed ordinance incorporating suggested changes and an ordinance allowing for a complete ban on plastic bags, seconded by Council Member Loeb. The motion failed with the following vote: Martinez, Loeb and Leal voting "Aye"; Rlojas, Scott, Allen, Garza, Magill, and McIntyre, voting "No".

Council Member McIntyre made a motion directing staff not to bring back the ordinance until we have a fully vetted litter ordinance including enforcement strategies and a fully vetted report form and draft the ordinance changing the Green Star Program to be a no fee with reduction validation and to scale in the levels of reduction; seconded by Council Member Magill. The motion passed with the following vote: Riojas, Scott, Allen, Garza, Magill, and McIntyre, voting "Aye"; Martinez, Leal, and Loeb, voting "No".

FIRST READING ORDINANCES: (ITEMS 35 - 37)**36. First Reading Ordinance - Amending lease agreement for use and management of Whataburger Field**

Ordinance authorizing the City Manager, or designee, to execute the First Amended and Restated Lease Agreement ("Amended Lease") between the City of Corpus Christi ("City") and the Corpus Christi Baseball Club, LP ("Lessee") for operating Whataburger Field ("Baseball Stadium") as a professional baseball venue, in consideration of an additional fifteen (15) year term and Lessee's rental payments therefore.

Mayor Martinez deviated from the agenda and referred to Item 36. Assistant City Manager Wes Pierson stated that the purpose of the item was to amend the stadium lease agreement between the City of Corpus Christi and the Corpus Christi Baseball Club, LP (Corpus Christi Hooks). He reviewed the history and goals of the project, and covered the main deal points, including term, rent, maintenance requirements, acceleration of the rent, and the Player development contract. He also discussed stadium maintenance and the next

steps in the process. There were no comments from the public or the Council. This Ordinance was passed on first reading and approved with the following vote:

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: 029942

SPECIAL BUDGET CONSIDERATION ITEMS (ITEMS 26 - 30)

27. Second Reading Ordinance - Adopting the Proposed Capital Budget for FY 2013 - 2014 (1st Reading 7/16/13)

Ordinance approving the FY 2014 Capital Budget and Capital Improvement Planning Guide in the amount of \$294,964,300

Mayor Martinez referred to Item 27. Assistant City Manager Oscar Martinez stated that the purpose of the item was to approve the FY 2013-14 Capital Budget and CIP Planning Guide in the amount of \$294,964,300. He discussed the details of this planning document, saying that Year 1 was the most critical. Council Member Loeb made a motion directing staff that, in the future, all CIP budget items that are the result of an unfunded mandate be labeled as such on the project page; seconded by Mr. Scott. The motion passed with the following vote: Martinez, Riojas, Scott, Allen, Garza, Leal, Loeb, Magill, and McIntyre. There was no public comment. This Ordinance was passed on second reading with the following vote:

Enactment No: 029916

28. Second Reading Ordinance - Amending City code regarding water, gas, wastewater, and street maintenance rates and fees (1st Reading 7/16/13)

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, regarding water, gas, wastewater, and street maintenance rates and fees; consolidating, codifying, and adopting clarifying amendments of Ordinance No. 029876 and Ordinance No. 029877 regarding street maintenance fees; providing for publication, providing for severance, and providing effective date.

Mayor Martinez referred to Item 28. Assistant Director of Management and Budget Eddie Houlihan stated that the purpose of the item was to amend the code of ordinances for the revision of water, wastewater, and gas rates and fees; and to incorporate into the street maintenance fee into the code of ordinances. Council Member Loeb made a motion directing staff that as soon as possible, on future wastewater bills and in our rate structure, set a rate that is shown on people's bills for what the cost of funding the unfunded mandates, either on an operational or capital level; seconded by Mr. Scott. The motion passed with the following vote: Martinez, Riojas, Scott, Allen, Garza, Leal, Loeb, Magill, and McIntyre. This Ordinance was passed on second reading

and approved with the following vote:

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: 029917

29. Second Reading Ordinance - Amending the Code of Ordinances to adopt new compensation rates (1st Reading 7/23/13)

Ordinance amending Code of Ordinances, Chapter 39, Personnel, Article III Employee Classification and Compensation System of the Corpus Christi Code of Ordinances to adopt new compensation rates.

Mayor Martinez referred to Item 29. Yasmine Chapman, the director of human resources, stated that the purpose of the item was to create three new market-based pay plans, and to adopt new compensation rates. There were no comments from the Council or public. This Ordinance was passed on second reading with the following vote:

Enactment No: 029918

15. Setting Date to adopt the Property Tax Rate

Motion setting September 10, 2013 as the date of the adoption of the ad valorem tax rate of \$0.588797 per \$100 valuation.

Mayor Martinez referred to Item 15. Director of Financial Services Constance Sanchez asked that Item 15 be amended to include the roll back rate of \$0.585268 per \$100 valuation, as discussed in Item 26. Council Member Scott made a motion to amend, seconded by Council Member McIntyre, and passed. The motion passed as amended and was approved with the following vote:

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: M2013-126

16. Setting Public Hearing Dates for Ad Valorem Tax rate

Motion setting a public hearing on the ad valorem tax rate for August 20, 2013 and a second public hearing for August 27, 2013, during the regular City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

Mayor Martinez referred to Item 16. Director of Financial Services Constance Sanchez stated that the purpose of the item was to set 2 public hearings before the final vote adopting the tax rate on September 10, 2013. There were no comments from the public or Council. The Motion passed and was approved with the following vote:

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: M2013-127

30. Parks and Recreation FY14 new fees and fees increasing more than 25%

Resolution adding new rental and recreational use fees for fiscal year 2013-2014 and providing for publication; effective date; and severance of the same.

Mayor Martinez referred to Item 30. Director of Parks and Recreation Michael Morris stated that the purpose of the item was to approve new fees and fees increasing more than 25% for Fiscal Year 2014. There were no comments from the Council or the public. This Resolution was passed with the following vote:

Enactment No: 029919

32. Resolution in Support of 2014 General Obligation Bond Election and approval of propositions and projects (Related items 32 - 33)

Resolution in support of calling for a General Obligation Bond Election in November 2014 for the purpose of funding Street Improvements in the amount of \$84,410,000 (with \$55,000,000 representing streets in the greatest need of reconstruction and \$29,410,000, representing street capacity priorities and other street-related improvement projects); and to review, finalize and approve the staff-recommended street project list.

Mayor Martinez referred to Item 32. City Engineer Dan Biles stated that the purpose of the item was to approve a resolution in support of a November 2014 General Obligation Bond election for street improvements totaling \$84,410,000; and to approve a project list for each proposed proposition. He said staff could then proceed with having the projects under Proposition One designed, or under design, prior to November 2014. He stated that staff changed the project list at Council request as follows: changed Proposition 2 title; added Waldron Road and Santa Fe Streets.

Council members asked questions regarding the following issue: re-evaluating the PCI of Everhart and Santa Fe; and whether businesses are buying-in to the improvements being made on Chaparral Street project; more pedestrian improvements on Ayers Street. Council Member Loeb stated that he was abstaining from voting on improvements to Morgan Avenue, Staples Street, and Chaparral Street because the improvements could benefit properties his company manages in those areas. There were no comments from the public.

This Resolution was passed and approved with the following vote:

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

Nay: 1 - Council Member Scott

Abstained: 0

Enactment No: 029921

33. Reimbursement Resolution in Support of 2014 General Obligation Bond Election

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 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 33. City Engineer Dan Biles stated that the purpose of the item was to reimburse the city for funds needed by staff to begin the design process on streets listed in Proposition One. There were no comments from the Council or the public. This Resolution was passed and approved with the following vote:

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

Nay: 1 - Council Member Scott

Abstained: 0

Enactment No: 029922

O. CORPORATION MEETING (ITEM 34)

Mayor Martinez recessed the Council meeting to hold a corporation meeting.

34. Annual Board Meeting of the Corpus Christi Community Improvement Corporation

Annual Board meeting of the Corpus Christi Community Improvement Corporation (CCCIC)

This Corporation Meeting was held

P. FIRST READING ORDINANCES: (ITEMS 35 - 37)

35. First Reading Ordinance - To reimburse Isaac C. Anthony, III and Betty Anthony for the wastewater development fees paid in 1996

Ordinance appropriating \$1,135.31 from the No. 4220 Wastewater Trunk System Trust Fund to refund Isaac C. Anthony, III and Betty Anthony the wastewater lot/acreage fees paid since wastewater services are not available nor will any be available within the next 5 years as related to King Estates Unit 2, Block 7, Lot 3.

Mayor Martinez reconvened the Council meeting and referred to Item 35. Director of Development Services Mark Van Vleck stated that the purpose of the item was to reimburse the Anthonys for wastewater lot/acreage fees paid since wastewater services are not available, nor will they be available for the next 5 years. There were no comments from the Council or the public. 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 Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029924

R. BRIEFINGS TO CITY COUNCIL: (NONE)

S. ADJOURNMENT