



Corpus Christi

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

Tuesday, October 28, 2014

11:30 AM

Council Chambers

Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.

A. Mayor Nelda Martinez to call the meeting to order.

Mayor Martinez called the meeting to order.

B. Invocation to be given by Pastor David Bendett, Rock City Church.

Pastor Ryan Jones gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Liza Wisner, Learning and Development Manager.

Learning and Development Manager Liza Wisner 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 stated that a quorum of the Council and the required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Council Member Leal has been granted a leave of absence.

Charter Officers:

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

Present: 8 - Mayor Nelda Martinez, Council Member Kelley Allen, Council Member Rudy Garza, Council Member David Loeb, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Mark Scott

Absent: 1 - Council Member Priscilla Leal

E. Proclamations / Commendations

1. Proclamation declaring October 15, 2014 as, "Del Mar College Mexican-American Studies Program Day"
Proclamation declaring October 28, 2014 as, "Windsor Park Elementary School Day"
Proclamation declaring November 1, 2014 as, "7th Annual Coastal

Bend Walk for Memory"

Proclamation declaring November 3-9, 2014 as, "National HOSA Week"

Proclamation declaring November 3-10, 2014 as, "The 239th United States Marine Corps Week"

Mayor Martinez presented the proclamations.

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments.

a. Plan CC - Annika Gunning, Sr. Project Planner, Development Services

City Manager Olson asked Project Manager Annika Gunning to provide an update on the Plan CC Comprehensive Plan 2035 efforts. The update included materials available for public review regarding the vision and principles of the plan and a list of public open house meetings beginning from 4:00 p.m. - 7:00 p.m. at the following locations:

November 10, 2014 - Lindale Recreation Center and Janet F. Harte Public Library

November 11, 2014 - Owen R. Hopkins Public Library and Dr. Clotilde P. Garcia Public Library

November 12, 2014 - Radisson North Beach and Ben F. McDonald Public Library

November 13, 2014 - Oveal Williams Senior Center and Garden Senior Center

F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

Mayor Martinez called for comments from the public. Craig Pierce stated that the newly annexed Southside FM 2444 area should be entitled to city services and spoke regarding the increased cost of those services. Mr. Pierce said the annexation resolution regarding the funding of utility improvements was passed illegally in violation the Open Meetings Act. Mr. Pierce stated that Neighborhoods First! is requesting that the City Attorney provide a written opinion on whether this resolution met the requirements of the Open Meetings Act and if it does not meet the requirements, the adoption of the resolution should be voided. Council Member Loeb stated that he made a motion to place the funding resolution on a future agenda and City Attorney Risley confirmed that the resolution was properly posted. In response to Council Member Loeb, City Manager Olson stated that the cost of services plan is available on the City's website and reflects the estimated costs for the service plan extension for Phase I in the amount of \$13 million and an estimated tax revenue in the amount of \$20 million. Council Member Loeb clarified that based on estimated revenues being higher than the cost for the service plan, taxpayers will not have additional costs. Jimmy Dodson asked the council to reconsider the

Southside FM 2444 annexation and requested the development of master plans before annexing additional areas. John Kelley stated that the resolution regarding the annexation specifies that the funding will go to the infrastructure fund and will not go to pay for city services. Mr. Kelley added that those services will be paid for out of the general fund and the public was not informed about the increased cost. Mr. Kelley also stated that the information was not provided in compliance with the Open Meetings Act. Council Member Loeb reiterated that \$13.3 million is the cost of the service plan and asked if this amount includes all city services. City Manager Olson stated that the primary cost of \$13.3 million is for infrastructure and the basic service plan that is initiated assumes that city services will be extended to the new service areas from existing locations. Mr. Olson added that as the population in that area grows, the service plan will need to be changed. Susie Luna Saldana stated that the Council is making assumptions and adding tax burdens on the people and spoke regarding Fire Station No. 18 not being built. Abel Alonzo stated that he was glad that Council Member Loeb responded to clarify the allegations made regarding the annexation and said that Fire Station No. 18 will be built when it is needed. Butch Escobedo spoke regarding the City addressing existing infrastructure instead of burdening the taxpayers with additional taxes.

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

Mayor Martinez returned to City Manager's Comments.

b. Other

City Manager Olson reported that the City recently took ownership of the Montgomery Ward building and is in the process of requesting proposals for the development of the building before November 10th to promote the redevelopment of downtown.

I. MINUTES:

3. Regular Meeting of October 21, 2014

Mayor Martinez referred to approval of the minutes. Council Member McIntyre made a motion to approve the minutes, seconded by Council Member Allen and passed unanimously.

J. BOARD & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 4 - 7)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. The consent agenda items were approved by one vote as follows:

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

Absent: 1 - Council Member Leal

Abstained: 0

4. Second Reading Ordinance - Appropriating funds to refund wastewater lot/acreage fees paid for property located on the north side of Graham Road between Flour Bluff Road and Waldron Road (1st Reading 10/21/14) (Requires 2/3 vote)

Ordinance appropriating \$3,956.06 from the No. 4220 Wastewater Trunk System Trust Fund to refund Pedro S. Bazan and Sarangelica Bazan the wastewater lot/acreage fee paid since wastewater services are not available nor will it be available within the next 5 years as related to Oak Terrace Unit 2, Block 4, Lot 9A.

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

Enactment No: 030321

5. Second Reading Ordinance - Approving a waterline reimbursement agreement and appropriating funds for property located along the south side of Saratoga Boulevard (SH 357), east of Airline Road, and west of Rodd Field Road (1st Reading 10/21/14) (Requires 2/3 vote)

Ordinance authorizing execution of a distribution main extension construction and reimbursement agreement ("Agreement") with The Icon at Corpus Christi, Limited Partnership, ("Developer"), for the construction of a distribution waterline and appropriating \$60,193.60 from the No. 4030 Water Distribution Main Trust Fund to reimburse the developer in accordance with the agreement.

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

Enactment No: 030322

6. Second Reading Ordinance - Approving a participation agreement for the City's share of the cost to extend North Oso Parkway (1st Reading 10/21/14) (Requires 2/3 vote)

Ordinance authorizing the City Manager to execute a developer participation agreement with Palm Land Investment, Inc., ("Developer"), to reimburse the Developer up to \$277,894.42 for the City's share of the cost to extend North Oso Parkway, in accordance with the Unified Development Code.

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

Enactment No: 030323

7. Second Reading Ordinance - Appropriating Federal grant to rehabilitate and construct taxiways at the airport (1st Reading 10/21/14) (Requires 2/3 vote)

Ordinance appropriating \$5,000,000 from the Federal Aviation Administration Grant No. 3-48-0051-052-2014 in the No. 3020 Airport Capital Improvement Fund to rehabilitate Taxiways D, E, F, and G and construct Taxiways H and J at Corpus Christi International Airport; changing the FY 2014-2015 capital budget adopted by Ordinance No. 030303 by increasing revenues and expenditures by \$5,000,000 each.

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

Enactment No: 030324

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (ITEM 8 -9)

8. Approving the Street Preventative Maintenance Program (SPMP) Year Two - Annual Work Plan

Resolution approving the concepts, direction, and general work plan for the second year of the Street Preventative Maintenance Program (SPMP) -- the 2015 SPMP Work Plan.

Mayor Martinez referred to Item 8. Interim Executive Director of Public Works Valerie Gray stated that the purpose of this item is to approve a resolution in support of the Street Preventative Maintenance Program (SPMP) for Year Two which will include maintenance intended to extend street life. Ms. Gray said the work will be done on residential, collector and arterial streets citywide. In response to Council Member Loeb, Ms. Gray stated that the work plan is estimated at \$13.8 million in street work. Council Member Loeb commented that several citizens made comments that the City Council has not been spending money on infrastructure and this item reflects that the Council will spend \$13.8 million on streets. Mr. Loeb added that if those individuals were so concerned about the infrastructure, they would have stayed in the room to hear this item on the agenda. Mayor Martinez called for comments from the public. Susie Luna Saldana said these improvements to the infrastructure are long overdue and it's not enough. Abel Alonzo asked questions regarding the overlay program's compliance with ADA. This Resolution was passed and approved with the following vote:

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

Absent: 1 - Council Member Leal

Abstained: 0

Enactment No: 030325

9. Approving the FY2014-2015 HOME Program set-aside funds

Motion to approve the FY2014-2015 HOME Program set-aside funds.

Mayor Martinez referred to Item 9. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is to approve the FY2014-2015 HOME Program set-aside funds for two projects which have received Texas Department of Housing and Community Affairs Housing Tax Credits in the amount of \$1,818,000. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

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

Absent: 1 - Council Member Leal

Abstained: 1 - Council Member Scott

Enactment No: M2014-144

H. EXECUTIVE SESSION: (ITEM 2)

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

- 2.** Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding fire collective bargaining negotiations with possible discussion and action in open session.

This item was discussed in executive session.

O. RECESS FOR CORPORATION MEETING: (ITEM 10)

10. Board of Director's Meeting of the Corpus Christi Community Improvement Corporation

Board of Director's Meeting of the Corpus Christi Community Improvement Corporation

Mayor Martinez recessed the regular Council meeting to hold a meeting of the Corpus Christi Community Improvement Corporation.

P. RECONVENE COUNCIL MEETING

Mayor Martinez reconvened the regular Council meeting.

Q. FIRST READING ORDINANCES: (ITEMS 11)

11. First Reading Ordinance - Accepting and appropriating donation

for the purchase of police equipment (Requires 2/3 vote)

Ordinance authorizing the City Manager or designee to accept a donation from Exxon Mobil Corporation in the amount of \$2,000.00 to be used for the purchase of police equipment; and appropriating \$2,000.00 from Exxon Mobil Corporation into the General Fund No. 1020 to purchase police equipment and changing the FY 2014-2015 Operating Budget adopted by Ordinance No. 030294 by increasing revenue and expenditures in the General Fund No. 1020 by \$2,000.00 each.

Mayor Martinez referred to Item 11. Police Chief Floyd Simpson stated that the purpose of this item is to accept a donation from Exxon Mobil Corporation in the amount of \$2,000 to be used to purchase police equipment. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Council Member Leal and Council Member Scott

Abstained: 0

Enactment No: 030327

R. FUTURE AGENDA ITEMS: (ITEMS 12 - 16)

Mayor Martinez referred to the Future Agenda. City Manager Ron Olson stated that staff did not have any planned presentations.

12. Approving an engineering construction contract for the Oso Water Reclamation Plant clarifier no. 5 trough replacement and chlorine contact chamber repairs (Requires 2/3 vote)

Motion authorizing the City Manager or designee to execute a construction contract with CSA Construction, Inc. of Houston, Texas in the amount of \$444,800 for the Oso Water Reclamation Plant Clarifier No. 5 Trough Replacement & Chlorine Contact Chamber Repairs for the base bid plus additive alternative No. 1 and 2.

This Motion was recommended to the consent agenda.

Enactment No: M2014-145

13. Approving Contribution-In-Aid-Of-Construction agreement for Oso Bay Area Development, Phase 2 (Bond 2008) (Requires 2/3 vote)

Motion authorizing the City Manager, or his designee, to execute a Contribution-In-Aid-Of-Construction Agreement with American Electric Power (AEP) in the amount of \$65,900.18 for electric distribution

service for the Oso Bay Area Park Development Project, Phase 2 and execute an Easement and Right of Way instrument to AEP containing 225 square feet out of Lot 1, Block 1, Oso Bay Park, necessary for the installation and connection of an electrical service transformer for this project.

This Motion was recommended to the consent agenda.

Enactment No: M2014-146

14. Approving amendment no. 1 to an engineering design contract for the Citywide Street Preventative Maintenance Program Year 2 (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with Coym, Rehmet & Gutierrez Engineering, L.P. of Corpus Christi, Texas in the amount of \$749,530.00 for the Citywide Street Preventative Maintenance Program (SPMP) Year 2 project.

This Motion was recommended to the consent agenda.

Enactment No: M2014-147

15. Approving a work plan and budget agreement with the Nueces River Authority (Requires 2/3 vote)

Motion authorizing the City Manager or designee to execute a work plan and budget agreement with the Nueces River Authority in the amount of \$99,996 to provide water planning, protection, development, and data management services to the City for FY 2015.

This Motion was recommended to the consent agenda.

Enactment No: M2014-148

16. Authorizing and adoption of Restated and Amended Articles of Incorporation for the Corpus Christi Business and Job Development Corporation (CCBJDC) (Requires 2/3vote)

Resolution finding that it is advisable that the Corpus Christi Business and Job Development Corporation Articles of Incorporation be restated and amended; authorizing adoption of the restated and amended articles; approving the form of the restated and amended Articles.

This Resolution was recommended to the consent agenda.

Enactment No: 030326

S. BRIEFINGS TO CITY COUNCIL: (NONE)

T. LEGISLATIVE UPDATE:

None.

U. ADJOURNMENT

The meeting was adjourned at 2:01 p.m.