



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes - Final City Council

---

Tuesday, May 21, 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. CALL MEETING TO ORDER.**

Mayor Martinez called the meeting to order.

**B. ROLL CALL.**

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

(Note: Council Member Magill arrived at 11:45 am)

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

**C. CONSENT AGENDA:**

Mayor Martinez referred to the Consent Agenda, Items 1 - 15. Mayor Martinez asked for council and public comments. There were no comments. The items were approved by one vote:

**1. Supply agreement for polymer used to remove water from sludge at wastewater treatment plants**

Motion approving a supply agreement with Polydyne Inc., Riceboro, Georgia for sludge dewatering polymer to be used at the wastewater treatment plants in accordance with Bid Invitation No. BI-0133-13, based on only bid for an estimated twelve month expenditure of \$162,958.00 of which \$40,739.50 is required for FY 2012-2013. The term of the contract will be for twelve months with 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 are available in the Wastewater Operating Budget in FY 2012-2013.

The foregoing motion was passed and approved with the following vote:

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-085

**2. Supply agreement for chemical solution for disinfection of treated effluent and potable drinking water**

Motion approving a supply agreement with Brenntag Southwest, Inc., Dallas, Texas for approximately 956,200 pounds of sodium hypochlorite solution in accordance with Bid Invitation No. BI-0137-13 based on lowest responsible bid for an estimated twelve month expenditure of \$551,211.90 of which \$137,334.23 is required for FY 2012-2013. The term of the supply agreement 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 are available in the Water and Wastewater Operations Budgets in FY2012-2013.

**The foregoing motion was passed and approved with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-086

**3. Engineering design contract for lifecycle curb and gutter replacement**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Engineering and Construction Management Services LLC, from Corpus Christi, in the amount of \$73,150.00, for Lifecycle Curb and Gutter Replacement.

**The foregoing motion was passed and approved with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-087

**4. Engineering design contract amendment no. 1 for Schanen Ditch Improvements Phase 2**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to the Contract for Professional Services with Freese and Nichols, Inc. from Corpus Christi, Texas in the amount of \$38,540.00, for a re-stated fee not to exceed \$72,978.00 for Schanen Ditch Improvements Phase 2, for design, bid, and construction phase services.

**The foregoing motion was passed and approved with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-088

**5. Engineering design contract for Americans with Disabilities Act (ADA) Master Plan Improvements City Wide (BOND 2012)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with CH2M Hill, Inc., from Corpus Christi, in the amount of \$263,200.00, for ADA Master Plan Improvements City-Wide Bond Issue 2012 for design, bid, and construction phase services. (Proposition No. 1 Street Projects)

**The foregoing motion was passed and approved with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-089

**6. Purchase of software, hardware and services to create a virtual desktop program for City computer services**

Motion authorizing the City Manager, or designee, to execute documents necessary to purchase software, hardware, and services for a virtual desktop infrastructure program from the following suppliers: Computer Solutions for \$52,709.70, Dell, Inc., for \$31,875.00, and Intelek Technologies for \$2,317.00 for a total expenditure of \$86,901.70.

The foregoing motion was passed and approved with the following vote:

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: M2013-090

**7. Second Reading Ordinance - Accepting and appropriating a Regional grant to support Emergency Medical Services (EMS) operations (1st Reading 5/14/13)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$2,847.28 to be used for the purchase of supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department; and appropriating \$2,847.28 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department

The foregoing ordinance was passed and approved on second reading with the following vote:

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029832

**8. Second Reading Ordinance - Accepting and appropriating a Regional grant to support the Web Based Emergency Operations Center (WebEOC) (1st Reading 5/14/13)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$40,000 for the benefit of the City's WebEOC operations; and appropriating \$40,000 from the Coastal Bend Regional Advisory Council into the 1062 Fire Grant Fund to purchase equipment, services, technical support, training and travel for the Corpus Christi Fire Department's WebEOC.

The foregoing ordinance was passed and approved on second reading with the following vote:

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029833

**9. Second Reading Ordinance - Amending City code to allow dogs in outdoor dining areas of food establishments (1st Reading 5/14/13)**

Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding a variance of Section 19-15 which allows for dogs in outdoor dining areas of food establishments and the accompanying application and variance certificate fee; providing for penalties; providing for severance; and providing for publication.

**The foregoing ordinance was passed and approved on second reading with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029834

**10. Second Reading Ordinance - Lease renewal with Padre Little League for baseball field at Bill Witt Park (1st Reading 5/14/13)**

Ordinance authorizing the City Manager or designee to execute a five-year Lease Agreement with Padre Little League for the use of Bill Witt Park for its baseball program.

**The foregoing ordinance was passed and approved on second reading with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029835

**11. Second Reading Ordinance - Lease renewal with Padre Youth Soccer for soccer field at Bill Witt Park (1st Reading 5/14/13)**

Ordinance authorizing the City Manager or designee to execute a five-year Lease Agreement with Padre Soccer League for the use of Bill Witt Park for its soccer program.

**The foregoing ordinance was passed and approved on second reading with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029836

**12. Second Reading Ordinance - Approval of a use privilege agreement with the Corpus Christi Independent School District to install, operate, maintain, and remove a wastewater line located at 2602 Lipan Street (1st Reading 5/14/13)**

Ordinance authorizing the City Manager to execute a use privilege agreement with the Corpus Christi Independent School District ("Permittee") to install, operate, maintain, and remove a private two-inch wastewater force main within the Lipan Street public right-of-way, subject to Permittee's compliance with specified conditions.

**The foregoing ordinance was passed and approved on second reading with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029837

**13. Second Reading Ordinance - Amendment to Type A agreement for Del Mar College Internship Program (Original Agreement Passed 08/21/12) (1st Reading 5/14/13)**

Ordinance appropriating \$72,804.35 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a small business incentives grant from the Corpus Christi Business and Job Development Corporation ("Type A Corporation") to Del Mar College ("Del Mar") for an intern program to support small businesses; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$72,804.35.

City Manager Olson announced that this item was being postponed.

**14. Second Reading Ordinance - Amendment to Type A agreement for Texas A&M University - Corpus Christi Internship Program (Original Agreement Passed 08/21/12) (1st Reading 5/14/13)**

Ordinance appropriating \$35,060 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a small business incentives grant from the Corpus Christi Business and Job Development Corporation ("Type A Corporation") to Texas A&M University - Corpus Christi ("TAMU-CC") for an intern program to support small businesses; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$35,060.

City Manager Olson announced that this item was being postponed.

**15. Second Reading Ordinance - Lease agreement for boat show event (1st Reading 5/14/13)**

Ordinance authorizing the City Manager or designee to execute agreement with Costa Productions, L.L.C. for use of portions of Lawrence Street T-head from July 8, 2013 through July 15, 2013 for a boat show event.

**The foregoing ordinance was passed and approved on second reading with the following vote:**

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

**Absent:** 1 - Council Member Magill

**Abstained:** 0

Enactment No: 029838

**D. BRIEFINGS TO CITY COUNCIL:**

**16. Arts and Cultural Commission**

Mayor Martinez referred to Item No. 16. Mr. Michael Morris, Director of Parks & Recreation introduced Heidi Hovda, Chairperson, Arts and Cultural Commission who provided an update on the Arts and Cultural Commission. Ms. Hovda stated that the last report to the Council as given on June 21, 2011. Ms. Hovda stated that the Arts and Cultural Commission focuses on three headlines - arts grants program reinstatement, two major sculptures installed, and public art maintenance inventory. She informed the Council that fourteen organizations received arts grants through the Hotel Occupancy Tax Fund; the "Wind Dancer" sculpture was installed at Cole Park in April 2013 and commissioned by Dusty Durrill, and the Sculpture at the Police Department

building was installed in April 2013 and commissioned by the City of Corpus Christi Public Art Program. Ms. Hovda also discussed the public art maintenance program which includes 48 art pieces that require annual cleaning and sealing, 21 bronze/metal pieces that require bi-annual cleaning and waxing, and other general repairs to lighting, foundation, and hardscape. Ms. Hovda stated that the commission is requesting \$10,000 to cover arts maintenance for next fiscal year.

Council Member Loeb asked about funding for arts maintenance for next fiscal year, and Mr. Morris responded that the Parks & Recreation department has identified funding for arts maintenance for FY 2013-14.

**17. City Golf Courses**

Mayor Martinez referred to Item No. 17. Mr. Michael Morris, Director of Parks & Recreation provided an update on City Golf Courses. Mr. Morris reported that the revenue and overall rounds of golf have increased at the Oso Beach Golf Course, and Lozano Golf Course. Mr. Morris displayed maps showing the course condition improvements at Oso Beach and Lozano golf courses, and stated that a survey showed that customer satisfaction shows significant improvement. Mr. Morris stated that the 2013 Goals includes purchase of additional equipment, facility improvements at Oso Beach and Lozano, and a surplus is projected in the 2014 budget.

**18. FEMA Map Update and Downtown Flood Protection System Improvement Strategy**

Mayor Martinez referred to Item No. 18. Mr. Dan Biles, Director of Engineering provided an update on the Federal Emergency Management Agency (FEMA) release of Preliminary Flood Insurance Rate Maps (FIRMs) and an update on the City's strategy for Downtown Flood Protection System Improvement strategy. He stated that the maps should be finalized in 18 to 24 months. Mr. Biles displayed a map of the Downtown Flood Protection System showing the Power Street Pump Station, Hughes Street Pump Station, and Kinney Street Pump Station. He also discussed the Alternatives for operating and maintaining a non-accredited levee, a certified levee and discussed the differences for a certified levee and the impact.

**19. Mary Rhodes Pipeline, Phase 2**

Mayor Martinez referred to Item No. 19. Mr. Gus Gonzalez provided an update on the Mary Rhodes Pipeline, Phase 2. Mr. Gonzalez provided a project status and stated that the Environmental Permits received from USACE are complete, the Environmental and Engineering Clearance has been granted by the Texas Water Development Board, and 50% of the design submittal is complete. He then added that the Pipeline Easement Agreements are 27% complete, the Survey, Geotechnical and Cathodic Protection Investigation is underway, and the coordination with AEP on power supply and facility relocation is also underway. He stated that they are working toward 90% submittal by June 2013. Mr. Biles then discussed the project schedule and project cost.

**20. Wastewater Trust Fund**

Mayor Martinez referred to Item No. 20. Mark Van Vleck, Director of



Development Services provided an overview of the Wastewater Trust Funds and stated that the purpose of the funds is to encourage development, equitable spread the cost of wastewater line extensions, and reimburse developers for constructing infrastructure where it is deficient or non-existent. He added that funds are collected from developers via acreage and surcharge fees. Mr. Van Vleck added that there are two Trust Funds associated with the Waterwater Trust, the Collection Line funds Off-site Collection Lines, and the Trunk System funds Trunk Lines, Master Planned Lift Stations, and Force Mains. He stated that currently the City is platting 54 acres per month which equates to a revenue of \$97,000 per month. Mr. Van Vleck then discussed the average costs for trunk lines, lift station, and force main, and the revenue per acreage fees and surcharge. He stated that there are approximately 4,098 acres that are unplatted, and displayed a map depicting unplatted property. Mr. Van Vleck stated that staff recommends increase fees to cover inflation, Unified Development Code amendment to change the priority of reimbursements, and exemp the area south of Oso Creek.

## 21. Parker Swimming Pool

Mayor Martinez referred to Item No. 21. Mr. Michael Morris, Director of Parks & Recreation provided an overview and discussed the closure of Parker Swimming Pool which is located in the Flour Bluff area. Mr. Morris stated that budget reductions in FY2010, FY2011, FY2012, and a net zero budget in FY2013 caused significant budget cuts that have impacted City pools. He stated that the two main issues with Parker Pool is operating monies and capital improvement monies. Mr. Morris sttaed that a Weed and Seed grant from the Federal Department of Justice for the Flour Bluff area allowed for Parker Pool to remain open for two years, but that grant funding is no longer available to operate Parker Pool. He then discussed the rationale for closure of pools; and stated that Parker Pool has been steadily declining in condition for years, as funding has not been available to renovate it. Mr. Morris stated that last summer, the pool became inoperable due to leaks under the pool piping. He stated that a preliminary projection of \$350,000 would be needed to repair the pool.

Mr. Morris informed the council of two recent developments, 1) the Coastal Bend All Star Swim Team may be interested in leasing the pool, and that Flour Bluff Independent School District recently passed a bond program to build a new Natatorium and will offer swimming lessons and public open swim.

## 22. Alternate Construction Delivery Methods

Mayor Martinez referred to Item No. 22. Mr. Dan Biles, Director of Engineering provided an overview on Alternate Construction Delivery Methods. He stated that alternative contracting and delivery methods are available to Texas cities for design and construction of public works projects. Mr. Biles stated that the six alternative delivery methods under the Government Code are: competitive sealed proposal method; the construction manager-agent method; the construction manager-at-risk method; the design-build method; the design-build method for certain civil works project, and the job order contract method. He stated that the City currently uses the Job Order Contract Method which has been very successful versus the traditional method. He discussed the benefits of using Alternative Delivery versus Traditional; survey results conducted by Water Design Build Council; activity project time; advantages

and disadvantages for construction management at risk; and advantages and disadvantages for design-build.

He informed the council that he plans to bring a Resolution in the future regarding contracting and delivery methods for construction projects.

**E. LEGISLATIVE UPDATE:**

**23. Status Report on Legislative Issues**

Mayor Martinez referred to Item No. 23. Mr. Tom Tagliabue, Director of Intergovernmental Relations provided an update and stated that five of the City's priority bills that were recommended have passed and will go to the Governor. He stated that Windstorm priority, funding for Military Protection, Airport Zoning and Transportation are still pending as well as the SGR1, Water Funding bill. Council Members inquired about HB 581, Workers Compensation and Redistricting.

**F. ADJOURNMENT**

There being no further business to come before the Council, Mayor Martinez declared the meeting adjourned at 2:55 pm.