



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, October 29, 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 Pastor Rod Young, Church of Hope

Pastor Rod Young gave the invocation.

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

Ms. Esther Velazquez, Assistant to the City 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 Magill arrived at 11:43 a.m.

Charter Officers:

Assistant City Manager Margie Rose, Interim City Attorney Lisa Aguilar, 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

1. Proclamation declaring November 4 - 8, 2013 as "Municipal Courts Week"
Proclamation declaring November 2013 as "Pulmonary Hypertension Awareness Month"
Certificate of Commendation Presentation to the Waldron Road Baptist Church

Mayor Martinez presented the Proclamations and Commendation. Mayor Martinez also conducted the swearing-in ceremony for newly appointed Board, Commission and Committee members.

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. Assistant City Manager Margie Rose reported on the following issues: 1) Deputy Director of Water Operations Brian Butscher provided a brief update on water releases, the elevation of lake levels, and water projections over a two year period. 2) George Evans Elementary School will be visiting City Hall for their Annual Halloween Walk at 9:00 a.m. on October 31, 2013.

I. MINUTES:

3. Regular Meeting of October 22, 2013

A motion was made by Council Member Garza, seconded by Council Member McIntyre that the Minutes be passed. The motion carried by a unanimous vote.

J. BOARDS & COMMITTEE APPOINTMENTS:

None.

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 4 - 19)

Approval of the Consent Agenda

Mayor Martinez called for the consent agenda. Mayor Martinez asked for comments from the public and the following citizen spoke: Johnny French spoke regarding Item 13 on the day's agenda related to the revised project and financing plan for Reinvestment Zone Number Two and the Packery Channel projects. There were no comments from the Council. The consent agenda was passed on 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. Purchase of specialized equipment for emergency response capabilities

Motion authorizing the purchase of specialized equipment for a total amount of \$76,864.19 utilizing funds from the 2011 Homeland Security Grant awarded to the City of Corpus Christi and budgeted in the Fire Grant Fund 1062.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-163

5. Contract for Vital Statistics Unit grant for administration of duties

A motion authorizing the City Manager or his designee to execute a contract with the Department of State Health Services for the administration of duties performed by the Vital Statistics Unit of the Health Department and for the payment of record fees in the amount of \$1.83 per printed record due to the State; and to ratify acceptance of the contract to begin as of September 1, 2013.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-164

6. Second Reading Ordinance - Accepting and appropriating funds for the Violence Against Women (VAWA) grant (1st Reading 10/22/13)

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 \$43,823.74 for Year 14 of the Violence Against Women (VAWA) Program within the Police Department with a City match of \$16,573.28 and an in-kind match of \$8,928 from the No. 1020 Police General Fund; appropriating the \$43,823.74 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$16,573.28 from the No. 1020 Cash Contribution to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$69,325.02.

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

Enactment No: 029986

7. Second Reading Ordinance - Accepting and appropriating Federal grant for the FY 2013 Port Security Grant Program (1st Reading 10/22/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$66,191 from the U.S. Department of Homeland Security FEMA for funding eligible under the FY 2013 Port Security Grant Program to purchase law enforcement equipment for the Police Department, with a City match of \$22,064 for a total project cost of \$88,255; and appropriating the \$66,191 in the No. 1061 Police Grants Fund.

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

Enactment No: 029987

8. Second Reading Ordinance - Accepting and appropriating State grant increase to the State Homeland Security Grant Program (SHSP) (1st Reading 10/22/13)

Ordinance authorizing the Mayor or designee to execute all documents necessary to accept a grant adjustment from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA) to increase the amount from \$45,221.80 to \$60,678.80 for FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP); and appropriating \$15,457.00 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP), into the No. 1062 Fire Grants Fund to carry out homeland security projects that will significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.

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

Enactment No: 029988

9. Second Reading Ordinance - Accepting and appropriating the FY 13-14 Senior Companion Program (SCP) grant (1st Reading 10/22/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$264,007 grant awarded by the Corporation for National and Community Service; appropriating the \$264,007 grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$76,903 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grant Fund as City matching funds for the Senior Companion Program and appropriating the \$76,903 in the No. 1067 Parks and Recreation Grant Fund.

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

Enactment No: 029989

10. Second Reading Ordinance - Accepting and appropriating a local grant for the Senior Companion Program (1st Reading 10/22/13)

Ordinance authorizing the City Manager, or designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$10,000 from Mirador - to be used for stipends, mileage, meals and recognition of volunteers of the Corpus Christi Senior Companion Program.

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

Enactment No: 029990

11. Second Reading Ordinance - Accepting and appropriating a Federal grant for the Retired Senior Volunteer Program (RSVP) (1st Reading 10/22/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$46,934 grant awarded by the Corporation for National and Community Service for the Retired Senior Volunteer Program; appropriating the \$46,934 grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$79,173 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grant Fund as City matching funds for the Retired Senior Volunteer program and appropriating the \$79,173 in the No. 1067 Parks and Recreation Grant Fund.

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

Enactment No: 029991

12. Second Reading Ordinance - Amending the Code of Ordinances to establish a formal memorial bench and tree program (1st Reading 10/22/13)

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 36 regarding memorial tree and park bench program; providing for severance; and providing for publication.

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

Enactment No: 029992

13. Second Reading Ordinance - Adopting amendment to the revised project and financing plans for Reinvestment Zone Number Two; amending budget; appropriating funds for current year in Packery Channel Improvement Program (CIP) fund; approving contract for continued Packery Channel monitoring (1st Reading 10/22/13)

Ordinance approving and adopting an amendment to the Revised Project and Financing Plans for Reinvestment Zone Number Two, City of Corpus Christi, dated September 29, 2009, as recommended by the Island Strategic Action Committee, the Board of Directors North Padre Island Development Corporation, and the Reinvestment Zone #2 Board of Directors; approving and adopting the Reinvestment Zone Number Two, City of Corpus Christi FY 2013-2014 Budget as recommended by the Island Strategic Action Committee, the Board of Directors North Padre Island Development Corporation, and the Reinvestment Zone #2 Board of Directors; appropriating and transferring \$510,000 from the Unreserved Fund Balance in Fund 1111 Reinvestment Zone #2 to and appropriating in the No. 3278 Packery Channel Projects TIF #2 fund for the approved Fiscal Year 2014

projects; Changing the FY 2014 Operating Budget adopted by Ordinance No. 029915 to increase expenditures by \$510,000; and authorizing the City Manager, or his designee, to execute Amendment No. 8 to the contract between the City and Texas A & M University-Corpus Christi in the amount of \$349,755 for a restated fee not to exceed \$1,897,783 for Packery Channel Monitoring Fiscal Year 2013-2014.

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

Enactment No: 029993

14. Second Reading Ordinance - Construction contract for Oso Bay Area Park Development, Phase 2 (BOND 2008) (1st Reading 10/22/13)

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916, to include \$450,000 from Fund 4720 Community Enrichment Fund; transferring \$196,265 from Fund 3480 Storm Water CIP Fund Reserves, \$288,210 from Fund 4088 Water CIP Revenue Bond Fund Reserves, \$319,740 from Fund 4510 Wastewater Capital Reserves, and \$289,895 from Fund 3544 Street 2007A CIP Fund Reserves to the Oso Creek / Oso Bay Area Park Development Project (Bond 2008); increasing expenditures in the amount of \$1,544,110; and authorizing the City Manager, or his designee, to execute a construction contract with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$4,215,816.00 for the Oso Bay Area Park Development, Phase 2 project for the Base Bid only.

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

Enactment No: 029994

15. Second Reading Ordinance - Lease agreement for farm and grazing airport acreage (1st Reading 10/22/13)

Ordinance authorizing the City Manager, or designee, to execute a Farm and Grazing Lease Agreement with James P. Kelly to farm and graze approximately 28.28 acres of farm land located at the Corpus Christi International Airport, in consideration of an annual payment to the City of \$15 per leased acre for a term of five 5 years.

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

Enactment No: 029995

16. Second Reading Ordinance - Agreement and appropriation of funds for disposal of brush, bulky items, and construction and demolition materials (1st Reading 10/22/13)

Ordinance authorizing the City Manager, or designee, to execute an Agreement for the disposal of brush, bulky items, and construction and demolition materials with MSW Corpus Christi Landfill Ltd., a Texas limited partnership, and Gulley-Hurst LLC, a Texas limited liability company; appropriating \$150,000 of anticipated revenue in the No. 1020 General Fund and changing the FY 2013-2014, Operating Budget adopted by Ordinance 029915 by increasing Revenues and Expenditures by \$150,000.00 each.

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

Enactment No: 029996

17. Second Reading Ordinance - Service agreement and appropriation of funds for a route optimization program for Solid Waste Services (1st Reading 10/22/13)

Ordinance appropriating \$335,196 from the unappropriated fund balance in the No. 1020 General Fund into the Operating Budget of the Solid Waste Department in the 1020 General Fund for the purchase of a Route Optimization Program for Refuse and Recycling Collection; changing the FY 2013-2014 Operating Budget adopted by Ordinance 029915 by increasing appropriations by \$335,196 in the No. 1020 General Fund; and awarding a service agreement to provide software, hardware and installation of a route optimization program with WM Logistics LLC, Magnolia, Texas, in accordance with Bid Invitation No. BI-0156-13, based on most advantageous proposal, for a total amount of \$335,196.

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

Enactment No: 029997

18. Second Reading Ordinance - Hotel Occupancy Tax funds for convention center capital/maintenance (1st Reading 10/22/13)

Ordinance appropriating \$1,591,601.36 from reserved fund balance in the No. 1030 Hotel Occupancy Tax Fund for Convention Center Capital/Maintenance at the American Bank Center; changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 by increasing expenditures by \$1,591,601.36.

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

Enactment No: 029998

19. Second Reading Ordinance - Ratifying the acceptance of and appropriating State grant; execution of contract for early childhood literacy programs (1st Reading 10/22/13)

Ordinance ratifying the acceptance of a \$7,525 grant from the Texas

State Library and Archives Commission (TSLAC) and execution of the contract and all related documents with TSLAC to participate in the Impact Grant Program for the period of September 1, 2013 through August 31, 2014; and appropriating \$7,525 from the TSLAC in the Library Grants Fund No. 1068 to continue the TSLAC Impact Grant Program through the period of September 1, 2013 through August 31, 2014.

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

Enactment No: 029999

- 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 comments from the public. Brian Watson spoke regarding the long term water situation in Texas.

- M. PUBLIC HEARINGS: (NONE)**

- N. REGULAR AGENDA: (ITEM 20)**

- 20. Resolution amending council policy number nine**

Resolution amending Council Policy No. 9, entitled Community Development Block Grant and HOME Programs by revising the language regarding the CDBG acronym, the language of sections e. and f. and by adding a section g.; and reaffirming the objectives and

guidelines of the policy.

Mayor Martinez deviated from the agenda and referred to Item 20. Director of Neighborhood Services Eddie Ortega stated that he presented this item at last week's meeting for the purpose of amending Council Policy No. 9. In response to a Council Member, Mr. Ortega reported that staff has not requested funding for CDBG eligible areas for streets. There were no comments from the public. This Resolution was passed 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: 030000

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 Texas Government Code Section 551.074 Personnel Matters to deliberate the appointment of the City Secretary with possible discussion and action in open session.

The Council returned from executive session. Mayor Martinez stated that the following motion was discussed in e-session for Council consideration:

Motion to invite the following finalists to interviews scheduled on Thursday, October 31, 2013 beginning at 10:00 a.m.: Deborah Balli, Sandra Hernandez, Rebecca Huerta, Diana Rosas, and Annette Villarreal.

Council Member Scott made a motion to approve the motion as presented, seconded by Council Member Loeb and passed.

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: M2013-162

O. FIRST READING ORDINANCES: (ITEMS 21 - 23)

- 21. First Reading Ordinance - Designating the City as designated caretaker of impounded animals**

Ordinance amending section 6-1(a) "definitions" by adding the definition of designated caretaker; amending section 6-103(g)(1) "Dispositions of animals" of the Corpus Christi Code by designating the City as designated caretaker of impounded animals; providing an effective date; providing for severance; and providing for publication.

Mayor Martinez referred to Item 21. Police Chief Floyd Simpson stated that the purpose of this item is to amend Section 6-1(a) by adding the definition designating Animal Control as a designated caretaker for the animals. Mayor Martinez called for comments from the public and there were none. Council members asked questions regarding the following issues: whether the ordinance language addressed the criteria established by state law and training for vaccinating animals. 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: 030001

22. First Reading Ordinance - Accepting and appropriating State grant funds for Women, Infants and Children grant (WIC)

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$447,758.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program; and to ratify acceptance of the grant to begin as of October 1, 2013

Mayor Martinez referred to Item 22. Director of Public Health Annette Rodriguez stated that the purpose of this item is to accept and approve a grant from the Texas Department of State Health Services with a term from October through March in the amount of \$447,758 to continue to provide nutritional education and resources for low income pregnant women, infants and children. 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: 030002

23. First Reading Ordinance - Appropriating funds to reimburse the developer for the construction of a wastewater lift station

Ordinance appropriating \$411,387.25 from the No. 4220 Sanitary Sewer Trunk System Trust Fund to reimburse Forestar (USA) Real Estate Group, Inc., ("Developer") for the construction of Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements in accordance with the approved reimbursement agreement executed with the Developer.

Mayor Martinez referred to Item 23. Senior Project Manager Julio Dimas stated that the purpose of this item is to appropriate \$411,387.25 from the Sanitary

Sewer Trunk System to reimburse Forestar Real Estate Group Inc. for the construction of a wastewater lift station and force main improvements. There were 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: 030003

P. FUTURE AGENDA ITEMS: (ITEMS 24 - 28)

Mayor Martinez referred to the Future Agenda. Assistant City Manager Margie Rose stated that staff did not have any planned presentation for Items 24-28. Council members requested presentations on Items 24, 25, and 26.

24. Lease purchase of eight (8) CNG freightliner trucks with trash bodies for brush collection

Motion approving the lease-purchase of eight (8) Freightliner trucks with trash bodies from Freightliner of Houston, Houston, Texas for a total amount of \$1,573,114.00. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). Funding is available from the city's lease-purchase financing contractor.

This Motion was recommended to consent agenda.

Enactment No: M2013-167

25. Lease purchase of six (6) CNG Peterbilt trucks with automated side loaders for refuse collection

Motion approving the lease-purchase of six (6) Peterbilt trucks with automated side loaders from Rush Truck Centers of Texas, L.P., Houston, Texas for a total amount of \$1,897,112.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available from the city's lease-purchase financing contractor.

This Motion was recommended to consent agenda.

Enactment No: M2013-168

26. Supply agreement for water meters and registers

Motion approving a supply agreement with Neptune Technology Group, Inc., Tallassee, Alabama for water meters and registers for a total estimated expenditure of \$635,968.48. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area

Council of Governments (HGAC). The term of the agreement shall be for nine (9) months. Funds have been budgeted by the Water Department in FY 2013 - 2014.

This Motion was recommended to consent agenda.

Enactment No: M2013-169

27. Engineering monitoring contract - for salinity and freshwater inflow monitoring Rincon Bayou Diversion - Nueces Bay System

Motion authorizing the City Manager, or designee, to execute a Contract for Monitoring Services with the Conrad Blucher Institute at Texas A&M University - Corpus Christi in the amount of \$94,605.00 for Rincon Bayou Diversion - Nueces Bay System Salinity and Freshwater Inflow Monitoring 2013-2014.

This Motion was recommended to consent agenda.

Enactment No: M2013-170

28. Engineering monitoring contract - for Nueces River water quality, Oso Creek water level and City of Corpus Christi meteorological monitoring

Motion authorizing the City Manager, or designee, to execute Amendment No. 3 to the Contract for Monitoring Services with the Conrad Blucher Institute at Texas A&M University - Corpus Christi in the amount of \$93,381.00, for a total restated fee of \$456,642.00 for Nueces River Water Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring 2013.

This Motion was recommended to consent agenda.

Enactment No: M2013-171

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

R. ADJOURNMENT

The meeting was adjourned at 1:17 p.m.