



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, November 18, 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 Rob Bailey, Southside Community Church.

Pastor Rob Bailey gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Alyssa Michelle Barrera, Business Liaison.

Business Liaison Alyssa Michelle Barrera 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 Garza would be absent from today's meeting and 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: 6 - Mayor Nelda Martinez, Council Member Kelley Allen, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Mark Scott

Absent: 3 - Council Member Rudy Garza, Council Member Priscilla Leal, and Council Member David Loeb

E. Proclamations / Commendations

**1. Proclamation declaring November 18, 2014 as, "Tennis Success Day"
Proclamation declaring November 15-23, 2014 as, "National Homeless and Hunger Awareness Week"**

Mayor Martinez presented the proclamations. Mayor Martinez announced that Council Member Loeb was ill and would not be at today's meeting.

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

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

a. Other

City Manager Olson announced that applications are being accepted for "Operation Heat Help" to provide assistance to cover the cost of natural gas. Applications are available at the Nueces County Department of Human Services from December 1, 2014 through March 31, 2015.

G. ELECTION ORDINANCES: (ITEMS 2 - 3)**2. Ordinance - Canvassing of returns: November 4, 2014 General and Special Elections**

Ordinance canvassing returns and declaring the results of the General Election held on November 4, 2014, in the City of Corpus Christi for the purpose of electing the Mayor and eight Council members; and of a Special Election on that same date for the adoption of two (2) propositions authorizing bond issuances supported by ad valorem taxes and one (1) proposition concerning the sale of City park land; making appropriate findings; and declaring an emergency.

Mayor Martinez referred to Item 2 and stated that the purpose of this item is to canvass the returns of the November 4, 2014 General and Special Elections. The council canvassed the results for the election of the mayor and eight council members, the two (2) bond propositions, and the one (1) proposition for the sale of city park land and declared the results official. There were no comments from the public. Council Member Magill made a motion to amend Section 5, page 5, by changing the issuance of bonds from \$50,000,000 to \$55,000,000 for Proposition 1, seconded by Council Member McIntyre and passed. This Ordinance was passed on emergency as amended and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030328

3. Ordinance - Ordering of December 16 Runoff Election for Districts One and Two

Ordinance ordering a runoff election to be held on December 16, 2014 in the City of Corpus Christi for the election of Council Member Districts One and Two; designating polling place locations, enacting provisions incident and relating to the subject and purpose of this

ordinance; and declaring an emergency.

Mayor Martinez referred to Item 3. City Secretary Rebecca Huerta stated that the purpose of this item is to order a runoff election for City Council Districts One and Two. The runoff election is schedule for December 16, 2014 and early voting is scheduled from December 1, 2014 through December 5, 2014 and December 8, 2014 through December 12, 2014. There were no comments from the Council or the public. This Ordinance was passed on emergency and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030329

J. MINUTES:

5. Regular Meeting of November 11, 2014

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

K. BOARD & COMMITTEE APPOINTMENTS:

L. EXPLANATION OF COUNCIL ACTION:

M. CONSENT AGENDA: (ITEMS 6 - 23)

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: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

6. Approving a maintenance agreement with Intrado for hardware and software support for the Emergency 911 Call Taker System (Requires 2/3 vote)

Motion authorizing the City Manager or his designee to execute a maintenance agreement with Intrado in the amount of \$336,644, of which \$50,496.60 is required for the remainder of FY 2014-2015 for

software and hardware support services on the Emergency 911 System. The term of the contract is five years.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-149

7. Approving an engineering construction contract for Master Channel 31 drainage excavation to provide drainage relief for Oso Bay Basin (Requires 2/3 vote)

Resolution authorizing the City Manager or designee to execute a construction contract in the amount of \$883,128.79 with DRC Emergency Services, LLC for the Master Channel 31 Drainage Channel Excavation Project.

This Resolution was passed on the Consent Agenda.

Enactment No: 030330

8. Approving a project cooperation agreement for the McGee Beach Nourishment project (Requires 2/3 vote)

Motion authorizing the City Manager or designee to execute a Project Cooperative Agreement with the Texas General Land Office in the amount of \$264,000 for the McGee Beach Nourishment project for design, data collection, permitting, engineering and construction oversight.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-150

9. Ratifying and amending Anti-litter Campaign Contract (Requires 2/3 vote)

Motion ratifying expenditures of \$106,017.15 incurred through the advertising firm of Bucket Works, and authorizing the City Manager to execute an addendum to the Bucket Works contract for additional expenditures not to exceed \$20,000 to complete the ongoing anti-litter campaign.

This Motion was passed on the Consent Agenda.

Enactment No: M2014-151

10. Nominating voestalpine Texas LLC as a Double Jumbo Texas Enterprise Zone Project (Requires 2/3 vote)

Resolution nominating voestalpine Texas, LLC ("voestalpine") to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as a Double Jumbo

Enterprise Project pursuant to the Texas Enterprise Zone Act ("Act").

This Resolution was passed on the Consent Agenda.

Enactment No: 030331

11. Nominating Flint Hills Resources. LP as a Double Jumbo Texas Enterprise Zone Project (Requires 2/3 vote)

Resolution nominating Flint Hills Resources Corpus Christi, LLC ("Flint Hills") to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as a Double Jumbo Enterprise Project pursuant to the Texas Enterprise Zone Act ("Act").

This Resolution was passed on the Consent Agenda.

Enactment No: 030332

12. Approving a Type A Grant for Service Corps of Retired Executives (SCORE) Chapter 221 for Fiscal Year 2015 (Requires 2/3 vote)

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: 030333

13. Approving a Type A Grant extension for Del Mar College Internship Program (Requires 2/3 vote)

Resolution approving extension of a Small Business Incentives Agreement between the Corpus Christi Business And Job Development Corporation and Del Mar College ("Del Mar") for one year until September 30, 2015, and to provide a grant amount of up to \$173,223 for an intern program for small businesses.

This Resolution was passed on the Consent Agenda.

Enactment No: 030334

14. Approving Type A Grant Extension for Texas A&M University - Corpus Christi Internship Program (Requires 2/3 vote)

Resolution approving extension of a Small Business Incentives

Agreement between the Corpus Christi Business And Job Development Corporation and Texas A&M University - Corpus Christi ("TAMUCC") for one year until September 30, 2015, and to provide a grant amount of up to \$190,635 for an intern program for small businesses.

This Resolution was passed on the Consent Agenda.

Enactment No: 030335

15. Second Reading Ordinance - Rezoning from "RS-5" Single-Family to "RS-4.5" Single-Family at 8001 Holly Road (1st Reading 11/11/14) (Requires 2/3 vote)

Case No. 0914-02 The George B. Gaines, Jr. Family Limited Partnership, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property is described as being a 28.461-acre tract of land out of Lots 1 and 2, Section 32, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Holly Road west of Paul Jones Avenue.

Planning Commission and Staff Recommendation (September 24, 2014): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by The George B. Gaines, Jr. Family Limited Partnership, Ltd. ("Owners"), by changing the UDC Zoning Map in reference to a 28.461-acre tract of land out of Lots 1 and 2, Section 32, Flour Bluff and Encinal Farm and Garden Tracts; 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: 030336

16. Second Reading Ordinance - Rezoning from Neighborhood Commercial to General Commercial at 6197 Dunbarton Oak Drive (1st Reading 1/11/14) (Requires 2/3 vote)

Case No. 0914-01 Patrick H. Nolan and Amy L. Nolan: A change of zoning from the "CN-1" Neighborhood Commercial District to "CG-2" General Commercial District, not resulting in a change to the Future Land Use Plan. The property is described as being a 1.34 acre portion of Lot 1, Block 3, Cimarron Center, located on the southwest corner of Dunbarton Oak Drive and Cimarron Boulevard.

Planning Commission and Staff Recommendation (September 24, 2014):

Denial of the "CG-2" General Commercial District and, in lieu thereof, approval of a Special Permit subject to a site plan and conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Patrick H. Nolan and Amy L. Nolan ("Owners"), by changing the UDC Zoning Map in reference to a 1.34 acre portion of Lot 1, Block 3, Cimarron Center, from the "CN-1" Neighborhood Commercial District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit; 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: 030337

17. Second Reading Ordinance - Closing a portion of Bockholt Road between the Old State Highway 44 and the New State Highway 44 rights-of-way (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance abandoning and vacating an undeveloped and unsurfaced 21,690 square-foot portion of the Bockholt Road public street right-of-way, out of GC&SF RR CO Survey, Abstract No. 1005, Nueces County, Texas, being a portion of those certain tracts of land described as Tract Two and Tract Three, located between the Old State Highway 44 right-of-way and the New State Highway 44 right-of-way; and requiring the owner, George Picha, to comply with the specified conditions.

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

Enactment No: 030338

18. Second Reading Ordinance - Accepting and appropriating the Violence Against Women (VAWA) grant within the Police Department for Year 15 (1st Reading 11/11/14) (Requires 2/3 vote)

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 \$44,356.71 for Year 15 of the Violence Against Women (VAWA) Program within the Police Department with a City match of \$20,280.21 and an in-kind match of \$5,520 from the No. 1020 Police General Fund; appropriating the \$44,356.71 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$20,280.21

from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$70,156.92.

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

Enactment No: 030339

19. Second Reading Ordinance - Accepting and appropriating the Victims of Crime Act (VOCA) Outreach Program grant within the Police Department for Year 2 (1st Reading 11/11/14) (Requires 2/3 vote)

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 \$68,163.15 for Year 2 of the Victims of Crime Act (VOCA) Outreach Program within the Police Department with a City match of \$13,840.79 and an in-kind match of \$3,200.00 from the No. 1020 Police General Fund; Appropriating the \$68,163.15 in the No. 1061 Police Grants Fund for the VOCA Outreach grant in the Police Department; and authorizing the transfer of \$13,840.79 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$85,203.94.

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

Enactment No: 030340

20. Second Reading Ordinance - Accepting and appropriating the Victims of Crime Act (VOCA) grant within the Police Department for Year 15 (1st Reading 11/11/14) (Requires 2/3 vote)

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 \$77,084.05 to continue the Victims of Crime Act (VOCA) Grant within the Police Department for Year 15 with a City match of \$20,271.01 and an in-kind match of \$4,000 from the No. 1020 Police General Fund; appropriating the \$77,084.05 in the No. 1061 Police Grants Fund to continue the VOCA grant in the Police Department; and authorizing the transfer of \$20,271.01 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same as grant matching funds for a total project cost of \$101,355.06.

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

Enactment No: 030341

21. Second Reading Ordinance - Accepting and appropriating the Sea and Aquatic Life Activities grant (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the City manager or designee to execute all documents necessary to accept and appropriate a grant of \$22,500 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide laboratory services for the analysis of bay water samples for the contract period of September 1, 2014, through August 31, 2015; and to ratify acceptance of the grant to begin as of September 1, 2014.

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

Enactment No: 030342

22. Second Reading Ordinance - Authorizing a lease agreement for use of the McCampbell House at Heritage Park (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the City Manager or designee to execute a one-year lease agreement with the Corpus Christi Chamber of Commerce for use of the McCampbell House at Heritage Park with rent of \$1,500 per month.

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

Enactment No: 030343

23. Second Reading Ordinance - Approving contract and appropriating funds for Community Youth Development Program (CYD) (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the City Manager or designee to execute a contract with the Texas Department of Family and Protective Services for funding for September 1, 2014 through February 28, 2015 in the total amount of \$193,384.84; authorizing appropriation in the Grants Fund No. 1060 for Community Youth Development program contracts for the 78415 Zip Code area; to include the extension of the subcontracts as follows: \$26,100.46 to The Boys and Girls Club, \$40,275.46 to Communities In Schools of the Coastal Bend, \$52,849.80 to SERCO of Texas and \$ 17,496.71 to Youth Odyssey for subcontract period September 1, 2014 through February 28, 2015.

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

Enactment No: 030344

N. PUBLIC HEARINGS: (ITEMS 24 - 27)

24. Public Hearing and First Reading Ordinance - Closing a portion of a public right-of-way located east of Rodd Field Road and south of Yorktown Boulevard (Requires 2/3 vote)

Ordinance abandoning and vacating an undeveloped and unsurfaced 38,480-square foot portion of a 40-foot wide public right-of-way, out of Lots 1-2, Section 24, & Lots 31-32, Section 25, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owner, Related Investors, Ltd., to comply with specified conditions.

Mayor Martinez referred to Item 4. Director of Development Services Dan Grimsbo stated that the purpose of this item is to abandon and vacate a portion of a 40-foot wide public right-of-way in conjunction with the future development of some Rancho Vista Subdivision Units. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Scott and passed. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Scott and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

25. Public Hearing and First Reading Ordinance - Closing a portion of a public right-of-way located south of Idle Hour (Requires 2/3 vote)

Ordinance abandoning and vacating an undeveloped and unsurfaced 67,120-square foot portion (1.54 acres) of a 40-foot wide public right-of-way, out of Lots 2-4, Section 24, & Lots 29-31, Section 25, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owner, Yorktown Joint Venture, to comply with specified conditions.

Mayor Martinez referred to Item 25. Director of Development Services Dan Grimsbo stated that the purpose of this item is to abandon and vacate a portion of a 40-foot wide public right-of-way in conjunction with the development of the Ranch Vista Subdivision. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Allen and passed. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Allen and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

26. Public Hearing and First Reading Ordinance - Rezoning from Commercial to Residential at 2645 Rodd Field Road. (Requires 2/3 vote)

Case No. 1014-01 Anthony Troy Shur and Janelle Marydee Shur: A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District, resulting in a change to the Future Land Use Plan from medium density residential to low density residential. The property is described as Lot 35A, Block 2, Brandywine Subdivision, located on the west side of Rodd Field Road north of Premont Street.

Planning Commission and Staff Recommendation (October 22, 2014): Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Anthony Troy Shur and Janelle Marydee Shur ("Owners"), by changing the UDC Zoning Map in reference to Lot 35A, Block 2, Brandywine Subdivision, from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 26. Interim Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to rezone the subject property to allow the applicant to build a single-family home behind their existing business. Mr. Dimas stated that the Planning Commission and staff were in favor of the zoning change. Council Member Magill made a motion to open the public hearing, seconded by Council Member Allen. Mayor Martinez called for comments from the public. Bob Pfeiffer, resident of FoxFire Condominiums and speaking on behalf of their Board of Directors, spoke in opposition to the zoning change and asked for clarification on whether the parcel meets the "RS-6" zoning requirements; whether the zoning is consistent with the City's Comprehensive Plan and Unified Development Code; and whether the business has been inspected by Code Enforcement to determine if there are any violations to the zoning ordinances before the zoning request is considered. Mr. Dimas addressed the questions and stated that the subject property meets the zoning requirements; the zoning is not consistent with the future land use, but it does create a buffer between the commercial lot and anything behind it; and the rezoning does meet the requirements of the Unified Development Code. Council Member McIntyre requested a copy of the location map and notification area prior to second reading. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

27. Public Hearing and First Reading Ordinance - Amending the

Wastewater Collection System Master Plan for Sandy Creek Subdivision (Requires 2/3 vote)

Ordinance amending the Wastewater Collection System Master Plan OSO Wastewater Reclamation Plant (W.R.P.) Service Area, Area 1, an element of the comprehensive Plan of the City of Corpus Christi, Texas, by realigning the proposed wastewater collection line to a location farther north and increasing the diameter of the line; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Mayor Martinez referred to Item 27. Interim Director of Development Services Julio Dimas stated that the purpose of this item is to amend the Wastewater Collection System Master Plan to realign and increase the diameter of the planned collection line for Sandy Creek Subdivision. Mr. Dimas stated that the Planning Commission and staff are in favor of the amendment. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Riojas and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

- 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 deviated from the agenda and referred to comments from the public. Abel Alonzo thanked the council members and individuals who have donated to the Westside Business Association's "Navidad De Los Ninos" to help disadvantaged children. Dana Orr spoke about life on Chapman Ranch and in opposition to the southside annexation. Diane Vandemark and David Owen spoke regarding the cost and revenues for the southside annexation. Tom Hartman presented information about a Request for Proposal from the Department of the Navy, Defense Logistics Agency, to secure up to 55 megawatts of renewable Energy for navy installations in Texas. John Kelley, Neighborhoods First!, spoke about information he contends is fraudulent that has been presented regarding the southside annexation.

P. ONE READING ACTION ITEMS: (ITEMS 41 - 42)

- 42. Approving a Letter of Intent to Proceed with an Industrial Seawater Desalination Facility Economic Feasibility Study (Requires 2/3 vote)**

Resolution authorizing the City Manager to execute a Letter of Intent to Proceed regarding Industrial Seawater Desalination Facility Economic Feasibility Study.

Mayor Martinez deviated from the agenda and referred to Item 42. In response to Mayor Martinez, City Attorney Risley stated that the resolution would need to be amended to endorse the City Manager's execution of a Letter of Intent to proceed regarding an industrial seawater desalination facility economic feasibility study in an amount not to exceed \$50,000, which is within the City Manager's contract execution authority and replace Sections 1 and 2 with "the City Manager's execution of a Letter of Intent to Proceed regarding an Industrial Seawater Desalination Facility Economic Feasibility Study with the Corpus Christi Regional Economic Development Authority, the San Patricio Municipal Water District, and the Port Industries of Corpus Christi, is hereby endorsed, in an amount not to exceed \$50,000, which is within the City Manager's contract execution authority." The change to the resolution would not require a two-thirds vote of the City Council because it is an endorsement of a contract under the City Manager's inherent authority. Council Member McIntyre made a motion to amend the language as stated, seconded by Council Member Scott and passed. There were no comments from the public. Executive Director of Utilities Mark Van Vleck stated that the purpose of this item is to endorse the City Manager's plan to execute a Letter of Intent to proceed with an industrial seawater desalination facility economic feasibility study. The key aspects of the agreement include the feasibility study and an option for a Request for Proposal for a desalination facility. The funding will come from the Corpus Christi Regional Economic Development Corporation and the Port Industries; any additional expenses within the City Manager's authority will be paid for by the City of Corpus Christi. Council Member Magill requested the report from Freese and Nichols regarding the desalination study. City Secretary Huerta stated that Council Member Riojas would be abstaining from this item. This Resolution was passed as amended and approved with the following vote:

Aye: 5 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 1 - Council Member Riojas

Enactment No: 030355

41. Ordinance - Approving the 2015 Annual Audit Plan (Requires 2/3 vote)

Ordinance approving the 2015 Annual Audit Plan; and declaring an emergency.

Mayor Martinez deviated from the agenda and referred to Item 41. City Auditor Arlena Sones stated that the purpose of this item is to request approval of the 2015 Annual Audit Plan. Ms. Sones said the City Council had previously received the proposed plan. The Audit Committee met this morning and made a few revisions to the proposed plan. Ms. Sones provided a brief overview of the revisions to the plan. Council Member Scott made a motion to amend the ordinance to incorporate the changes to the annual audit plan, seconded by

Council Member Magill and passed. Council Member Scott, Chairman of the Audit Committee, stated that the Audit Committee has endorsed and approved the plan. There were no comments from the public. This Ordinance was passed on emergency as amended and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030354

I. EXECUTIVE SESSION: (ITEM 4)

Mayor Martinez referred to the day's executive session. The Council went into executive session.

- 4.** Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding fire collective bargaining negotiations and the Agreement between the City of Corpus Christi and the Corpus Christi Firefighters Association and term(s) thereof with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

This E-Session Item was discussed in executive session.

O. REGULAR AGENDA: (ITEMS 28 - 40)

- 28. Second Reading Ordinance - Approving the Texas State Aquarium Lease-Purchase Agreement (1st Reading 10/21/14) (Requires 28 day delay between Readings) (Requires 2/3 vote)**

Ordinance authorizing the City Manager, or his designee, to execute a Lease-Purchase and Operating agreement including option to purchase with Texas State Aquarium Association ("TSAA") covering lots A-1, A-3, B, C and D, of the Texas State Aquarium Subdivision, together with leasehold rights for the adjacent parking areas; in consideration of TSAA maintaining the premises and improvements, operating a public aquarium and related facilities, TSAA's payments on debt service on the 1996 \$4.4 million combination tax and revenue certificates of obligation, and TSA's \$45 million dollar expansion of the aquarium facility; providing for severance; and providing for publication.

Mayor Martinez referred to Item 28. Assistant City Manager Wes Pierson stated that the purpose of this item is to approve the second reading of the lease-purchase agreement with the Texas State Aquarium. The agreement will become effective 61 days after approval. There were no comments from the Council or the public. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030345

29. Appointing a financial advisor for Utility System Revenue Bond Sale and Utility System Revenue Refunding Bond Sale (Related items 29 - 32) (Requires 2/3 vote)

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for one or more series of City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement Bonds (fixed rate and/or variable rate) in an aggregate principal amount not to exceed \$115,000,000; and for one or more series of City of Corpus Christi, Texas Junior Lien Revenue Refunding Bonds in an amount not to exceed \$166,240,000.

Mayor Martinez referred to Item 29. Director of Financial Services Constance Sanchez stated that Items 29, 30, and 31 are in reference to funding the FY 2015 Capital Budget utility projects. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: M2014-152

30. Second Reading Ordinance - Authorizing Issuance of Utility System Revenue Bonds - Fixed Rate (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the issuance of one or more series of City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement Bonds, in an aggregate principal amount, when combined with other City Utility System Revenue Obligations authorized on the date hereof, not to exceed \$115,000,000, pursuant to the delegation provisions set forth herein; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System on a parity with certain currently outstanding Utility System Revenue Obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the forms, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of each series of bonds; including the

approval and distribution of one or more Official Statements pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, and one or more purchase contracts; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; establishing the City's intention to reimburse itself from the proceeds of any such series of bonds for the prior lawful expenditure of funds to construct various City improvements; delegating the authority to the certain members of the City staff to execute certain documents relating to the sale of each series of bonds; and providing an effective date.

This item was discussed under Item 30. There were no comments from the public. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030346

31. Second Reading Ordinance - Authorizing the Issuance of Utility System Revenue Bonds - Variable Rate (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the issuance of one or more series of City of Corpus Christi, Texas Utility System Variable Rate Junior Lien Revenue Improvement Bonds, in an aggregate principal amount, when combined with other City Utility System Revenue Obligations authorized on the date hereof, not to exceed \$115,000,000, pursuant to the delegation provisions set forth herein; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System on a parity with certain currently outstanding Utility System Revenue Obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the forms, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of each series of bonds; including the approval and distribution of one or more Official Statements pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, and one or more remarketing agreements, one or more tender agent agreements, and one or more purchase contracts; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; establishing the City's intention to reimburse itself from the proceeds of any such series of bonds for the prior lawful expenditure of funds to construct various City improvements; delegating the

authority to certain members of the City staff to execute certain documents relating to the sale of each series of bonds; and providing an effective date.

This item was discussed under Item 29. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030347

32. Second Reading Ordinance - Authorizing the Issuance of Utility System Refunding Bonds (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue Refunding Bonds, Series 2015", in an amount not to exceed \$166,240,000; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System on a parity with certain currently outstanding utility system revenue obligations; stipulating the terms and conditions for the issuance of additional Revenue Bonds on a parity therewith; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the Bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrars agreement; an escrow agreement, and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to certain members of the City staff to execute certain documents relating to the sale of the bonds, and providing an effective date.

Mayor Martinez referred to Item 32. Director of Financial Services Constance Sanchez stated that the purpose of this item is to approve the second reading of an ordinance for a refunding opportunity in reference to a utility revenue bond. There were no comments from the Council or the public. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030348

33. Appointing a financial advisor for Texas Military Preparedness

Commission debt transactions (Related items 33 - 35) (Requires 2/3 vote)

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the transaction to call for redemption prior to stated maturity "City of Corpus Christi, Texas General Improvement Bonds, Series 2007" and "City of Corpus Christi, Texas Combination Tax and Utility System Revenue Certificates of Obligation, Series 2007" and as Financial Advisor for the issuance of "City of Corpus Christi, Texas Tax Notes, Series 2014A" in an amount not to exceed \$5,090,000.

Mayor Martinez referred to Item 33. Director of Financial Services Constance Sanchez stated that Items 33, 34, and 35 are related to repurposing unspent proceeds from a loan the City received from the Texas Military Preparedness Commission. There were no comments from the public. Council Member Scott publicly thanked Director of Intergovernmental Relations Tom Tagliabue for his work. This Motion was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: M2014-153

34. Repurposing of existing Texas Military Preparedness loan (Requires 2/3 vote)

Resolution by the City Council of the City of Corpus Christi, Texas calling for redemption prior to stated maturity certain of its currently outstanding obligations designated as "City of Corpus Christi, Texas General Improvement Bonds, Series 2007" and "City of Corpus Christi, Texas Combination Tax and Utility System Revenue Certificates of Obligation, Series 2007"; directing that the City Secretary or designee thereof, effectuate the redemption of these obligations; and other matters in connection therewith.

This item was discussed under Item 33. This Resolution was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030349

35. Second Reading Ordinance - Authorizing the issuance of tax notes related to Texas Military Preparedness Commission (1st

Reading 11/11/14) (Requires 2/3 vote)

Ordinance by the City of Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas Tax notes, Series 2014A" in an amount not to exceed \$5,090,000, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the obligations; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the obligations; authorizing the execution of paying agent/registrars agreement and a purchase and investment letter; complying with the provisions of the depository trust company's letter of representations; and providing an effective date.

This item was discussed under Item 33. This Ordinance was approved and passed on second reading with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030350

36. Appointing a financial advisor for Solid Waste Certificates of Obligation (Related items 36 - 38) (Requires 2/3 vote)

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the of City of Corpus Christi, Texas, Combination Tax and Solid Waste Revenue Taxable Certificates of Obligation, Series 2015 in an amount not to exceed \$14,500,000.

Mayor Martinez referred to item 36. Director of Financial Services Constance Sanchez stated that Items 36, 37, and 38 are in related to the issuance of Certificates of Obligation for the Solid Waste Department. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: M2014-154

37. Authorizing the issuance of Solid Waste Certificates of Obligation (Requires 2/3 vote)

Resolution by the City Council of the City of Corpus Christi, Texas, authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained

in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.

This item was discussed under Item 36. This Resolution was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030351

38. Second Reading Ordinance - Appropriating funds for Solid Waste debt service payment (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance appropriating \$1,100,000 from the unreserved fund balance in the No. 1020 General Fund and transferring to and appropriating in the No. 2010 Debt Service Fund to pay principal and interest in Fiscal Year (FY) 2014-2015 for Solid Waste certificates of obligation; and changing the FY 2014-2015 Operating Budget adopted by Ordinance No. 030294 to increase revenues by \$1,100,000 and expenditures by \$1,100,000 in the No. 2010 Debt Service Fund and to increase expenditures by \$1,100,000 in the General Fund

This item was discussed under Item 36. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030352

39. Second Reading Ordinance - Authorizing an interlocal agreement and appropriating funds for a Downtown Safety & Security Partnership Program (1st Reading 11/11/14) (Requires 2/3 vote)

Ordinance authorizing the City Manager or his designee to execute a nine-month interlocal agreement from January 2015 through September 2015 with the Corpus Christi Downtown Management District to pay the District \$166,500 for contracting with Off-Duty Bike Patrol Officers and Security Ambassadors to patrol the District; appropriating \$166,500 from the unreserved fund balance in the No. 1020 General Fund; changing the fiscal year 2014-2015 operating budget adopted by Ordinance Number 030294 by increasing appropriations by \$166,500.

Mayor Martinez referred to Item 39. Assistant City Manager Wes Pierson stated

that the purpose of this item is to authorize an interlocal agreement and appropriate funding for the Downtown Safety & Security Partnership Program. There were no comments from the Council or the public. This Ordinance was passed on second reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: 030353

40. Amending the Corpus Christi Convention and Visitors Bureau (CCVB) agreement to align it with the City's fiscal year and amending the board composition (Requires 2/3 vote)

Motion authorizing the City Manager or designee to execute an Amended Consulting Services Agreement with the Corpus Christi Convention and Visitors Bureau for a period ending September 30, 2015.

Mayor Martinez referred to Item 40. Assistant City Manager Wes Pierson stated that the purpose of this item is to authorize the execution of an amended consulting services agreement with the Corpus Christi Convention and Visitors Bureau. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

Enactment No: M2014-155

Q. FIRST READING ORDINANCES: (ITEMS 43 - 44)

43. First Reading Ordinance - Abandoning and vacating a portion of a utility easement located north of Sedwick Road and west of Southern Minerals Road (Requires 2/3 vote)

Ordinance abandoning and vacating a portion of an existing 60-foot wide utility easement out of a part of Lot 8, Blk. 1, Wildcat Industrial Park, located north of the Sedwick Road public street right-of-way, and west of the Southern Minerals Road public street right-of-way; and requiring the owner, Scott Humpal, to comply with the specified conditions.

Mayor Martinez referred to Item 43. Director of Development Services Dan Grimsbo stated that the purpose of this item is to abandon and vacate a utility easement and allow for the future development of the subject property. There were no comments from the Council or the public. This Ordinance was passed

on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

44. First Reading Ordinance - Amending Chapter 55-111 of the City Code of Ordinances regarding water service outside the City limits (Requires 2/3 vote)

Ordinance to amend Chapter 55 of the City Code of Ordinances, regarding water contracts for customers located outside city limits but within the city's water service area.

Mayor Martinez referred to Item 44. Director of Development Services Dan Grimsbo stated that the purpose of this item is to amend Chapter 55, Code of Ordinances regarding water contracts for customers located outside the city limits, but within the city's water service area to include details on future annexation requirements. It was determined by Legal that this language is not required. There were no comments from the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Mayor Martinez, Council Member Allen, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 3 - Council Member Garza, Council Member Leal and Council Member Loeb

Abstained: 0

R. FUTURE AGENDA ITEMS: (ITEMS 45 - 46)

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

45. Approving the purchase of Cisco SmartNet maintenance (Requires 2/3 vote)

Motion authorizing the City Manager or designee to approve the purchase of twelve months Cisco SmartNet maintenance from Computer Solutions of San Antonio, Texas, DIR-TSO-2542, for a total expenditure of \$116,895.78. Funds are available in the Municipal Information Systems Department FY2014-2015 budget.

This Motion was recommended to the consent agenda.

46. Certification of 2014 Tax Levy (Requires 2/3 vote)

Motion approving the 2014 Ad Valorem Tax Levy of \$97,666,247.44 based on the adopted property tax rate of \$0.585264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Tax Code.

This Motion was recommended to the consent agenda.

S. **BRIEFINGS TO CITY COUNCIL: (NONE)**

T. **LEGISLATIVE UPDATE:**

None.

U. **ADJOURNMENT**

The meeting was adjourned at 2:43 p.m.