



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, October 8, 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.

Assistant City Secretary Rebecca Huerta informed the Council that due to the absence of Mayor Nelda Martinez and Mayor Pro Tem Mark Scott, a motion was required to appoint a member of the Council as Presiding Chair.

Council Member McIntyre made a motion appointing Council Member Magill as Presiding Chair, seconded by Council Member Leal and passed. Presiding Chair Magill called the meeting to order.

B. Invocation to be given by Reverend Patsy Koeneke, St. Mark's Lutheran Church

Reverend Koenick gave the invocation.

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

Ms. Teresa Rodriguez Barlett with the Corpus Christi Hispanic Chamber of Commerce 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.

Charter Officers:

City Manager Ron Olson, City Attorney Carlos Valdez, and Assistant City Secretary Rebecca Huerta.

Present: 7 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

Absent: 2 - Mayor Nelda Martinez, and Council Member Mark Scott

E. Proclamations / Commendations

1. Proclamation declaring October 6-12, 2013 as "Fire Prevention Week"

Proclamation declaring October 14-18, 2013 as "Court Observance Week"

Presiding Chair Magill presented the Proclamations. An additional proclamation was presented declaring October 13-19, 2013 as "YWCA Week Without Violence".

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

Presiding Chair Magill deviated from the agenda and called for City Manager's Comments. City Manager Ron Olson reported on the following issues: 1) Staff's continuing work and progress on the Litter Ordinance to revise, consolidate, and enforce the various litter ordinances throughout the City Code and to refine and include the plastic bag revisions within the Litter Ordinance. 2) The recognition of various City staff members and Council Members Magill and Loeb at the recent Uptown Neighborhoods Meeting. 3) The completion of the Business Plans and the integration of the plans in the City Reporting System (CRP). Mr. Olson reported that staff will provide an on-line demonstration of the CRP System at the next Council meeting. 4) The progress on the installation of the new accounting and personnel system (ERP) with an anticipated target date of August 2014. 5) The Police Department's fantastic job managing Animal Control Services and the award of \$30,000 to Animal Control from the Rachel Ray Challenge. The City's Animal Control Division placed 2nd in its division and 5th out of 49 entries. 6) The success of the Library's "Food for Fines" Program. 7) The Finance Department received the "Leadership Circle Award" from the Texas Comptroller's Office for financial transparency. 8) An update on the recruitment of the Assistant City Manager position and interviews schedule for October 18th. 9) City Attorney Carlos Valdez submitted his letter of resignation with an effective date of November 15th. Mr. Olson announced his appointment of Lisa Aguilar as Interim Assistant City Attorney.

N. REGULAR AGENDA: (ITEMS 17)

17. Amendment to Ad Valorem Collections Contract with Nueces County

Motion approving an amended agreement for ad valorem tax collection services with Nueces County at an annual per parcel rate established by Nueces County and continuing from year to year unless canceled.

Presiding Chair Magill deviated from the agenda and referred to Item 17. Director of Financial Services Constance Sanchez stated that the purpose of this item is to amend the agreement for ad valorem tax collection services with Nueces County. Nueces County Tax Assessor-Collector Kevin Kieschnick explained that Nueces County is reviewing and updating the existing contracts will all of the taxing entities to have more consistency, reflect current tax practices and conform with the current Property Tax Code. There were no comments from the public or the Council. This Motion was passed with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: M2013-152

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.

Presiding Chair Magill called for public comment. Mr. Abel Alonzo commended City Attorney Carlos Valdez for doing an excellent job during his service to the City and for saving taxpayer dollars. Mr. Alonzo requested consideration for hiring within the organization for the positions of City Secretary and City Attorney. Cheryl Martinez spoke regarding council members receiving complaints about the animal problems in the City and encouraged citizens to volunteer and find solutions; she presented a response to those complaints. Mary Lou Huffman spoke regarding the various fees throughout the City. Juan Ariaza spoke regarding the percentage of the City's Hispanic population and how City leaders communicate and address the Hispanic community.

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.

H. EXECUTIVE SESSION: (ITEM 2)

Presiding Chair Magill referred to the executive session on the day's agenda. The Council went into executive session.

- 2.** Executive session pursuant to Section 551.072 of the Texas Government Code to deliberate the U.S. Coast Guard Project Ground Lease because negotiations in an open meeting would have a detrimental effect on the city's position in negotiations with a third party with possible discussion and action in open session.

The Council returned from executive session. Item 23 is related to the executive session.

N. REGULAR AGENDA: (ITEM 23)

23. Approving Modifications to U.S. Coast Guard Project Ground Lease

Motion to reconsider the existing ground lease between the City of Corpus Christi and the FDL-CC, LLC and approve requested modifications to ground lease to accommodate requirements imposed upon FDL-CC, LLC by their lender.

Presiding Chair Magill deviated from the agenda and referred to Item 23. Assistant City Manager Wes Pierson stated that the purpose of this item is to reconsider the existing ground lease between the City and FDL-CC, LLC and approve requested modifications. Mr. Pierson presented the list of modifications to the contract including the terms; conflict languages; definitions and termination changes. There were no comments from the public or the Council. The motion was passed and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: M2013-155

I. MINUTES: (ITEM 3)

3. Regular Council Meeting of September 17, 2013 and Regular Council Meeting of September 24, 2013

Presiding Chair Magill referred to the approval of the minutes. Council Member McIntyre made a motion to approve the minutes as presented, seconded by Council Member Garza. The minutes were approved.

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

K. EXPLANATION OF COUNCIL ACTION:

L. CONSENT AGENDA: (ITEMS 4 - 16)

Approval of the Consent Agenda

Presiding Chair Magill called for the consent agenda. There were no comments from the public or the Council. Assistant City Secretary Rebecca Huerta reported that Presiding Chair Magill submitted a conflict of interest form for Item 16 and would abstain from the vote on that item. The consent agenda was

passed in one vote as follows:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

4. Approving Lease purchase for Curbside Refuse and Recycle Containers

Motion approving the lease purchase of 7,488 96-gallon curbside refuse containers and 1,872 96-gallon curbside recycle containers from Toter Incorporated, Statesville, NC for the total amount of \$488,989.20. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The containers will be used in the City's automated collection program. Funds for the lease purchase of the curbside collection containers will be provided through the City's lease/purchase financing program.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-147

5. Approving a supply agreement for trap rock used for seal coating

Motion approving a supply agreement with Vulcan Construction Materials, L.P., San Antonio, Texas for approximately 6,000 tons of trap rock in accordance with Bid Invitation No. BI-0176-13 based on lowest responsible bid, for a total amount of \$277,500 of which \$231,250 is required for FY 2013-2014. The term of the supply agreement will be twelve-months with an option to extend for up to two additional twelve-month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Street Department in FY 2013-2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-148

6. Contract - Approving Data Collection Unit (DCU) Component Upgrade to the Automated Meter Reading (AMR) System

Motion approving a contract with Aclara Technologies LLC, Hazelwood, Missouri for the purchase and installation of components on approximately 61 Data Collection Units (DCU's) of the City's automatic meter reading (AMR) system. The award is based on sole source, for a total amount of \$71,791.33. Funds have been budgeted by the MIS Department in FY 2013-2014.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-149

7. Engineering Design Contract Amendment No. 2 for two new 10 Million Gallons Daily (MGD) Pumps for the Staples Street Pumping Plant

Motion authorizing the City Manager, or designee, to execute Amendment No. 2 to the Contract for Professional Services with Urban Engineering of Corpus Christi, Texas in the amount of \$135,640.00, for a total restated fee not to exceed \$352,110.00 for the Staples Street Pumping Plant New 10 MGD Pumps Project.

This Motion was passed on the Consent Agenda.

Enactment No: M2013-150

8. Engineering Design Amendment No. 1 - McArdle Road Improvements - Ennis Joslin Road to Whitaker Drive (Bond 2012)

Motion authorizing the City Manager or designee to execute Amendment No. 1 to a Contract for Professional Services with RVE, Inc. of Corpus Christi, Texas in the amount of \$155,520.00, for a total restated fee not to exceed \$1,113,240.00 for McArdle Road from Nile Drive to Ennis Joslin Road and McArdle Road from Whitaker Drive to Nile Drive, for design, bid, and construction phase services BOND ISSUE 2012. (Proposition No. 1 Street Projects)

This Motion was passed on the Consent Agenda.

Enactment No: M2013-151

9. Second Reading Ordinance - Amending the Unified Development Code's limitations on restaurants in the neighborhood commercial and office zoning districts. (1st Reading 9/24/13)

Ordinance amending the Unified Development Code for limitations on restaurants in the neighborhood commercial and office zoning districts by revising subsection 5.2.11 - Restaurant; and providing for severance, penalties, and publication.

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

Enactment No: 029959

10. Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, on properties located at 1309 Daly Drive and 1302 Woodlawn Drive. (1st Reading 9/24/13)

Case No. 0813-03 Hammond Jones Real Estate Development LLC: A rezoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District, resulting in a partial change to the Future Land Use Plan. The property to be rezoned is described as being the south 24 feet of Lot 1, all of Lots 2-10, the north 33 feet of Lot 19, and all of Lots 20-24, Block 2, Woodlawn Estates, located on the south side of McArdle Road between Woodlawn and Daly Drives.

Planning Commission and Staff Recommendation (August 28, 2013): Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District.

Ordinance

Ordinance amending the Unified Development Code (“UDC”) upon application by Hammond Jones Real Estate Development LLC, acting as agent on behalf of Allen Lovelace Moore and Blanche Davis Moore Foundation (“Owner”), by changing the UDC Zoning Map in reference to the south 24 feet of Lot 1, all of Lots 2-10, the north 33 feet of Lot 19, and all of Lots 20-24, Block 2, Woodlawn Estates, located on the south side of McArdle Road between Woodlawn and Daly Drives, from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 029960

11.

Second Reading Ordinance - Rezoning from the “RM-AT/IO” Multifamily AT District with an Island Overlay and the “RS-6/IO” Single-Family 6 District with an Island Overlay to the “RM-AT/IO/PUD” Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, on properties located at 15013 - 15029 Leeward Drive and 15022 Aruba Drive. (1st Reading 9/24/13)

Case No. 0813-04 Doug Shaw: A rezoning from the “RM-AT/IO” Multifamily AT District with an Island Overlay and the “RS-6/IO” Single-Family 6 District with an Island Overlay to the “RM-AT/IO/PUD” Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lots 5 and 14-18, Block 2, Section E, Padre Island - Corpus Christi, located between Aruba and Leeward Drives, approximately 200 feet south of Running Light Drive.

Planning Commission and Staff Recommendation (August 28, 2013): Approval of the change of zoning from the “RM-AT/IO” Multifamily AT

District with an Island Overlay and the "RS-6/IO" Single-Family 6 District with an Island Overlay to the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Doug Shaw ("Owner"), by changing the UDC Zoning Map in reference to Lots 5 and 14-18, Block 2, Section E, Padre Island - Corpus Christi, from the "RM-AT/IO" Multifamily AT District with an Island Overlay and the "RS-6/IO" Single-Family 6 District with an Island Overlay to the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 029961

12.

Second Reading Ordinance - Rezoning from the "RM-AT/IO" Multifamily AT District with an Island Overlay to the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, on property located at 15030, 15034, and 15038 Aruba Drive. (1st Reading 9/24/13)

Case No. 0813-05 Doug Shaw and Jill Shaw: A rezoning from the "RM-AT/IO" Multifamily AT District with an Island Overlay to the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Lots 1-3, Block 2, Section E, Padre Island - Corpus Christi, located along the east side of Aruba Drive, approximately 175 feet west of Leeward Drive.

Planning Commission and Staff Recommendation (August 28, 2013):

Approval of the change of zoning from the "RM-AT/IO" Multifamily AT District with an Island Overlay to "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Doug Shaw and Jill Shaw ("Owners"), by changing the UDC Zoning Map in reference to Lots 1-3, Block 2, Section E, Padre Island - Corpus Christi, from the "RM-AT/IO" Multifamily AT District with an Island Overlay to the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay;

amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 029962

13. Second Reading Ordinance - Restricting the use of wireless communications while driving (1st Reading 9/24/13)

Ordinance adding a new section 53-16 of the city code relating to restrictions on use of wireless communications while driving, creating an offense, providing for penalties, providing for severance, providing for publication, and providing for an effective date.

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

Enactment No: 029963

14. Second Reading Ordinance - Accepting and appropriating State grant amendment increase (1st Reading 9/24/13)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant amendment in the amount of \$50,000 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the Woman, Infants, and Children (WIC) Program.

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

Enactment No: 029964

15. Second Reading Ordinance - Amending Appendix A of the Interlocal Agreement to Promote Community Dialogue on Regional Health Awareness (1st Reading 9/24/13)

Ordinance authorizing the City Manager to execute all documents necessary to approve and accept this second amendment to Appendix A, of the Regional Health Awareness Board's ("RHAB") Interlocal Agreement to Promote Community Dialogue on Regional Health Awareness, by adding the Texas A&M Irma Lerma Rangel College of Pharmacy and Education Service Center, Region 2 as organizations that may appoint members to the RHAB

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

Enactment No: 029965

16. Second Reading Ordinance - Closing a portion of a 10-foot wide utility easement (1st Reading 9/24/13)

Ordinance abandoning and vacating a portion of a 10-foot wide utility

easement out of Parkdale Village Annex B and Lot 2, Parkdale Village Annex C and requiring the owner, TWF Partners, LLC., to comply with specified conditions.

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

Aye: 6 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 1 - Council Member Magill

Enactment No: 029966

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (ITEMS 18 - 22, and 24)

18. Refunding of Corpus Christi Business and Job Development Corporation Arena Bonds

Resolution by the City Council of the City of Corpus Christi, Texas relating to "Corpus Christi Business and Job Development Corporation Sales Tax Revenue Refunding Bonds, Series 2013 (Arena Project)"; approving the resolution of Corpus Christi Business and Job Development Corporation authorizing the issuance of such bonds; and resolving other matters incident and related to the issuance of such bonds; and providing an effective date.

Presiding Chair Magill referred to Item 18. Director of Financial Services Constance Sanchez stated that the purpose of this item is to approve a resolution passed by the Corpus Christi Business and Job Development Corporation on September 16, 2013 to refinance the bonds for the arena. Presiding Chair Magill called for comments from the public. Abel Alonzo spoke regarding the savings for refunding the bonds and said this item is an example of staff saving taxpayer money. This Resolution was passed with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: 029967

19. Refunding of Corpus Christi Business and Job Development Corporation Baseball Stadium Bonds

Resolution by the City Council of the City of Corpus Christi, Texas

relating to "Corpus Christi Business and Job Development Corporation Sales Tax Revenue Refunding Bonds, Series 2013 (Baseball Stadium Project)"; approving the resolution of Corpus Christi Business and Job Development Corporation authorizing the issuance of such bonds; and resolving other matters incident and related to the issuance of such bonds; and providing an effective date.

Presiding Chair Magill referred to Item 19. Director of Financial Services Constance Sanchez stated that the purpose of the item is for the approval of a resolution that the Corpus Christi Business and Job Development Corporation passed on September 16, 2013 to refinance the bonds for the baseball stadium. There were no comments from the public or the Council. This Resolution was passed and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: 029968

20. Second Reading - Adopting Joint Land Use Study (JLUS) Background Report as an element of the Comprehensive Plan (1st Reading 9/24/13)

Ordinance accepting the NAS Corpus Christi Joint Land Use Background Report and amending the Comprehensive Plan of the City of Corpus Christi by adopting the NAS Corpus Christi Joint Land Use Study; providing for repeal of conflicting ordinances; providing for severance; and providing for publication.

Presiding Chair Magill referred to Item 20. Senior Planner Bob Payne stated that the purpose of this item is to adopt the Joint Land Use Study. There were no comments from the public or the Council. The ordinance be passed on second reading and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: 029969

21. Purchase of Five Pickup Trucks for Beach Rescue and Beach Maintenance

Motion approving the purchase of five (5) pickup trucks from Philpott Motors, Nederland, Texas for a total expenditure of \$143,901.25. The award is based on the cooperative purchasing agreement with the

Texas Local Government Purchasing Cooperative (TLGPC). Funds have been budgeted by the Parks and Recreation Department in FY 2013- 2014.

Presiding Chair Magill referred to Item 21. Assistant Director of Financial Services Michael Barrera stated that the purpose of this item is to purchase five (5) pickup trucks for beach rescue and maintenance. In response to council member questions at the previous meeting, Mr. Barrera reported the following findings: CNG engines on the Ford F150 are not available in 4-wheel drive; an F250 truck is available in 4-wheel drive but the size does not work well on the beach; and the distance to the closest CNG fueling station would result in lost productivity and additional miles to the vehicle. There were no comments from the public or Council. The Motion was passed with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: M2013-153

22. Approving the lease-purchase of one Freightliner Truck with Pressure Digger Body

Motion approving the lease-purchase of one (1) Freightliner truck with pressure digger body from Freightliner of Houston, Houston, Texas for a total amount of \$285,809.00. 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.

Presiding Chair Magill referred to Item 22. Assistant Director of Financial Services Michael Barrera stated that the purpose of this item is to approve the lease-purchase of a freightliner truck with pressure digger body. Mr. Barrera reported that the expected life of the vehicle is 15 years and presented a cost comparison between a CNG and diesel engine. There were no comments from the public or Council. The motion was approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: M2013-154

24. Emergency Ordinance - Appropriating funds from the General Fund Unreserved Fund Balance to hold Special Election on November 5, 2013

Ordinance appropriating \$169,182.36 from the Unreserved Fund Balance in the No. 1020 General Fund for additional costs relating to Proposition 1 regarding Destination Bayfront of the November 5, 2013 special election; and changing the FY 2013-2014 Operating Budget adopted by Ordinance No.029915 to increase appropriations by \$169,182.36; and declaring an emergency

Presiding Chair Magill referred to Item 24. Assistant Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to appropriate sufficient funds to cover the cost of the November 5, 2013 election. Mr. Houlihan explained that the estimated cost of the election was approximately \$200,000 based on past elections and verbal confirmation from Nueces County. Mr. Houlihan reported that the cost of the Joint Election has increased and this action is required to appropriate the difference. Council members asked questions regarding the following topics: whether the cost of the election would be the same amount to taxpayers if the City was not participating; an explanation of the increased costs; the cost of Destination Bayfront Phases I and 2; the cost of previous elections; and how the estimated was determined.

Assistant City Secretary Rebecca Huerta reported that County Clerk Diana Barrera submitted a letter outlining the drivers affecting the increased cost including new Voter ID law training for all election workers; developing and formatting the ballot; increased rental cost of voting equipment; and shared costs between entities. Council Member Leal requested to go on record that she voted against the original election costs of \$200,000 and would not be supporting this additional amount.

Presiding Chair Magill called for comments from the audience. Jack Gordy commented that the Council should have waited until the uniform Council elections to include this proposition and the cost of the election is wasting taxpayer dollars. Joan Veith stated that she is an election judge and all election workers are required to attend the mandatory training on the new Voter ID laws. Abel Alonzo requested that Council approve this item to allow the voters the opportunity to decide if they support the Destination Bayfront proposition. The Ordinance was passed on emergency reading and approved with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Nay: 1 - Council Member Leal

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

Enactment No: 029970

O. FIRST READING ORDINANCES: (ITEMS 25 - 33)

25. First Reading Ordinance - Accepting and appropriating the FY 13 Edward Byrne Memorial Justice Assistance Grant for crime

control and prevention

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$162,583 for the FY 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and Appropriating the \$162,583 in the No. 1061 Police Grants Fund to fund the enhancement of law enforcement efforts by the Police Department and Nueces County under an established interlocal agreement which provides that 50% of the funds to be distributed to Nueces County

Presiding Chair Magill referred to Item 25. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate a grant for the FY2013 Edward Bryne Memorial Justice Assistance Grant Program . Chief Simpson said the funds will be used to focus on enforcement/prevention, cybercrime, and intelligence analysis. There were no comments from the public or the Council. The Ordinance was passed on first reading and approved with the following vote:

Aye: 5 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Magill and Council Member Garza

Absent: 4 - Mayor Martinez, Council Member Scott, Council Member McIntyre and Council Member Riojas

Abstained: 0

26. First Reading Ordinance - Accepting and appropriating the Victims of Crime Act (VOCA) Outreach Program grant within the Police Department for Year 1

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 \$67,660.55 to establish the Victims of Crime Act (VOCA) Outreach Program within the Police Department with a City match of \$13,533.07 and an in-kind match of \$3,382.07 from the No. 1020 Police General Fund; Appropriating the \$67,660.55 in the No. 1061 Police Grants Fund for the VOCA Outreach grant in the Police Department; and authorizing the transfer of \$13,533.07 from the No. 1020 Cash Contribution to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$84,575.69.

Presiding Chair Magill referred to Item 26. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate the new Victims of Crime Act (VOCA) Outreach Program Grant in the amount of \$67,660 to provide outreach for crime victims. Presiding Chair Magill called for comments from the public. Christopher Dishman asked how the funding would be used. Chief Simpson responded that the funds would provide for a case manager and staff

assistant to assist with counseling victims and family members of violent crimes. The Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Council Member Leal, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Allen, Mayor Martinez and Council Member Scott

Abstained: 0

27. First Reading Ordinance - Accepting and appropriating the Victims of Crime Act Grant (VOCA) within the Police Department for Year 14

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 \$79,188.69 for Year 14 of the Victims of Crime Act Grant (VOCA) Program within the Police Department with a City match of \$16,964.54 and an in-kind match of \$4,000 from the No. 1020 Police General Fund; appropriating the \$79,188.69 in the No. 1061 Police Grants Fund for the VOCA grant in the Police Department; and authorizing the transfer of \$16,964.54 from the No. 1020 Cash Contribution to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$100,153.23.

Presiding Chair Magill referred to Item 27. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate the Victims of Crime Act Grant (VOCA) for Year 14 to provide direct services to victims of crimes. There were no comments from the public or Council. The Ordinance was passed on first reading and approved with the following vote:

Aye: 6 - Council Member Leal, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Allen, Mayor Martinez and Council Member Scott

Abstained: 0

28. First Reading Ordinance - Accepting and appropriating a Continued Services "Bundle" Grant from the Department of State Health Services

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a total grant amount of \$726,622 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide continued clinical services for the contract period of September 1, 2013 through August 31, 2014; and to ratify acceptance of the grants to begin as of September 1,

2013.

Presiding Chair Magill referred to Item 28. Director of Public Health Annette Rodriguez stated that the purpose of this item is to accept and appropriate a continued services "bundled" grant from the Department of State Health Services in the amount of \$726,622. There were no comments from the public or Council. The Ordinance was passed on first reading and approved with the following vote:

Aye: 5 - Council Member Leal, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 4 - Council Member Allen, Council Member Loeb, Mayor Martinez and Council Member Scott

Abstained: 0

29. First Reading Ordinance - Accepting and appropriating State grant for bay water sample analysis

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, 2013 through August 31, 2014; and to ratify acceptance of the grant to begin as of September 1, 2013.

Presiding Chair Magill referred to Item 29. Director of Public Health Annette Rodriguez stated that the purpose of this item is to approve a seafood and aquatic life activities grant to allow the Health District to test oyster beds to assure that they are safe for human consumption. There were no comments from the public or Council. The Ordinance was passed on first reading with the following vote:

Aye: 5 - Council Member Leal, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 4 - Council Member Allen, Council Member Loeb, Mayor Martinez and Council Member Scott

Abstained: 0

30. First Reading Ordinance - Appropriating funds to reimburse developer for construction of wastewater collection line

Ordinance appropriating \$63,794.00 from the NO. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse I5T Investments, LLC., ("Developer"), for the extension of a 10-inch sanitary sewer collection line, including all related appurtenances for development of Lot 2, Block 13 Airport Industrial Subdivision, as specified in the wastewater collection line extension construction and reimbursement agreement.

Presiding Chair Magill referred to Item 30. Senior Project Manager Julio Dimas

stated that the purpose of this item is to reimburse I5T Investments LLC for the installation of a sanitary sewer collection line. There were no comments from the public or Council. The Ordinance was passed on first reading and approved with the following vote:

Aye: 5 - Council Member Leal, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 4 - Council Member Allen, Council Member Loeb, Mayor Martinez and Council Member Scott

Abstained: 0

31. First Reading Ordinance - Appropriating funds to reimburse Wal-mart Real Estate Business Trust for the shared cost to construct Dunbarton Oaks Drive for Cimarron Estates

Ordinance appropriating \$647.90 of interest earned in the NO. 4730 Infrastructure Fund and transfer to NO. 3530 Streets CIP Fund; and appropriating \$102,218.24 from the NO. 4730 Infrastructure Fund to reimburse Wal-Mart Real Estate Business Trust; and approving \$194,180.07 to reimburse Wal-Mart Real Estate Business Trust from the NO. 4730 Infrastructure Fund for ½ street construction cost of constructing Dunbarton Oaks Drive, for Cimarron Estates.

Presiding Chair Magill referred to Item 31. Senior Project Manager Julio Dimas stated that the purpose of this item is to reimburse Wal-Mart for the shared cost to construct Dunbarton Oaks Drive and Cimarron Estates. There were no comments from the public or Council. The Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

32. First Reading Ordinance - Accepting and appropriating Keep America Beautiful Grant for National Day of Action and Great American Clean Up Events

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$1,000 grant from Keep America Beautiful for National Day of Action and the Great American Clean Up Events in the No. 1051 Solid Waste Grant Fund to be used to reimburse for National Day of Action expenses.

Presiding Chair Magill referred to Item 32. Director of Solid Waste Operations Lawrence Mikolajczyk stated that the purpose of this item is to accept and appropriate a grant from Keep America Beautiful to fund National Day of Action in the amount of \$1,000. There were no comments from the public or Council.

The Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

33. First Reading Ordinance - Accepting and appropriating grant for Cigarette Litter Prevention Program

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$2,000 grant from Keep America Beautiful's Cigarette Litter Prevention Program in the No. 1051 Solid Waste Grant Fund to fund projects, activities and clean ups associated with Cigarette Litter Prevention.

Presiding Chair Magill referred to Item 33. Director of Solid Waste Operations Lawrence Milolajczyk stated that the purpose of this item is to accept and appropriate a grant to fund activities for the Cigarette Litter Prevention Program in the amount of \$2,000. There were no comments from the public or Council. The Ordinance was passed on first reading and approved with the following vote:

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

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 34 - 39)

Presiding Chair Magill referred to the Future Agenda. City Manager Ron Olson stated that staff had a presentation for Item 39. Council members requested a presentation on Item 36.

34. Purchase of Victory Police Motorcycles

Motion approving the purchase of four (4) police motorcycles from GRAMB, Inc. dba Corpus Christi CyclePlaza, Corpus Christi, Texas for an estimated expenditure of \$114,364.00, of which \$110,614.00 is required for the remainder of FY 2013-2014. Funding is available in the FY 2013-2014 Capital Outlay Budget.

This Motion was recommended to consent agenda

35. Construction contract for the Public Safety Warehouse Re-Bid (Bond 2008)

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Henock Construction from San Antonio, Texas in the amount of \$2,103,883.77, for the Public Safety Warehouse Re-Bid project for the base Bid plus Additive Alternates 1, 2 & 3 (Bond 2008).

This Motion was recommended to consent agenda

36. Engineering Construction Contract for Lifecycle Curb and Gutter Replacement

Motion authorizing the City Manager, or designee, to execute a construction contract with A. Ortiz Construction & Paving, Inc. of Corpus Christi, Texas in the amount of \$386,350.00 for the Base Bid for Lifecycle Curb and Gutter Replacement for the Indefinite Delivery/Indefinite Quantity (IDIQ) contract base year.

This Motion was recommended to consent agenda

37. Engineering Design Contract Amendment No. 1 for High Service Pump Building No. 3 (HSPB No. 3) at the O. N. Stevens Water Treatment Plant

Motion authorizing the City Manager or designee to execute the Amendment No. 1 to the Contract for Professional Services with LNV, Inc. of Corpus Christi, Texas in the amount of \$2,358,103.00, for a total restated fee of \$2,405,603.00 for the O.N. Stevens Water Treatment Plant High Service Building No. 3.

This Motion was recommended to consent agenda

38. Certification of 2013 Tax Levy

Motion approving the 2013 Property Tax Levy of \$89,809,808.21 based on the adopted property tax rate of \$0.585264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Property Tax Code.

This Motion was recommended to consent agenda

39. Supporting potential Federal Transit Administration (FTA) grantee status for the City and authorizing a Memorandum of Understanding with the Corpus Christi Regional Transit Authority and the Corpus Christi Metropolitan Planning Organization for grant coordination

Resolution in support of the City of Corpus Christi (City) becoming a Federal Transit Administration (FTA) grantee and authorizing the City Manager or designee to file documentation necessary for the City to achieve FTA grantee status; and authorizing the City Manager or

designee to execute an agreement with the Corpus Christi Regional Transit Authority and the Corpus Christi Metropolitan Planning Organization to provide for transportation grant coordination.

This Resolution was recommended to consent agenda

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

R. ADJOURNMENT

Presiding Chair Magill adjourned the meeting at 2:10 p.m.