



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, April 15, 2014

11:30 AM

Council Chambers

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**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 Chuck Goodwin, Fish for Life Ministries.**

Chuck Goodwin gave the invocation.

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

Director of the Museum of Science and History Carol Rehtmeyer gave 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 required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Mayor Pro Tem Priscilla Leal has been granted a leave of absence.

(Note: Council Member Mark Scott arrived at 11:36 a.m.)

Charter Officers:

City Manager Ron Olson, Interim City Attorney Barney L. Knight, and City Secretary Rebecca Huerta.

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

**Absent:** 1 - Council Member Priscilla Leal

**E. Proclamations / Commendations (NONE)**

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

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

**b. Other**

1) City Council was presented blue bags with a reusable shopping bag and t-shirt as part of the recognition efforts and changes being made on litter control and education. 2) Mr. Olson recognized City employees Phillip Salone and Jose Najarro with the Street Department who received the "Unsung Heros" awards. 3) The Joint Land Use Plan received national recognition and Mr. Olson thanked staff for their work.

**a. City Performance Report - Human Resources**

Director of Human Resources Yasmine Chapman provided a briefing on the operations, mission and goals of the Human Resources Department.

**I. MINUTES:****4. Regular Meeting of April 8, 2014**

Mayor Martinez called for approval of the minutes. Council Member Garza made a motion to approve the minutes, seconded by Council Member Magill and passed unanimously.

**J. BOARDS & COMMITTEE APPOINTMENTS:****5. Airport Board  
Cable Communications Commission  
Committee for Persons with Disabilities  
Transportation Advisory Committee**

Mayor Martinez referred to Board and Committee appointments. The following appointments were made:

Airport Board - Harold Charles Kaffie, Jr. (Appointed); William McCord and Donald M. Feferman (Reappointed)  
Cable Communications Commission - Korey Hardeman and Amy Aldridge Sanford (Appointed)  
Committee for Persons with Disabilities - Mary Bustos (Appointed); M. Bertha Romero, Mary E. Wambach, David Ramos and Marshall Burns (Reappointed)  
Transportation Advisory Committee - Edd Price and Tommy E. Watson, Jr. (Reappointed)

**K. EXPLANATION OF COUNCIL ACTION:****L. CONSENT AGENDA: (ITEMS 6 - 17)****Approval of the Consent Agenda**

Mayor Martinez called for the consent agenda. There were no comments from the Council or the public. The following consent agenda was passed by one vote as follows:

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

**Absent:** 1 - Council Member Leal

**Abstained:** 0

**6. Authorizing forensics building to be constructed at an alternate location due to excessive cost at planned location (Bond 2012)**

Resolution determining that to construct a portion of the Police Vehicle Impound Yard and Garage Phase 2 - a Bond 2012 Project (Project) at its originally proposed location would be unwise and unnecessary; authorizing the City Manager or designee to proceed with construction of the forensics building portion of the Project at an alternate, more suitable, and less costly location.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030150

**7. Engineering design contract amendment no. 1 for Greenwood Wastewater Treatment Plant Process Rehabilitation/Replacement Project**

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Urban Engineering of Corpus Christi, Texas in the amount of \$32,710, for a total restated fee not to exceed \$82,550 for the Greenwood Wastewater Treatment Plant Process Rehabilitation/Replacement for additional design, bid, and construction phase services.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2014-048

**8. Approving agreement and purchase of permanent art for Fire Station #5**

Motion authorizing the City Manager or designee to execute documents necessary to purchase sculpture created by artist Lynda Jones for a work of permanent art created in glass tile and authorize disbursement of \$17,770 from the Bond Fund 3191 for such purchase.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2014-049

**9. Second Reading Ordinance - Exempting The Grand Reserve Subdivision Unit 2, located between Glenoak and Caribbean Drives and East of Flour Bluff Drive, from the wastewater**

**lot/acreage fees (1st Reading 4/8/14)**

Ordinance exempting The Grand Reserve Subdivision Unit 2, a subdivision located between Glenoak and Caribbean Drives, East of Flour Bluff Drive, from the payment of wastewater lot/acreage fees under Section 8.5.2.G.1 of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

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

Enactment No: 030151

**10. Second Reading Ordinance - Participation agreement for the bridge on South Oso Parkway (1st Reading 4/8/14)**

Ordinance authorizing the City Manager, or his designee, to execute a Participation Agreement with VOJO Ventures, LLC, Developer of The Coves at Lago Vista Unit 3B, in the amount of \$171,451.95 for the City's portion of the cost of the South Oso Parkway Bridge over King Estates Ditch, in accordance with the Unified Development Code.

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

Enactment No: 030152

**11. Second Reading Ordinance - Appropriating funds for replacement of Gulf beach lifeguard stand (1st Reading 4/8/14)**

Ordinance appropriating \$11,500 from additional revenue in Fund No. 1020 General Fund, Parks and Recreation operating budget for the replacement of Gulf beach lifeguard stand; changing FY2013-2014 Operating Budget adopted by Ordinance No. 029915 by increasing revenues and appropriations by \$11,500 each.

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

Enactment No: 030153

**12. Second Reading Ordinance - Accepting and appropriating Regional partial grant for the Elderly Nutrition Program (1st Reading 4/8/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$219,808 partial grant from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY 2014 Senior Community Services, Elderly Nutrition Program.

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

Enactment No: 030154

**13. Second Reading Ordinance - Accepting and appropriating State grant for home delivered meals for the elderly (1st Reading 4/8/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$62,142.63 grant from the Texas Department of Agriculture Texans Feeding Texans Program in the No. 1067 Parks and Recreation Grants Fund for the FY 2014 Senior Community Services - Texans Feeding Texans.

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

Enactment No: 030155

**14. Second Reading Ordinance - Engineering design contract for Old Robstown Road from State Highway 44 to Leopard Street (Proposed 2014 Bond Election) (1st Reading 4/8/14)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer capital reserves in the amounts of \$127,540.00 from Storm Water CIP Fund 3494, \$66,320.80 from Wastewater CIP Fund 4510, and \$61,219.20 from Water CIP Fund 4479 to the Bond 2014 Street Project Old Robstown Road from State Highway 44 to Leopard Street; increasing expenditures in the amount of \$255,080.00; and authorizing the City Manager, or designee, to execute an engineering design contract with CH2M Hill Engineers, Inc., a Delaware Corporation with Branch office in Corpus Christi, Texas in the amount of \$554,390.00 for Old Robstown Road from State Highway 44 to Leopard Street.

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

Enactment No: 030156

**15. Second Reading Ordinance - Construction contract for Runway 13-31 Extension/Displacement and Connecting Taxiway (1st Reading 4/8/14)**

Ordinance appropriating \$23,277,531 from the Federal Aviation Administration Grant No. 3-48-0051-050-2013 in the No. 3020 Airport Capital Improvement Fund for the following projects: 13/31 Runway Extension Displacement and Connecting Taxiway, 1,000 ft Extension Displacement and Connection of Taxiways, Expansion of the North GA Apron, Reconstruction of the East GA Apron, Reconstruction of the Air Carrier Taxilane, Extension of Taxiway F, and Runway 18-36, NAVIDS' Site Work and Installation of Gate 10B; changing the FY 2013-2014 Capital Budget adopted by Ordinance No. 029565 to

increase revenues and expenditures by \$23,277,531; and authorizing the City Manager or designee to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$34,766,637.10 for the 13/31 Runway Extension Displacement and Connecting Taxiway Project for the Base Bid plus Additive Alternates 1 - 8.

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

Enactment No: 030157

**16. Second Reading Ordinance - Lease agreement with Brooks Chapel for property located at 1517 Winnebago (1st Reading 4/8/14)**

Ordinance authorizing the City Manager or designee to execute a lease with Brooks Chapel for property located at 1517 Winnebago for a term of one year, with a four year renewal option.

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

Enactment No: 030158

**17. Second Reading Ordinance - Appropriating funds for marketing and co-promotion expenditures at the American Bank Center (1st Reading 4/8/14)**

Ordinance appropriating \$100,000 from the unreserved fund balance in the No. 1130 Arena Facility Fund and transferring to and appropriating in the No. 4710 Visitors Facilities Fund for American Bank Center Marketing and Co-Promotion Expenditures; changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 to increase revenue by \$100,000 and expenditures by \$200,000.

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

Enactment No: 030159

**M. PUBLIC HEARINGS: (NONE)**

**N. REGULAR AGENDA: (NONE)**

**O. FIRST READING ORDINANCES: (ITEM 18)**

**18. First Reading Ordinance - Accepting and appropriating State grant for Click It Or Ticket program**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$19,993.11 from the State of Texas, Department of Transportation for the FY2014 Click It Or Ticket program grant; and appropriating the \$19,993.11 in

the No. 1061 Police Grants Fund.

**Mayor Martinez referred to Item 18. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate a grant from the State of Texas for the Click It or Ticket campaign which will be held May 19 - June 1, 2014. There were no comments from the Council or the public. The Ordinance was passed on first reading and approved with the following vote:**

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

**Absent:** 1 - Council Member Leal

**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 called for comments from the audience. There was no public comment.

**P. FUTURE AGENDA ITEMS: (ITEM 19)**

Mayor Martinez referred to the Future Agenda. City Manager Olson stated that staff had a planned presentation on Item 19.

**19. Service amendment No. 1 to Employer-Sponsored Wellness Clinic**

Motion authorizing the City Manager or designee to execute amendment No. 1 to the service agreement with H2U Wellness Centers, LLC d.b.a. First Onsite (H2U) of Nashville, Tennessee, in the amount of \$495,750, of which \$97,708.33, is required for FY 2013-2014. Funds are budgeted in the Other Employee Benefits Fund.

This Motion was recommended to regular agenda

**Q. BRIEFINGS TO CITY COUNCIL: (ITEM 20)**

**20. Annual Report of the Commission on Children and Youth**

Mayor Martinez referred to Item 20. Assistant Director of Parks and Recreation Stacie Talbert Anaya stated that the purpose of this item provide an update from the Commission on Children and Youth. Ms. Anaya provided information on the composition and duties of the committee> Dr. Ridge Hammonds,

Chairperson presented information on the data collection project which provides demographic and statistical information on the risk factors that can impact the health and well being of the City's youth and families; the risk factors analyzed; the integrated cluster of causes; statistics on the juvenile drug abuse arrests; an action plan moving forward; and future actions.

Council members discussed the following topics: whether economic development issues are related to drug use; how the data is comparable to other urban cities; early on-set delinquency and targeting ages 6-12 years of age; making recreation centers, libraries and pools available; including points in the City's affordable housing policy project guidelines for projects offering youth programs; process for implementing changes and determining measurement; leveraging partnerships; Community Connections Forum in August; expanding the composition of the committee; informing parents of opportunities in the community; and mentoring mobile youth to maintain connectability.

#### **H. EXECUTIVE SESSION: (ITEMS 1 - 3)**

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. City Manager Ron Olson stated that Item 3 is related to the City's collective bargaining negotiations with the Corpus Christi Firefighters' Association. The Council went into executive session.

1. Executive Session pursuant to Section 551.071, Texas Government Code, and Rule 1.05, Texas Disciplinary Rules of Professional Conduct, for consultation with attorneys to seek advice on incursions into the extraterritorial jurisdiction of the City, with possible action and discussion in open session.

**This E-Session Item was discussed in executive session**

2. Executive Session pursuant to Section 551.071, Texas Government Code, and Rule 1.05, Texas Disciplinary Rules of Professional Conduct, for consultation with attorneys to seek advice regarding the proposed Apex wind farm within the extraterritorial jurisdiction of the City, with possible action and discussion in open session.

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

**Motion directing the City Manager to begin the process of annexing the area of the extraterritorial jurisdiction where the proposed Chapman Ranch wind farm is located.**

**Council Member Loeb made a motion to approve the motion as presented, seconded by Council Member Garza. The motion was passed with the following vote:**

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

**Absent:** 1 - Council Member Leal



**Abstained:** 1 - Council Member Magill

Enactment No: M2014-047

3. Executive Session pursuant to Texas Government Code Section 551.071(2), Consultation with Attorney, on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code with possible discussion and action in open session

This E-Session Item was discussed in executive session

**Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 21 - 23)**

**21. Tire Storage, Transportation, and Disposal**

Mayor Martinez referred to Item 21. Executive Director of Public Works Dan Biles stated that the purpose of this item is to provide an update on the proposed tire storage and disposal ordinance. Mr. Biles referred to a powerpoint presentation that included tire disposal issues; the proposed ordinance based on the ordinance approved in 2009 by the City of San Antonio; the scope of the project; community outreach and timeline. Mr. Biles stated that after receiving feedback from the community and stakeholders, staff will present a revised ordinance to reflect their comments.

Council members asked questions regarding the trackability of tires tossed to the side of road; ways to document tires sold; concern with large quantities of tires; the reduction the City of San Antonio has seen since implementing their ordinance; budgetary concerns; costs to monitor and manage enforcement; and gap analysis on current Texas Commission and Environmental Quality (TCEQ) regulations.

**22. New Broadway Wastewater Treatment Plant**

Mayor Martinez referred to Item 22. Executive Director of Public Works Dan Biles stated that the purpose of this item is to provide an update on the status of the New Broadway Wastewater Treatment Plant. Mr. Biles provided information on the project scope, project schedule for Phases 1 & 2; and the budget. Council members asked questions regarding the original contract completion date; the reasons for the delay on the project schedule; Phase 2 scope of work to extend plant to 40 MGD; possibility of decreasing infiltration and increasing peaking factors.

**23. Local Street Reconstruction Program**

Mayor Martinez referred to Item 23. Executive Director of Public Works Dan Biles stated that the purpose of this item is to provide an update and discussion on plans for the local street reconstruction program. Mr. Biles provided information on the current street improvement plan; local street improvement plan strategies; primary overall street structural condition index; reconstruction cost estimates; tiers to address annual program funding and

limitations; recommendation to initially begin the program at \$10 million per year; and funding option considerations. Mr. Biles stated that there will be a future discussion on how to prioritize the streets.

Council Members spoke regarding the following topics: broadening the scope from streets to neighborhood improvements including mobility, safety, parks, sidewalks and storm drainage; cost-sharing program; excluding sales tax for the seawall and crime control as a funding option; re-purposing baseball stadium and arena funds; pay-as-you-go options; simplifying a participation plan; existing bonding capacity for a bond package; use of industrial district revenue; participation program in St. Paul, Minnesota; consideration to use a portion of the arterial/collector reconstruction \$55 million bond every two years to pay for residential; the percentage of streets that have utilities; opportunities to use CDBG funds; status of legislation regarding Fuel Tax and Vehicle Registration Tax; consideration to use street user fees; design standards and inspections; criteria for cuts; engineering costs; issues regarding contractors; and paving assessment plan. There was a general consensus of the Council not to increase fees or taxes as a funding source.

Council Member Loeb made a motion directing staff to: 1) develop a participation or cost-sharing plan; 2) provide a recommendation regarding use of CDBG funds, industrial district or sales tax revenue or revenue "windfall(s)" to the general fund that may be utilized to implement a program in the next six months to a year; 3) return with action items to create a 4B fund for neighborhood improvements, to include: streets, storm drainage, sidewalks, lighting, safety improvements and mobility improvements in addition to returning with a plan detailing: a) recommitting of sales tax devoted to debt associated with the baseball stadium and arena, b) when said debt can be paid off and c) excess funding in the arena fund; 4) develop a scoring program that defines which projects are to be completed; 5) return with recommendations relating to attracting labor and contractors; and 6) continue pursuing alternative funding sources at the state level, seconded by Council Member McIntyre. The motion was passed and approved with the following vote: Martinez, Allen, Garza, Loeb, Magill, McIntyre, Riojas, and Scott voting "Aye"; Leal absent.

## **R. ADJOURNMENT**

The meeting was adjourned at 4:57 p.m.