



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

---

Tuesday, November 19, 2013

11:30 AM

Council Chambers

---

**Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

**A. Mayor Nelda Martinez to call the meeting to order.**

Mayor Martinez called the meeting to order.

**B. Invocation to be given by Father John Haby, St. Nicholas Greek Orthodox Church**

Father John Haby gave the invocation.

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

Assistant City Secretary Rebecca Huerta 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, Interim City Attorney Lisa Aguilar, and Assistant City Secretary Rebecca Huerta.

**Present:** 9 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

**E. Proclamations / Commendations**

1. Proclamation declaring November 16 - 24, 2013 as "National Hunger and Homelessness Awareness Week"  
AEP Check Presentation to the City of Corpus Christi for Participation in the 2013 AEP TX CitySmart Program for Energy Efficiency Lighting Retrofit Projects  
Swearing-in Ceremony for All Newly Appointed Board, Commission, and Committee Members

Mayor Martinez presented the Proclamations listed on the agenda and included a Proclamation declaring December 8 - 14, 2013 as "Corpus Christi Computer Science Education Week".

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. City Manager Ron Olson reported on the following issues:

**a. United Way Contributions**

Mr. Olson acknowledged the City employees' contributions to the United Way campaign and reported that the City had 42% participation and raised approximately \$106,000 for the community.

**c. Other**

1) The Police Department conducted "Red Ribbon Week" last week and introduced 9,000 elementary students to the Police Mobile Museum while educating the prevention of drug, tobacco and alcohol abuse.  
2) The City was recognized by a national organization as a leader in the use of technology in municipal operations and was ranked 5th in the nation for excelling on transparency in local government.

**b. City Performance Report - Water Department**

City Manager Olson asked Director of Water Operations Gus Gonzalez to provide a briefing on the performance, goals and mission elements of the Water Department.

**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 called for comments from the audience. Jackson Long, Chairperson of Recovery Oriented Systems of Care (ROSC) provided a background of the organization and requested to have a representative from the City at their monthly meetings and to reserve the Council Chambers every quarter to inform the public on the ROSC coalition. Bob Frisch spoke regarding how judgement is administered for red light camera violations.

**H. EXECUTIVE SESSION: (NONE)**

**I. MINUTES:**

**2. Regular Meeting of November 12, 2013**

Council Member Magill requested that the minutes be amended to change the street name from Rolston Avenue to Ralston Avenue under the public comment section. A motion was made by Council Member Garza to approve the minutes as amended, seconded by Council Member McIntyre and passed.

**J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

None.

**K. EXPLANATION OF COUNCIL ACTION:****L. CONSENT AGENDA: (ITEMS 3 - 16)****Approval of the Consent Agenda**

Mayor Martinez called for the consent agenda. There were no comments from the public. Council Member Leal requested that Item 14 be pulled for individual consideration. The consent agenda was passed as follows:

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

**3. Purchase of one pickup truck for beach use, one CNG pickup truck for litter enforcement, and two CNG pickup trucks for the Strike Force**

Motion approving the purchase of four (4) pickup trucks from Philpott Motors, Nederland, Texas for a total amount of \$129,928.23. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available in the Park & Recreation operations budget.

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

Enactment No: M2013-172

**4. Construction contract for adjustments to water lines and valves for State Highway 286**

Motion authorizing the City Manager, or designee, to execute a construction contract with Jhabores Construction Company, Inc. of Corpus Christi, Texas in the amount of \$257,871 for State Highway (SH) 286 Water Line and Valve Adjustment project for the base bid.

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

Enactment No: M2013-173

**5. Reimbursement resolution for Mary Rhodes Pipeline, Phase 2**

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

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

Enactment No: 030006

**6. Second Reading Ordinance - Rezoning from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 District, on property located at 7546 Slough Road (1st Reading 11/12/13)**

Case No. 1013-01 Braselton Homes - Shoreline Oaks, Ltd.: A rezoning from the "CH" Cottage Housing 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 4.73-acre tract of land out of Lot 29, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, located north of Slough Road and at the east end of Russ Lane.

Planning Commission and Staff Recommendation (October 23, 2013): Approval of the rezoning from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Braselton Homes - Shoreline Oaks, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 4.73-acre tract of land out of Lot 29, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 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 and approved with the following vote:**

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

**Abstained:** 1 - Council Member Scott

Enactment No: 030007

7. **Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District, on property located at 6921 and 7522 Weber Road and along the east side of the Oso Creek (1st Reading 11/12/13)**

Case No. 0713-02 City of Corpus Christi: A rezoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District on property described as being an approximately 82-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, located on the south side of Weber Road and on the east and west sides of Yorktown Boulevard.

Planning Commission and Staff Recommendation (September 25, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon initiation by the City of Corpus Christi, Texas, by changing the UDC Zoning Map in reference an approximately 82-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible 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: 030008

8. **Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District, on property located at 6921 and 7539 Weber Road and 7030, 7033, 7057, 7058, 7110, and 7130 Brezina Road (1st Reading 11/12/13)**

Case No. 0713-03 City of Corpus Christi: A rezoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District on property described as being an approximately 102.287-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, and Lots 2, 4-A and 5, Block 2, and Lot 2, Block 1, Brezina Farm Tracts, located between Bratton and Weber Roads, and east and west of Bratton Road.

Planning Commission and Staff Recommendation (October 9, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District.

Ordinance

Ordinance amending the Unified Development Code (“UDC”), upon initiation by the City of Corpus Christi, Texas, by changing the UDC Zoning Map in reference an approximately 102.287-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, and Lots 2, 4-A and 5, Block 2, and Lot 2, Block 1, Brezina Farm Tracts, from the “RS-6” Single-Family 6 District to the “IC” Industrial Compatible 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: 030009

**9. Second Reading Ordinance - Appropriating funds for one time expenditures for Police Department (1st Reading 11/12/13)**

Ordinance appropriating \$678,805 from the unreserved fund balance in No. 9010 Crime Control District Fund for "one-time" expenditures in the FY 2013-2014 operating budget, and changing the FY 2013-2014 operating budget adopted by Ordinance No. 029915 by increasing appropriations by \$678,805.

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

Enactment No: 030010

**10. Second Reading Ordinance - Extending lease agreement for Juvenile Assessment Center at Wilson Plaza (1st Reading 11/12/13)**

Ordinance to authorize City Manager, or designee, to execute a 24 month lease extension agreement, with Wilson Plaza Associates LP, for first floor, suite #105, approximately 4,802 square feet of the Wilson Building, 601 Carancahua/615 Leopard, for \$4,882 monthly rental payment.

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

Enactment No: 030011

**11. Second Reading Ordinance - Renewal of lease agreement for Dick Runyan Field at Price Park (1st Reading 11/12/13)**

Ordinance authorizing the City Manager or designee to execute a one year lease agreement with Incarnate Word Academy for the use of Dick Runyan Field at Price Park

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

Enactment No: 030012

**12. Second Reading Ordinance - Interlocal agreement for North Beach nourishment project (1st Reading 11/12/13)**

Ordinance to authorize the City Manager or designee to execute contract documents with Texas General Land Office for the North Beach Nourishment project, with cost sharing of \$75,000 by City of Corpus Christi and \$225,000 Coastal Erosion Planning and Response Act (CEPRA) funds.

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

Enactment No: 030013

**13. Second Reading Ordinance - Approving reimbursement agreement and appropriation for construction of wastewater collection line at the south side of Interstate 37, east of Suntide Road, and west of Hunter Road (1st Reading 11/12/13)**

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Embree Asset Group, Inc., ("Developer"), for the construction of a wastewater collection line and appropriating \$ 11,519.40 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the developer in accordance with the agreement.

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

Enactment No: 030014

**14. Second Reading Ordinance - Amending the Code of Ordinances to refine street maintenance fee payment and appeals process; and modify the street maintenance fee trip factor index for certain Institute of Traffic Engineers (ITE) Codes (1st Reading 11/12/13)**

Ordinance amending the Street Maintenance Fee Payment and Appeals Process adopted by Ordinance No. 029900 on July 16, 2013; amending Exhibit "A" of Ordinance No. 029877 adopted on June 25, 2013 to modify, for consistency purposes, certain Institute of Transportation Engineers (ITE) Codes; and amending Article XX of Chapter 55 of the Code of Ordinances to codify the modified Trip Factor Index.

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

**Aye:** 7 - Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Absent:** 2 - Council Member Allen and Council Member Scott

**Abstained:** 0

Enactment No: 030015

**15. Second Reading Ordinance - Lease Agreement with Atlantic Aviation for operation of Fixed Base Operator Lease on the west side of the airfield at the Corpus Christi International Airport (1st Reading 11/12/13)**

Ordinance authorizing the City Manager, or designee, to execute an Amended and Restated Hangar and Fixed Base Operator's Lease ("Lease") with Mercury Air Center - Corpus Christi, Inc., dba Atlantic Aviation ("Atlantic") for the operation of a commercial hangar and fixed base aviation operation on the west side of the airfield at the Corpus Christi International Airport ("Airport"), in consideration of annual rental fee paid by Atlantic to the City at fair market value based on the current professional property and land appraisal, for a term of five (5) years.

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

Enactment No: 030016

**16. Second Reading Ordinance - Accepting and appropriating a Federal grant for carrying out provisions of the Fair Housing Act (1st Reading 11/12/13)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant with U.S. Department of Housing and Urban Development; appropriating \$64,450 in the No. 1071 Community Enrichment Grants fund for Fair Housing Assistance programs.

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

Enactment No: 030017

**M. PUBLIC HEARINGS: (ITEMS 17 - 19)**

**17. Public Hearing and First Reading Ordinance - Rezoning from the "CR-1/IO" Resort Commercial District with an Island Overlay and 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 15229 Windward Drive.**

Case No. 1013-03 Nemo Court Construction, LLC: Rezoning from the "CR-1/IO" Resort Commercial District with an Island Overlay and 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 10, 11 & 12R, Block 46 Padre Island- Corpus Christi Section A, located at the northwest corner of Windward and Robla Drives.

Planning Commission and Staff Recommendation (October 23, 2013):  
Approval of the "RM-AT/IO/PUD" Multifamily AT District with an Island Overlay and a Planned Unit Development Overlay, subject to nine conditions.

#### Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Nemo Court Construction, LLC, by changing the UDC Zoning Map in reference to Lots 10, 11 & 12R, Block 46, Padre Island - Corpus Christi Section A, from the "CR-1/IO" Resort Commercial District with an Island Overlay and "RM-AT/IO" Multifamily AT 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.

**Mayor Martinez referred to Item 17. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for construction of 31 townhouses as part of the Planned Unit Development. Ms. Gunning stated that Planning Commission and staff were in favor of the zoning change subject to nine (9) conditions. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Scott. There were no comments from the public. Council Member McIntyre requested that staff review the pedestrian safety within this area. Council Member Garza 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:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030021

#### **18. Public Hearing and First Reading Ordinance - Adopting the MobilityCC unified transportation plan**

Ordinance adopting Mobility CC, an element of the Comprehensive Plan of the City of Corpus Christi ( " The City " ), by merging and modifying the existing Corpus Christi Urban transportation Plan and the Corpus Christi ADA Master Plan, for the City and its extraterritorial

jurisdiction by establishing a unified transportation plan consistent with the public interest; repealing the existing Corpus Christi Urban transportation Plan, adopted by Ordinance #028504, March 9, 2010 repealing conflicting ordinances; amending conflicting provisions of the Comprehensive Plan; providing for severance; and providing for publication.

Mayor Martinez referred to Item 18. Andrew Dimas with Planning and Environmental Services stated that the purpose of this item is to implement and adopt a unified transportation plan. Mr. Dimas provided an overview of the MobilityCC plan including the elements of the plan; the guiding principals of the document; mobility concepts; design; operation and maintenance; street evaluation and prioritization; performance measures and implementation. Council Member Magill made a motion to open the public hearing, seconded by Council Member McIntyre and passed. Mayor Martinez called for comments from the public. Abel Alonzo thanked staff and the organizations involved in developing this plan. Council Members spoke regarding the following topics: implementation of the plan; department and organization communications; funding responsibility; Ocean Drive bike lane alternatives and the ability to improve lanes; communication to the Council during the CIP and Bond 2014 discussions; intersection treatments; alternative street construction; residential street prioritization; identification of parks; and a timeframe matrix. Council Member Garza 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:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030022

**19. Public Hearing and First Reading Ordinance - Amending the Unified Development Code to adopt acceptable utility design standards**

Ordinance amending Articles 1 and 8 of the Unified Development Code relating to design standards, criteria, and requirements for design; requiring compliance with design standards issued by the City Engineer; and providing for severance, penalties, and publication.

Mayor Martinez referred to Item 19. Director of Engineering Services Dan Biles stated that the purpose of this item is to amend the Unified Development Code to implement additional elements of the design standards pertaining to storm water, traffic and signal, wastewater and water. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the public. Council members discussed consideration of moving the utility manhole access to buffer areas. Council Member Scott made a motion to close the public hearing, seconded by Council Member Leal and passed. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030023

(Note: Mayor Martinez called for a 20-minute recess.)

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

**20. Second Reading Ordinance - Amending the lease agreement with the Columbus Sailing Association regarding the Nina (1st Reading 7/9/13)**

Ordinance authorizing the City Manager or designee to execute an amendment to the Lease Agreement with the Columbus Sailing Association ("CSA") for the lease of the Columbus ship, Niña; appropriating \$8,800 of revenue in the No. 1020 General Fund from the sale of lead ballast from the Santa Maria for payment to CSA for the cost associated with the repair and restoration of the Niña; changing the FY 2012-2013 operating budget adopted by Ordinance No. 029565 by increasing revenues and expenditures by \$8,800 each; providing an effective date; and providing for publication.

**Mayor Martinez reconvened the meeting and referred to Item 20. Assistant City Manager Wes Pierson stated that the purpose of this item is to amend the lease agreement with the Columbus Sailing Association for the Columbus Ship, Niña and appropriate the funds. Mr. Pierson said the ordinance required an amendment prior to second reading to change to the fiscal year to FY2013-2014. Council Member Scott made a motion to amend the fiscal year to FY2013-2014, seconded by Council Member Loeb and passed. There were no comments from the Council or the public. This Ordinance was passed on second reading as amended and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030018

**O. FIRST READING ORDINANCES: (ITEMS 21 - 27)**

**21. First Reading Ordinance - Accepting and appropriating a State grant for the State Homeland Security Program**

Ordinance authorizing the Mayor or designee to execute all documents necessary to accept a grant from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA) in the amount of \$126,807.57 for FY 2013 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP); and appropriating \$126,807.57 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2013 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP), into the No. 1062 Fire Grants Fund to carry out homeland security projects that will significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.

**Mayor Martinez referred to Item 21. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a State Homeland Security Program grant. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030024

**22.**

**First Reading Ordinance - Accepting and appropriating State grant for homeland security for law enforcement terrorism prevention activities**

Ordinance Authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA) in the amount of \$38,598.00 for FY 2013 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP) Law Enforcement Terrorism Prevention Activity (LETPA); and appropriating \$38,598.00 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2013 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP), into the No. 1062 Fire Grants Fund to carry out law enforcement terrorism prevention and protection-oriented activities (LETPA) such as planning, organization, training, exercises, and purchase needed equipment

**Mayor Martinez referred to Item 22. Fire Chief Robert Rocha stated that the purpose of this item is to accept and appropriate a State Homeland Security Program grant for law enforcement. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030025

**23. First Reading Ordinance - Reimbursement agreement and appropriation of funds for water distribution main line located on the north side of State Highway 44, west of Clarkwood South Road (FM 2292), and west of North Padre Island Drive (SH 358)**

Ordinance authorizing execution of a distribution main extension construction and reimbursement Agreement ("Agreement") with Coyote Acres Real Estate Holdings, LLC ("Developer"), for the construction of a distribution waterline and appropriating \$12,920.00 from the NO. 4030 Water Distribution Main Trust Fund to reimburse the developer in accordance with the agreement.

**Mayor Martinez referred to Item 23. Barney Williams with Development Services stated that the purpose of this item is to approve a distribution main extension construction reimbursement agreement with Coyote Acres Real Estate Holding LLC and appropriate funds to reimburse developer. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030026

**24. First Reading Ordinance - Exempting Water's Edge at Kitty Hawk Subdivision Unit I, located south of South Staples Street (FM 2444) and east of County Road 41, from wastewater lot/acreage fees**

Ordinance exempting Water's Edge at Kitty Hawk Subdivision Unit I, a subdivision located south of South Staples Street (FM 2444) and east of County Road 41, 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.

**Mayor Martinez referred to Item 24. Barney Williams with Development Services stated that the purpose of this item is to exempt Kitty Hawk Unit I subdivision from the required wastewater lot/acreage fees because public wastewater facilities will not be available within the next 15 years. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030027

**25. First Reading Ordinance - Exempting Kitty Hawk Subdivision Unit II, located south of South Staples Street (FM 2444) and east of County Road 41, from wastewater lot/acreage fees**

Ordinance exempting Kitty Hawk Subdivision Unit II, a subdivision located south of South Staples Street (FM 2444) and east of County Road 41, 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.

**Mayor Martinez referred to Item 25. Barney Williams with Development Services stated that the purpose of this item is to exempt Kitty Hawk Unit II subdivision from the required wastewater lot/acreage fees because public wastewater facilities will not be available within the next 15 years. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030028

**26. First Reading Ordinance - Exempting Kitty Hawk Subdivision Unit III, located south of South Staples Street (FM 2444) and east of County Road 41, from wastewater lot/acreage fees**

Ordinance exempting Kitty Hawk Subdivision Unit III, a subdivision located south of South Staples Street (FM 2444) and east of County Road 41, 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.

**Mayor Martinez referred to Item 25. Barney Williams with Development Services stated that the purpose of this item is to exempt Kitty Hawk Unit III subdivision from the required wastewater lot/acreage fees because public wastewater facilities will not be available within the next 15 years. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030029

**27. First Reading Ordinance - Accepting and appropriating State grant for Texas Medicaid Managed Care Initiative - 1115 waiver - Obesity Project**

Ordinance authorizing the advance of up to \$2,000,000 from the No. 1020 General Fund to the Texas Health and Human Services Commission (TX HHSC) and in turn the Centers for Medicare and Medicaid Services (CMS) for the City's local match for City projects under the Corpus Christi - Nueces County Public Health District's (CCNCPHD) 1115 Transformation Waiver; and authorizing pass-through payment of up to \$1,500,000 from the No. 9100 Nueces County Health District Fund for Nueces County's local match for County projects under the CCNCPHD 1115 Transformation Waiver; funds to be repaid from the CMS within 2 months of the advance for both the City's and the County's local match; Additionally, authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate the award fund upon receipt in the amount of approximately \$2,100,000 from CMS and the TXHHSC to implement a program to reduce and prevent obesity in children and adolescents for the period of October 1, 2012 through September 30, 2014; and to ratify acceptance of the award fund to begin as of October 1, 2012.

Mayor Martinez referred to Item 27 and future agenda Items 28 and 29. Director of Public Health Annette Rodriguez stated that the purpose of this item is to request an advance of up to \$2,000,000 to pay Texas Health and Human Services for the City's local match requirement which the City will receive back to implement the childhood obesity prevention program; accept and appropriate the award fund the City will receive in January 2014; and approval of a pass-through payment of up to \$1,500,000 for Nueces County's portion of their match for the County's diabetes project. Mayor Martinez called for comments from the public and there were none. Dr. Elizabeth Leal, Administrator, spoke regarding the program requirements; the collaboration with entities throughout the region; and the reporting requirements. Council Members asked questions regarding the following topics: total funding for the City's portion; breakdown of funding; management of the funds; evaluation mechanisms to make sure the City is reimbursed; Fiscal Year 1 positions; stated goals for the funding; what happens to positions when grant ends; awarding funds to service providers in San Patricio County; the criteria for community partners; and the strategic plan for short and long term goals. Council members requested information on the criteria for the procurement process; the strategic plan; an evaluation matrix and accountability elements prior to second reading. This Ordinance was passed on first reading and approved with the following vote:

**Aye:** 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

**Abstained:** 0

Enactment No: 030030

**P. FUTURE AGENDA ITEMS: (ITEMS 28 - 37)**

Mayor Martinez referred to the Future Agenda. City Manager Ron Olson stated that staff had presentations for Item 31, 34, and 35. Council members requested presentations on Items 30 and 33. Items 28 and 29 were discussed in conjunction with Item 27.

**28. Purchase of child obesity prevention program**

Motion approving the purchase of child obesity prevention program from Healthy Weight Partnership, Inc., Boston, MA, based on sole source, for a total estimated three-year expenditure of \$1,688,295, of which, approximately \$335,425 will be required through the remainder of FY 2013/2014. Funds are budgeted in the Corpus Christi Nueces County Health District's (CCNCPHD) 1115 Transformation Waiver Fund.

**This Motion was recommended to regular agenda**

Enactment No: M2013-180

**29. Service agreements for Child Obesity Prevention Program providers**

Motion approving service agreements for child obesity program prevention providers for the Corpus Christi Nueces County Public Health District (CCNCPHD) with the following organizations, for the following amounts, in accordance with Request for Qualifications No. BI-0015-14 for an estimated three-year expenditure of \$1,398,000, of which \$203,000 is required for FY 2013-2014. The term of the service agreements will be for three years. Funds are budgeted in the Corpus Christi Nueces County Public Health District (CCNCPHD) 1115 Transformation Waiver Fund.

Corpus Christi I.S.D. Corpus Christi, TX <b>\$954,000</b>	Boys & Girls Club Corpus Christi, TX <b>\$105,000</b>	Boys & Girls Club Robstown, TX <b>\$105,000</b>
YMCA of the Coastal Bend Corpus Christi, TX <b>\$195,000</b>	Taft I.S.D. Taft, TX <b>\$39,000</b>	

**Grand Total: \$1,398,000**

**This Motion was recommended to regular agenda**

Enactment No: M2013-181



**30. Lease - purchase of one rescue pumper for emergency response**

Motion approving the lease purchase of one (1) rescue pumper from Siddons-Martin Emergency Group, of Denton, Texas based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC), in the amount of \$525,000 of which \$9,252.69 is required in FY 2013-2014. The rescue pumper will be used by the Fire Department. Funds for the lease purchase of the rescue pumper will be provided through the City's lease/financing program.

**This Motion was recommended to consent agenda**

Enactment No: M2013-174

**31. Pre-Purchase of Pumps & Motors for Mary Rhodes Pipeline Phase 2**

Motion approving the purchase of pumps and motors for Mary Rhodes Phase 2 from Smith Pump Company, Inc., Austin, Texas, based on lowest responsible proposer, pursuant to Request for Proposal number BI-0198-12, for a total expenditure of \$4,554,446.20. Funds are budgeted in the Water Capital Improvement Project #7.

**This Motion was recommended to consent agenda**

Enactment No: M2013-179

**32. Engineering construction inspection services contract for the public safety warehouse (Bond 2008)**

Motion authorizing the City Manager, or designee, to execute a Contract for Construction Inspection Services with AGCM, Inc. from Corpus Christi, Texas in the amount of \$83,125, for inspection services required during the construction of the Public Safety Warehouse project. (Bond 2008)

**This Motion was recommended to consent agenda**

Enactment No: M2013-175

**33. Engineering construction inspection services contract for fire station no. 5 (Bond Issue 2008)**

Motion authorizing the City Manager, or designee, to execute a contract for Construction Inspection Services with AGCM, Inc. from Corpus Christi, Texas in the amount of \$71,725, for inspection services required during the construction of Fire Station No. 5.

**This Motion was recommended to consent agenda**

Enactment No: M2013-176

**34. Engineering design contract for Packery Channel Phase 3, Restroom Facilities**

Motion authorizing the City Manager, or designee, to execute an agreement for Engineering Design Services with Chuck Anastos Associates, LLC. in the amount of \$193,500.00 for Packery Channel Phase 3, Restroom Facilities for design, bid and construction observation phase services.

**This Motion was recommended to consent agenda**

Enactment No: M2013-177

**35. Resolution delegating authority for alternative delivery methods to implement Texas Government Code Chapter 2269 related to contracting and delivery procedures for construction projects**

Resolution adopting rules to implement Chapter 2269 of the Government Code regarding contracting and delivery methods for construction projects; and delegating authority to implement Chapter 2269 to the City Manager.

**This Resolution was recommended to consent agenda**

Enactment No: 030019

**36. Resolution approving the City's investment policy**

Resolution reaffirming the City of Corpus Christi's Investment Policy.

**This Resolution was recommended to consent agenda**

Enactment No: 030020

**37. Affordable Housing Agreement between the City of Corpus Christi and the Corpus Christi Business & Job Development Corporation**

Motion authorizing the City Manager, or designee, to execute an Affordable Housing Agreement between the City of Corpus Christi and the Corpus Christi Business & Job Development Corporation (CCBJDC).

**This Motion was recommended to consent agenda**

Enactment No: M2013-178

**Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 38 - 42)**

**38. Audit Firm Rotation**

Mayor Martinez referred to Item 38. City Auditor Arlena Sones stated that the purpose of this presentation is to provide information on the topic of audit firm rotation. Ms. Sones said that audit firm rotation limits the time that one firm can audit an entity's financial statement to maintain objectivity and independence. Ms. Sones referred to pros and cons regarding audit firm rotation; quotes from authoritative sources; the Government Finance Officers Association (GFOA) practices; the current contract with Collier Johnson & Woods, PC; benchmarking of other cities; and the ordinance from the City of Plano. Council members discussed the following topics: GFOA best practices; responses to last Request for Qualifications (RFQ) process; the reason the topic of audit rotation was not presented to the Audit Committee; whether it is legal to say that a contractor can not bid; consideration of developing a policy; and concern for mandatory rotation. There was a general consensus of the Council to have the Audit Committee review audit firm selection process and come back with a policy for consideration by the full Council.

**39. Compressed Natural Gas (CNG) Vehicle Purchasing Requirements and Standards**

Mayor Martinez referred to Item 39. Director of Fleet Maintenance Jim Davis stated that the purpose of this item is to present the policy for establishing standards and requirements for purchasing Compressed Natural Gas (CNG) Vehicles. Mr. Davis referred to a powerpoint presentation including the historical data on CNG sales and CNG versus gasoline pricing; standards for reliability, specifications, economics, and exclusions; and future cost comparisons and savings. Council members discussed the following topics: cost; maintenance savings; decreasing emission and improving the environment; sign of demand on natural gas; and consideration of developing incentive programs with private sector for distributing CNG.

**40. Street Preventive Maintenance Program Annual Workplan**

Mayor Martinez referred to Item 40. Director of Engineering Services Dan Biles stated that the purpose of this item is to present the Year 1 work plan for street preventive maintenance. Mr. Biles provided information on the street selection criteria; the maintenance requirements by district and work plan comparison; the program schedule; and a street work plan map including bond work between 2000-2014. Council members discussed the following topics: verifying the status of Hawksnest Bay, Cabo Blanco, and Mariners Streets; adding projections for outgoing years; the reason the report does not reflect when some streets were last sealed; total budget for seal and overlay work; timeframe for Year 2 plan; Gollihar Road from Doddridge to Staples on Bond 2014; status of Cole Street; and next steps to finalize the list.

**41. Street Cuts and Sidewalk Maintenance Ordinance Revisions**

Mayor Martinez referred to Item 41. Director of Engineering Services Dan Biles stated that the purpose of this presentation is to provide an update on the amendments to the Chapter 49 of the Code of Ordinances, "Streets and Sidewalks". Mr. Biles stated that the amendments are a complete overhaul of Article II Division 2 Sidewalks, Curbs and Gutters and Article III, Cuts and Excavations. Mr. Biles highlighted the major changes made including clarifying responsibility for sidewalk construction, repair and replacement; clarifying

process for defective or hazardous conditions; provides authority for an optional sidewalk repair program; no cuts allowed for utilities under 6" without variance; permit issuance and inspection; updated fees; ask utilities for a projected five year work plan; warranty on street cuts; and prohibition on street cuts on new streets. Council members asked questions regarding the following topics: city-wide sidewalk needs inventory; the method that staff would use to identify sidewalks; how citizens will be notified; include the pavement condition index; developing a program for City financing sidewalk repairs and manage the construction process; no curb cuts for five years; placement of conduit systems; whether there is a requirement for new construction where sidewalk doesn't exist; and responsibility of damages to sidewalks due to storm drainage damage.

#### **42. Affordable Housing - Federal and Non-Federal Funds**

Mayor Martinez referred to Item 42. City Manager Ron Olson stated that the purpose of this item is to discuss a summary of affordable housing. Mr. Olson said today's discussion included federal allocations including Community Development Block Grants (CDBG), HOME programs, Emergency Solution Grant (ESG) funds and local Type A funds. Mr. Olson added that future discussions will include an overview of affordable housing in the City of Corpus Christi; review of existing city policies related to affordable housing and use of federal funds; and consideration to amend or create new policies. Director of Neighborhood Services Eddie Ortega provided a overview of the federal funding sources including the federal funding determinations; the Consolidated Annual Action Plan; the entitlement programs that received funding; CDBG funding trends, national objectives, project eligibility and FY2013 funded projects; HOME funding trend, eligibility, and FY2013 funded projects; and Type A board funding and criteria. Council members asked questions regarding policy for allocating Type A funds for new construction program; future information on the number of units produced by the different programs; spending funds on the elimination of blight; the number of families assisted by the Type A existing home inventory program; sustainable affordable housing; and review of codes for modular housing.

#### **R. ADJOURNMENT**

The meeting was adjourned at 5:58 p.m.