



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, July 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 Pastor Daryl Hunt, Immanuel Fellowship.**

Pastor Daryl Hurt gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Eddie Ortega, Director of Neighborhood Services.**

Director of Housing and Community Development Eddie Ortega led the Pledge of Allegiance.

**D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**

City Secretary Rebecca Huerta called the roll and stated that a quorum of the Council and the required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Council Member McIntyre would be absent from the meeting and Council Member Leal has been granted a leave of absence.

(Note: Council Member Riojas arrived at 11:50 a.m.)

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

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

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

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

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

Mayor Martinez referred to City Manager's Comments.

**a. Other**

1) Mr. Olson announced that yesterday, the City held a news conference to announce the beginning of the Stage 2 requirements of the Water Conservation and Drought Management Plan. Mr. Olson said the City has enough water to use, not enough water to waste and water conservation should be a way of life. Mr. Olson reported that Lake Corpus Christi and Choke Canyon were at 40% capacity and Lake Texana is 100% full. Mr. Olson added that by May 2015, Mary Rhodes Pipeline Phase II is expected to be completed. 2) The City will hold two public meetings on the following street projects: a) Alameda Street from Kinney to Lipan - July 16th beginning at 5:30 p.m. at City Hall, 6th Floor b) Waldron Road from Glenoak Drive to Caribbean Drive - July 21st beginning at 5:30 p.m. at 3125 Waldron Road 3) Mr. Olson reported the addition of the new Property Tax Calculator to the City's website. 4) Mr. Olson announced the Executive Director of Public Works Dan Biles is leaving the City and presented him with a plaque to express appreciation and recognition for Mr. Biles' service to the City of Corpus Christi.

**H. EXECUTIVE SESSION: (NONE)****I. MINUTES:****1. Regular Meeting of July 8, 2014**

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

**J. BOARDS & COMMITTEE APPOINTMENTS:****2. Civil Service Commission  
Civil Service Board**

Mayor Martinez referred to board and committee appointments. The following appointments were made:

**Civil Service Commission**

Council Member Loeb made a motion to support the City Manager's recommendation to appoint Paul Grivich and Guy Nickleson, seconded by Council Member Scott and passed unanimously.

**Civil Service Board**

Council Member Loeb made a motion to appoint Paul Grivich and Guy Nickleson, seconded by Council Member Scott and passed unanimously.

**K. EXPLANATION OF COUNCIL ACTION:****L. CONSENT AGENDA: (ITEMS 3 - 17)**

**Approval of the Consent Agenda**

**Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public. The consent agenda was passed by one vote as follows:**

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

**Absent:** 2 - Council Member Leal and Council Member McIntyre

**Abstained:** 0

**3. Purchase of Tahoe police pursuit vehicles**

Motion approving the purchase of three (3) Tahoe police pursuit vehicles from Caldwell Country Chevrolet, Caldwell, Texas for a total amount of \$97,148.23. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funds have been budgeted in FY 2013-2014.

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

Enactment No: M2014-086

**4. Supply agreement for blueprinting services**

Motion approving a supply agreement with ARC Document Solutions, Corpus Christi, Texas for blueprinting services in accordance with Bid Invitation No. BI-0160-14 based on only bid for an estimated annual expenditure of \$116,009.74, of which \$19,334.97 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using departments in FY 2013-2014.

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

Enactment No: M2014-087

**5. Supply agreement for liquid ammonium sulfate**

Motion approving a supply agreement with Chemtrade Chemicals US LLC, Parsippany, New Jersey for liquid ammonium sulfate in accordance with Bid Invitation No. BI-0161-14 based on lowest responsible bid for an estimated semi-annual expenditure of \$119,000.00, of which \$9,916.67 is required for the remainder of FY 2013-2014. The term of the agreement shall be for six (6) months with options to extend for up to five (5) additional six-month periods,

subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Utilities Department in FY 2013-2014.

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

Enactment No: M2014-088

**6. Supply agreement for gate valves**

Motion approving a supply agreement with Ferguson Enterprises, Corpus Christi, Texas for gate valves in accordance with Bid Invitation No. BI-0184-14 based on lowest responsible bid for an estimated annual expenditure of \$127,880.60, of which \$21,313.43 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. These items are purchased into the Warehouse Inventory and charged out to the Utilities Department.

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

Enactment No: M2014-089

**7. Purchase of railcar weigh scales**

Motion approving the purchase of two (2) railcar weigh scales from Walz Scale, East Peoria, Illinois based on sole source for a total amount of \$214,000.00. Funds have been budgeted by the Utilities Department in FY 2013-2014.

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

Enactment No: M2014-090

**8. Sole source agreement for the purchase, installation and maintenance support of ActiveG software**

Motion approving a sole source agreement with ActiveG, LLC., of Mesa, Arizona, for the purchase of software license, installation services and maintenance support of ActiveG software for a total expenditure of \$177,000 of which \$149,800 is required for the remainder of FY2013-2014. Funds have been budgeted by the Municipal Information Services and the Utilities Department in FY2013-2014.

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

Enactment No: M2014-091

**9. Engineering construction contract for repairing and replacing aging equipment at Greenwood Wastewater Treatment Plant**

Motion authorizing the City Manager or designee to execute a construction contract with Palacios Marine & Industrial Coating, Inc. of Palacios, Texas in the amount of \$716,043.51, for the Greenwood Wastewater Treatment Plant Process Rehabilitation/Replacement for the base bid.

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

Enactment No: M2014-092

**10. Engineering construction contract for Animal Control Remodel Improvements (BOND 2012)**

Motion authorizing the City Manager or designee to execute a construction contract with LNV, Inc., of Corpus Christi, Texas in the amount of \$879,550.00, for the Animal Control Remodel Improvements for the Base Bid with Additive Bid Alternate #1 (Crematorium incinerator) and Additive Bid #2 (Dedicated outside air HVAC system). BOND 2012.

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

Enactment No: M2014-093

**11. Advance Funding Agreement with Texas Department of Transportation (TXDOT) and amendment no. 1 to engineering design contract for Citywide Signage Upgrades and Citywide Street Overlay**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for Citywide Signage Upgrade and Citywide Street Overlay with the City's participation in the amount of \$283,999 (alongside TXDOT's participation of \$1,136,004); and authorizing the City Manager or designee to execute Amendment No. 1 to an Engineering Design Contract with Govind Development, LLC from Corpus Christi, Texas in the amount of \$139,335, for a total re-stated fee of \$183,335, for Citywide Signage Upgrade and Citywide Street Overlay for the design, bid, and construction phase services.

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

Enactment No: 030223

**12. Memorandum of Understanding with Guadalupe-Blanco River Authority (GBRA)**

Resolution authorizing the City Manager or designee to execute a Memorandum of Understanding with Guadalupe-Blanco River Authority for joint development of water supply projects.

This Resolution was passed on the Consent Agenda.

Enactment No: 030224

13. **Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and to the "CN-1" Neighborhood Commercial District on Tract 2, on property located at 6902 South Staples Street (1st Reading 7/8/14)**

Case No. 0614-01 Dalia Ayala Holdings, LLC and Gonzalez Family Partnership, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and to the "CN-1" Neighborhood Commercial District on Tract 2. The property to be rezoned is described as 7.61 Acres out of Lots 17, 18, 31 and 32, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on the east side of South Staples Street, approximately 300 feet north of Corsica Road.

Planning Commission and Staff Recommendation (June 4, 2014): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and to the "CN-1" Neighborhood Commercial District on Tract 2.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Dalia Ayala Holdings, LLC and Gonzalez Family Partnership, Ltd. ("Owners"), by changing the UDC Zoning Map in reference to 7.61 acres out of Lots 17, 18, 31 and 32, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and to the "CN-1" Neighborhood Commercial District on Tract 2; 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: 030225

14. **Second Reading Ordinance - Rezoning from the "RE" Residential Estate District to the "RS-6" Single-Family 6 District, on property located at 829 Caribbean Drive (1st Reading 7/8/14)**

Case No. 0614-02 Mostaghani Investment Trust: A change of zoning from the "RE" Residential Estate District to the "RS-6" Single-Family 6 District. The property to be rezoned is described as 19.271 Acres out of Lots 12 and 13, Section 50, Flour Bluff and Encinal Farm and Garden Tracts, located on the north side of Caribbean Drive approximately 1,900 feet east of Flour Bluff Drive.

Planning Commission and Staff Recommendation (June 4, 2014):  
Approval of the change of zoning from the "RE" Residential Estate District to the "RS-6" Single-Family 6 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Mostaghasi Investment Trust ("Owner"), by changing the UDC Zoning Map in reference to 19.271 Acres out of Lots 12 and 13, Section 50, Flour Bluff and Encinal Farm and Garden Tracts, from the "RE" Residential Estate District to the "RS-6" Single-Family 6 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030226

**15. Second Reading Ordinance - Appropriating funds for the repair of wrecked CNG refuse truck (1st Reading 7/8/14)**

Ordinance appropriating a total of \$99,526.64 for the repair of one (1) wrecked CNG refuse truck by Heil of Texas, San Antonio, TX, based on sole source; appropriating \$50,405.45 of revenue from insurance proceeds in the No. 5110 Fleet Maintenance Services Fund; appropriating \$49,121.19 from the unreserved fund balance in the No. 5110 Fleet Maintenance Services Fund; and changing the operating budget adopted by Ordinance No. 029915 by increasing revenue by \$50,405.45 and expenditures by \$99,526.64.

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

Enactment No: 030227

**16. Second Reading Ordinance - Amending the City Code of Ordinances regarding the Landmark Commission duties and membership (1st Reading 7/8/14)**

Ordinance amending the City Code of Ordinances regarding the Landmark Commission Duties and Membership.

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

Enactment No: 030228

**17. Second Reading Ordinance - Closing a portion of a utility easement located south of the Leopard Street public right-of-way, and east of the North Staples Street public right-of-way (1st Reading 7/8/14)**

Ordinance abandoning and vacating a 1,226-square foot portion of a 5-foot wide utility easement out of a part of Lots 8-10, Blk. 40, Bluff Portion Subdivision, located south of the Leopard Street public right-of-way, and east of the North Staples Street public right-of-way; and requiring the owner, Regional Transportation Authority (RTA), to comply with the specified conditions.

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

Enactment No: 030229

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

**N. REGULAR AGENDA: (ITEM 18)**

**18. Approving a resolution to begin annexation of 16.34 square miles of land into the territorial limits of the City of Corpus Christi**

Resolution declaring the City's intent to begin annexation of approximately 16.34 square miles of land into the territorial limits of the City of Corpus Christi, directing City staff to prepare a service plan for the extension of municipal services to the proposed annexation area, and setting two public hearings on annexation

Mayor Martinez referred to Item 18. Assistant City Manager Wes Pierson stated that the purpose of this item is to declare the City's intent to begin annexation of approximately 16.34 square miles of land into the City limits, directs city staff to prepare a municipal service plan to the proposed annexation area, and sets two public hearings to be held on August 19, 2014 and August 26, 2014. Mayor Martinez called for comments from the public. Grady Jolley, an attorney representing the property owners, stated that he has been in contact with Mr. Pierson and reported that the parties he represents are ready to enter into substantive negotiations with the City to try to arrive at an agreement that will be mutually satisfactory to the landowners and the City. John Helm and Abel Alonzo spoke in support of the annexation. There were no comments from the Council. This Resolution was passed and approved with the following vote:

**Aye:** 6 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Riojas and Council Member Scott

**Absent:** 2 - Council Member Leal and Council Member McIntyre

**Abstained:** 1 - Council Member Magill

Enactment No: 030230

**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 public. Cheryl Martinez spoke regarding funds not being spent from the Rachel Ray Challenge and issues between People Assisting Animal Control (PAAC) and the Animal Control Department. Bert Quintanilla, Crystal Lyne, Fancy Cross, David Mauro III, Jason Curlee and Steven McClure spoke in support of the development of a Regional Sports Complex. Veronica Langford and Kimberly Fowler spoke regarding their observations at Animal Control and the volunteer issues between Animal Control and PAAC.

**O. FIRST READING ORDINANCES: (NONE)**

**P. FUTURE AGENDA ITEMS: (NONE)**

**Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 19 - 23)**

**19. Parking Advisory Committee recommendations for use of Parking Improvement Funds**

Mayor Martinez referred to Item 19. Police Chief Floyd Simpson stated that the purpose of this item is to provide the Parking Advisory Committee recommendations for the use of Parking Improvement Funds. Darlene Gregory, Chairperson of the Parking Advisory Committee, provided information on the creation and duties of the Parking Advisory Committee; a background on the Parking Improvement fund; the recommendation to allocate \$30,000 to allow the Corpus Christi Downtown Revitization Alliance (CCDRA) to contract for a Development Director; the reason for recommending a Development Director; funding support for the service contract; the recommendation to allocate \$30,000 for a lighting project; and lighting options. Council members spoke regarding the following topics: whether the contract was annual; sustainability for the position; who hires the director and holds that position accountable; and consideration to develop a matrix to prioritize areas for the lighting project.

**20. Regional Sports Complex Update**

Mayor Martinez referred to Item 20. Director of Parks and Recreation Michael Morris stated that the purpose of this item is to provide an update on the status of the Regional Sports Complex. Mr. Morris presented information on the Request for Proposal (RFP) committee; components of the RFP; the proposed location map; and timeline. Council members spoke regarding the following topics: the location; requirements of the RFP; cost to the taxpayers; whether there are beach volleyball tournaments held at Magee Beach; a request to provide the RFP in the City Manager's packet; and ingress and egress from the proposed location.

Mayor Martinez called for a brief recess until 1:40 p.m.

**21. Fiscal Year 2015 Capital Improvement Program and Planning Guide**

Mayor Martinez reconvened the meeting and referred to Item 21. Executive Director of Public Works Dan Biles stated that the purpose of this item is to discuss the proposed FY2015 Capital Improvement Program. Mr. Biles

reported that this information was presented to the Planning Commission and the Planning Commission recommended approval with the exception of the Wastewater section which will be provided at a future date. Mr. Biles presented information on the overview of the proposed CIP for Year 1; and program highlights and funding sources for the following departments: Airport, Park and Recreation, Public Facilities, Public Health and Safety, Streets, Gas, Storm Water; Water, and Water Supply.

Council Members spoke regarding the following topics: the increase in the utility bills for Mary Rhodes Pipeline Phase II; the schedule for the barge docks; whether the Miradors are included in the seawall improvements; the solid waste outfalls along the Bayfront; request to research watersheds under the streets; Bond 2012 North Beach projects and the cost of the North Beach Breakwater Project; projects impacting the Harbor Bridge; the public CNG station; and North Beach erosion costs.

## **22. Proposed Bond 2014**

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 Bond 2014 and attempt to finalize the list for the election ordinance. Mr. Biles presented the list of streets on Proposition No. 1, Street Improvements and Proposition 2, Street Safety, Revitalization and Capacity Improvement Projects. Mr. Biles reported that Proposition No. 2 included the addition of Encantada Canal Exchange Improvements, Parks Beach Maintenance Facility and Downtown Road and Streetscape Improvements.

Council Members asked questions regarding the following topics: whether the Downtown Road and Streetscape Improvements include Water Street; the cost for Water Street; the overall perception that the total cost for Proposition 2 is high; an explanation of the Downtown Street Traffic and Signal and Area Improvements; the description for Encantada Canal Exchange Improvements and the wording potentially limiting options; whether there have been conversations regarding receiving a match for Encantada Canal; whether the Island Strategic Action Committee (ISAC) has recommended approval of the Encantada Canal Exchange; and whether the Encantada culvert is public or private property.

Council Member Loeb made a motion to remove Item 26 (Encantada Canal Exchange Improvements) and replace with the following two items: 1) \$1.5 million in Texas Department of Transportation (TXDOT) participation money to be spent on Padre Island for either improvements to Park Road 22 or right-of-way acquisition for the second bridge and 2) \$1 million for residential neighborhood street improvement program, seconded by Mayor Martinez. The following topics were discussed: the Encantada Canal project being on private property; that the city does not have the responsibility to maintain it; and whether staff can communicate the two alternatives to ISAC. Council Member Loeb requested a legal analysis on whether the Council is empowered under state law to use public funds on private property. Council Member Loeb withdrew his motion. Mayor Martinez withdrew her second.

## **23. Affordable Housing Workshop #3**

Mayor Martinez referred to Item 23. Assistant City Manager Susan Thorpe stated that the purpose of this item is to have a discussion about the housing

policy and the use of federal and local funds. Ms. Thorpe presented the following information on affordable housing: a recap of the previous workshops including the total number of housing units findings, focus areas based on Council discussion, and the definition of affordable housing vs. workforce housing; city tools to influence housing; and short and long term policy options. Director of Housing and Community Development Eddie Ortega spoke regarding the potential new uses of Community Development Block Grants and Type A funds. Assistant City Manager Wes Pierson provided information on the option to develop an Inner City Reinvestment Infill Policy (ICRIP) similar to the model in San Antonio. Interim Director of Development Services Julio Dimas spoke briefly on the concept of the City buying and developing existing lots.

Council members spoke regarding the following topics: tax abatements for multifamily; use of economic development funds for affordable housing; Type A funding restrictions; clarifying ongoing issues with HUD and HUD's desire to fund downtown projects, but not projects in a flood zone; creation of a policy to grant historical landmark tax abatements; providing incentives for development of infill projects; providing grants to developers of housing projects and the developer would agree to provide a certain number of units to individuals that meet HUD's definition for affordable housing; waiving of development fees; the City granting city-owned or tax foreclosed lots over to developers for building affordable homes; providing a list of vacant properties on the City's website; development of an Inner City Reinvestment Infill Policy and setting a criteria; and choosing an area and setting a goal for affordable housing.

## 22. **Proposed Bond 2014**

Interim City Attorney Barney Knight provided a legal opinion on the Encantada Canal Exchange Improvements stating that the Encantada Canal project, based on the City's standard assessment of roads and streets, does not need to be rebuilt at this time. Mr. Knight added that under the normal standards, it would likely be sealcoated and overlaid and have a 20-year life span. Mr. Knight added that as a result, subject to his last sentence, that makes this a non-public expenditure of funds; however Council is the final judge of the facts as to whether this road needs construction or not, based on information from staff and engineering assessments and plats. At this point in time, it is not a public project unless the Council finds that the street needs to be rebuilt.

## R. **ADJOURNMENT**

The meeting was adjourned at 3:55 pm.