



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Agenda - Final City Council

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Tuesday, February 12, 2013

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.**

*Members of the audience will be provided an opportunity to address the Council at approximately 12:00 p.m., or the end of the Council Meeting, whichever is earlier. Please speak into the microphone located at the podium and state your name and address. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.*

*Si Usted desea dirigirse al Concilio y cree que su inglés es limitado, habrá un intérprete inglés-español en todas las juntas del Concilio para ayudarle.*

*Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (at 361-826-3105) at least 48 hours in advance so that appropriate arrangements can be made.*

- A. Mayor Nelda Martinez to call the meeting to order.**
- B. Invocation to be given by Henry Williams, Elder, Corpus Christi Christian Fellowship.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
  - 1**     [13-000117](#)     Proclamation declaring February 2013 as "Mission FitPossible Month"  
Proclamation declaring February 12, 2013 as "Leadership Corpus Christi Class 41 Day"  
Proclamation declaring February 17 - 23, 2013 as "National LULAC Week"  
Proclamation declaring February 17 - 23, 2013 as "National Engineers Week"  
Swearing in ceremony for newly appointed Municipal Court Judges

- 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.**

**PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:**

- 1. MAKE A STATEMENT OF FACTUAL INFORMATION.**
- 2. RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.**
- 3. ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.**

**PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.**

**G. EXECUTIVE SESSION: (ITEMS 2 - 3)**

*PUBLIC NOTICE is given that the City Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda, when authorized by the provisions of the Open Meeting Act, Chapter 551 of the Texas Government Code, and that the City Council specifically expects to go into executive session on the following matters. In the event the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding office .*

- 2**     [13-00079](#)     Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from a business prospect that the City Council seeks to have locate, stay, or expand within the City and with which the City is conducting economic development negotiations and to deliberate possible offers of financial or other incentives to said business prospect, with possible discussion and action in open session .
- 3**     [13-000119](#)     Executive session pursuant to Section 551.071(1)(A) of the Texas Government Code to consult with attorneys regarding Cause No. 13-10-00272-CV, styled San Patricio Municipal Water District and South Texas Water Authority vs. City of Corpus Christi, presently pending appeal from the 319th District Court of Nueces County, Texas with possible discussion and action in open session.

**H. MINUTES:**

- 4**     [13-000116](#)     Approval of Meeting Minutes - January 29, 2013.

**I. BOARDS & COMMITTEE APPOINTMENTS:**

- 5 [13-000118](#) Advisory Committee on Community Pride  
Cable Communications Commission  
Committee for Persons with Disabilities  
Electrical Advisory Board  
Reinvestment Zone No. 3 Board  
Watershore and Beach Advisory Committee

**J. EXPLANATION OF COUNCIL ACTION:**

*For administrative convenience, certain of the agenda items are listed as motions, resolutions, or ordinances. If deemed appropriate, the City Council will use a different method of adoption from the one listed; may finally pass an ordinance by adopting it as an emergency measure rather than a two reading ordinance; or may modify the action specified. A motion to reconsider may be made at this meeting of a vote at the last regular, or a subsequent special meeting; such agendas are incorporated herein for reconsideration and action on any reconsidered item.*

**K. CONSENT AGENDA: (ITEMS 6 - 12)**

*NOTICE TO THE PUBLIC: The following items are consent motions, resolutions, and ordinances of a routine or administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.*

- 6 [13-00068](#) **Agreement with State to contribute right-of-way funds for ramp reversal project on South Padre Island Drive (SPID) to alleviate congestion at eastbound off ramps between Nile Drive and Ayers Street**

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of SH 358 (South Padre Island Drive) from Nile Drive to Ayers Street, with the City's participation in the amount of \$950,000. (BOND 2012)

**Sponsors:** Engineering Department

- 7 [13-00021](#) **Deferment Agreement for public wastewater and water improvements to the property located at the southside of State Highway 44, east of Heinsohn Road and west of North Padre Island Drive**

Motion finding reasonable cause exists to delay completion of public improvements in accordance with Section 8.1.10.B of the Unified Development Code and authorizing the City Manager, or designee, to execute a deferment agreement with I5T Investments LLC

("Developer/Owner"), in the amount of \$221,846.54 for public wastewater and water improvements to the property located at the Southside of State Highway 44 East of Heinsohn Road and West of North Padre Island Drive, contingent upon receipt of a letter of credit approved by the City prior to the filing of the final plat by the Developer.

**Sponsors:** Development Services

8      [13-00070](#)      **Amending Consulting Services Agreement with the Corpus Christi Convention and Visitors Bureau**

Motion authorizing the City Manager, or designee, to execute an Amended Consulting Services Agreement ("Agreement") with the Corpus Christi Convention and Visitors Bureau ("CVB") for a period ending July 31, 2015

**Sponsors:** ACM - Business Support Services

9      [12-00909](#)      **Second Reading Ordinance - Lease Agreement for Arts and Education Center located at 2021 Agnes (1st Reading 1/8/13)**

Ordinance authorizing the City Manager, or his designee to execute a ten-year Lease Agreement with South Texas Institute for the Arts for the use of an approximately 1.37 acre tract including improvements located near intersection of Agnes Street at 18th Street, to be used to operate the Antonio E. Garcia Arts & Education Center; providing for severance; and providing for publication

**Sponsors:** Parks and Recreation Department

10     [13-00067](#)     **Cooperative Purchase Agreement for electronic archiving of construction blueprints**

Motion approving a contract for the electronic archiving of construction blueprints with MCCi, LLC of Tallahassee, Florida for a total expenditure of \$76,779.70. The award is based on the cooperative purchasing agreement with the Texas Department of Information Resources (DIR). Funds are budgeted in the Development Services Fund for FY 2012-2013.

**Sponsors:** Purchasing Division and Development Services

11     [13-00025](#)     **Supply Agreements for food items for the Elderly Nutrition Program**

Motion approving supply agreements with the following companies for the following amounts in accordance with the Coastal Bend Council of Governments Bid Invitation No. CBCOG-13-1 for food items which include canned and frozen fruit and vegetables; meats and condiments, for an estimated six month expenditure of \$179,155.26. The terms of the contracts shall be for six months with options to extend for up to three additional months, subject to the approval of the Coastal Bend

Council of Governments, the suppliers, and the City Manager or designee. Funds are available through the Meals on Wheels Grant.

LaBatt Food Service  
Corpus Christi, Texas

144 Line Items  
\$83,729.73

Performance Food Group  
Victoria, Texas

108 Line Items  
\$95,425.53

Grand Total: \$179,155.26

Sponsors: Purchasing Division and Parks and Recreation Department

**12      [13-00062](#)      **Municipal Lease Line of Credit to fund equipment and rolling stock replacement needs****

Motion approving a Municipal Lease Line of Credit with Frost Bank in accordance with Request for Proposal No. BI-0040-13 based on lowest responsible proposal for an estimated annual expenditure of \$326,909.92. The term of the contract is for one year with options to extend for up to four additional one-year periods, subject to the approval of the contractor and the City Manager, or designee.

Sponsors: Purchasing Division and Financial Services Department

**L.      PUBLIC HEARINGS: (ITEM 13)**

**13      [13-00076](#)      **Public Hearing and First Reading Ordinance - A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, at 7201 Brooke Road****

Case No. 0113-01 Brooke Tract, L.P.: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change of future land use from low density residential to medium density residential. The property is described as 39.99 acres out of Lots 16, 17, 18, 19, 28, 29, and 30, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Rodd Field Road and Brooke Road.

Planning Commission and Staff Recommendation (January 16, 2013): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Brooke Tract, L.P. ("Owner"), by changing the UDC Zoning Map in reference to 39.99 acres out of Lots 16, 17, 18, 19, 28, 29, and 30, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily

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

**Sponsors:** Development Services and Planning/Environmental Services

**M. REGULAR AGENDA: (ITEMS 14 - 15)**

*The following items are motions, resolutions and ordinances that will be considered and voted on individually.*

**14 [12-00770](#) Interlocal agreement for extending waterline on County Road 52 for installation of fire hydrants**

Resolution authorizing the City Manager, or designee, to execute an Interlocal Agreement with Nueces County and the Nueces County Water Control and Improvement District No. 3 in an amount not to exceed \$25,000, to extend the water line on County Road 52.

**Sponsors:** Engineering Department and Development Services

**15 [13-00010](#) Second Reading Ordinance - Ground lease for development of a facility for State and Federal departments to be located at the airport (1st Reading 1/8/13)**

Authorizing the City Manager or designee to execute a Ground Lease with FDL - CC, LLC to lease land from the City of Corpus Christi at the Corpus Christi International Airport ("Airport") for the development of a facility to be occupied initially by the Department of Homeland Security, the United States Coast Guard (USCG), and Customs and Border Protection ("Project"), to be located on land at the Airport, which Project will be subleased by FDL - CC, LLC to the General Services Administration ("Government-Tenant").

**Sponsors:** Aviation Department

**N. FIRST READING ORDINANCES: (ITEMS 16 - 25)**

**16 [13-000115](#) First Reading Ordinance - Adopting the 2009 International Fire Code with local amendments**

Ordinance adopting the International Fire Code, 2009 Edition, with local amendments, as the Fire Code of the City of Corpus Christi; providing for penalties; providing for severance; and providing for publication.

**Sponsors:** Fire Department

**17 [13-00031](#) First Reading Ordinance - Amending the Capital Improvement Budget and ratifying Change Order No. 5 for improvements at the Airport**

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E10075 Corpus Christi International Airport Communications Center, Perimeter Security,

Standby Generator, and Commercial Aviation Lighting Upgrades; increasing expenditures in the amount of \$170,404.21; and ratifying Change Order No. 5 to the Construction Contract with Beecroft Construction, Ltd. of Corpus Christi, Texas in the amount of \$170,404.21, for a total restated fee not to exceed \$2,943,053.09, for the Corpus Christi International Airport Communications Center, Perimeter Security, Standby Generator and Commercial Aviation Lighting Upgrades.

**Sponsors:** Aviation Department and Engineering Department

**18**      [13-00090](#)      **First Reading Ordinance - Amending lease agreement to exclude subsidiary from On-Airport Rental Car Concession and Lease for airport**

Ordinance authorizing the City Manager, or designee, to ratify an amendment to the On-Airport Rental Car Concession and Lease Agreement with The Hertz Corporation for the operation of a car rental concession at the Corpus Christi International Airport ("Airport") to exclude former Hertz subsidiary Simply Wheelz, L.L.C. as a party.

**Sponsors:** Aviation Department

**19**      [13-00081](#)      **First Reading Ordinance - Amending rental car concession and lease agreements with each rental car agency located at the airport**

Ordinance authorizing the City Manager, or designee, to execute a First Amendment to the On-Airport Rental Car Concession and Lease Agreement with each 1) EAN Holdings, LLC, a wholly owned subsidiary of Enterprise Holdings, Inc. dba Alamo Rent A Car and National Car Rental ("Alamo/National"), 2) Coastal Bend Rent-A-Car dba Avis Rent-A-Car ("Avis"), 3) DTG Operations, Inc. dba Dollar Rent-A-Car and Thrifty Car Rental ("Dollar/Thrifty"), 4) EAN Holdings, LLC, a wholly owned subsidiary of Enterprise Holdings, Inc. dba Enterprise Rent-A-Car ("Enterprise"), and 5) The Hertz Corporation ("Hertz") to lease space in the Quick Turn Around Facility ("QTA") located at the Corpus Christi International Airport ("Airport"), in consideration of a base rent to be offset as applicable by revenues collected via a Customer Facility Charge, each for a term of five (5) years.

**Sponsors:** Aviation Department

**20**      [13-00091](#)      **First Reading Ordinance - Agreement for use of McGee Beach for music event**

Ordinance authorizing the City Manager or designee to execute an Agreement with Elizabeth Guarneri for use of McGee Beach for music event to be held on March 16, 2013 and March 17, 2013.

**Sponsors:** Parks and Recreation Department

- 21      [13-00092](#)      **First Reading Ordinance - Accepting and appropriating State grant funds and regional cash match funds for parking lot improvements at the Billings and Clems Boat Ramp; amending project agreement to increase federal grant funds and include lease as local match**
- Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate funding in the amount of \$25,000 from the Saltwater-fisheries Enhancement Association and \$674,710 in additional federal funding for the Clem's and Billing's Boat Ramp renovations in the No. 1067 Park and Recreation Grants Fund; authorizing the City Manager or designee to execute Amendment to Project Agreement with Texas Parks and Wildlife Department for Clem's and Billing's Boat Ramp renovations to increase federal grant funds \$674,710 and include 25 year lease with Texas General Land Office as local match; and amending the FY 12-13 Capital Budget adopted by Ordinance No. 029565 by increasing proposed revenues by \$699,710.
- Sponsors:      Parks and Recreation Department
- 22      [13-00093](#)      **First Reading Ordinance - Accepting and appropriating State grant and City matching funds for wildlife refuge improvements**
- Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant in the amount of \$100,000 from the Texas General Land Office for Hans and Pat Suter Wildlife Refuge improvements in the No. 1067 Park and Recreation Grants Fund with City matching funds of \$66,667.00 in the No. 4720 Community Enrichment Fund for total project amount of \$166,667.00.
- Sponsors:      Parks and Recreation Department
- 23      [13-00094](#)      **First Reading Ordinance - Accepting and appropriating State grant for elderly nutrition home delivered meals**
- Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$140,220.79 grant from the Texas Department of Agriculture Texans Feeding Texans Program in the No. 1067 Parks and Recreation Grants Fund for the FY 2013 Senior Community Services, Elderly Nutrition Program.
- Sponsors:      Parks and Recreation Department
- 24      [13-00096](#)      **First Reading Ordinance - Amending City code to establish Tree Advisory Committee and list minimum standards for tree planting and management on public property**
- Ordinance amending the City Code of Ordinances to establish the Tree Advisory Committee and include provision to address diseased trees.
- Sponsors:      Parks and Recreation Department
- 25      [13-00008](#)      **First Reading Ordinance - Adopting a local amendment to the 2009**



**International Residential Code (IRC) that establishes a fire separation distance equal to the one that was required by the 2003 IRC**

Ordinance amending the Code of Ordinances, Chapter 14, "Development Services," Article II, "City of Corpus Christi Technical Construction Codes," Division 8, "Residential Code," Section 14-291, "Residential construction code," by creating new subsection (6.1) pertaining to Section R302.1 of the International Residential Code for One- and Two-Family Dwellings, which relates to exterior walls and fire-resistant construction, in order to establish new exception language and include modifications to the applicable table.

**Sponsors:** Development Services

**O. FUTURE AGENDA ITEMS: (ITEMS 26 - 37)**

*The following items are for Council's informational purposes only. No action will be taken and no public comment will be solicited.*

- 26**     [13-00058](#)     **Approving amendment no. 2 to professional services contract for water supply study to include gas line and Municipal Information Systems conduit from Laguna Shores Boulevard to Padre Island Drive**

Motion authorizing the City Manager, or designee, to execute Amendment No. 2 to the Contract for Professional Services with Urban Engineering of Corpus Christi, Texas in the amount of \$182,976.00, for a total restated fee not to exceed \$597,216.00, for the Padre Island Water Supply Study.

**Sponsors:** Water Department, Gas Department, Municipal Information Systems and Engineering Department

- 27**     [13-000101](#)     **Construction Contract for removing ammonia from reclaimed water to meet Texas Commission of Environmental Quality (TCEQ) permit criteria for ammonia**

Motion authorizing the City Manager, or designee, to execute a Construction Contract with CSA Construction of Houston, Texas in the amount of \$3,461,025.00, for Oso Water Reclamation Plant Nutrient Removal Project (Ammonia) - Phase 1.

**Sponsors:** Wastewater Department and Engineering Department

- 28**     [13-00018](#)     **Supply Agreement for hot tap fittings for repairing or adding pressurized natural gas lines**

Motion approving a supply agreement with M.T. Deason Company, Inc., Birmingham, Alabama for hot tap fittings in accordance with Bid Invitation No. BI-0052-13 based on only bid for an estimated annual expenditure of \$69,257.50, of which \$40,400.21 is required for the

remainder of FY 2012-2013. 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 Gas Department in FY 2012- 2013.

**Sponsors:** Purchasing Division and Gas Department

**29**      [13-000104](#)      **Approving uniformed guard security services for specific City buildings**

Motion approving a service agreement with Eddie Garza Security & Investigations, of Corpus Christi, Texas for uniformed guard security services for City Hall, Frost Bank Building, Central Library, Ben F. McDonald Library, Janet F. Harte Library and the O.N. Stevens Water Treatment Plant in accordance with Bid Invitation No. BI-0035-13 based on lowest local bid for an estimated twelve month expenditure of \$296,186.63 of which \$123,411.10 is required for the remainder of FY 2012-2013. The term of the agreements shall be for twelve months with options to extend for up to two additional twelve months periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using departments in FY 2012- 2013.

**Sponsors:** Purchasing Division

**30**      [13-000102](#)      **Authorizing grant application submission to State for assisting victims of crime**

Resolution authorizing the submission of a grant application in the amount of \$79,188.69 to the State of Texas, Criminal Justice Division for funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit with a city match of \$16,964.54 and \$4,000 in-kind services, for a total project cost of \$100,153.23; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

**Sponsors:** Police Department

**31**      [13-000103](#)      **Authorizing grant application submission to State for reducing and preventing violence against women**

Resolution authorizing the submission of a grant application in the amount of \$47,351.74 to the State of Texas, Criminal Justice Division. For funding available under the Violence Against Women Act (VAWA) fund for the Police Department's Family Violence Unit with a city match of \$16,573.28 and \$5,400 in-kind services, for a total project cost of \$69,325.02; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

**Sponsors:** Police Department

**32**      [13-000109](#)      **Authorizing grant application submission to State for direct**

**services to victims of crime**

Resolution authorizing the submission of a grant application in the amount of \$67,660.55 to the State of Texas, Criminal Justice Division. For funding available under the Victims of Crime Act (VOCA) fund for the Police Department's Family Violence Unit to establish a Victim Outreach Program with a city match of \$13,533.07 and \$3,000 in-kind services, for a total project cost of \$84,193.62; and authorizing the City Manager or designee to apply for, accept, reject, alter, or terminate the grant.

**Sponsors:** Police Department

- 33      [13-000114](#)      **Resolution supporting local affordable housing developments; acknowledging their applications for low income housing tax credits to State and local support for HOME funds (Related Items 33 - 35)**

Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Woodland Creek Apartments to be developed by TG 110, Inc.

**Sponsors:** Neighborhood Services

- 34      [13-000135](#)      Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Lexington Manor Apartments to be developed by TG 110, Inc.

**Sponsors:** Neighborhood Services

- 35      [13-000136](#)      Resolution of the City Council of the City of Corpus Christi, Texas in support of the proposed affordable housing project known as Riverstone Apartments to be developed by MDS Housing Corpus Christi, Ltd.

**Sponsors:** Neighborhood Services

- 36      [13-000108](#)      **Appointing Council Members to the Corpus Christi Housing and Finance Corporation and the Corpus Christi Industrial Development Corporation**

Motion appointing Council Members Nelda Martinez, Kelley Allen, Rudy Garza, Priscilla Leal, David Loeb, Chad Magill, Colleen McIntyre, Lillian Riojas and Mark Scott as Board Members to the Corpus Christi Housing Finance Corporation and the Corpus Christi Industrial Development Corporation.

**Sponsors:** City Secretary's Office

- 37      [13-000110](#)      **Appointing Council Members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation boards**

Motion appointing Council Members Nelda Martinez, Kelley Allen, Rudy

Garza, Priscilla Leal, David Loeb, Chad Magill, Colleen McIntyre, Lillian Riojas and Mark Scott as Board Members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation.

Sponsors: City Secretary's Office

**P. CITY MANAGER'S COMMENTS:**

\* Update on City Operations

**Q. ADJOURNMENT**