



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, November 13, 2012

12:00 PM

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.

Members of the audience will be provided an opportunity to address the Council at approximately 4:00 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 Joe Adame to call the meeting to order.**
- B. Invocation to be given by Pastor Buddy Stevens, Bay Area Fellowship Church.**
- 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** [12-00782](#) Proclamation declaring November 11-17, 2012 as "National Hunger and Homelessness Awareness Week"
Proclamation declaring November 15, 2012 as "GIS Technology is Changing Our World Day"
"At Your Service" Award, City Employee Recognition
- F. MINUTES:**
 - 2** [12-00783](#) Approval of Meeting Minutes - October 30, 2012.
- G. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

H. 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.

I. CONSENT AGENDA: (ITEMS 3 - 7)

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.

3 [12-00724](#) **Second Reading Ordinance - A change of zoning from the "CG-2/SP" General Commercial District with a Special Permit to the "IL" Light Industrial District, at 4222 South Staples Street (1st Reading 10/30/12) (Requires 2/3 vote)**

Case No. 0812-04 International Resistive Company Advanced Film Division: A change of zoning from the "CG-2/SP" General Commercial District with a Special Permit to the "IL" Light Industrial District, resulting in a change of future land use from commercial to light industrial. The property to be rezoned is described as South Staples Center, Lot B-4, located on the northeast corner of South Staples Street and Gollihar Road between Everhart Road and Caddo Street.

Planning Commission and Staff Recommendation (August 15, 2012): Denial of the change of zoning from the "CG-2/SP" General Commercial District with a Special Permit to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a modified Special Permit subject to the specified conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by International Resistive Company of Texas, LLC ("Owner"), by changing the UDC Zoning Map in reference to South Staples Center, Lot B-4, from a "CG-2/SP" General Commercial District with a Special Permit to a "CG-2/SP" General Commercial District with a modified Special Permit; amending the Comprehensive Plan to account for any deviations; providing a repealer clause; and providing for penalties and publication.

Sponsors: Development Services and Planning/Environmental Services

4 [12-00737](#) **Second Reading Ordinance - Accepting and appropriating a State grant to support local Emergency Management Programs (1st Reading 10/30/12) (Requires 2/3 vote)**

Ordinance ratifying acceptance of a grant from the Texas Department of Public Safety, Governor's Division of Emergency Management, in the amount of \$77,693.08 for the Emergency Management Performance Grant (EMPG); and appropriating \$77,693.08 from the Emergency Management Performance Grant Program in the no. 1063 Emergency Management Grants Fund to improve mitigation, preparedness, response, and recovery capabilities for the City of Corpus Christi.

Sponsors: Fire Department

5 [12-00740](#) **Second Reading Ordinance - Accepting and appropriating a State grant for detection capabilities of threats, man-made or natural disasters, and acts of terrorism (1st Reading 10/30/12) (Requires 2/3 vote)**

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 \$45,221.80 for FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP); and appropriating \$45,221.80 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2012 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.

Sponsors: Fire Department

6 [12-00741](#) **Second Reading Ordinance - Accepting and appropriating a State grant to provide emergency response and security capabilities for deterrence of potential threats and acts of terrorism. (1st Reading 10/30/12) (Requires 2/3 vote)**

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 \$57,254.20 for FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP) Law Enforcement Terrorism Prevention Activity (LETPA); and appropriating \$57,254.20 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2012 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.

Sponsors: Fire Department

7 [12-00746](#) **Second Reading Ordinance - Accepting and appropriating a State grant for Women, Infants, and Children (WIC) program (1st Reading 10/30/12) (Requires 2/3 vote)**

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$442,380 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program; and to ratify acceptance of the grant to begin as of October 1, 2012.

Sponsors: Health Department

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

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.

K. **PUBLIC HEARINGS: (ITEMS 8 - 11)**

8 [12-00725](#) **Public Hearing and First Reading Ordinance - A change of zoning from the "FR" Farm Rural District to the "RM-2" Multifamily 2 District on Tract 1 and the "RS-6" Single-Family 6 District on Tract 2, at 4033, 4013, 4001, 3933, 3901 Airline Road (Requires 2/3 vote)**

Case No. 1012-01 The Mostaghassi Investment Trust DBA Sun George Contracting and Development Co.: A change of zoning from the "FR" Farm Rural District to the "RM-2" Multifamily 2 District on Tract 1 and the "RS-6" Single-Family 6 District on Tract 2, resulting in a change of future land use from commercial to high density residential on Tract 1 and from medium density residential to low density residential on Tract 2. The property to be rezoned is described as being a 21.179-acre tract of land out of Lots 7 and 8, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, located on the southwest corner of Airline Road and Lipps Boulevard.

Planning Commission and Staff Recommendation (October 10, 2012):
Approval of the change of zoning from the "FR" Farm Rural District to

the "RM-2" Multifamily 2 District on Tract 1 and the "RS-6" Single-Family 6 District on Tract 2.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by The Mostaghasi Investment Trust DBA Sun George Contracting and Development Co. ("Owner"), by changing the UDC Zoning Map in reference to a 21.179-acre tract of land out of Lots 7 and 8, Section 21, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RM-2" Multifamily 2 District on Tract 1 and the "RS-6" Single-Family 6 District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

Sponsors: Development Services and Planning/Environmental Services

- 9 [12-00743](#) **Public Hearing and First Reading Ordinance - A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, at 6197 Dunbarton Oak Drive (Requires 2/3 vote)**

Case No. 1012-02 Saratoga Highway Properties, LLC: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District, without resulting in a change of future land use. The property to be rezoned is described as being a 3.38-acre tract of land out of Lot 1, Block 3, Cimarron Center, located on the southwest corner of Dunbarton Oak Drive and Cimarron Boulevard.

Planning Commission and Staff Recommendation (October 10, 2012): Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Saratoga Highway Properties, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 3.38-acre tract of land out of Lot 1, Block 3, Cimarron Center, from the "CN-1" Neighborhood Commercial district to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

Sponsors: Development Services and Planning/Environmental Services

- 10 [12-00744](#) **Public Hearing and First Reading Ordinance - A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, at 7201 Yorktown Boulevard (Requires 2/3 vote)**

Case No. 1012-03 Yorktown Oso Joint Venture: A change of zoning

from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, without resulting in a change of future land use. The property to be rezoned is described as being a 7.339-acre tract of land out of Lots 29 and 30, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located east of Rodd Field Road and south of Stampede Drive.

Planning Commission and Staff Recommendation (October 10, 2012):
Approval of the change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Yorktown Oso Joint Venture, acting as agent on behalf of Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 7.339-acre tract of land out of Lots 29 and 30, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural 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, penalties, and publication.

Sponsors: Development Services and Planning/Environmental Services

11 [12-00750](#)

Public Hearing and First Reading Ordinance - A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, at 7201 Yorktown Boulevard (Requires 2/3 vote)

Case No. 1012-04 Yorktown Oso Joint Venture: A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, without resulting in a change of future land use. The property to be rezoned is described as being a 13.206-acre tract of land out of Lots 31 and 32, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located east of Rodd Field Road and south of High Gun Drive.

Planning Commission and Staff Recommendation (October 10, 2012):
Approval of the change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Yorktown Oso Joint Venture, acting as agent on behalf of Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 13.206-acre tract of land out of Lots 31 and 32, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural 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, penalties, and publication.

Sponsors: Development Services and Planning/Environmental Services

L. REGULAR AGENDA: (NONE)

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

M. FIRST READING ORDINANCES: (ITEMS 12 - 14)

- 12 [12-00762](#) **First Reading Ordinance - Appropriating developer fees and interest for park improvements and related projects (Requires 2/3 vote)**

Ordinance appropriating \$43,824.93 in developer contributions and \$1,241.91 in interest earnings for a sum of \$45,066.84 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

Sponsors: Parks and Recreation Department

- 13 [12-00763](#) **First Reading Ordinance - Accepting and appropriating State grant for Meals on Wheels Program (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$248,663.25 grant awarded by the Texas Department of Aging and Disability Services and appropriating in No. 1067 Parks and Recreation Grants Fund for the FY 2012 Senior Community Services, Title XIX and Title XX Meals on Wheels Program.

Sponsors: Parks and Recreation Department

- 14 [12-00764](#) **First Reading Ordinance - Amending the number of members for the Sister City Committee**

Ordinance to revise the membership of the Sister City Committee from 21 members to 15 members.

Sponsors: Parks and Recreation Department

N. FUTURE AGENDA ITEMS: (ITEMS 15 - 21)

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

- 15 [12-00766](#) **Interlocal Agreement for ongoing community needs assessment for the positive development of youth and families**

Resolution authorizing the City Manager, or designee, to execute an Interlocal Agreement with Texas A&M University-Corpus Christi regarding ongoing community needs assessment.

Sponsors: Parks and Recreation Department

- 16 [12-00680](#) **Agreement for the installation of lighting at the Packery Channel for**

the new parking lot and overlooks

Motion approving a Contribution-In-Aid-Of-Construction Agreement with American Electric Power (AEP) in the amount of \$67,114.70 for the installation of the Packery Channel Parking and Overlooks Lighting.

Sponsors: Parks and Recreation Department and Engineering Department

17 [12-00648](#) **Amendment to Type A agreement for Plant Bikes (Rugged Cycles)
(Original Agreement Passed 05/29/12)**

Resolution approving an amended business incentives agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Plant Bikes LLC ("Rugged Cycles"), to provide a grant of up to \$200,000 to purchase and improve a manufacturing facility in Corpus Christi and the creation and retention of jobs.

Sponsors: Economic Development

18 [12-00749](#) **Nominating oil refining company as a double jumbo Texas
Enterprise Zone project making them eligible for State sales tax
rebates**

Approving a resolution nominating Valero Refining ("Valero") to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as a double jumbo enterprise project pursuant to the Texas Enterprise Zone Act ("Act").

Sponsors: Economic Development

19 [12-00753](#) **Adopting City portions of action plan and appointing hazard
mitigation coordinator for the reduction of loss from natural
hazards**

Resolution adopting the portions of the Coastal Bend Mitigation Action Plan that pertains to the City of Corpus Christi which were developed with the Coastal Bend Council of Governments and Appointing the City Manager or his designee to act as the City's hazard mitigation coordinator.

Sponsors: Fire Department

20 [12-00769](#) **Grant Application to develop curriculum for training businesses
and residents for emergency situations**

Resolution ratifying the submission of a grant application for FEMA 2012 Community Resilience Innovation Challenge Grant in the amount of \$35,000.00 to combine emergency management studies and plans to develop a training lesson deliverable by businesses, colleges, and local schools through human resources including the City's HR department, new student orientations, and business continuity training classes.

Sponsors: Fire Department

21 [12-00767](#) **Ratification of funding agreements for the Emergency Solutions Grant Program**

Motion ratifying the FY2012-13 Emergency Solutions Grant Program funding agreements to be effective August 1, 2012

Sponsors: Neighborhood Services

O. UPDATES TO CITY COUNCIL: (NONE)

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

P. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 4:00 P.M., OR AT THE END OF THE COUNCIL MEETING, WHICHEVER IS EARLIER. 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.

Q. SPECIAL PRESENTATION AND OUTGOING SPEECHES

R. ADJOURNMENT