



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, August 28, 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 Felix Zapata, El Shaddai 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 [12-00623](#) Proclamation declaring September 2012 as "Life Insurance Awareness Month"
 - Proclamation declaring September 8, 2012 as "Grandparent's Millennium Olympics Day"
 - Proclamation declaring September 8, 2012 as "Operation K.E.Y.S. - Keeping Every Youth in School Day"
- F. **MINUTES: (NONE)**
- 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 2 - 19)

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.

2 [12-00600](#) Name change of Greenwood Branch Library and the children's area

Resolution authorizing the name change of the Greenwood Library to the Ben F. McDonald Public Library and the naming of the Greenwood Library children's area the Velia and Joe De Leon Children's Library.

Sponsors: Libraries

3 [12-00570](#) Agreement for temporary tax abatement for future mixed use development located at 908 and 916-928 Staples Street

Resolution authorizing the execution of an agreement with Mr. Owen A. Norton providing for temporary property tax abatement.

Sponsors: Economic Development

4 [12-00506](#) Change order to fund sidewalk accessibility improvements (Bond Issue 2004)

Motion authorizing the City Manager, or designee, to execute Change Order No. 8 with Safeco Insurance Company of America in the amount of \$281,019.24 for the ADA Sidewalk Accessibility Improvements along Staples Street from Leopard Street to Six Points for under-run items, over-run items, additional sidewalk improvements, additional storm water improvements, additional detectable warning surfaces, and reconstruction of curb inlet tops (Bond Issue 2004).

Sponsors: Engineering Department and Street Department

5 [12-00563](#) Agreement for materials testing for Williams Drive project from Rodd Field Road to Airline Road (BOND 2008)

Motion authorizing the City Manager, or designee, to execute a Construction Materials Testing Agreement with Tolunay-Wong Engineers, Inc., of Corpus Christi, Texas in the amount of \$250,570 for Williams Drive Phases 1 & 2 from Rodd Field to Nile Drive and Nile

Drive to Airline Road. (Bond 2008).

Sponsors: Engineering Department and Street Department

- 6 [12-00556](#) **Professional services contract to fund project management and master planning for all capital improvement projects for the Water Department**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with URS Corporation of Corpus Christi, Texas in the amount of \$300,000.00 for the Water Program Management Project.

Sponsors: Water Department and Engineering Department

- 7 [12-00578](#) **Resolution opposing a federal administrative action that threatens artificial reef habitat**

Resolution opposing the U.S. Department of the Interior's Idle Iron policy and supporting both the REEFS Act and the Rigs to Reef Habitat Protection Act.

Sponsors: Intergovernmental Relations

- 8 [12-00598](#) **Ordinance setting a property tax rate**

Ordinance setting a property tax rate of \$0.570557 per \$100 valuation which is effectively a 1.40% increase over the effective tax rate; and declaring an emergency.

Sponsors: Financial Services Department

- 9 [12-00602](#) **Second Reading Ordinance - Authorizing resale of 22 foreclosed properties with delinquent ad valorem taxes (First Reading 8/21/12)**

Ordinance authorizing the resale of twenty-two (22) properties for \$76,450.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$7,583.99 plus \$12,276.42 for partial payment of City paving and demolition liens.

Sponsors: Financial Services Department

- 10 [12-00543](#) **Second Reading Ordinance - Appropriating a federal grant to fund improvements to the Airport Terminal building (First Reading 8/21/12)**

Ordinance appropriating \$98,299 from the Federal Aviation Administration Grant No. 3-48-0051-046-2010 in the No. 3020 Airport Capital Improvement Fund to modify the Terminal Building; amending the FY 2012-2013 Capital Budget adopted by Ordinance No. 029565 to add Project No. E09046GR46 and increase revenues and expenditures by \$98,299.

Sponsors: Aviation Department

- 11 [12-00545](#) **Second Reading Ordinance - Accepting and appropriating a State grant amendment to fund women, infants, and children program (First Reading 8/21/12)**
- Ordinance authorizing the City Manager or his designee to execute all documents necessary to accept and appropriate a grant amendment in the amount of \$32,000 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, increasing the award amount for the peer counselor and registered dietician projects by \$12,000 and \$20,000 respectively.
- Sponsors:** Health Department
- 12 [12-00510](#) **Second Reading Ordinance - Accepting and appropriating a State grant to fund oyster bed testing (First Reading 8/21/12)**
- Ordinance authorizing the City Manager or his designee to execute all documents necessary to accept and appropriate a grant of \$22,500 from the Texas Department of State Health Services in the Health Grants Fund No.1066 to provide laboratory services for the analysis of bay water samples.
- Sponsors:** Health Department
- 13 [12-00579](#) **Second Reading Ordinance - Accepting and appropriating a federal grant to fund meals for senior citizens First Reading 8/21/12)**
- Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$561,717 grant awarded by the Area Council on Aging of the Coastal Bend and appropriating in No. 1067 Parks and Recreation Grants Fund for the FY 2012 Senior Community Services, Elderly Nutrition Program.
- Sponsors:** Parks and Recreation Department
- 14 [12-00580](#) **Second Reading Ordinance - Accepting and appropriating a federal grant to fund Retired Senior Volunteer program (First Reading 8/21/12)**
- Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$45,434 grant awarded by the Corporation for National and Community Service for the Retired Senior Volunteer Program; appropriating the \$45,434 grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$79,173 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grant Fund as City matching funds for the Retired Senior Volunteer program and appropriating the \$79,173 in the No. 1067 Parks and Recreation Grant Fund.
- Sponsors:** Parks and Recreation Department

15 [12-00581](#) **Second Reading Ordinance - Accepting and appropriating a federal grant to fund Senior Companion program (First Reading 8/21/12)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$275,007 grant awarded by the Corporation for National and Community Service; appropriating the \$275,007 grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$76,903 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grants Fund as City matching funds for the Senior Companion Program, and appropriating the \$76,903 in the No. 1067 Parks and Recreation Grants Fund.

Sponsors: Parks and Recreation Department

16 [12-00585](#) **Second Reading Ordinance - Executing a contract and appropriating funds with State to fund Community Youth Development Program in 78415 zip code area; and executing subcontracts for youth services (First Reading 8/21/12)**

Ordinance authorizing the City Manager or designee to execute a contract with the Texas Department of Family and Protective Services for funding for September 1, 2012 through August 31, 2014 in the total amount of \$640,403; authorizing appropriation in the Grants Fund No. 1060 for Community Youth Development program contracts for the 78415 Zip Code area; and authorizing execution of subcontracts as follows: \$85,000 to SERCO of Texas and \$65,000 to Communities In Schools for subcontract period September 1, 2012 through August 31, 2013, and providing for one annual renewal period.

Sponsors: Parks and Recreation Department

17 [12-00572](#) **Second Reading Ordinance - Type A Grant to fund expansion of facilities for Craft Training Center (First Reading 8/21/12)**

Ordinance approving a Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Associated Builders & Contractors Merit Shop Training Program, Inc. dba Craft Training Center of the Coastal Bend ("Craft Training Center") to provide grant amount up to \$750,000 for expansion of Craft's existing facility and authorizing the City Manager or designee to execute a Project Support Agreement with the Type A Board to administer the Craft Training Center Business Incentives Agreement and appropriating \$750,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a business incentive grant from the Type A Corporation to Craft Training Center for expansion of its facility; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$750,000.

Sponsors: Economic Development

- 18 [12-00575](#) **Second Reading Ordinance - Agreement and appropriation of funds for two additional crossing guards at Flour Bluff ISD (First Reading 8/21/12)**

Ordinance authorizing the City Manager or designee to execute an agreement with the Flour Bluff Independent School District to reimburse the City of Corpus Christi for the services of three additional School Crossing Guard positions during the school year 12/13 and for each subsequent school year; and appropriating \$20,000 from Flour Bluff Independent School District for two additional school crossing guards, changing the FY2013 Operating Budget adopted by Ordinance No. 029577 by increasing revenue and expenditures in the General Fund No. 1020 by \$20,000 each.

Sponsors: Police Department

- 19 [12-00577](#) **Second Reading Ordinance - Transferring and appropriating funds for a professional services contract to analyze the current condition of the Barge Dock (First Reading 8/21/12)**

Ordinance transferring and appropriating \$350,000 from the Unreserved Fund Balance in No. 1120 Seawall Improvement Fund to and appropriating in the No. 3271 Seawall Type A CIP Fund for the Barge Dock Elevation Phase 1 Project; authorizing the City Manager or designee to execute a Professional Services Contract with RVE, Inc. of Corpus Christi, Texas in the amount of \$309,870.00 for the Barge Dock Elevation Phase 1 Project.

Sponsors: Engineering Department

J. EXECUTIVE SESSION: (ITEM 20)

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.

- 20 **12-00626** Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding City of Greenville v. Syngenta Crop Protection, Inc. and Syngenta AG, Case No. 3:10-cv-00188-JPG-PMF, presently pending in the United States District Court for the Southern District of Illinois, with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEMS 21-22)

- 21 [12-00561](#) **First Reading Ordinance - Amending the Urban Transportation Plan and redesignating County Road 52 from 4 lane with a median to 4 lane with a continuous left turn lane located between US 77 and Callicoatte Road**

Public Hearing to consider an Ordinance amending the Urban Transportation Plan, an element of the Comprehensive Plan of the City of Corpus Christi, by re-designating County Road 52 from an A-2 Arterial (100-foot right-of-way, four lanes, and a median) to an A-1 Arterial (95-foot right-of-way, four lanes, and a continuous left turn lane) between U.S. Hwy. 77 and Callicoatte Road; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Sponsors: Planning/Environmental Services

- 22 [12-00562](#) **First Reading Ordinance - Amending the Urban Transportation Plan to consolidate two proposed collector streets into a single collector located midpoint between CR 69 and US 77**

Public Hearing to consider an Ordinance amending the Urban Transportation Plan, an element of the Comprehensive Plan of the City of Corpus Christi, by consolidation of two north-south collector streets into a single collector street generally located midpoint between County Road 69 and U.S. Hwy. 77; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Sponsors: 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 23 - 25)

- 23 [12-00595](#) **First Reading Ordinance - Accepting and appropriating a State grant for overtime enforcement of Driving While Intoxicated (DWI) and speeding**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$60,528.90 for the 2013

Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for overtime Driving While Intoxicated (DWI) and Speed enforcement, with a city match of \$68,842.11, for a total project cost of \$129,371.01 and appropriating \$60,528.90 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

24 [12-00610](#) **First Reading Ordinance - Accepting and appropriating a federal grant and awarding a construction contract for the runway extension/displacement and taxiway project at the Airport**

Ordinance accepting and appropriating \$16,345,505.00 from the Federal Aviation Administration Grant No. 3-48-0051-049-2012 in the No. 3020 Airport Capital Improvement Fund for the Runway 17/35 Extension Displacement and Associated Taxiways and Runway 13/31 Connecting Taxiways Project; changing the FY2012-2013 Capital Budget adopted by Ordinance No. 029565 by increasing revenues and expenditures by \$5,545,505.00 each; authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi in the amount of \$12,841,419.06 for Base Bid Plus Additive Alternates 1, 2 and 3 for the Runway 17/35 Extension/Displacement and Connecting Taxiway Project.

Sponsors: Aviation Department and Engineering Department

25 [12-00620](#) **First Reading Ordinance - Accepting and appropriating a State grant for a marketing campaign to improve air service at the airport**

Authorizing the City Manager or designee to execute all documents necessary to accept Small Community Air Service Development Program from the United States Department of Transportation (USDOT) in the amount of \$300,000 and appropriating \$300,000 from the United States Department of Transportation Small Community Air Service Development Program in the No. 1055 Airport Grants Fund for a marketing campaign to educate travelers on benefits of local air service at Corpus Christi International Airport.

Sponsors: Aviation Department

N. FUTURE AGENDA ITEMS: (ITEMS 26 - 33)

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

26 [12-00597](#) **Supply agreement for asphalt used for street construction and repair**

Motion approving a supply agreement with Ergon Asphalt & Emulsions, Inc., Austin, Texas for emulsified polymerized asphalt in accordance with

Bid Invitation No. BI-0210-12, based on lowest responsible bid, for an estimated 6-month expenditure of \$376,731.00. 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 Street Operations in FY 2012-2013.

Sponsors: Purchasing Division and Street Department

- 27 [12-00446](#) **Participation agreement and Reimbursement agreement to fund street and water improvements for future development located south of Yorktown Blvd. and east of Cimarron Blvd. (Bond 2008)**

Motion authorizing the City Manager to execute a Participation Agreement for \$88,000 for City's portion of Excalibur Road, and a Water Arterial Transmission and Grid Main Extension Construction and Reimbursement Agreement for \$18,171.34, each with MPM Development LP, Developer of Royal Creek Estates Unit 4.

Sponsors: Development Services and Engineering Department

- 28 [12-00591](#) **Professional services contract to obtain Legal services for general water law issues**

Motion to authorize the City Manager or designee to execute a legal services agreement with Timothy L. Brown to advise the City on water rights and general water law issues, at monthly rate of \$7,000 plus expenses and authorize \$50,000 for consultant subcontracts needed to assist with resolution of water law issues.

Sponsors: Legal Department and Water Department

- 29 [12-00606](#) **Amendment to contract to continue Packery Channel monitoring through FY 2012 - 2013**

Motion authorizing the City Manager, or designee, to execute Amendment No. 7 to the contract between the City of Corpus Christi and Texas A&M University-Corpus Christi in the amount of \$314,389.00, for a restated amount not to exceed \$1,548,028.00, for Packery Channel Monitoring for Fiscal Year 2012-2013.

Sponsors: Parks and Recreation Department and Engineering Department

- 30 [12-00569](#) **Resolution declaring intent to establish a street user fee**

Resolution declaring intent to establish a street user fee for implementation in FY 2013-2014; approving the design concepts for street user fee rates; and establishing policy relative to establishment of a street user fee.

Sponsors: Street Department

FUTURE PUBLIC HEARINGS: ITEMS 31 - 32)

- 31 [12-00609](#) **Change of zoning from single-family 6 district to the neighborhood commercial district at 1221, 1225, 1237 Horne Rd.**

Case No. 0712-02: Hutton Company: A change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, resulting in a change of future land use from low density residential to commercial. The property to be rezoned is described as Laguna Acres, Block 1, Lots 2, 3 and 4, located near the southwest corner of Columbia Street and Horne Road.

Planning Commission & Staff Recommendation (July 18, 2012):
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

ORDINANCE

Ordinance amending the Unified Development Code ("UDC") upon application by Hutton Company, on behalf of Guadalupe Silva Reyes (owner of lots 2 and 3) and Mayan Sun Enterprises, LTD (owner of lot 4) ("Owners"), by changing the UDC Zoning Map in reference to Laguna Acres, Block 1, Lots 2, 3, and 4, from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

- 32 [12-00612](#) **Change of zoning from the farm rural district to the light industrial district at 8018 Sedwick Road**

Case No. 0712-03 Michael N. Gunning: A change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change of future land use. The property to be rezoned is described as a 19.15-acre tract of land out of Lots 23 and 24, H. B. Sheppard Farm Lots, located on the north side of Sedwick Road and approximately 1,000 feet west of Rhew Road.

Planning Commission & Staff Recommendation (July 18, 2012):
Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Michael N. Gunning, on behalf of Eloy Salazar and Rick A. Martinez ("Owners"), by changing the UDC Zoning Map in reference to a 19.15-acre tract of land out of Lots 23 and 24, H. B. Sheppard Farm Lots, from the "FR" Farm Rural District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

FUTURE CORPORATION MEETING: (ITEM 33)

- 33** [12-00515](#) Board of Director's Meeting of the Corpus Christi Community Improvement Corporation (CCCIC)
1. Call meeting to order
 2. Secretary Armando Chapa calls roll.
 3. Motion appointing Councilman Kelley Allen as a board member of the CCCIC.
 4. Approve minutes from Board meeting of June 28, 2011.
 5. Treasurer's Report
 6. Appointments to the Loan Review Committee
 7. Public Comment
 8. Adjournment

Sponsors: Neighborhood Services

O. UPDATES TO CITY COUNCIL: (ITEMS 34 - 35)

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

- 34** [12-00559](#) Status of New Broadway Wastewater Treatment Plant
- Sponsors:** Wastewater Department and Engineering Department
- 35** [12-00619](#) Downtown Streets Chaparral (Bond 2008)
- Sponsors:** Engineering Department

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. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

R. ADJOURNMENT