



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, November 20, 2012

12:00 PM

Council Chambers

Swearing-In Ceremony

City Secretary Armando Chapa to convene meeting.

Invocation to be given by Father Peter Martinez, St. Paul the Apostle Church and Father Frank Martinez, Christus Spohn Hospital.

The swearing-in ceremony to be conducted by The Honorable Janis Graham Jack, Senior U.S. District Judge for the Southern District of Texas

Incoming Mayor and Council Member speeches

Note: There will be a short Reception in the City Council Foyer area before the new Council begins their First Regular Council meeting.

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 Nelda Martinez to call the Regular Council meeting to order.**
- B. Pledge of Allegiance to the Flag of the United States.**
- C. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- D. Selection of Mayor Pro Tem**

E. Proclamations / Commendations

1. [12-00795](#) Proclamation declaring December 1, 2012, as "World Aids Day"

F. MINUTES:

2. [12-00797](#) Approval of Meeting Minutes - November 13, 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 - 15)

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. [12-00766](#) **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

4. [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

5. [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

6. [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

7. [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

8. [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

9. [12-00725](#) **Second 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 (1st Reading 11/13/12)**

Case No. 1012-01 The Mostaghasi 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 Lipes 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

10. [12-00743](#) **Second 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 (1st Reading 11/13/12)**

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

11. [12-00744](#) **Second 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 (1st Reading 11/13/12)**

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

12. [12-00750](#) **Second 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 (1st Reading 11/13/12)**

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

13. [12-00762](#) **Second Reading Ordinance - Appropriating developer fees and interest for park improvements and related projects (1st Reading 11/13/12)**

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

14. [12-00763](#) **Second Reading Ordinance - Accepting and appropriating State grant for Meals on Wheels Program (1st Reading 11/13/12)**

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

15. [12-00764](#) **Second Reading Ordinance - Amending the number of members for the Sister City Committee (1st Reading 11/13/12)**

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

Sponsors: Parks and Recreation Department

J. **EXECUTIVE SESSION: (ITEM 16)**

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 officer.

16. [12-00796](#) Executive Session pursuant to Section 551.071(2) of the Texas Government Code for consultation with attorneys regarding a matter in which the duty of an attorney for the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas

clearly conflicts with Chapter 551 of the Texas Government Code, with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEM 17)

17. [12-00733](#) **Public Hearing and First Reading Ordinance - Amending the Comprehensive Plan to include Americans with Disabilities Act (ADA) improvements within public right-of-ways**

Ordinance amending the Comprehensive Plan of the City of Corpus Christi by adoption of the Corpus Christi ADA Master Plan; providing for repeal of conflicting ordinances; and providing for severance

Sponsors: Planning/Environmental Services and Engineering Department

L. REGULAR AGENDA: (ITEM 18)

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

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

M. FIRST READING ORDINANCES: (ITEMS 19 - 21)

19. [12-00780](#) **First Reading Ordinance - Accepting and appropriating Federal grant to strengthen homeland security preparedness**

Authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$22,268 from the U.S. Department of Homeland Security FEMA for funding eligible under the FY 2012 Port Security Grant Program to purchase law enforcement equipment for the Police Department; and appropriating the \$22,268 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

20. [12-00776](#) **First Reading Ordinance - Authorizing "Updated Service Credits" and "Increased Prior and Current Service Annuities" in the Texas Municipal Retirement System for adherence to collective bargaining agreement**

An ordinance authorizing and allowing, under the Act governing the

Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

Sponsors: Human Resources

21. [12-00781](#) **First Reading Ordinance - Appropriating funds for one-time expenditures to provide three police motorcycles and lights and hardcases for previously purchased patrol rifles**

Ordinance appropriating \$85,000 from the unreserved fund balance in No. 9010 Crime Control District Fund for "one-time" expenditures in the FY 2012-2013 operating budget, and changing the FY 2012-2013 operating budget adopted by Ordinance No. 029577 by increasing appropriations by \$85,000.

Sponsors: Police Department

N. FUTURE AGENDA ITEMS: (ITEMS 22 - 33)

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

22. [12-00775](#) **Supply Agreement for Firefighting Clothing**

Motion approving a supply agreement with Casco Industries Inc., Pasadena, Texas for firefighting clothing consisting of ninety sets of pants and coats, based on only bid, in accordance with Bid Invitation No. BI-0003-13 for an estimated annual expenditure of \$139,064.40 of which \$92,709.60 is required for the remainder of FY 2012-2013. The term of the agreement will be for twelve months with an option to extend for up to two additional twelve-month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by Fire Department in FY 2012-2013.

Sponsors: Purchasing Division and Fire Department

23. [12-00778](#) **Approving the purchase of nineteen (19) Chevrolet Tahoes for replacement vehicles in the Police Department fleet**

Motion approving the purchase of nineteen (19) Chevrolet Tahoes from Caldwell Country, Caldwell, Texas for a total amount of \$521,639. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). All units are replacements to the fleet and will be used by the Police Department. Funding is available in the FY 2012-2013 Capital Outlay Budget of the Fleet Maintenance Fund.

Sponsors: Purchasing Division and Fleet Maintenance Services

24. [12-00779](#) **Purchase of a replacement vehicle (vacuum truck) for the maintenance of wastewater collection main lines**

Motion approving the purchase of one (1) vacuum truck from Houston Freightliner, Inc., Houston, Texas for a total amount of \$305,896.14. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). Funding is available in the FY 2012-2013 Capital Outlay Budget of the Maintenance Service Fund.

Sponsors: Purchasing Division and Fleet Maintenance Services

25. [12-00793](#) **Amending City Investment Policy to further protect the City's assets**

Resolution approving amendments to the City Investment Policy to amend term for Certificate of Deposit from one to two years and include brokered certificates of deposit as an authorized investment; and approving the Investment Policy as amended.

Sponsors: Financial Services Department

26. [12-00773](#) **Agreement for temporary tax abatement for outpatient surgery center providing for 12 permanent jobs located at 6200 Saratoga Boulevard**

Resolution authorizing the execution of an agreement with JHPK, LLC providing for temporary property tax abatement.

Sponsors: Economic Development

27. [12-00759](#) **Contract amendment no. 2 to authorize additional design time for Hike and Bike Trails project**

Motion authorizing the City Manager, or designee, to ratify Amendment No. 2 to the Contract for Professional Services with JEC Architects, Inc. of Corpus Christi, Texas, in the amount of \$7,800.00, for a total restated amount not to exceed \$52,175.00 for the Hike & Bike Trails - City Wide (Bond 2008).

Sponsors: Parks and Recreation Department and Engineering Department

28. [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 Water Department

29. [12-00760](#) **Professional services contract for decommissioning of wastewater treatment plant**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$590,887.00 for the Broadway Wastewater Treatment Plant Decommissioning.

Sponsors: Wastewater Department and Engineering Department

30. [12-00761](#) **Construction contract for an effluent line from Oso Water Reclamation Plant to Wooldridge Lift Station for delivering effluent water to various golf courses and City Parks via existing effluent distribution network**

Motion authorizing the City Manager, or designee, to execute a construction contract with S.J. Louis Construction in the amount of \$2,433,323.70 for the Oso Effluent Re-Use Distribution System Phase 1 Project.

Sponsors: Wastewater Department and Engineering Department

31. [12-00790](#) **Refunding of existing General Improvement Bonds (ITEMS 31 - 33)**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012C and for the City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2012.

Sponsors: Financial Services Department

32. [12-00791](#) Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012C, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the Bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement; a purchase contract, and an escrow and trust agreement; complying with the letter of representations on file with the depository trust company; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of the bonds, and providing an effective date.

Sponsors: Financial Services Department

33. [12-00792](#) Ordinance by the City Council of the City of Corpus Christi, Texas

authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2012", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the Bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrars agreement; a purchase contract, and an escrow and trust agreement; complying with the letter of representations on file with the depository trust company; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of the bonds, and providing an effective date.

Sponsors: Financial Services Department

O. UPDATES TO CITY COUNCIL: (ITEM 34)

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

- 34.** [12-00731](#) Annual Status Report from the Texas Department of Transportation (TxDOT) on Harbor Bridge Improvements/Replacement and other construction, maintenance and administrative issues.

Sponsors: Engineering Department and Intergovernmental Relations

- 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:

- * New City Council Member Orientation**
- * Update on City Operations**

R. ADJOURNMENT