



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes - Final City Council

Tuesday, April 23, 2013

11:30 AM

Council Chambers

A. CALL MEETING TO ORDER.

Mayor Martinez called the meeting to order.

B. INVOCATION.

The invocation was delivered by Pastor Luis Cabrera, Maranatha Church.

C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Kristina Leal, Chief of Staff, Mayor's Office.

D. City Secretary Armando Chapa to call the roll of the required Charter Officers.

City Secretary Chapa verified that the necessary quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Ron Olson, City Attorney Carlos Valdez, and City Secretary Armando Chapa.

Present: 9 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

E. Proclamations / Commendations

1. Proclamation declaring April 21-27, 2013 as "National Medical Laboratory Professionals Week"
Proclamation declaring April 21-27, 2013 as "National Crime Victims' Rights Week"
Proclamation declaring April 23, 2013 as "Mike M. Anzaldua Jr. Day of Remembrance"
Proclamation declaring April 26, 2013 as "Arbor Day"
Proclamation declaring May 1, 2013 as "Corpus Christi Technology Olympics Day"
Proclamation declaring May 5-11, 2013 as "Goodwill Industries Week"
Proclamation declaring May 11, 2013 as "Lemonade Day Corpus Christi"
Swearing-in Ceremony of newly appointed City board, commission and committee members

The Proclamations were read and presented.

F. PUBLIC COMMENT.

Mayor Martinez referred to the Public Comment section: Carrie Robertson-Meyer invited the Council to a Ribbon Cutting and Beach Walk event on Saturday, May 4th, a Bond 2008 Bond Project; Colin Sykes spoke in support of Future Agenda Item No. 56 regarding a resolution that corporations are not people; Wilson Wakefield spoke in opposition to the street maintenance fee; Garrett Dorsey thanked the Council for the adoption of the 2009 International Residential Code, in regards to testing for homes; Abel Alonzo thanked the council for being transparent; Judy Landres spoke in support of Future Agenda Item No. 56 regarding resolution that corporations are not people; Mary Ann Kelley spoke in opposition to street fee, bag fee, and spoke about the removal of fluoride from the water; and Jean Perkins also spoke about the removal of fluoride from the water for health reasons.

G. EXECUTIVE SESSION: (ITEMS 2 - 4)

Mayor Martinez referred to Executive Session Item Nos. 2, 3, and 4. The council went into executive session.

2. Executive session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the city wastewater treatment plants, with possible discussion and action in open session.
This executive session item was discussed.
3. Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from Staples Center Retail Venture, LP, a business prospect that the City Council seeks to have locate, stay or expand in the territory of 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.
This executive session item was discussed.
4. Executive session pursuant to Section 551.071(1)(A) of the Texas Government Code for consultation with attorneys regarding Civil Action No. 2-12-cv-00217 styled United States of America v. The City of Corpus Christi, Texas presently pending in the United States District Court for the Southern District of Texas, Corpus Christi Division, with possible discussion and action in open session.
This executive session item was discussed.

The council returned from executive session. Mayor Martinez announced that no action would be taken on the executive session items.

H. MINUTES:

5. Approval of Regular Council Meeting of April 9, 2013 and Workshop Meeting of April 16, 2013.

A motion was made by Council Member Allen, seconded by Council Member McIntyre to approved the minutes as presented and passed.

I. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**K. CONSENT AGENDA: (ITEMS 6 - 18)**

Mayor Martinez referred to the Consent Agenda, Items 6 - 18. Mayor Martinez asked for council and public comment and there was none. The items were approved by one vote:

6. Lease Purchase of a pneumatic roller for street repair projects

Motion approving the lease purchase of one (1) Caterpillar Pneumatic Roller from Holt Cat Machinery, Corpus Christi, TX for a total amount of \$112,183.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Cooperative. The equipment will be used by the City's Street Department. This unit is a replacement to the fleet. Funds for the lease purchase of the roller will be provided by the City's lease purchase financing program.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-066

7. Service agreement for the printing, processing and mailing of utility bills

Motion awarding a service agreement with QuestMark Information Management Inc., of Houston Texas, to provide printing, processing and mailing of utility bill services, based on lowest responsible bid, for an estimated three year expenditure of \$307,905.84 of which \$25,658.82 is required for the remainder of this fiscal year. The term of the contract will be for thirty-six months, with two, twelve month automatic extensions. Funding is available in the Utility Business Office Operations Budget of the Finance Department for fiscal year 12/13.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-067

8. Supply agreement for lease of computers for City use

Motion approving a supply agreement with Dell Financial Services, Round Rock, Texas for lease of approximately 400 desktop computers, 200 laptop computers, 44 servers, and other computer peripherals and related products in accordance with the State of Texas cooperative purchasing program and the City's Master Lease Agreement No. 6656492 for an estimated expenditure of \$1,011,500.93. The term of the contract will be for twelve months with an option to extend for up to three additional twelve month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using departments in FY 2012-13.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-068

9. Supply agreement for chemicals to be used for odor control at wastewater treatment facilities

Motion approving a supply agreement with Pencco, Inc., San Felipe, Texas for approximately 300,000 gallons of ferrous sulfate in accordance with Bid Invitation No. BI-0124-13 based on lowest responsible bid for an estimated twelve month expenditure of \$308,200 of which \$102,733.33 is required for FY 2012-2013. The term of the supply 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 are available in the Wastewater Operations Budget in FY2012-2013.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-069

10. Supply agreement for office supplies, equipment and furniture

Motion approving a supply agreement with Gateway Printing and Office Supply, Inc., Corpus Christi, TX for office supplies, equipment and furniture, based on lowest local bid, in accordance with Bid Invitation No. BI-0245-12, for an estimated annual expenditure of \$549,737.29, of which \$137,434.32 is required for the remainder of FY 2012-2013. The term of the agreement will be for one year with an option to extend for up to four additional one-year periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by using departments in FY 2012-2013.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-070

11. Engineering design contract amendment no. 4 for Citywide Hydraulic Model - Sanitary Sewer Overflow Initiative

Motion authorizing the City Manager, or designee, to execute Amendment No. 4 to the Contract for Professional Services with Pipeline Analysis, LLC, of Garland, Texas in the amount of \$179,251.00, for a restated fee not to exceed \$2,342,179.00 for Citywide Hydraulic Model Sanitary Sewer Overflow Initiative (SSOI).

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-071

12. Architectural design contract for tennis center repairs and upgrades for HEB and Al Kruse tennis centers (Bond Issue 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with CLK Architects & Associates, Inc. of Corpus Christi, Texas in the amount of \$204,700.00, for Tennis Center Repairs and Upgrades - HEB and Al Kruse, for design, bid, and construction phase services **BOND ISSUE 2012**.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-072

13. Engineering design contract for park development and improvements at Bill Witt/Oso Creek Park (Bond Issue 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Martinez, Guy & Maybik, Inc. of Corpus Christi, Texas in the amount of \$156,780.00, for Community Park Development and Improvements for design, bid, and construction phase services **BOND ISSUE 2012**.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-073

14. Interlocal agreement for oil spill training and equipment storage at the marina

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A&M University - Corpus Christi regarding Corpus Christi Marina operations

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029794

15. Second Reading Ordinance - A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2, on property located at 6810 South Staples Street (1st Reading 4/9/13)

Case No. 0313-02 HEB Grocery Company, LP: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on 15.73 acres (Tract 1) and to the "CN-1"

Neighborhood Commercial District on 5.48 acres (Tract 2), resulting in a change of future land use from low density residential and medium density residential to commercial. The property to be rezoned is described as being a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Timbergate Drive and South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (March 13, 2013):
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by HEB Grocery Company, LP ("Owner"), by changing the UDC Zoning Map in reference to a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029795

16. Second Reading Ordinance - A request for a Special Permit Time Extension for an additional 12 months, on property located at 2217 Flour Bluff Drive (1st Reading 4/9/13)

Case No. 0711-02 Sigifredo Montemayor: A request for a Special Permit Time Extension for an additional 12 months. The property to be rezoned is described as Flour Heights, Block 1, Lot 22, located along the east side of Flour Bluff Drive approximately 350 feet north of Purdue Road.

Planning Commission and Staff Recommendation (March 13, 2012):
Approval of the requested Special Permit time extension for an additional 12 months.

Ordinance

Ordinance amending Ordinance No. 029355, upon application by Sigifredo Montemayor, acting as custodian agent on behalf of Edward Montemayor and Mearary Iveth Montemayor ("Owners"), by adding a 12-month time extension to the special permit time limit initially approved; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029796

17. Second Reading Ordinance - Approval of Type A grant for federal grant application to locate an Unmanned Aerial Systems test range in the City; amending the budget, and appropriating the funds (1st Reading 4/9/13)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Texas A&M University-Corpus Christi ("TAMU-CC") to provide a grant of up to \$600,000 for an application to the Federal Aviation Administration (FAA) to locate an Unmanned Aerial Systems (UAS) test range in Corpus Christi, Texas, and authorizing the City Manager, or designee, to execute a Business Incentive Project Support Agreement with the Type A Corporation regarding implementation and administration of the TAMU-CC Business Incentive Agreement; amending the budget to allow for this funding of up to \$600,000 from the Unreserved Fund balance in the No. 1140 Business/Job Development Fund and appropriating up to \$600,000 to the Unreserved Fund Balance in the No. 1140 Business/Job Development Fund.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029797

18. Second Reading Ordinance - Construction contract for Saluki Street rehabilitation; amending capital improvement budget to add project and account for expenditures (1st Reading 4/9/13)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E12053 Saluki Street Rehabilitation Project; increasing expenditures in the amount of \$60,000; and executing a construction contract with J. Carroll Weaver, Inc. of Sinton, Texas in the amount of \$192,479.50 for the Base Bid of Saluki Street Rehabilitation Project.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029798

L. PUBLIC HEARINGS: (ITEMS 19 - 25)

19. Public Hearing and Resolution adopting the 5 Year Consolidated Action Plan for housing and homeless needs

Resolution adopting the fiscal year (FY) 2013-FY2017 5 Year Consolidated Action Plan (PLAN) which includes the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships Programs (HOME); authorizing the City Manager or designee to submit the FY2013-FY2017 PLAN to the U.S. Department of Housing and Urban Development (HUD); and authorizing the City Manager or designee to make changes to the FY2013-FY2017 PLAN if required by HUD.

Mayor Martinez opened the Public Hearing on Item No. 19. Eddie Ortega, Director of Neighborhood Services stated this item is a Public Hearing and Resolution adopting the Fiscal Year 2013-2017 Five-Year Consolidated Action Plan, which includes the Community Development Block Grant, Emergency Solutions Grant, and the HOME Investment Partnerships Program.

A motion was made by Council Member Leal, seconded by Council Member Loeb to open the public hearing and passed. There were no comments from the public. A motion was made by Council Member Leal, seconded by Council Member Magill to close the public hearing and passed.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029799

20. Public Hearing and First Reading Ordinance - Adopting the

Consolidated Annual Action Plan for housing and homeless needs

Ordinance to adopt the fiscal year (FY) 2013-2014 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize the City Manager or designee to submit the FY2013-FY2014 CAAP to the U.S. Department of Housing and Urban Development (HUD), and to amend if required by HUD; to authorize the City Manager or designee to execute all documents necessary to accept and appropriate upon receipt the grants from HUD into the Grant Fund No. 1059 for the approved FY2013-2014 CAAP projects and further to execute funding agreements and all other documents necessary to implement the FY2013-2014 CAAP with organizations for approved projects; and to ratify the ESG funding agreements and other applicable implementation documents to be effective as of August 1, 2013.

Mayor Martinez opened the public hearing on Item No. 20. Eddie Ortega, Director of Neighborhood Services stated that this is a Public Hearing and First Reading Ordinance adopting the Fiscal Year 2013-2014 Consolidated Annual Action Plan for the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and the HOME Investment Partnerships programs. Mr. Ortega stated that the proposed allocation for CDBG is \$2,462,699; ESG allocation is \$251,306; and HOME Investment Partnership Program allocation is \$979,141. He added that the evaluation criteria used was 1) alignment of the Neighborhood Services Department Five-Year Consolidated Action Plan, 2) clarity and completion of RFP, 3) administrative and financial capacity/priority, 4) project readiness, 5) collaboration/leverage, and 6) timely use of prior and current year funds.

A motion was made by Council Member Scott, seconded by Council Member McIntyre to open the public hearing and passed. Abel Alonzo, thanked the staff for addressing the issues related to ADA compliance. A motion was made by Council Member Magill, seconded by Council Member Scott to close the public hearing and passed.

Mayor Martinez read the allocation amounts for CDBG, ESG, and HOME Investment Partnership programs. After discussion, a motion was made by Council Member McIntyre to reduce the funding for CDBG Project No. 9, ADA Improvement by \$96,700 and fund the following projects in the following amounts: CDBG Project No. 15, Ethel Eyerly Senior Center Fire Alarm System - \$22,600; CDBG Project No. 19, Lindale Senior Center Fire Alarm System - \$24,900; CDBG Project No. 20, Greenwood Senior Center Fire Alarm System - \$24,900; and CDBG Project No. 25, Northwest Senior Center Fire Alarm System - \$24,300. The motion was seconded by Council Member Magill and passed with the following vote: Martinez, Allen, Garza, Leal, Loeb, McIntyre, Magill, Riojas voting "Aye"; Scott was "Absent".

The foregoing ordinance was passed and approved on first reading as amended with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029831

21. Public Hearing and First Reading Ordinance - Rezoning from Residential to Office for Minerva V. Muro for property located at 2529 Nemec Street

Case No. 1212-01 Minerva V. Muro: A change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District, resulting in a change of future land use from medium density residential to professional office. The property to be rezoned is described as Lot 5, Block 2, Nemec Addition, located on the southwest corner of Nemec Street and Dodd Drive.

Planning Commission and Staff Recommendation (March 27, 2013): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to a site plan and conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Minerva V. Muro ("Owner"), by changing the UDC Zoning Map in reference to Lot 5, Block 2, Nemec Addition, from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item No. 21. Mark Van Vleck, Director of Development Services stated that the purpose of this zoning request is to allow for office use. He displayed an aerial map depicting the location of the property and stated that the Planning Commission and Planning Staff recommend denial of the zoning change and, in lieu thereof recommend approval of an "RS-6/SP" Single-Family 6 District with a Special Permit.

A motion was made by Council Member Garza, seconded by Council Member Magill to open the public hearing and passed. There were no comments from the public. A motion was made by Council Member Magill, seconded by Council Member Scott to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029805

22. Public Hearing and First Reading Ordinance - Rezoning from Residential to Industrial Elizabeth Anne Meaney for property located at 8801 State Highway 44

Case No. 0313-01 Elizabeth Anne Meaney: A change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit for the wholesale storage and distribution of fuels and lubricants, not resulting in a change to the Future Land Use Map. The property being rezoned is described as being an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract and being out of Survey 402, Thomas Gallagher Abstract 988 and the James W. Ward Abstract 1031, located on the south side of State Highway 44, approximately 110 feet east of South Clarkwood Road.

Staff Recommendation:

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit, and in lieu thereof, approval of the "IL" Light Industrial District.

Planning Commission Recommendation (March 27, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit subject to a site plan and conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Elizabeth Anne Meaney ("Owner"), by changing the UDC Zoning Map in reference to an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract and being out of Survey 402, Thomas Gallagher Abstract 988 and the James W. Ward Abstract 1031, from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item No. 22. Mark Van Vleck, Director of Development Services stated that the purpose of this zoning request is to allow the property to allow light industrial uses plus the wholesale storage of fuels and lubricants. He added that the Planning Commission is recommending approval of the change of zoning from Single-Family 6 District

to the Light Industrial District with a Special Permit, and the Planning Staff recommendation is denial of the change of zoning from the Single-Family 6 District to the Light Industrial District with a Special Permit, and in lieu thereof, approval of the Light Industrial District. A motion was made by Council Member Magill, seconded by Council Member Scott to close the public hearing and passed.

A motion was made by Council Member Leal, seconded by Council Member Scott to open the public hearing and passed. Abel Alonzo spoke in opposition to the zoning change due to concerns that it would lower the value of the homes in the area; Alexandra Camacho also spoke in opposition to the zoning request.

After discussion, a motion was made by Council Member Loeb to table to May 14, 2013, seconded by Council Member Scott and passed with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member McIntyre

Abstained: 0

Enactment No: 029841

23.

Public Hearing and First Reading Ordinance - Rezoning from Residential to Commercial for Hernando Ariza Soto for property located at 12337 Leopard Street

Case No. 0313-03 Hernando Ariza Soto: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Map from low density residential to commercial. The property to be rezoned is described as being a 0.482-acre tract of land out of a 1.804-acre tract of land out of Tract 12, Fallin's Riverside Subdivision, located on the south side of Leopard Street, approximately 300 feet west of Rehfeld Road.

Planning Commission and Staff Recommendation (March 27, 2013): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Hernando Ariza Soto, acting as agent on behalf of 9292 Enterprises, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 0.482-acre tract of land out of a 1.804-acre tract of land out of Tract 12, Fallin's Riverside Subdivision, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and

providing for a repealer clause and publication.

Mayor Martinez referred to Item No. 23. Mark Van Vleck, Director of Development Services stated that the purpose for this zoning request is to allow the property to allow general commercial uses and apartments. He added that the Planning Commission and Staff recommend approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

A motion was made by Council Member Scott, seconded by Council Member McIntyre to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Magill, seconded by Council Member Scott to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Leal

Abstained: 0

Enactment No: 029806

24. Public Hearing and First Reading Ordinance - Rezoning from Commercial to Residential for George Shaheen for property located at 7953 South Staples Street

Case No. 0313-04 George Shaheen: A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District, resulting in a change of future land use from commercial to low density residential. The property to be rezoned is described as being a 3.136-acre tract of land out of Lot 1B, Block 1, King's Crossing West Unit 1, located along the north side of Oso Parkway, approximately 220 feet west of South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (March 27, 2013): Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by George Shaheen, acting as agent on behalf of FM 2444 & Oso, LP ("Owner"), by changing the UDC Zoning Map in reference to a 3.136-acre tract of land out of Lot 1B, Block 1, Replat No. 1, King's Crossing West Unit 1, from the "CN-1" Neighborhood Commercial 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 and publication.

Mayor Martinez referred to **Item No. 24**. **Mark Van Vleck, Director of Development Services** stated that the purpose of this zoning request is to allow for single-family residential uses on 4,500 square-foot lots. He stated that the property is located on King's Crossing West Unit 1, along the north side of Oso Parkway, approximately 220 feet west of South Staples. **Mr. Van Vleck** stated that the Planning Commission and Staff recommend approval from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single Family 4.5 District.

A motion was made by **Council Member Garza**, seconded by **Council Member Allen** to open the public hearing and passed. There were no comments. A motion was made by **Council Member Magill**, seconded by **Council Member McIntyre** to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Leal

Abstained: 0

Enactment No: 029807

25. Public Hearing and First Reading Ordinance - Rezoning from Manufactured Home to Residential for The Lakes at King Estates, Inc. for property located at 1937 Division Road

Case No. 0313-05 The Lakes at King Estates, Inc.: A change of zoning from the "RMH" Manufactured Home District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Map. The property to be rezoned is described as being a 24.93-acre tract of land out of Lots 8 and 9, Section 40, Flour Bluff and Encinal Farm and Garden Tracts, located west of Flour Bluff Drive at the west end of Antoinette Drive and south of the Holly Road extension.

Planning Commission and Staff Recommendation (March 27, 2013): Approval of the change of zoning from the "RMH" Manufactured Home District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by The Lakes at King Estates, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 24.93-acre tract of land out of Lots 8 and 9, Section 40, Flour Bluff and Encinal Farm and Garden Tracts, from the "RMH" Manufactured Home 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 and publication.

Mayor Martinez referred to Item No. 25. Mark Van Vleck, Director of Development Services stated that the purpose for this zoning request is to allow for development of a single-family subdivision with a minimum lot size of 4,500 square feet. He stated that the property is located west of Flour Bluff Drive at the west end of Antoinette Drive and south of the Holly Road extension. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of the zoning from the "RMH" Manufactured Home District to the "RS-4.5" Single-Family 4.5 District.

A motion was made by Council Member McIntyre, seconded by Council Member Magill to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Magill, seconded by Council Member McIntyre to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Leal

Abstained: 0

Enactment No: 029808

M. REGULAR AGENDA: (ITEMS 26 - 30)

26. Request by Petitioners to repeal Ordinance No. 029791 regarding the frequency of testing for residential irrigation backflow devices

Ordinance considering a request by petitioners, pursuant to Article I, Section 4 of the City Charter to repeal Ordinance No. 029791 which amended the Code of Ordinances, Chapter 14 regarding the frequency of testing for residential irrigation backflow devices; repealing adopted ordinance; providing for publication; and declaring an emergency.

Mayor Martinez referred to Item No. 26. Armando Chapa, City Secretary stated that this item relates to a request filed by petitioners asking the Council to repeal Ordinance No. 029791 regarding the frequency of testing requirements for residential irrigation backflow devices. He added that through the referendum process in the City Charter, citizens have the right to ask Council to reconsider ordinances. Mr. Chapa explained that if the Council does not repeal the ordinance, petitioners have 90 days to file a valid petition containing at least 5% of the registered voters. He added that if a valid petition is filed within 60 days, the effectiveness of the ordinance is suspended and an election is called at the next available uniform election date under State law. Mr. Chapa stated that if the petition is filed after 60 days, but still within the 90 day deadline, the ordinance remains in affect and an election is called at the next regular City Council election.

Mayor Martinez asked for comments from the audience. The following citizens spoke: Abel Alonzo referred to the cost of an election and stated that this is a safety and health issue and urged the council to reconsider; Jaime Garcia addressed several issues relating to water quality and expressed support for annual testing; Buck Robinson spoke of several issues relating to water quality and cross connection and expressed support for annual testing; and John Collins also expressed support for annual testing.

An emergency was declared and the foregoing ordinance failed with the following vote:

Aye: 3 - Council Member Leal, Mayor Martinez and Council Member Garza

Nay: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Riojas

Abstained: 0

Enactment No:

27. Second Reading Ordinance - Amending the lease of a portion of Mt. Vernon Park for the proposed expansion of the Deaf & Hard of Hearing Center located at the 5100 block of McArdle Road near La Palmera Mall (1st Reading 3/19/13)

Ordinance finding that there is no feasible and prudent alternative to the expanded use from approximately 0.4 acres to 0.677 acres of Mt. Vernon Park located along 5100 block of McArdle Road by The Corpus Christi Area Council for the Deaf for the expansion and continued operation of The Corpus Christi Area Council for the Deaf, and determining that all reasonable planning has occurred to minimize harm to Mt. Vernon Park resulting from such use; and authorizing the City Manager or designee to execute a ten-year lease agreement with The Corpus Christi Area Council for the Deaf for expanded lease area of approximately .677 acres of Mt. Vernon Park, with one ten-year extension term.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029800

28. Agreement for temporary tax abatement for the development located in the 800 block of Carancahua Street

Resolution authorizing the execution of an agreement with 164

Corpus, Ltd. (Bay Vista II Apartments) providing for temporary property tax abatement.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029801

29. Chapter 380 Agreement for development of an iron and steel facility

Resolution authorizing the City Manager or designee to execute a Chapter 380 Economic Development Incentive Agreement with voestalpine Texas LLC ("Agreement") for certain economic development grants for development of an iron and steel facility within the City's extraterritorial jurisdiction and for construction of docks potentially within the Corpus Christi city limits for the benefit of the City.

The foregoing resolution was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 1 - Council Member Magill

Enactment No: 029802

30. Resolution requesting State legislation allowing local governments the option to generate revenue for street repair and maintenance with additional financing tools

Resolution encouraging the 83rd Texas Legislature to enact legislation authorizing municipalities to generate revenue to fund street repair and maintenance, through local option vehicle registration fees, gasoline taxes or other mechanism.

Mayor Martinez referred to Item No. 30. Tom Tagliabue, Director of Intergovernmental Relations stated that this is a Resolution informing the Legislature that the Council supports a local option funding for transportation through registration fees, gasoline taxes or other mechanism to fund street repair and maintenance.

After a short discussion, Council Member Leal made a motion to correct the Street Maintenance amount to include the current amount in the Resolution, seconded by Council Member Magill and passed with the following vote: Martinez, Allen, Garza, Leal, Loeb, McIntyre, Magill, Riojas, and Scott.

The foregoing resolution was passed and approved as amended with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029803

N. FIRST READING ORDINANCES: (ITEMS 31 - 48)

31. First Reading Ordinance - Accepting and appropriating State grant funds for Click It or Ticket program

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$23,992.90 from the State of Texas, Department of Transportation for the FY2013 Click It Or Ticket program grant; and appropriating the \$23,992.90 in the No. 1061 Police Grants Fund

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029809

32. First Reading Ordinance - Waiving permit requirements, fees, and inspections for "Lemonade Day Corpus Christi" scheduled events

Ordinance authorizing the Corpus Christi-Nueces County Public Health District to waive all permit requirements, including fees and required inspections for participating children and youth for "Lemonade Day Corpus Christi" scheduled events.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029810

33. First Reading Ordinance - Approving Grant Amendment to extend contract period and increase funding for Women, Infants and Children (WIC) program

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a six month grant extension amendment in the amount of \$464,069 from the Texas Department of State Health Services in the Health Grant Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program for the extended contract period of April 1, 2013 thru September 30, 2013; and to ratify acceptance of the grant extension amendment to begin as of February 26, 2013.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029811

34. First Reading Ordinance - Amending lease agreement for additional baseball fields at Greenwood / Horne Youth Sports complex

Ordinance authorizing the City Manager or designee to execute an Amendment to the Lease Agreement with International Westside Baseball League for additional baseball fields at Greenwood/Horne Youth Sports Complex.

Mayor Martinez referred to Item No. 34. Mr. Michael Morris, Director of Parks and Recreation stated that this item is amending the lease agreement with International Westside Baseball League for additional baseball field at Greenwood/Horne Youth Sports Complex. Mayor Martinez asked for comments from the audience and the following citizens spoke: Jerry Garcia, Mr. Malanger, Ruben Riojas and Mr. Oliver.

After discussion, a motion was made by Council Member Loeb directing staff to 1) execute a lease with Ruben Riojas and International Westside for the facility contingent upon reserving days for the High School Summer League for the two large fields and City tournaments days each year for the term of the lease; 2) ability for the City and Mr. Ruben Riojas to store equipment and concessions onsite; 3) and that City staff and Mr. Riojas work out an agreement on how to share the expense maintenance, seconded by Council Member Leal and passed with the following vote: Martinez, Allen, Garza, Leal, Loeb, McIntyre, Magill, Riojas, and Scott voting "Aye".

Mr. Olson asked for clarity on the action for this item and there was a consensus of the Council to bring the item back once it has been negotiated.

This Ordinance was tabled.

35. First Reading Ordinance - Increasing Beach Parking Permit budget to expand beach parking permit sales

Ordinance appropriating \$50,000 in additional revenues from sales of Beach Parking Permits in the No. 1020 General Fund to be used for Beach Parking Permit Program; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenues and expenditures by \$50,000 each.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Allen

Abstained: 0

Enactment No: 029812

36. First Reading Ordinance - Amending City code for Commission on Children and Youth membership

Ordinance amending the Code of Ordinances regarding membership of Corpus Christi Commission on Children and Youth.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Council Member Scott

Abstained: 0

Enactment No: 029813

37. First Reading Ordinance - Amending City code to correct existing speed limit boundaries on McArdle Road

Ordinance amending Section 53-254 of the code of ordinances to rectify the existing speed limit boundaries on McArdle Road.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029814

38. First Reading Ordinance - Amending City code to set speed limits on Hazel Bazemore Road (CR 69)

Ordinance amending Section 53-254 of the Code of Ordinances to set the speed limit to 55 mph on Hazel Bazemore Road (County Road 69) between FM 624 and County Road 52; providing for penalties; providing for severance; and providing for publication.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029815

39. First Reading Ordinance - Amending City code to establish speed limit designation on Interstate Highway 69 (US 77) and Interstate Highway 37 frontage roads

Ordinance amending Section 53-254 of the Code of Ordinances to establish the following speed limits: (a) 55 MPH on the Northbound IH 37 Frontage Road between Sharpsburg Road and the north city limit line; (b) 55 MPH on the Southbound IH 37 Frontage Road between the north city limit line and Redbird Lane; (c) 45 MPH on the Southbound IH 69 (US 77) Frontage Road between Redbird lane and the south city limit line; and (d) 45 MPH on the Northbound IH 69 (US 77) Frontage Road between the south city limit line and the crossover to North IH 37 Frontage Road; providing for penalties; providing for severance; and providing for publication.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029816

40. First Reading Ordinance - Appropriate funds for Capital equipment purchase at Corpus Christi International Airport

Ordinance appropriating \$125,000 from the Unreserved Fund Balance in Airport Fund No. 4610 for purchase of airport capital equipment; changing the FY 2012-2013 Operating Budget adopted by Ordinance

No. 029577 to increase appropriations by \$125,000.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Loeb and Council Member Scott

Abstained: 0

Enactment No: 029817

41. First Reading Ordinance - Appropriating funds from Passenger Facility Charge fund for payment of debt service associated with airport improvements

Ordinance appropriating \$850,981 from the unreserved fund balance in Passenger Facility Charge Fund No. 4621 and transferring and appropriating \$664,118 into Airport 2012A Debt Service Fund No. 4640 and \$186,863 into Airport 2012A Debt Service Fund 4641 for debt service on airport improvements; amending the FY 2012-2013 Capital Budget adopted by Ordinance No. 029565 to increase appropriations by \$850,981.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Loeb and Council Member Scott

Abstained: 0

Enactment No: 029818

42. First Reading Ordinance - Approving two farm lease agreements at the Corpus Christi International Airport

Ordinance authorizing the City Manager, or designee, to execute 1) a Farm Lease Agreement with Matt Danysh Farms, Inc. to lease and farm approximately 870.703 acres of farm land located at the Corpus Christi International Airport and 2) a Farm Lease Agreement with S & S Farms Partnership to lease and farm approximately 591.374 acres of farm land located at the Airport, both in consideration of an annual payment to the City of \$55 per leased acre, both for a term of five (5) years.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Loeb and Council Member Scott

Abstained: 0

Enactment No: 029819

43. First Reading Ordinance - Reimburse Jimmie and Barbara Moretich for the wastewater development fees paid in 1993

Ordinance appropriating \$3,143.60 from the No. 4220 Wastewater Trunk System Trust Fund to refund Jimmie J. Moretich and Barbara A. Moretich wastewater lot/acreage fees previously paid for Lot 7, Block 3, Farias Grant Subdivision and authorizing the City Manager or designee to issue payment.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029820

44. First Reading Ordinance - Reimburse developer for the construction of a water line in Royal Creek Estates Unit 4 subdivision

Ordinance appropriating \$18,171.34 from the No. 4030 Water Distribution Main Trust Fund to reimburse MPM Development, L.P. ("Developer"), for the construction of a 12-inch water line in accordance with the approved water arterial transmission and grid main reimbursement agreement executed between the City and the Developer.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029821

45. First Reading Ordinance - Appropriating funds to reimburse

developer for the construction of Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements

Ordinance appropriating \$450,000 from the No. 4220 Sanitary Sewer Trunk System Trust Fund to reimburse Forestar (USA) Real Estate Group, Inc. ("Developer") for the construction of the Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements in accordance with the approved reimbursement agreement executed with the Developer.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Riojas

Nay: 1 - Council Member Garza

Abstained: 0

Enactment No: 029822

46. First Reading Ordinance - Appropriating funds for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the Capital Improvement Budget; and executing Amendment No. 1 to the performance contract for energy audit (Phase 2)

Ordinance appropriating \$40,389 from AEP Program Incentives in the No. 3160 City Hall CIP Fund for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase revenues and expenditures by \$40,389 each; and authorizing the City Manager, or designee, to execute Amendment No. 1 Technical Energy Audit to the Fixed Price Energy Performance Contract (Design/Build) with McKinstry Essention of Seattle, Washington for Energy Efficiency Conservation Retrofit for Major City Facilities in the amount of \$125,000, for a total re-stated fee of \$7,075,000.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Loeb

Abstained: 0

Enactment No: 029830

47. First Reading Ordinance - Appropriating funds related to the American Bank Center

Ordinance appropriating \$250,000 received from SMG (under contractual obligation to contribute capital for the American Bank Center) in the No. 4710 Visitors Facility Fund for improvements to the American Bank Center; Appropriating \$277,247.91 from reserved fund balance in the No. 4710 Visitors Facility Fund for American Bank Center capital improvement expenditures; Appropriating \$50,000 from reserved fund balance in the No. 4710 Visitors Facility Fund for capital and repair maintenance needs relating to the food and beverage concessions at the American Bank Center; Appropriating \$119,364.25 from unreserved fund balance in the No. 1130 Arena Facility Fund for repair maintenance needs at the Arena; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenues by \$250,000 and by increasing expenditures by a total of \$696,612.16.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Loeb

Abstained: 0

Enactment No: 029823

48. First Reading Ordinance - Appropriating funds in cable franchise revenue for capital expenditures

Ordinance appropriating \$165,491.99 from the State Cable Franchises issued by the Public Utility Commission of Texas in the No. 1031 Public, Education and Government Cable Fund for capital expenditures related to the Public, Education and Government Access Channels; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase appropriations by \$165,491.99.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029824

O. FUTURE AGENDA ITEMS: (ITEMS 49 - 56)

Mayor Martinez referred to the Future Agenda, Items 49 through 56 and stated that these items are for informational purposes only and that no action or public comment would be taken. Staff provided a presentation on Item 56.

49. Supply agreement for fire hydrants for new and replacement installations

Motion approving a Supply Agreement with HD Supply Waterworks, Corpus Christi, Texas for fire hydrants in accordance with Bid Invitation No. BI-0104-13 based on lowest responsible bid for an estimated annual expenditure of \$114,139.70, of which \$28,534.93 is required for FY 2013. The term of the contract 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 are available from Warehouse Stores for FY 2012-2013.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2013-075

50. Service agreement for lead-based paint hazard consultant

Motion approving a service agreement with Jeff Zunker Specialty Products, Inc. dba Astex Environmental Services, San Antonio, Texas for lead-based paint hazard consultant services in accordance with Request for Proposal (RFP) No. BI-0089-13, based on lowest responsible proposer for an estimated annual expenditure of \$57,202. The term of the service agreement will be for twelve months with and an option to extend the agreement for up to two additional twelve month periods, subject to the approval of the contractor and the City Manager or designee. Funds have been budgeted by the Neighborhood Services Department in FY 2012- 2013.

This Motion was recommended was Staff to the Consent Agenda.

Enactment No: M2013-076

51. Purchase of Motor Starters for pumping system at Lake Texana pump station

Motion approving the purchase of six (6) MX3 motor starters from Curtiss Wright/Benshaw Flow Control Company of Pittsburgh, PA based on sole source, for a total amount of \$95,892.00. Funds are budgeted in FY 12-13 Water Fund.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2013-077

52. Purchase of Security Access System for O.N. Stevens Water Treatment Plant

Motion approving the purchase of a security access system for the O.N. Stevens Water Treatment Plant from Total Protection Systems, Inc., Corpus Christi, TX, based on sole source, for the amount of \$297,178.68. Funds are available from the Water Dept. CIP Fund No.4088.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2013-078

53. Authorization to submit a grant application to State for motor vehicle theft enforcement grant

Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$640,040 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 13 with a City cash match of \$468,495, in-kind match of \$52,045, and program income match of \$7,359 for a total project cost of \$1,167,939 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

This Resolution was recommended by Staff to the Consent Agenda.

Enactment No: 029804

54. Engineering design contract for Corpus Christi Ship Channel Gas Main Crossing

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with HDR Engineering of Corpus Christi, Texas in the amount of \$68,300, for Corpus Christi Ship Channel Gas Main Crossing for design, bid, and construction phase services.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2013-079

55. Engineering design contract for J.C. Elliott gas collection and control system repairs

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with SCS Field Services, a Virginia corporation, in the amount of \$77,000.00, for a re-stated fee not to exceed \$177,400.00 for J. C. Elliott Landfill Gas Collection And Control System Repairs.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2013-080

56. Resolution recommending the United States Congress pass a constitutional amendment reversing the Citizens United vs. Federal Election Commission decision on corporate personhood

Resolution recommending and encouraging the United States Congress to pass a Constitutional Amendment establishing that corporations not receive the same legal rights as natural persons; that money not be considered the same as speech, and that independent expenditures be regulated.

This Resolution was recommended by Staff to the Regular Agenda.

P. BRIEFINGS TO CITY COUNCIL: (ITEM 57)

57. Corpus Christi Regional Economic Development Corporation

Mayor Martinez referred to Item No. 57. Roland Mower, President/CEO, Corpus Christi Regional Economic Development Corporation provided a quarterly update on the 2013 Economic Trends for Employment by Sector and Building Permits. He also discussed the Activity Summary for Quarter 1 for 2013 for business attraction and existing industry.

Q. LEGISLATIVE UPDATE:

R. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

City Manager Olson reported on the following: 1) implementation of 9 EKG models in ambulances and paid through CHRISTUS Spohn; 2) recognized Mr. Dan Biles, Director of Engineering for requesting a Peer Review of his department as continuous improvement; 3) discuss the upcoming Buc Days and plan to control litter; and 4) discussed the City's operational strategic plan and displayed a chart depicting the executive of the business plans, city's performance plan, and key strategic plan.

S. ADJOURNMENT

There being no further business to come before the Council, Mayor Martinez declared the meeting adjourned at 7:55 pm.