



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final-revised City Council

Tuesday, June 25, 2013

11:30 AM

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

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

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

- A. Mayor Nelda Martinez to call the meeting to order.**
- B. Invocation to be given by Pastor Linda Morrow, St. Peter's by the Sea United Methodist 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. [13-000580](#) Proclamation declaring July 4, 2013 as "July 4th Big Bang Celebration 2013"**
Swearing-in ceremony for newly appointed Board, Commission and Committee Members
- F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

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

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

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

G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:

H. EXECUTIVE SESSION: (NONE)

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

I. MINUTES:

2. [13-000582](#) Approval of Meeting Minutes -Workshop Meeting of June 4, 2013 and Regular Meeting of June 11, 2013.

J. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

K. 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.

L. CONSENT AGENDA: (ITEMS 3 - 12)

NOTICE TO THE PUBLIC: The following items are consent motions, resolutions, and ordinances of a routine or administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal

sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

3. [13-000517](#) **Purchase and Installation of Security Equipment**

Motion approving the purchase and installation of sixteen (16) CCTV cameras and an access control system from MCS Fire & Security, Corpus Christi, Texas in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$76,634.81. Funds have been budgeted by the Aviation Department in FY 2012- 2013.

Sponsors: Purchasing Division and Aviation Department

4. [13-000516](#) **Application for a Hazardous Materials Emergency Preparedness Planning Grant**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2014 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safely and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

Sponsors: Fire Department

5. [13-000500](#) **Engineering Design Contract - for emissions and odor control improvements at the Greenwood Wastewater Treatment Plant**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Coym, Rehmet & Gutierrez Engineering, L.P. of Corpus Christi, Texas in the amount of \$85,954.00, for the Greenwood Wastewater Treatment Plant Emissions and Odor Control Improvements.

Sponsors: Wastewater Department and Engineering Department

6. [13-000507](#) **Agreement with Texas Department of Transportation (TXDOT) to contribute Right of Way funds for highway improvements on FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard**

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard, with the City's participation in the amount of \$5,500.

Sponsors: Street Department and Engineering Department

7. [13-000508](#) **Agreement with Texas Department of Transportation (TXDOT) to contribute Right Of Way funds for highway improvements on FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway**

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway, with the City's participation in the amount of \$67,000.

Sponsors: Street Department and Engineering Department

8. [13-000492](#) **Second Reading Ordinance - Rezoning from Resort Commercial to Multifamily with a Planned Unit Development for Townhouses for Alex Harris, on property located at 14306 through 14334 Nemo Court (1st Reading 6/11/13)**

Case No. 0513-01 Alex H. Harris: A change of zoning from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan on the property described as Lots 17 - 24, Block 45, Padre Island - Corpus Christi Island Fairway Estates, located along the east side of Nemo Court, approximately 525 feet west of South Padre Island Drive (PR 22).

Planning Commission and Staff Recommendation (May 22, 2013): Approval of the change of zoning from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., owner of Lots 17-21, and by Alex H. Harris, owner of Lots 22-24, Block 45, Padre Island - Corpus Christi - Island Fairway Estates, from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

9. [13-000438](#) **Second Reading Ordinance - Rezoning from Estate Residential to**

Low Density Residential for Kitty Hawk Development, Ltd. on property located at 3142 South Staples Street (Tabled on 5/28/13) (1st Reading 6/11/13)

Case No. 0413-02 Kitty Hawk Development, Ltd.: A change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1, the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3. The property is described as being a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, located along the south side of South Staples Street (FM 2444) and along the east side of County Road 41.

Planning Commission and Staff Recommendation (April 24, 2013): Approval of the change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1, from the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Kitty Hawk Development, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1 and to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

10. [13-000501](#) **Second Reading Ordinance - Approving the Annual Audit Plan (1st Reading 6/11/13)**

Ordinance to approve the Annual Audit Plan for FY 2013-2014

Sponsors: City Auditor

11. [13-000495](#) **Second Reading Ordinance - Appropriating funds to reimburse John C. and Cheryl L. Hooper for the wastewater development fees paid in 2003 (1st Reading 6/11/13)**

Ordinance appropriating \$5,495.10 from the No. 4220 Wastewater Trunk System Trust Fund to refund John C. and Cheryl L. Hooper wastewater lot/acreage fees previously paid for Lot 7, Block 4, Oak Terrace Unit 2 and authorizing the City Manager or designee to issue

payment.

Sponsors: Development Services

12. [13-000476](#) **Second Reading Ordinance - Type A Grant for Sam Kane Beef Processors, LLC (1st Reading 6/11/13)**

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Sam Kane Beef Processors, LLC ("Sam Kane") to provide a grant of up to \$3,000,000 for the retention of jobs at their beef packing plant in the City of Corpus Christi extra territorial jurisdiction, amending the budget to allow for this funding of up to \$3,000,000 from the Unreserved Fund balance in the No. 1140 Business/Job Development Fund and appropriating up to \$3,000,000 to the Unreserved Fund Balance in the No. 1140 Business/Job Development Fund.

Sponsors: Economic Development

M. **REGULAR AGENDA: (ITEMS 13 - 20)**

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

13. [13-000170](#) **Second Reading Ordinance - Establishing a Street Maintenance Fee (1st Reading - 2/26/13)**

Ordinance establishing a street maintenance fee to be implemented by policies, rates, and methodologies established by separate ordinance.

Sponsors: Street Department

14. [13-000249](#) **Second Reading Ordinance - Establishing policies, methodologies, and rate to be charged for implementing the Street Maintenance Fee (1st Reading 3/19/13)**

Ordinance establishing rates, policies, and methodologies to implement the street maintenance fee created by separate ordinance.

Sponsors: Street Department

15. [13-000574](#) **Emergency Ordinances to Accept and appropriate funds for a State grant to be disbursed for the Texas Safe Shelter Initiative (Related Items 15 - 17)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$1,800,000 for Calallen ISD shelter project for the Texas Safe Shelter Initiative with a match of 25% to be provided by Calallen ISD per Interlocal Agreement; appropriating \$1,800,000 from the Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be

disbursed to Calallen ISD for reimbursement for design and construction costs for the shelter projects; authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Calallen ISD to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

Sponsors: Fire Department

16. [13-000576](#)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$1,800,000 for Del Mar College shelter project for the Texas Safe Shelter Initiative with a match of 25% to be provided by Del Mar College per Interlocal Agreement; appropriating \$1,800,000 from the Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be disbursed to Del Mar College for reimbursement for design and construction costs for the shelter projects; and authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Del Mar College to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

Sponsors: Fire Department

17. [13-000578](#)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amounts of \$1,800,000 for Tulo-so-Midway ISD shelter project at the High School and \$1,080,000 for the Tulo-so-Midway ISD project at the intermediary school for the Texas Safe Shelter Initiative with a match of 25% to be provided by Tulo-so-Midway ISD per Interlocal Agreement; appropriating \$1,800,000 and \$1,080,000 from the Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be disbursed to Tulo-so-Midway ISD for reimbursement for design and construction costs for the shelter projects; authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Tulo-so-Midway ISD to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

Sponsors: Fire Department

18. [13-000549](#) **Setting a Public Hearing for the Fiscal Year 2013-2014 Operating Budget**

Motion setting a public hearing for the City of Corpus Christ Fiscal Year 2013-2014 Operating Budget for July 9, 2013 during the regular City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard

Street, Corpus Christi, Texas.

Sponsors: ACM - General Government & Operations Support and Office of Management and Budget

19. [13-000538](#) **Federal grant application and Interlocal Agreement for the Edward Byrne Memorial Justice Assistance Grant (JAG)**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$162,583 to the U.S. Department of Justice, Bureau of Justice Assistance for funding eligible under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2013 Local Solicitation with 50% of the funds to be distributed to Nueces County under the established Interlocal Agreement; and authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Nueces County to establish terms for the sharing of the Edward Byrne Memorial Justice Grant (JAG) Program FY 2013 Local Solicitation.

Sponsors: Police Department

20. [13-000550](#) **Federal grant application for funding eligible under the Port Security Grant Program**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$66,191 to the U.S. Department of Homeland Security FEMA for funding eligible under the FY 2013 Port Security Grant Program with City cash match of \$22,064 for a total project cost of \$88,255.

Sponsors: Police Department

N. **PUBLIC HEARINGS: (ITEM 21)**

21. [13-000523](#) **Public Hearing and First Reading Ordinance - Rezoning from Commercial and Residential to Light Industrial on Tract 1 and from Residential to Commercial on Tract 2 for Jubalee Properties, Ltd., on property located at 9801 South Padre Island Drive (SH 358), 1130 Baywood Lane, and 1133 Baywood Lane.**

Case No. 0413-05 Jubalee Properties, Ltd.: A change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2, resulting in a change to the Future Land Use Plan from commercial to industrial uses on Tract 1 and not resulting in a change to the Future Land Use Plan on Tract 2. Tract 1 is described as being Lots 1 through 5, Block 2, Baywood Addition, and Tract 2 is described as being Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition. The property to be rezoned is located south of South Padre Island Drive (SH 358) on Baywood Lane.

Planning Commission and Staff Recommendation (May 22, 2013):

Tract 1 - Denial of the change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-1/SP" General Commercial District with a Special Permit, subject to the nine conditions. **Tract 2** - Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Jubalee Properties, Ltd., acting as agent on behalf of Mostafa Bighamian, Morteza Shafinury and First National Bank ("Owners"), by changing the UDC Zoning Map in reference to Lots 1 through 5, Block 2, Baywood Addition ("Tract 1"), and Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition ("Tract 2"), from the "CG-1" General Commercial District and the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

O. FIRST READING ORDINANCES: (NONE)

P. FUTURE AGENDA ITEMS: (NONE)

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

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

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

R. ADJOURNMENT