



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Agenda - Final City Council

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Tuesday, August 27, 2013

11:30 AM

Council Chambers

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**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 Jerry Ward, Lighthouse Tabernacle**
- 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. [13-000783](#) Proclamation declaring August 27, 2013 as "Joel Garcia Day"  
Proclamation declaring September 7, 2013 as "Operation K.E.Y.S. - Keeping Every Youth in School Day"  
Swearing-in Ceremony of the 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: (ITEM 2)**

*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.*

2. [13-000786](#) Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from a business prospect that the City Council seeks to have locate, stay, or expand within 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.

**I. MINUTES:**

3. [13-000784](#) Regular Council Meeting of August 20, 2013

**Sponsors:** City Secretary's Office

**J. BOARDS & COMMITTEE APPOINTMENTS:**

4. [13-000785](#) Advisory Committee on Community Pride  
Mayor's Fitness Council  
North Padre Island Development Corporation  
Reinvestment Zone No. Two

**Sponsors:** City Secretary's Office

**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 5 - 23)**

*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.*

**5. [13-000761](#) Supporting the candidacy of Mayor Nelda Martinez for President-elect of the Texas Municipal League for 2013**

Resolution supporting the candidacy of Mayor Nelda Martinez for the position of President-Elect of the Texas Municipal League

**Sponsors:** Intergovernmental Relations

**6. [13-000731](#) Interlocal Agreement - for breath alcohol testing program**

Resolution authorizing the City Manager or his designee to execute an interlocal agreement with San Patricio County in the amount of \$11,000 for the services of a Technical Supervisor to operate the Police Department's breath alcohol testing program for the twelve month period of January 1, 2014 - December 31, 2014.

**Sponsors:** Police Department

**7. [13-000716](#) Engineering Design Contract - for groundwater monitoring and related services at J.C. Elliott**

Motion authorizing the City Manager or designee to execute a Contract for Professional Services with Kleinfelder Central, Inc. of Corpus Christi, Texas in the amount of \$112,200, for JC Elliott Landfill FY 2013-2014 Groundwater Monitoring and Related Services.

**Sponsors:** Solid Waste Operations and Engineering Department

**8. [13-000717](#) Engineering Design Contract - for groundwater monitoring and related services at Cefe Valenzuela Landfill**

Motion authorizing the City Manager or designee to execute a Contract for Professional Services with Kleinfelder Central, Inc. of Corpus Christi, Texas in the amount of \$114,200, for Cefe Valenzuela Landfill FY 2013-2014 Groundwater Monitoring and Related Services.

**Sponsors:** Solid Waste Operations and Engineering Department

9. [13-000724](#) **Engineering Design amendment No. 1 for master channel 31 drainage channel excavation**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with Freese and Nichols, Inc. from Corpus Christi, Texas in the amount of \$36,587.00, for a re-stated fee not to exceed \$76,324.00 for Master Channel 31 Drainage Channel Excavation

**Sponsors:** Storm Water Department and Engineering Department

10. [13-000720](#) **Engineering Construction Contract for Citywide Street Striping and Pavement Markings**

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Highway Barricades and Services, LLC. of Corpus Christi, Texas for the City-wide Street Striping and Pavement Markings project in the amount of \$129,770.00 for the Base Bid.

**Sponsors:** Street Department and Engineering Department

11. [13-000712](#) **Professional Services Agreement to provide Oracle database administration services**

Motion authorizing the City Manager, or designee, to execute a one year contract with Falcron Solutions, Inc., of Houston, Texas and up to two one year extensions for an estimated expenditure of \$120,000.00 annually. The cost will be paid in monthly payments of \$10,000.00. The purpose is to provide Oracle database administration services for the current Oracle environment.

**Sponsors:** Municipal Information Systems

12. [13-000673](#) **Agreement for Legal Services for water rights and general water law issues**

Motion to authorize the City Manager or designee to execute a legal services agreement with Timothy L. Brown to advise the City on water rights and general water law issues, at an hourly rate of \$175.00 per hour capped at \$6,500 per month, plus expenses.

**Sponsors:** Legal Department

13. [13-000708](#) **Second Reading Ordinance - Amending the Unified Development Code to create new "RS-22" Single-Family 22 District (1st Reading 8/20/13)**

Ordinance amending the Unified Development Code to provide for a new "RS-22" Single-Family 22 District by revising table 1.11.2 - abbreviations, table 4.1.1 - zoning districts, table 4.3.2 - permitted uses (single-family districts), table 4.3.3 - residential development (single-family districts), subsections 5.6.4.A.2.a and 5.6.4.B.3.a - both

entitled single-family, two-family, and townhouse residential use districts, and subsection 7.5.13 - signs allowed in the FR, RE, RS-15, RS-10, RS-6, RS-4.5, RS-TH, RS-TF, and RMH districts; and providing for severance, penalties, and publication.

**Sponsors:** Development Services and Planning/Environmental Services

14. [13-000711](#) **Second Reading Ordinance - Appropriating funds for the Texas Automobile Theft Prevention Authority (ATPA) grant (1st Reading 8/20/13)**

Ordinance appropriating \$392,474 from the Texas Automobile Theft Prevention Authority (ATPA) in the No. 1061 Police Grants Fund, and appropriating \$7,359 in program income match in the No. 1061 Police Grants Fund to continue the motor vehicle theft enforcement grant within the Police Department.

**Sponsors:** Police Department

15. [13-000713](#) **Second Reading Ordinance - Accepting and appropriating local grant for the purchase of two defibrillators (1st Reading 8/20/13)**

Ordinance authorizing the City Manager or designee to accept a grant from Christus Spohn Hospital Corpus Christi in the amount of \$64,316.30 for the purchase of two Zoll X-series defibrillators and its accessories; and Appropriating the \$64,316.30 in the Fire Grant Fund No. 1062.

**Sponsors:** Fire Department

16. [13-000735](#) **Second Reading Ordinance - Amending the Code of Ordinances regarding Food and Food Establishments (1st Reading 8/20/13)**

Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding Food and Food Establishments; providing for penalties, providing for severance; and providing for publication.

**Sponsors:** Health Department

17. [13-000736](#) **Second Reading Ordinance - Amending the Reformation of the Cooperative Agreement to Operate a Public Health district to adopt a new pay plan (1st Reading 8/20/13)**

Ordinance to authorize the City Manager to execute amendment to the Reformation of the Cooperative Agreement to Operate a Public Health District to adopt new pay plan for the employee assigned to the Corpus Christi-Nueces County Health District.

**Sponsors:** Health Department

18. [13-000740](#) **Second Reading Ordinance - Appropriating Program Income from Department of State Health Services (DSHS) (1st Reading 8/20/13)**

Ordinance appropriating \$763,000 from the estimated program income revenue in the No. 1066 Health Grants Fund as State fiscal year 2013-2014 program income to fund laboratory and public health services for the period of September 1, 2013 through August 31, 2014.

**Sponsors:** Health Department

19. [13-000714](#) **Second Reading Ordinance - Executing Contract and sub-contracts for FY14 Community Youth Development Program and appropriating funds (1st Reading 8/20/13)**

Ordinance authorizing the City Manager or designee to execute a contract with the Texas Department of Family and Protective Services for funding for September 1, 2013 through August 31, 2014 in the total amount of \$386,769.67; authorizing appropriation in the Grants Fund No. 1060 for Community Youth Development program contracts for the 78415 Zip Code area; and authorizing execution of subcontracts as follows: \$53,337 to The Boys and Girls Club, \$82,304 to Communities In Schools of the Coastal Bend and \$108,000 to SERCO of Texas for subcontract period September 1, 2013 through August 31, 2014.

**Sponsors:** Parks and Recreation Department

20. [13-000683](#) **Second Reading Ordinance - Authorizing the acceptance of donated items to settle overdue library fees (1st Reading 8/20/13)**

Ordinance authorizing the Corpus Christi Public Libraries to settle overdue fees with the acceptance of donated items to be provided to charitable groups for legitimate public purposes; and providing for an effective date

**Sponsors:** Libraries

21. [13-000688](#) **Second Reading Ordinance - To reimburse Marvin and Mary Kinnett for the wastewater lot/acreage fees paid in 2000. (1st Reading 8/20/13)**

Ordinance appropriating \$4,707.55 from the No. 4220 Wastewater Trunk System Trust Fund to refund Marvin Kinnett and Mary Kinnett the wastewater lot/acreage fees paid since wastewater services are not available nor will any be available within the next 5 years as related to Kinnett Addition, Block 1, Lots 1, 2 & 3.

**Sponsors:** Development Services

22. [13-000689](#) **Second Reading Ordinance - To rename certain areas of the City as "SEA District" (1st Reading 8/20/13)**

Ordinance to rename certain areas in the City of Corpus Christi as the "SEA (Sports, Entertainment and Arts) District".

**Sponsors:** ACM - Business Support Services

23. [13-000729](#) **Second Reading Ordinance - Amending the Rules and Regulations of the Utility Business Office (1st Reading 8/20/13)**

Ordinance amending the Code of Ordinances, City of Corpus Christi, Chapter 55, Article II, regarding the rules and regulations of the Utilities Billing Office; providing for publication, providing for severance, and providing effective date.

**Sponsors:** Financial Services Department

M. **PUBLIC HEARINGS: (ITEMS 24 - 27)**

24. [13-000723](#) **Public hearing regarding a "Substantial Amendment" to the FY2013 CAAP to amend the programs which include allocation changes.**

Public hearing to amend the 2013 Consolidated Annual Action Plan (CAAP) approved by the U.S. Department of Housing and Urban Development (HUD) to increase the Community Development Block Grant Program by \$265,242, increase the HOME Investment Partnerships Program by \$6,880, and reduce the Emergency Solutions Grant Program by \$62,189; and to authorize the City Manager or designee, following the conclusion of the comment period required by HUD, to amend the FY2013 CAAP by accepting the allocation changes and recommendations by staff; and to execute all necessary documents with HUD and the CAAP grantees.

**Sponsors:** Neighborhood Services

25. [13-000754](#) **Second Public Hearing on Fiscal Year 2014 Ad Valorem Taxes**

Public Hearing on Fiscal Year 2014 Ad Valorem Taxes

**Sponsors:** Financial Services Department and Office of Management and Budget

26. [13-000751](#) **Public Hearing and First Reading Ordinance - Rezoning from the "IL" Light Industrial District to the "IC" Industrial Compatible District, on properties located on Brezina Road between Weber and Bratton Roads.**

Case No. 0713-01 City of Corpus Christi: A rezoning from the "IL" Light Industrial District to the "IC" Industrial Compatible District on property described as being a 1.205-acre tract of land out of Lot 4A, Block 1, and all of Lots 4B and 4C, Block 2, Brezina Farm Tracts, located along Brezina Road, approximately 1,400 feet south of Bratton Road.

Planning Commission and Staff Recommendation (July 31, 2013)

Approval of the change of zoning from the "IL" Light Industrial District to the "IC" Industrial Compatible District.

Ordinance

Ordinance amending the Unified Development Code, upon initiation by

the City of Corpus Christi, Texas, by changing the UDC Zoning Map in reference a 1.205-acre tract of land out of Lot 4A, Block 1, and all of Lots 4B and 4C, Block 2, Brezina Farm Tracts, from the "IL" Light Industrial District to the "IC" Industrial Compatible District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Sponsors:** Development Services and Planning/Environmental Services

27. [13-000752](#) **Public Hearing and First Reading Ordinance - Rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, on property located at 2317 Rodd Field Road.**

Case No. 0713-06 Bay Area Self Storage of Corpus Christi Manager, LLC: A rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, not resulting in a change to the Future Land Use Plan, on property described as being a 4.29-acre tract of land out of Lot 21A, Block 2, Windbrook Unit 2, located along the west side of Rodd Field Road, approximately 135 feet north of Cano Lane.

Planning Commission and Staff Recommendation (July 31, 2013)

Approval of the change of zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code upon application by Bay Area Self Storage of Corpus Christi Manager, LLC, acting as agent on behalf of Bay Area Self Storage of Corpus Christi, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 4.29-acre tract of land out of Lot 21A, Block 2, Windbrook Unit 2 from the "IL" Light Industrial 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.

**Sponsors:** Development Services and Planning/Environmental Services

**N. REGULAR AGENDA: (ITEMS 28 - 31)**

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

28. [13-000756](#) **Appointing Financial Advisor for the Issuance of Utility System Revenue Bonds**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for one or more series of City of Corpus Christi, Texas Utility System Revenue Bonds, in an aggregate principal amount not to exceed \$106,000,000.

**Sponsors:** Financial Services Department

29. [13-000757](#) **Second Reading Ordinance - Authorizing the Issuance of Utility**



**System Revenue Bonds(1st Reading 8/20/13)**

Ordinance authorizing the issuance of one or more series of City of Corpus Christi, Texas Utility System Revenue Bonds, in an aggregate principal amount not to exceed \$106,000,000, pursuant to the delegation provisions set forth herein; making provisions for the payment and security thereof of a parity with certain currently outstanding Utility System revenue obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the forms, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of each series of bonds; including the approval and distribution of one or more Official Statements pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, and one or more purchase contracts; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; establishing the City's intention to reimburse itself from the proceeds of any such series of bonds for the prior lawful expenditure of funds to construct various City improvements; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of each series of bonds; and providing an effective date.

**Sponsors:** Financial Services Department

30. [13-000666](#) **Second Reading Ordinance - Construction contract and materials testing agreement for Bayfront Development Plan, Phase 3 (BOND 2008) Shoreline Boulevard Realignment (1st Reading 8/20/13)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 by adding \$156,637.50 in Gas Capital Improvement Program Reserves; transferring \$218,862.20 from Wastewater CIP Project No. E12204 Unanticipated Wastewater Capital Requirements to the Bayfront Development Plan, Phase 3 Project; increasing expenditures in the amount of \$156,637.50; authorizing the City Manager or designee to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$6,552,042.05, for the Bayfront Development Plan, Phase 3 Project for the total base bid; and authorizing the City Manager or designee to execute a Construction Materials Testing Agreement with Rock Engineering and Testing Laboratory, Inc. for \$57,960.00.

**Sponsors:** Street Department and Engineering Department

31. [13-000707](#) **Second Reading Ordinance - Amending lease agreement for use and management of Whataburger Field (1st Reading 7/30/13)**

Ordinance authorizing the City Manager, or designee, to execute the First Amended and Restated Lease Agreement ("Amended Lease") between the City of Corpus Christi ("City") and the Corpus Christi

Baseball Club, LP (“Lessee”) for operating Whataburger Field (“Baseball Stadium”) as a professional baseball venue, in consideration of an additional fifteen (15) year term and Lessee’s rental payments therefore.

**Sponsors:** ACM - Business Support Services

**O. FIRST READING ORDINANCES: (ITEM 32)**

**32. [13-000762](#) First Reading Ordinance - Amending City Code, revising the City's Water Resource Management Ordinance**

Ordinance amending City Code of Ordinances, Chapter 55, Article XII Water Resource Management, regarding water resource management including drought restrictions and surcharges, providing an effective date; and providing for penalties.

**Sponsors:** Water Department

**P. RECESS THE CITY COUNCIL MEETING**

**Q. CORPORATION MEETING: (ITEM 33)**

**33. [13-000739](#) Board of Director's Meeting of the Corpus Christi Community Improvement Corporation**

Board of Director's Meeting of the Corpus Christi Community Improvement Corporation

**Sponsors:** Neighborhood Services

**R. RECONVENE THE CITY COUNCIL MEETING**

**S. FUTURE AGENDA ITEMS: (ITEMS 34 -37)**

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

**34. [13-000758](#) Approval of Nueces River Authority's FY 13-14 work plan**

Motion to authorize the City Manager or designee to execute work plan and budget agreement with the Nueces River Authority to provide water planning, protection, development, and data management services to the City for FY 2013-2014.

**Sponsors:** Water Department

**35. [13-000763](#) Annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Society (USGS)**

Motion authorizing the City Manager or his designee to renew an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Society (USGS), U.S. Department of the

Interior, for automated river gauging stations to gather and maintain accurate records of all inflows and releases in the City's water reservoir, with the City's cost to be \$158,462.

**Sponsors:** Water Department

36. [13-000775](#) **Recommendation of "Red Route" as preferred alternative route for the replacement of the Harbor Bridge**

Resolution to recommend a preferred alternative route for the replacement of the Harbor Bridge.

**Sponsors:** Engineering Department

37. [13-000802](#) **Amending the FY2013-14 Consolidated Annual Action Plan (CAAP) due to the final allocation of funds being received from the United States Department of Housing and Urban Development**

Motion to amend the 2013 Consolidated Annual Action Plan (CAAP) approved by the U.S. Department of Housing and Urban Development (HUD) to increase the Community Development Block Grant Program by \$265,242, increase the HOME Investment Partnerships Program by \$6,880, and reduce the Emergency Solutions Grant Program by \$62,189; and to authorize the City Manager or designee, following the conclusion of the comment period required by HUD, to amend the FY2013 CAAP by accepting the allocation changes and recommendations by staff; and to execute all necessary documents with HUD and the CAAP grantees.

**Sponsors:** Neighborhood Services

T. **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.*

U. **ADJOURNMENT**