



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, September 10, 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 Ed Paul, Metropolitan Community Church of Corpus Christi**
- 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. [13-000836](#) Proclamation declaring September 11, 2013 as "9/11 Day of Service & Remembrance"
Proclamation declaring September 2013 as "National Senior Center Month"
- 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: (ITEMS 2 - 5)

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

2. [13-000787](#) Executive Session pursuant to Texas Government Code Section 551.074 Personnel Matters to deliberate the evaluation of the City Secretary with possible discussion and action in open session.
3. [13-000828](#) Executive session pursuant to Section 551.072 to deliberate the purchase, exchange, lease, or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City of Corpus Christi in negotiations with a third person.
4. [13-000829](#) 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
5. [13-000849](#) Executive Session pursuant to Texas Government Code Section 551.074 Personnel Matters to deliberate the evaluation of the following Municipal Court Judges: Presiding Judge Flores, Judge Alaniz, Judge Baytek, Judge Henderson, Judge Gonzalez, Judge Matt, Judge O'Hare, Judge Rivera, Judge Rogoff-Klein, Judge Robinson, and Judge Tamez,

and City Auditor Arlena Sones.

I. MINUTES:

6. [13-000837](#) Regular Council Meeting of August 27, 2013

J. BOARDS & COMMITTEE APPOINTMENTS:

7. [13-000838](#) Airport Board
City Council's Youth Advisory Committee
Commission on Children and Youth
Senior Companion Program

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 8 - 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.

8. [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

9. [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

10. [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

11. [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

12. [13-000752](#) **Second Reading Ordinance - Rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, on property located at 2317 Rodd Field Road (1st Reading 8/27/13)**

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

M. PUBLIC HEARINGS: (ITEMS 13 - 14)

13. [13-000755](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District, on property located south of La Quinta Road and bayward of the City limit line.**

Case No. 0713-05 Port of Corpus Christi Authority of Nueces County, Texas: A rezoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District on property described as being a 268.68-acre tract of land out of the Geronimo Valdez Survey, Abstract 269, the John Garreghty Survey, Abstract 139, the T.T. Williamson Surveys, Abstracts Nos. 284, 285, 286, 287, 288, and 289, and the State Mineral Tract Nos. 1, 11, and 12, located south of La Quinta Road and bayward of the City of Corpus Christi city limit line.

Planning Commission and Staff Recommendation (July 31, 2013)
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial District

Ordinance

Ordinance amending the Unified Development Code upon application by the Port of Corpus Christi Authority of Nueces County, Texas ("Owner"), by changing the UDC Zoning Map in reference to a 268.68-acre tract of land out of the Geronimo Valdez Survey, Abstract 269, the John Garreghty Survey, Abstract 139, the T.T. Williamson Surveys, Abstracts Nos. 284, 285, 286, 287, 288, and 289, and the State Mineral Tract Nos. 1, 11, and 12, from the "RS-6" Single-Family 6 District to the "IH" Heavy Industrial 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

14. [13-000789](#) **Public Hearing and First Reading Ordinance - Rezoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, on property located at 2301 Agnes Street.**

Case No. 0813-01 Stuart Spigel: 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. The property to be rezoned is described as Lots 1-24, Block 8, Patrick-Webb Addition, located between Agnes and Marguerite Streets and between Twentieth and Twenty-first Streets.

Planning Commission and Staff Recommendation (August 14, 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 ("UDC"), upon application by Stuart Spigel, acting as agent on behalf of SPS Texas Centers, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to Lots 1-24, Block 8, Patrick-Webb Addition, 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 15 - 17)

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

15. [13-000751](#) **Second 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 (1st Reading 8/27/13)**

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

16. [13-000762](#) **Second Reading Ordinance - Amending City Code, revising the City's Water Resource Management Ordinance (1st Reading 8/27/13)**

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

17. [13-000818](#) **Emergency Ordinance - Adopting the Fiscal Year 2014 Property Tax Rate**

Ordinance setting a property tax rate of \$0.585264 per \$100 valuation which is effectively a 10.63% increase over the effective tax rate; and declaring an emergency.

Sponsors: Financial Services Department

O. **FIRST READING ORDINANCES: (ITEMS 18 - 26)**

18. [13-000806](#) **First Reading Ordinance - Accepting and appropriating the 2014 Selective Traffic Enforcement Program grant from the Texas Department of Transportation (TXDOT)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Department of Transportation (TXDOT) in the amount of \$96,397.90 for the 2014 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Driving While Intoxicated (DWI) and Speed enforcement overtime, with a city match of \$48,041.33, for a total project cost of \$144,439.23 and appropriating \$96,397.90 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

19. [13-000819](#) **First Reading Ordinance - Accepting and appropriating a Regional grant for WebEOC**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Council in the amount of \$30,000 for the benefit of the City's WebEOC operations; and appropriating \$30,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

Sponsors: Fire Department

20. [13-000766](#) **First Reading Ordinance - Construction contract for Fire Station No. 5 Relocation Re-Bid (Bond 2008)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer \$181,690 in programmed project savings from Project No. 140232 New Fire Station in area of Holly/Saratoga and Ayers to Project No. 140231 Relocation of Fire Station No. 5 Project and authorizing the City Manager, or designee, to execute a Construction Contract with Safenet Services of Corpus

Christi, Texas for the Fire Station No. 5 Relocation Re-Bid (Bond 2008) project in the amount of \$1,777,037.00 for the Base Bid plus Additive Alternates C, E, F, I, J and K.

Sponsors: Fire Department and Engineering Department

21. [13-000494](#) **First Reading Ordinance - Appropriating funds for park improvements and other related projects**

Ordinance appropriating \$410,468.46 in developer contributions and \$766.93 in interest earnings for a sum of \$411,235.39 in the No. 4720 Community Enrichment Fund for park improvements, and other related projects.

Sponsors: Parks and Recreation Department

22. [13-000803](#) **First Reading Ordinance - Funding the creation of a strike force for minor emergency maintenance items**

Ordinance appropriating \$296,500 from the Unreserved Fund Balance in the No. 1020 General Fund Reserve to be used for emergency maintenance employees and equipment; changing the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 to increase appropriations by \$296,500.

Sponsors: Parks and Recreation Department

23. [13-000809](#) **First Reading Ordinance - Changing Born Street from one-way traffic to two-way traffic**

Ordinance amending Section 53-250 of the Code of Ordinances to delete "Born Street, between Water Street and Chaparral Street" from Schedule I, One-way streets and alleys; providing for penalties; providing for severance; and providing for publication.

Sponsors: Engineering Department

24. [13-000815](#) **First Reading Ordinance - Granting a Revocable Easement to allow a pipeline to cross two tracts of City owned land**

Ordinance granting a Revocable Easement to TexStar Midstream Utility, LP to construct, operate, maintain, repair and remove one (1) 12-inch pipeline across two tracts of City owned land located southwest of the O.N. Stevens Water Treatment Plant; for the amount of \$70,000 paid to the City; authorizing the City Manager or designee to execute the Revocable Easement instrument and other related documents for the conveyance of the revocable easement.

Sponsors: Water Department and Engineering Department

25. [13-000825](#) **First Reading Ordinance - Approving agreement and reimbursement for construction of a water arterial transmission and grid main line**

Ordinance authorizing execution of a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with Kitty Hawk Development LTD., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$30,691.40 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

26. [13-000824](#) **First Reading Ordinance - Reestablishing Industrial Districts and authorizing City Manager to execute Industrial District Agreements for a ten year period.**

Ordinance authorizing the reestablishment of land areas located within the extraterritorial jurisdiction of the City of Corpus Christi, Texas as Industrial Districts; reserving and preserving all rights, powers and duties of the City Council; authorizing the City Manager, or designee, to execute Industrial District Agreements by and between the City and various property owners located within the extraterritorial jurisdiction of the City.

Sponsors: ACM - Business Support Services

P. **FUTURE AGENDA : (ITEMS 27 - 32)**

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

27. [13-000804](#) **Service Agreement for Pump & Motor Repairs at water treatment plant**

Motion approving a service agreement with Smith Pump Company, Inc., Woodway, Texas, based on best value, in accordance with Request for Proposal BI-0120-13, for an estimated annual expenditure of \$664,260 of which \$553,550 is budgeted in FY 2013/2014. The term of the agreement will be for one year and will automatically be extended for up to two additional one-year periods, subject to the approval of the service provider and the City Manager or designee. Funds have been budgeted by the Water Department in FY 2013/2014.

Sponsors: Purchasing Division and Water Department

28. [13-000814](#) **Service Agreement for Workers' Compensation Third-Party Administrator Services**

Motion approving a service agreement with York Risk Services Group, Inc. of Corpus Christi, Texas for workers' compensation third-party administration services, in accordance with Request for Proposal Number BI-0063-13, based on lowest responsible proposal, for an estimated one-year expenditure of \$329,290, of which \$301,849.17 is required for FY13/14. The term of the service agreement will be for one year with an option to extend for up to three additional one-year periods

subject to the approval of the service provider and the City Manager or designee. This service will be used by the Risk Management Division of the Legal Department in administering the City's workers' compensation claims. Funding is available in the Liability and Employee Benefits Workers' Compensation Fund for FY13/14.

Sponsors: Purchasing Division and Legal Department

29. [13-000774](#) Use of Permanent Art Trust funds to complete sculpture installation and identification

Motion to approve an \$9,920 expenditure from the Permanent Art Trust Fund for expenses related to fabrication, re-installation, and identification of Chin art sculpture at the American Bank Center on the Corpus Christi Bay Front.

Sponsors: Parks and Recreation Department

30. [13-000808](#) Contract Amendment No. 1 for Water Conservation Outreach

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to the Contract for Professional Services with dlo Three Dimensional Development, LLC of Corpus Christi, Texas in the amount of \$30,000.00, for a total restated fee not to exceed \$78,500.00 for Water Conservation Outreach.

Sponsors: Water Department and Engineering Department

31. [13-000805](#) Construction Contract - for Corpus Christi International Airport (CCIA) 17-35 Runway Navigational Aids

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Bay, Ltd. of Corpus Christi, Texas for the Corpus Christi International Airport (CCIA) 17-35 Runway NAVAIDS (Navigational Aids) project in the amount of \$857,863.80 for the Base Bid plus Additive 2.

Sponsors: Aviation Department and Engineering Department

32. [13-000821](#) Approval of Change Order No. 6 for Corpus Christi International Airport Runway 17-35 Extension/Displacement and Connecting Taxiway Project

Motion authorizing the City Manager, or designee, to execute Change Order No. 6 to the Construction Contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$641,521.50 for a total restated fee not to exceed \$14,370,427.09, for the Corpus Christi International Airport (CCIA) Runway 17-35 Extension/ Displacement and Connecting Taxiway Project.

Sponsors: Aviation Department and Engineering Department

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