



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes - Final City Council

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Tuesday, January 8, 2013

11:30 AM

Council Chambers

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### A. CALL MEETING TO ORDER.

Mayor Martinez called the meeting to order.

### B. INVOCATION.

The invocation was delivered by Reverend Bruce Wilson, Church of Reconciliation.

### C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Fire Chief Robert Rocha.

### D. ROLL CALL.

City Secretary Armando Chapa verified that the necessary quorum of the Council and the following necessary Charter Officers, City Manager Ron Olson, City Attorney Carlos Valdez and City Secretary Armando Chapa were present to conduct the meeting.

**Note:** Council Member Lillian Riojas arrived at 1:10 pm.

**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 Certificate of Commendation Presented to Mr. Eddie Chambliss - Most Valuable Citizen

Mayor Martinez read and presented the Proclamation.

Mayor Martinez deviated from the agenda and referred to Board and Committee Appointments, Consent Agenda, and Public Hearings.

### I. BOARDS & COMMITTEE APPOINTMENTS:

3 Oil and Gas Advisory Committee  
Planning Commission

## Retired and Senior Volunteer Program Advisory Committee

The following reappointments/new appointments were made to the City's boards, commissions and committees:

**Oil & Gas Advisory Committee: Reappointed - Patrick McCullough (Oil Industry), Gerald Rogen (General Public)**

**Planning Commission: New Appointment - Curtis Rock**

**Retired and Senior Volunteer Program Advisory Committee: Sylvia Portales (RSVP Volunteer) and Stephen Isenhour (At Large)**

Enactment No: None

**H. MINUTES: (NONE)****K. CONSENT AGENDA: (ITEMS 4 - 22)**

Mayor Martinez called for consideration of the Consent Agenda, Item Nos. 4 through 22. Mayor Martinez asked for council and public comment and the following items were pulled and voted on separately: 6, 9, 12, 13, 14, and 20.

- 4** Resolution requesting website link for information on local Navy flight zones to inform public on flight zone locations and naval information regarding said zones

Resolution to request that the Nueces County Appraisal District ("NCAD") include a link on the NCAD website relating to information on local Navy flight zones referred to as Air Installation Compatible Use Zones.

**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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029706

- 5** Purchase of police package sedans to replace existing units

Motion approving the purchase of twelve (12) Police Package Sedans from Griffith Ford, Seguin, Texas for a total amount of \$308,522.88, based on lowest responsible bid, in accordance with Bid Invitation No. BI-0065-13. Funding is available in the Capital Outlay Budget of the Fleet Maintenance Fund and the Crime Control District Budget.

**The foregoing motion 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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-001

**6** Lease-Purchase of a track excavator for loading refuse at the transfer station

Motion approving the lease-purchase of one (1) track excavator from Waukesha-Pearce Industries, Inc., Corpus Christi, Texas for a total amount of \$181,675.34. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available from the City's lease-purchase financing contractor.

**The foregoing motion 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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-002

**7** Lease-Purchase of a rescue pumper replacement unit for fighting fires

Motion approving the lease purchase of one (1) rescue pumper from Siddons-Martin Emergency Group, of Denton, Texas based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC), in the amount of \$425,000. The rescue pumper will be used by the Fire Department. Funds for the lease purchase of the rescue pumper will be provided through the City's lease/financing program.

**The foregoing motion 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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-003

**8** Supply agreement for sodium bisulfite solution for dechlorination at the wastewater treatment plants

Motion approving a supply agreement with Univar USA, Corpus Christi,

Texas for approximately 868,000 pounds of sodium bisulfite solution for use at the Wastewater Treatment Plants in accordance with Bid Invitation No. BI-0044-13, based on lowest local bid for an estimated twelve month expenditure of \$291,648 of which \$170,128 is required for the remainder of 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:** 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-004

**9** Lease - Purchase of a five yard wheel loader to fill transfer trailer at the transfer station

Motion approving the lease purchase of one (1) five yard wheel loader from Nueces Power Equipment, of Corpus Christi, Texas based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC), in the amount of \$239,427.14. The five yard wheel loader will be used by the Solid Waste Department. This unit is an addition to the fleet. Funds for the lease purchase of the wheel loader will be provided through the City's lease/financing program.

**The foregoing motion 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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-005

**10** Professional services contract for monitoring and data collection of salinity and freshwater inflow to Nueces Bay and River

Motion authorizing the City Manager, or designee, to execute Contract for Monitoring Services with Conrad Blucher Institute at Texas A & M University - Corpus Christi in an amount not to exceed \$93,062 for Salinity and Freshwater Inflow Monitoring 2012-2013 associated with

the Rincon Bayou Diversion Project.

**The foregoing motion 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 Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: M2013-006

**11** First Reading Ordinance - Amending city code to clarify areas where waterfowl hunting is prohibited

Ordinance amending section 33-75 of the Corpus Christi Code by clarifying the area where discharge of firearm is prohibited, clarifying unlawful act, clarifying areas where waterfowl hunting is not allowed within 1,000 feet; providing an effective date; providing for severance; and providing for publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029707

**12** First Reading Ordinance - License Agreement for use of Equistar Park located on Haven Drive for youth soccer program

Ordinance authorizing the City Manager, or designee, to execute a License Agreement with Nueces County for Great Western Soccer League use of Equistar Park for youth soccer program.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029708

**13** First Reading Ordinance - Interlocal agreement for recreation and

athletic facility improvements at Equistar Park and adjacent property

Ordinance authorizing the City Manager, or designee, to execute an Interlocal Agreement with Nueces County for use of Bond 2008 funds for reimbursement up to \$300,000 for improvements to Lyondell Park, Equistar Park, and Oxychem Park.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029709

14

First Reading Ordinance - Agreement for use of Equistar Park located on Haven Drive for youth sports program/league

Ordinance authorizing the City Manager, or designee, to execute a License Agreement with Nueces County for Nueces County Youth Football League use of Equistar Park for youth football program.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029710

15

First Reading Ordinance - Accepting and appropriating Federal grant for after school snacks at selected Latchkey sites

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$203,608 from the Texas Department of Agriculture and appropriating grant in the No. 1067 Parks and Recreation Grants Fund for the Latchkey After School Snack Program.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029711

**16** First Reading Ordinance - Authorizing re-sale of properties for failure to pay ad valorem taxes

Ordinance authorizing the resale of fifteen (15) properties for \$56,211.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$6,378.91 plus \$9,524.51 for partial payment of City paving and demolition liens.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029712

**17** Second Reading Ordinance - Amending the City's Future Land Use Plan and the Comprehensive Plan to create compatible land uses near Cabaniss Field (1st Reading 12/18/12)

Ordinance amending the Comprehensive Plan of the City of Corpus Christi by amending the Corpus Christi Future Land Use Plan (adopted by Ordinance 026278 and thereafter amended by Ordinance 028504) by revising the future land use maps surrounding Cabaniss Field; providing for repeal of conflicting ordinances; providing for severance; and providing for publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029713

**18** Second Reading Ordinance Reading Ordinance - A change of zoning from the "CG-2" General Commercial District to the "CBD" Downtown Business District, on property located at 2002 Ayers Street. (1st Reading 12/18/12)

Case No. 1012-05 Everett Skipper: A change of zoning from the "CG-2" General Commercial District to the "CBD" Downtown Business District, not resulting in a change of future land use. The property to be rezoned is described as Block 1504, Port Aransas Cliffs, located between Ayers Street and Cole Street and between 17th Street and 18th Street.

**Staff Recommendation:**

Approval of the change of zoning from the "CG-2" General Commercial District to the "CBD" Downtown Commercial District.

Planning Commission Recommendation (October 24, 2012) Denial of the requested "CBD" Downtown Commercial District and, in lieu thereof, approval of a Special Permit with the requirement of the development providing a minimum of 122 on-site and off-site parking spaces.

**Ordinance**

Ordinance amending the Unified Development Code ("UDC") upon application by Everett Skipper, acting as agent on behalf of Birdie Realty Investments, LLC, and Gulley Family Investments, Ltd. ("Owners"), by changing the UDC Zoning Map in reference to Block 1504, Port Aransas Cliffs, from the "CG-2" General Commercial District to the "CBD" Downtown Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029714

**19**

Public Hearing and First Reading Ordinance - A change of zoning from the "IH" Heavy Industrial District to the "CG-2" General Commercial District, on property located at 5445 Greenwood Drive.

Case No. 1112-01 St. John Baptist Church, Corpus Christi, Texas: A change of zoning from the "IH" Heavy Industrial District to the "CG-2" General Commercial District, resulting in a change of future land use from light industrial to commercial. The property to be rezoned is described as the west 225 feet out of Lot 8A, Block 1, Cedar Grove,

and to 4.55 acres out of Lot 2, Section 5, Bohemian Colony Lands, located north of Hala Pit Road and west of Greenwood Drive.

Planning Commission and Staff Recommendation (November 7, 2012):

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

#### Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by WKMC Architects, acting as agent on behalf of St. John Baptist Church, Corpus Christi, Texas ("Owner"), by changing the UDC Zoning Map in reference to the west 225 feet out of Lot 8A, Block 1, Cedar Grove, and to 4.55 acres out of Lot 2, Section 5, Bohemian Colony Lands, from the "IH" Heavy Industrial District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029715

**20**

Public Hearing and First Reading Ordinance - A change of zoning from the "RS-6" Single-Family 6 District to the "CH" Cottage Housing District, on property located at 849 and 847 Erwin Avenue.

Case No. 1112-02 Advanced Housing Alternatives Corporation: A change of zoning from the "RS-6" Single-Family 6 District to the "CH" Cottage Housing District, resulting in a change of future land use from low density residential to medium density residential. The property to be rezoned is described as Oak Park, Block 9, Lots 10, 11, 12, 23, and the north 28 feet of Lot 13, located on Mueller Street between Oak Park Avenue and Erwin Avenue.

Planning Commission and Staff Recommendation (November 7, 2012):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CH" Cottage Housing District.

## Ordinance

Ordinance amending the Unified Development Code (“UDC”) upon application by Advanced Housing Alternatives Corporation (“Owner”), by changing the UDC Zoning Map in reference to Lots 10, 11, 12, 23, and the north 28 feet of Lot 13, Block 9, Oak Park Addition, from the “RS-6” Single-Family 6 District to the “CH” Cottage Housing District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029716

**21**

First Reading Ordinance - Amending the City code to provide for immediate ownership of impounded animals under four months old

Ordinance amending section 6-103 (g) of the Corpus Christi Code by providing immediate ownership of impounded animals under four months old to the City; providing an effective date; providing for severance; and providing for publication.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029717

**22**

First Reading Ordinance - Accepting and appropriating a local grant for purchasing surveillance equipment

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Target Corporation in the amount of \$1,700 for the purchase of equipment to assist the Repeat Offender Program for the Police Department, and appropriating the \$1,700 in the General Fund No. 1020; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 by increasing revenue and expenditures in the General Fund No. 1020 by

\$1,700 each.

**The foregoing ordinance was passed and approved on second 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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

Enactment No: 029718

**L. PUBLIC HEARINGS: (ITEMS 23 - 25)**

**23**

Public Hearing and First Reading Ordinance - A Change of zoning from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District, at 221, 217, 213 Kleberg Place

Case No. 1112-03 Guy and Renee Richards (Normadon Properties, Ltd.- Owner): A change of zoning from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District, not resulting in a change of future land use. The property to be rezoned is described as Lots 88, 89, 90, 91, 92, and 93, Block I, Corpus Christi Beach Hotel, located east of Surfside Boulevard and south of Kleberg Place.

Planning Commission and Staff Recommendation (November 7, 2012) Approval of the change of zoning from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Normadon Properties, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to Lots 88, 89, 90, 91, 92, and 93, Block I, Corpus Christi Beach Hotel, from the "RM-AT" Multifamily AT District to the "CR-1" Resort 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, Interim Director of Development Services stated that the purpose of the rezoning is to allow for future development of tourist uses on North Beach. A motion was made by Council Member Loeb, seconded by Council Member Scott to open the public hearing. There were no comments. A motion was made by Council Member Scott, seconded by Council Member Leal to close the public hearing.**

**The foregoing ordinance was passed and approved on first reading as follows:**

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**24**

Public Hearing and First Reading Ordinance - Amending City code to modify authority of technical construction boards and frequency of meetings

Ordinance amending the Code of Ordinances, Chapter 14, "Development Services," Article II, "City of Corpus Christi Technical Construction Codes," Division 1, "Scope and Administration of Technical Construction Codes," Section 14-206 "Technical construction boards" by adding language to modify the authority of each board and revising the frequency of meetings; and providing for severance, penalties, publication, and an effective date.

**Mayor Martinez referred to Item No. 24. Mark Van Vleck, Interim Director of Development Services stated that this item is amending the Technical Construction Codes to modify the authority of each board and revise the frequency of meetings. A motion was made by Council Member Scott, seconded by Council Member Loeb to open the public hearing. There were no comments. A motion was made by Council Member Leal, seconded by Council Member Scott to close the public hearing.**

**The foregoing ordinance was passed and approved on first reading as follows:**

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**25**

Public Hearing and First Reading Ordinance - Amending the Unified Development Code to implement the goals of the Parks and Recreation Master Plan

Ordinance amending the Unified Development Code ("UDC") by revising subsections 8.3.6 relating to fee in lieu of land and 8.3.8 relating to park development improvements

**Mayor Martinez referred to Item No. 25. Mark Van Vleck, Interim Director of Development Services stated that the purpose of this amendment is to update the regulations of Unified Development Code (UDC) to implement goals of the new Corpus Christi Strategic Parks and Recreation Master Plan. A motion was made by Council Member Leal, seconded by Council Member Scott to open the public hearing. There were no comments. A motion was made by Council Member Scott, seconded by Council Member Loeb to close the public hearing.**

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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**F. PUBLIC COMMENT.**

Mayor Martinez referred to Public Comment and the following citizens spoke: Carolyn Moon spoke about Martin Luther King not being a City holiday; John Wilson spoke about the increase in Citicare premium for retired Firefighters; Mary Lou Huffman spoke about various City issues; Howard Ludlow spoke about the street user fee and the fee structure.

**G. EXECUTIVE SESSION: (ITEM 2)**

Mayor Martinez read Executive Session Item No. 2. The council went into executive session. The council returned from executive session.

- 2 Executive Session pursuant to Texas Government code Section 551.071 to consult with attorneys regarding City of Corpus Christi, Texas vs. David McCarthy & Community Showcase Banners LLC, Cause No 2012 DCV 5832 A, in the 28th District Court of Nueces County, with possible discussion and action in open session.

This executive session was discussed and no action was taken.

**M. REGULAR AGENDA: (NONE)**

**N. FIRST READING ORDINANCES: (ITEMS 26 - 33)**

- 26 First Reading Ordinance - Amending the Capital Improvement Budget and transferring funds for professional services contract for design and installation of cover system at landfill

Ordinance amending the FY 2012 Capital Improvement Budget adopted by Ordinance No. 029135 transferring budgeted funds in the amount of \$250,145 from the Citizens Collection Center Flour Bluff / Padre Island Area Project to the Cefe Valenzuela Landfill Disposal Cells Interim Cover project; and authorizing the City Manager or designee to execute a contract for professional services with CP&Y of Dallas, Texas in the amount of \$475,465 for the Cefe Valenzuela Landfill Disposal Cells Interim Cover project

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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**27** First Reading Ordinance - Miscellaneous easement with State for waterline rights across Laguna Madre

Ordinance authorizing the City Manager or designee to execute Miscellaneous Easement ME800236 with the State of Texas through its General Land Office, for the renewal of easement rights across the Laguna Madre for a 24-inch waterline to Padre Island, for a term of ten years, at the total cost of \$67,025.90 which includes the ten year land use fee of \$66,675.90 and an application fee of \$350.00.

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**28** First Reading Ordinance - Amending the Capital Improvement Budget to add funding for the expansion project at Ethel Eyerly Senior Center through Community Development Block Grant (CDBG); Awarding Construction contract for base bid

Ordinance amending the FY 2012 Capital Improvement Budget adopted by Ordinance No. 029135 to add an amount of \$229,464.74 to the Ethel Eyerly Senior Center Expansion Project from FY 2012 Community Development Block Grant Funds; increasing revenues and expenditures by \$229,464.74 each; and authorizing the City Manger or designee to execute a construction contract with Henock Construction, LLC. of San Antonio, Texas in the amount of \$255,636.00 for the Ethel Eyerly Senior Center Expansion Project for the Base Bid.

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**29** First Reading Ordinance - Lease Agreement for Arts and Education Center located at 2021 Agnes

Ordinance authorizing the City Manager, or his designee to execute a ten-year Lease Agreement with South Texas Institute for the Arts for the use of an approximately 1.37 acre tract including improvements located near intersection of Agnes Street at 18th Street, to be used to operate the Antonio E. Garcia Arts & Education Center; 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 Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**30** First Reading Ordinance - Accepting and appropriating State grant for overtime driving while intoxicated (DWI) enforcement during specific calendar periods

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 \$19,977.68 for the 2013 Impaired Driving Mobilization grant within the Police Department, for overtime DWI enforcement, with a City cash match of \$8,004.99, for a total project cost of \$27,982.67 and appropriating \$19,977.68 in the No. 1061 Police Grants Fund.

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**31** First Reading Ordinance - Appropriating estimated program income revenue for operating expenditures for health services

Ordinance appropriating \$763,000 from the estimated program income revenue in the No. 1066 Health Grants Fund as State fiscal year 2012-2013 program income to fund laboratory and public health services for the period of September 1, 2012 through August 31, 2013.

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**32**

First Reading Ordinance - Utility easement closure for future development located north of Catalina Place and west of Santa Fe Street

Ordinance abandoning and vacating a 5-foot wide by 20-foot long utility easement out of Lots 17 and 18, Block 8, Lamar Park Subdivision Section 2; and requiring the owners, Gregory and Nancy Graves, to comply with the specified conditions.

**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 Garza

**Absent:** 1 - Council Member Riojas

**Abstained:** 0

**33**

First Reading Ordinance - Ground lease for development of a facility for State and Federal departments to be located at the airport

Authorizing the City Manager or designee to execute a Ground Lease with FDL - CC, LLC to lease land from the City of Corpus Christi at the Corpus Christi International Airport ("Airport") for the development of a facility to be occupied initially by the Department of Homeland Security, the United States Coast Guard (USCG), and Customs and Border Protection ("Project"), to be located on land at the Airport, which Project will be subleased by FDL - CC, LLC to the General Services Administration ("Government-Tenant").

**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

**O. FUTURE AGENDA ITEMS: (ITEMS 34 - 42)**

**Mayor Martinez referred to the Future Agenda, Item Nos. 34 through 42. Mayor Martinez stated that these items are for informational purposes only and that**

no action or public comment would be taken. City Manager Olson stated that staff would make a presentation on Item Nos. 34 and 35; and council requested a presentation on Item Nos. 36 and 39.

**34**

Resolution for potential use of eminent domain to acquire property rights for Mary Rhodes Pipeline Phase II Project; authorizing the City Manager or his designee to execute documents necessary for acquiring the property interests

Resolution of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of parcels of land by fee simple title to the surface estate and by waterline easements for a water line pipeline project known as the Mary Rhodes Pipeline Phase 2, which is to be generally located along the route from Bay City, Texas to Lake Texana described as follows:

From a point which begins on the west bank of the Colorado River in Matagorda County, Texas just north of the State Highway 35 bridge and runs approximately 41 miles to the City's pump station adjacent to the Palmetto Bend Dam on Lake Texana located in Jackson County, Texas; said pipeline further described as follows: leaving the Colorado River, the alignment will parallel State Highway 35 in a southwesterly direction through Matagorda County for approximately 13 miles until just east of Blessing, Texas, where the alignment will break more westerly to follow the Union Pacific Railroad easement on the north side of Blessing, Texas for approximately 2.5 miles west of Blessing and continuing in a southwesterly direction for approximately 5 miles; the alignment will parallel FM 616 and continue through Matagorda County to the Jackson County line where it will continue parallel to FM 616 in Jackson County through Francitas, Texas for approximately 9 miles until just east of La Ward, Texas where the alignment will turn northwesterly to circumnavigate La Ward for approximately 1.5 miles; the alignment will then parallel SH172 in a northerly direction out of La Ward for approximately 2 miles where it will turn westerly following FM 3131 approximately 8 miles to the west delivery system on the west bank of the Navidad river in Jackson County; (2) authorizing the City Manager or his designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; (3) authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire the fee simple and easement interests in the properties; (4) authorizing payment pursuant to an award by Special Commissioners; (5) authorizing acceptance and recording of appropriate legal instruments; and (6) approving condemnation for all units of property to be acquired by condemnation within the water line route described herein by a single record vote of the City Council.

**This Resolution was recommended by Staff to the Consent Agenda.**

- 35** Resolution of support for the Texas Coalition for Affordable Power's (TCAP) legislative agenda for the 83rd regular session of the Texas Legislature
- Resolution of the City of Corpus Christi, Texas, endorsing certain legislative action in the regular session of the 83rd Texas Legislature to enhance the competitive electric market and system reliability and to protect the traditional role of cities in the regulatory process
- This Resolution was recommended by Staff to the Consent Agenda.**
- 36** Construction contract for fire station relocation to Miller High School (BOND 2008)
- Motion authorizing the City Manager, or designee, to execute a Construction Contract with Sal-Con of Corpus Christi, Texas in the amount of \$1,680,500.00 for the Fire Station No. 5 Relocation (Bond 2008) for the Base Bid plus Additive Alternates B, C, D, E, F, G and I.
- This Motion was recommended by Staff to the Consent Agenda.**
- 37** Resolution to authorize submission of a nomination form for a State grant for landscape improvements on Holly Road between State Highway 286 and Greenwood Drive (BOND 2012)
- Resolution authorizing the City Manager, or designee, to submit a Nomination Form to the Texas Department of Transportation to apply for a grant under the Transportation Enhancement Program in the amount of \$149,443 for Holly Road Landscape Improvements from State Highway (SH) 286 to Greenwood Drive (Bond 2012) Project, with intent to commit funds for a city match of \$37,361 for a total construction cost of \$186,804.
- This Resolution was recommended by Staff to the Consent Agenda.**
- 38** Construction Contract for Americans with Disabilities Act (ADA) improvements to selected intersections within the City (CDBG Residential areas)(BOND 2008)
- Motion authorizing the City Manager, or designee, to execute a construction contract with Ti-Zack Concrete, Inc. of Le Center, Minnesota in the amount of \$1,032,416.50 for the Base Bid of ADA Improvements Group 3 (Bond Issue 2008) and Accessible Routes in Community Development Block Grant (CDBG) Residential Areas Phase 1 and Phase 2.
- This Motion was recommended by Staff to the Consent Agenda.**
- 39** Professional services contract for study and design of the Cefe Valenzuela landfill access road

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 \$290,029.00 for the Cefe Valenzuela Landfill - Landfill Pavement/Roadway Life Cycle Replacement.

**This Motion was recommended by Staff to the Consent Agenda.**

**40** Service Agreement for elevator and escalator maintenance for City buildings

Motion approving a service agreement with Schindler Elevator Corporation, San Antonio, Texas for elevator and escalator maintenance in accordance with Bid Invitation No. BI-0249-12, based on lowest responsible bid, for a total expenditure of \$93,084.00 of which \$54,299.00 is required for the remainder of FY 2012-2013. The term of the agreement shall be for one (1) year with four (4) automatic one-year extensions, subject to annual appropriation. Funds have been budgeted by the various using Departments in FY 2012-2013.

**This Motion was recommended by Staff to the Consent Agenda.**

**41** Resolution to submit a State grant application for speed and driving while intoxicated (DWI) enforcement overtime

Resolution authorizing the City Manager, or designee, to submit a grant application to 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 overtime Driving While Intoxicated (DWI) and Speed enforcement, with a city match of \$48,041.33, for a total project cost of \$144,439.23.

**This Resolution was recommended by Staff to the Consent Agenda.**

**42** Contract with state for administration of duties and payment of record fees for Vital Records

Motion authorizing the City Manager or his designee to execute a contract with the Department of State Health Services for the administration of duties performed by the Vital Statistics Unit of the Health Department and for the payment of record fees in the amount of \$1.83 per printed record due to the State.

**This Motion was recommended by Staff to the Consent Agenda.**

**P. BRIEFINGS TO CITY COUNCIL: (NONE)**

**Q. CITY MANAGER'S COMMENTS:**

**\* Update on City Operations**

City Manager Olson made the following announcements: 1) Mr. Olson stated that he plans to change the agenda format. He stated that the second council meeting of every month would be a Work Session Meeting. The format for these type of meetings would include briefings with extensive discussion; 2) a City Council Retreat is planned for Saturday, February 9th, 7:30 am to 11:30 am at Holiday Inn, Padre Island; 3) started the process for FY 2014 budget cycle; 4) and announced that the City had received the Safer Grant in the amount of \$3.5 million over the next three years.

**R. ADJOURNMENT**

There being no further business to come before the Council, Mayor Martinez declared the meeting adjourned at 2:00 pm.