



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes City Council

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Tuesday, December 17, 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.**

**A. Mayor Nelda Martinez to call the meeting to order.**

Mayor Martinez called the meeting to order.

**B. Invocation to be given by Pastor Bill Banda, Love and Grace Church of God**

Pastor Bill Banda gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States.**

Ms. Lynda Herndon gave the Pledge of Allegiance.

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

Assistant City Secretary Rebecca Huerta called the roll and stated that a quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Ron Olson, Interim City Attorney Lisa Aguilar, and Assistant City Secretary Rebecca Huerta.

**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. Swearing-in Ceremony for Newly Appointed Board and Commission Members**

Mayor Martinez conducted the swearing-in ceremony for newly appointed board and commission members.

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

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. City Manager Ron Olson reported on the following issues:

**a. City Performance Report - Development Services**

City Manager Olson asked Interim Assistant City Manager Mark Van Vleck to provide a briefing on the operations, missions and goals of the Development Services Department.

**b. Other**

1) Development Services is the first department to formalize a benchmarking effort and a matrix criteria to compare with operations in other significant cities. Mr. Olson said it is his intent to have all departments follow that lead. 2) City Manager Olson announced the restructuring of the operation and missions of the Public Works and Utilities departments. 3) Mr. Olson also informed the Council of the reassignment of Code Enforcement to the Police Department. 4) Mr. Olson conducted interviews for the selection of a City Attorney and reported that an announcement could be made by the next City Council meeting. 5) The first round of interviews have been conducted for the selection of a Facilities Maintenance Manager and a selection should be made by next week. 6) Staff is in the negotiation process with a planning firm to begin work on the Consolidated Comprehensive Plan and plan to bring a contract for Council approval in mid-January. 7) Mr. Olson provided a status update on the consolidation of the grounds maintenance and mowing operations.

**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.**

Mayor Martinez deviated from the agenda and called for comments from the audience. Jeremy Coleman provided an update on the efforts to reopen the Brooks Chapel Day Care Center.

**H. EXECUTIVE SESSION: (NONE)****I. MINUTES:**

2. Regular Council Meeting of December 10, 2013.

Mayor Martinez called for approval of the minutes. Council Member Scott made a motion to approve the minutes, seconded by Council Member Loeb and passed unanimously.

**J. BOARDS & COMMITTEE APPOINTMENTS:**

3. Corpus Christi Regional Economic Development Corporation

Mayor Martinez called for board and committee appointments. The following appointment was made:

Corpus Christi Regional Economic Development Corporation - Willard H. Hammonds, Jr. (Reappointed)

**K. EXPLANATION OF COUNCIL ACTION:**

**L. CONSENT AGENDA: (ITEMS 4 - 35)**

**Approval of the Consent Agenda**

Mayor Martinez called for the consent agenda. Assistant City Secretary Rebecca Huerta stated that Item 33 was withdrawn by staff. Council Member Riojas stated that she would be abstaining from the vote on Item 19. The consent agenda was passed by one vote as follows:

**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

**4. Agreement for delivery of electricity and related services**

Motion authorizing the City Manager to execute a Commercial Energy Sales Agreement for deliveries of electricity and necessary, related services at a fixed energy price per kilowatt hour (kWh) not to exceed the current contract rate for 2011-2013 plus standard delivery services charges effective January 1, 2014, for 48 months ending December 31, 2017, for certain electric accounts in the area served by Nueces Electric Cooperative.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-183

**5. Adopting the federal legislative priorities**

Resolution adopting the City of Corpus Christi's federal legislative priorities for 113th U.S. Congress.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030031

**6. Lease purchase of freightliner truck for chipped tree transport**

Motion approving the lease purchase of one (1) Freightliner truck with Knapheide Forestry Body from Freightliner of Houston, Houston, Texas for a total amount of \$90,870.00 of which \$7,014.06 is required in FY 2013-2014. The award is based on the cooperative purchasing

agreement with the Houston-Galveston Area Council of Governments (HGAC). Funding is available from the City's lease-purchase financing contractor.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-184

**7. Lease purchase of freightliner truck with aerial lift body for traffic signal maintenance**

Motion approving the lease-purchase of one (1) Freightliner truck with aerial lift body from Freightliner of Houston, Houston, Texas for a total amount of \$131,620.00. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). Funding is available from the city's lease-purchase financing contractor.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-185

**8. Lease purchase of dump trucks for landfill**

Motion approving the lease purchase of three (3) Freightliner trucks with Warren 18-yard dump body from Freightliner of Houston, Houston, Texas for a total amount of \$366,832.00 of which \$25,860.44 is required in FY 2013-2014. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). Funding is available from the City's lease-purchase financing contractor.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-186

**9. Purchase of freightliner truck with cement mixer body for concrete repair by water distribution crews**

Motion approving the purchase of one (1) Freightliner truck with cement mixer body from Houston Freightliner, Inc., Houston, Texas for a total amount of \$230,205.00. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). Funding is available in the FY 2013-2014 Capital Outlay Budget of the Water Fund.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-187

**10. Supply agreement for pipe repair clamps**

Motion approving a supply agreement with Ferguson Enterprises, Corpus Christi, Texas for pipe repair clamps in accordance with Bid Invitation No. BI-0037-14 based on lowest responsible bid for an estimated annual expenditure of \$223,313.50, of which \$148,875.66 is required for the remainder of FY 2013-2014. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Water Department in FY 2013- 2014.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-188

**11. Purchase of emergency standby pump for the Wooldridge lift station**

Motion approving the purchase of one (1) emergency standby pump from Xylem Dewatering Solutions, Inc., dba Godwin Pumps, Bridgeport, New Jersey for a total amount of \$162,989.32. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). Funding is available in the FY 2013-2014 Wastewater System Fund.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-189

**12. Supply agreement for sodium bisulfite solution, a chemical used for dechlorination at the wastewater treatment plants**

Motion approving a supply agreement with Calabrian Corporation, Port Neches, Texas for approximately 1,973,368 pounds of sodium bisulfite solution for use at the Wastewater Treatment Plants in accordance with Bid Invitation No. BI-0065-14, based on lowest responsible bid for an estimated twelve month expenditure of \$600,890.56 of which \$400,593.68 is required for the remainder of FY 2013-2014. 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 FY2013-2014.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-190

**13. Supply Agreement for reformulated gasoline and ultra-low sulfur diesel fuel**

Motion approving a supply agreement with Oil Patch Petroleum, Inc., Corpus Christi, Texas for reformulated gasoline and ultra-low sulfur

diesel fuel in accordance with Bid Invitation No. BI-0030-14, based on lowest local bid for an estimated twelve month expenditure of \$4,635,554.65 of which \$3,090,369.77 is required for the remainder of FY 2013-2014. The term of the agreement will be for twelve months with options to extend for up to two additional twelve-month periods, subject to the approval of the suppliers and the City Manager, or designee. Funds have been budgeted by Maintenance Services and the Aviation Department in FY 2013-2014.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-191

**14. Service agreement for installation, maintenance and repair of roadway illumination and traffic signals**

Motion approving a service agreement with Star Operations, Inc., Corpus Christi, Texas for installation, maintenance & repair of roadway illumination and traffic signals in accordance with Bid Invitation No. BI-0031-14 based on only bid for an estimated twelve-month expenditure of \$529,591.00 of which \$308,928.06 is required for the remainder of FY 2013-2014. The term of the service 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 service provider and the City Manager or designee. Funds are available in the General Fund in FY 2013-2014.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-192

**15. Interlocal agreement for storage of supply trailer to be used in an emergency**

Resolution authorizing the City Manager or his designee, the Director of the Corpus Christi-Nueces County Health District ("Health District"), to execute an interlocal agreement between the Health District and Robstown Fire/EMS for the purpose of storing a trailer with supplies at a Robstown facility to be used in case of a natural or man-made emergency.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030032

**16. Construction contract for Corpus Christi ship channel gas main crossing**

Motion authorizing the City Manager, or designee, to execute a construction contract with Alcott, Inc. dba TCH from Friendswood, Texas in the amount of \$548,600, for Corpus Christi Ship Channel

Gas Main Crossing for the base bid.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-193

**17. Construction contract for Americans with Disabilities Act (ADA) improvements in Community Development Block Grant (CDBG) areas from FY 2012**

Motion authorizing the City Manager or designee to execute a Construction Contract with CAS Companies, LP of Corpus Christi, Texas in the amount of \$228,552.06, for ADA Improvements in CDBG Areas for the Base Bid only.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-194

**18. Contribution-In-Aid-Of Construction agreement for relocating and raising a transmission line that crosses the sedimentation basin of Mary Rhodes Pipeline Phase 2**

Motion approving a Contribution-In-Aid-Of-Construction Agreement with American Electric Power (AEP) Texas Central Company in the amount of \$1,450,000.00 for raising AEP's 69 KV transmission line that crosses the sedimentation basin of Mary Rhodes Pipeline Phase 2

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-195

**19. Reservation agreement for recycled water**

Motion authorizing the City Manager or designee to execute an Agreement for Exclusive Reservation of Recycled Water (the "Reservation") with Valero Refining - Texas, L.P. (Valero) for 4 million gallons per day (mgd) of recycled water.

**This Motion was passed on the Consent Agenda.**

**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

**Abstained:** 1 - Council Member Riojas

Enactment No: M2013-196

**20. Interlocal cooperation agreement with University of North Texas for air quality planning**

Resolution authorizing the City Manager or City Manager's designee to execute an Interlocal Cooperation Agreement with University of North Texas in the amount of \$339,400 for an air quality research and planning program, which includes air quality monitoring and modeling projects, and development of an emissions inventory for the Nueces and San Patricio Counties area.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030033

**21. Interlocal cooperation agreement with Texas A&M University - Corpus Christi for pollution prevention and air quality educational outreach**

Resolution authorizing the City Manager or City Manager's designee to execute an Interlocal Cooperation Agreement with Texas A&M University-Corpus Christi in the amount of \$211,530 for the Pollution Prevention Partnership and educational outreach program, which includes small business assistance and public education on pollution prevention and air quality in Nueces and San Patricio Counties.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030034

**22. Type A grant renewal for Del Mar Procurement Technical Assistance Center**

Resolution approving the renewal of the Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College Procurement Technical Assistance Center (PTAC) to provide grant up to \$37,500 to assist small businesses.

**This Resolution was passed on the Consent Agenda.**

Enactment No: 030035

**23. Agreement with Texas A&M University recognizing the City as a sub-recipient for a Federal grant for fiber connectivity to permit finalization of grant activities**

Motion authorizing the City Manager, or designee, to execute an agreement with Texas A&M University for an expenditure of \$144,000.00 to replace disallowed in-kind funding for a BTOP (Broadband Technology Opportunity Program) federal grant awarded to Texas A&M University in the amount of \$1,000,000.00 and to recognize the City as a sub-recipient for funding from that grant.

**This Motion was passed on the Consent Agenda.**



Enactment No: M2013-197

**24. Contract for collection of delinquent special assessments, demolitions, liens, and Risk Management claims**

Motion to authorize the City Manager or his designee to execute a contract for the collection of delinquent special assessments levied in connection with paving liens and liens filed under Chapter 342 of the Health and Safety Code (including demolition, clean-up, and mowing) and for the collection of Risk Management claims with Linebarger, Goggan, Blair & Sampson, LLP for a fee of 20% of principal and interest collected on delinquent accounts turned over to the law firm.

**This Motion was passed on the Consent Agenda.**

Enactment No: M2013-198

**25. Second Reading Ordinance - Rezoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District, on property located at 5621 Corisca Road and 6940 South Staples Street (FM 2444) (1st Reading 12/10/13)**

Case No. 1013-02 Mokry Family: Rezoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District, resulting in a change to the Future Land Use Plan from medium density residential to low density residential. The property to be rezoned is described as being a 4.01-acre tract of land, more or less, out of Lot 31, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on both sides of Corsica Road and approximately 620 feet east of South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (October 23, 2013): Approval of the rezoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by the Mokry Family, i.e., Tim J. Mokry, Gerard L. Mokry, Catherine J. Mokry, Edmund J. Mokry, Loraine Mokry Nemec, Leona Mokry Williams, Thelma Eugenia Mokry, and Estate of Louis V. Mokry, Deceased ("Owners"), by changing the UDC Zoning Map in reference to a 4.01-acre tract of land, more or less, out of Lot 31, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030036

**26. Second Reading Ordinance - Accepting and appropriating a State grant for the Senior Companion Program (SCP) (1st Reading 12/10/13)**

Ordinance authorizing the City Manager, or designee, to execute all documents necessary to accept and appropriate a Grant from The Corporation for National and Community Service in the amount of \$5,756.00 to the No. 1067 Parks and Recreation Funds - for funding of a national service project -- Senior Companion Program.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030037

**27. Second Reading Ordinance - Accepting and appropriating a local grant for the Retired Senior Volunteer Program (RSVP) (1st Reading 12/10/13)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$18,059 grant awarded by the Corporation for National and Community Service for the Retired Senior Volunteer Program; appropriating the \$18,059 grant in the No. 1067 Parks and Recreation Grants Fund.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030038

**28. Second Reading Ordinance - Lease agreement with Coinmach Corporation for operation of laundry facilities (1st Reading 10/17/13)**

Ordinance authorizing the City Manager, or designee, to execute a five year Lease Agreement with Coinmach Corporation for operation of laundry facilities at Sunrise Beach RV Park in consideration of fifty percent of gross receipts.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030039

**29. Second Reading Ordinance - Amending City code titled "Streets and Sidewalks" related to street cuts (1st Reading 12/10/13)**

Ordinance amending Chapter 49 of the Code of Ordinances titled "Streets and Sidewalks" in order to provide requirements and prohibitions related to street cuts.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030040

**30. Second Reading Ordinance - Continuing Texas Municipal Retirement System (TMRS) updated service credits for participants and increases for prior and current annuities (1st Reading 12/10/13)**

Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030041

**31. Second Reading Ordinance - Purchase of Community Development and Regulation (CDR) module of Infor software (1st Reading 12/10/13)**

Ordinance appropriating \$1,648,183 from the Unreserved Fund Balance in the Development Services Fund No. 4670 for the purchase of the Infor Community Development and Regulation (CDR) module; changing the FY 2013-2014 Budget adopted by Ordinance No. 029915 to increase appropriations by \$1,648,183; authorizing the City Manager, or designee, to execute amendment to Master Contract with Infor, Inc. for CDR module, with an initial three-year service agreement and initial one-year hosting and maintenance agreements, each with automatically annual renewal terms upon payment of annual fees, with the total amount of the fixed price agreement of \$1,648,183, which includes the recurring support costs for years one and two, and additional recurring support costs of \$64,820 per year for years three through five.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030042

**32. Second Reading Ordinance - Appropriating funds for the purchase of court case management software (1st Reading 12/10/13)**

Ordinance authorizing participation in the National Joint Powers Alliance Cooperative Purchasing program; appropriating \$1,300,000 from the Unreserved Fund Balance in the No. 1020 General Fund for court case management software and data conversion services; authorizing execution of contract with Tyler Technologies in amount of \$777,044; changing the FY 2013-2014 Budget adopted by Ordinance

No. 029915 to increase expenditures by \$1,300,000 in the No. 1020 General Fund.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030043

**33. Second Reading Ordinance - Appropriating funds for safety vestibule at City Detention and Magistration Center (1st Reading 12/10/13)**

Ordinance appropriating and transferring \$50,000.00 from the Unreserved Fund Balance in the No. 1020 General Fund for the remodeling of the City Detention and Magistration Center to create a safety vestibule; and changing the FY 2013-2014 Adopted Annual Operating Budget adopted by Ordinance No 029915 by increasing expenditures by \$50,000 in the No. 1020 General Fund.

**This Ordinance was withdrawn**

**34. Second Reading Ordinance - Appropriating Passenger Facility Charge (PFC) funds for debt service payment associated with airport terminal and roadway improvements (1st Reading 12/10/13)**

Ordinance appropriating \$1,138,856 from the Unreserved Fund Balance in the Passenger Facility Charge Fund No. 4621 and transferring \$823,854 to the Airport 2012A Debt Service Fund No. 4640 and \$315,002 into Airport 2012A Debt Service Fund No. 4641 for debt service on Airport Improvements; amending the FY 2013-2014 Capital Budget adopted by Ordinance No. 029916 to increase appropriations by \$1,138,856.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030044

**35. Second Reading Ordinance - Appropriating Federal grant for funding airport upgrades to security and perimeter road systems (1st Reading 12/10/13)**

Ordinance appropriating \$62,249 from the Federal Aviation Administration Grant No. 3-48-0051-048-2011 in the No. 3020 Airport Capital Improvement Fund to upgrade security and perimeter road systems at Corpus Christi International Airport; changing the FY 2013-2014 Capital Budget adopted by Ordinance No. 029916 by increasing revenues and expenditures by \$62,249.

**This Ordinance was passed on second reading on the Consent Agenda.**

Enactment No: 030045

**M. PUBLIC HEARINGS: (ITEMS 36 - 37)****36. Public Hearing and First Reading Ordinance - Rezoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District, on property located at 4050 Acushnet Drive.**

Case No. 1113-01 Luxury Spec Homes, Inc.: A rezoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District, resulting in a change to the Future Land Use Plan from commercial to low-density residential uses. The property is described as Lot 13, Block 2, Country Club Estates Unit 20, located on the north side of Acushnet Drive, approximately 525 feet east of Weber Road (FM 43).

Planning Commission and Staff Recommendation (November 20, 2013):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Luxury Spec Homes, Inc., acting as agent behalf of Mihail Chryssos and Nikolaos Hrisos ("Owners"), by changing the UDC Zoning Map in reference to Lot 13, Block 2, Country Club Estates Unit 20 from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 36. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for construction of a single-family development. Ms. Gunning stated that Planning Commission and staff were in favor of the zoning change. Council Member Scott made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the Council or the public. Council Member Magill made a motion to close the public hearing, seconded by Council Member Scott. This Ordinance was passed on first reading and approved with the following vote:**

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

**Abstained:** 0

**37. Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District, on property located at 1201, 1217, 1225 and 1233 Barton**

**Street.**

Case No. 1113-03 Robert Bryan Johnson: Rezoning from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District, resulting in a change to the Future Land Use Plan from low density residential to medium density residential uses. The property being rezoned is described as Lots 20, 21, 22, 23, Block 5, Flour Bluff Center, located on the northeast corner of Barton and O'Neill Streets.

Planning Commission and Staff Recommendation (November 20, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Robert Bryan Johnson, by changing the UDC Zoning Map in reference to Lots 20, 21, 22, and 23, Block 5, Flour Bluff Center, from the "RS-6" Single-Family 6 District to the "RS-TF" Two-Family District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

**Mayor Martinez referred to Item 37. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow for construction of duplexes. Ms. Gunning stated that Planning Commission and staff were in favor of the zoning change. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Allen and passed. This Ordinance was passed on first reading and approved with the following vote:**

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

**Abstained:** 0

**N. REGULAR AGENDA: (ITEMS 38 - 41)**

**38. Supply Agreement for Single Port Meter Transmission Units**

Motion approving a supply agreement with Aclara Technologies LLC, Hazelwood, Missouri for approximately 5,376 single port meter transmission units (MTU's). The award is based on sole source, for an estimated annual expenditure of \$473,088 of which \$336,512 is required for the remainder of FY 2013-2014. The term of the contract will be for twelve months with an option to extend the contract for up to two additional twelve month periods, subject to the approval of the City

Manager or designee. Funds have been budgeted by the Water Department in FY 2013-2014.

**Mayor Martinez referred to Item 38 and announced that this item was withdrawn.**

Enactment No:

**39. Approval of the Street Preventive Maintenance Program Year One - Annual Work Plan**

Resolution approving the concepts, direction, and general work plan for the first year of the Street Preventative Maintenance Program (SPMP) -- the 2014 SPMP Work Plan (Year-1).

**Mayor Martinez referred to Item 39. Assistant Director of Engineering Services Bill Green stated that the purpose of this item is to approve the Street Preventative Maintenance Program Year One Annual Work Plan. There were no comments from the Council or the public. This Resolution was passed and approved with the following vote:**

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

**Abstained:** 0

Enactment No: 030046

**40. Construction contracts for the citywide street and sealcoat indefinite delivery/indefinite quantity program - pilot program; amendment no. 2 to design contract; testing agreement**

Motion authorizing the City Manager, or designee, to execute a construction contract with Berry Contracting, LP, dba, Bay LTD. in the amount of \$6,147,094.05 for the Citywide Street Overlay and Sealcoat Indefinite Delivery/Indefinite Quantity (IDIQ) Pilot Program for Total Base Bid #1; and to execute a construction contract with Haas Anderson Construction, Inc. in the amount of \$11,920,961.00 for the Citywide Street Overlay and Sealcoat Indefinite Delivery/Indefinite Quantity (IDIQ) Pilot Program for Total Base Bid #2; and to execute Amendment No. 2 to an engineering design contract with R.H. Shackelford, Inc. in the amount of \$548,513.00 for a re-stated total fee of \$743,360.00 for development of remaining pilot program delivery orders; and to execute a testing agreement with Rock Engineering and Testing Laboratory in the amount \$73,099.00 for the Citywide Street Overlay and Sealcoat Indefinite Delivery/Indefinite Quantity Program-Pilot Program for construction material testing.

**Mayor Martinez referred to Item 40. Assistant Director of Engineering Services Bill Green stated that the purpose of this item is to request approval of two construction contracts, a design engineering amendment and a construction**

**materials testing agreement to begin the Citywide Street Preventive Maintenance Program. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:**

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

**Abstained:** 0

Enactment No: M2013-199

**41. Extending lease agreement for City Detention and Magistration Center**

Motion authorizing the City Manager, or designee, to execute an amendment to extend a lease agreement for two years with an option for three one year extensions, with Wilson Plaza Associates, L.P., for approximately 4,710 square feet at the Wilson Plaza Building, 606 N. Carancahua, Suite 113-A, for \$6,086.97 monthly rental payment, to house the City Detention and Magistration Center.

**Mayor Martinez referred to Item 41. Director of Municipal Court Kimberly Jozwiak stated that the purpose of this item is to approve an amendment to extend a lease agreement for the City Detention and Magistration Center at the Wilson Plaza Building. There were no comments from the Council or the public. This Motion was passed and approved with the following vote:**

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

**Abstained:** 0

Enactment No: M2013-200

**O. FIRST READING ORDINANCES: (ITEM 42)**

**42. First Reading Ordinance - Closing a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision located south of Lipps Boulevard and west of South Staples Street**

Ordinance abandoning and vacating a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision and requiring the owner, The Convent Academy of the Incarnate Word, to comply with the specified conditions.

**Mayor Martinez referred to Item 42. Barney Williams with Development Services stated that the purpose of this item is a request by the property owner, The Convent Academy of the Incarnate Word, to abandon and vacate a portion of a 15-foot wide utility easement out of Lot 1, Incarnate Word Subdivision to allow for future development. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:**



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

**Abstained:** 0

**P. FUTURE AGENDA ITEMS: (ITEMS 43 - 44)**

Mayor Martinez referred to the Future Agenda. City Manager Ron Olson stated that staff had a presentation on Item 43.

(Note: Mayor Martinez called for a 20-minute recess after the presentation.)

**43. Resolution requesting the Texas Commission on Environmental Quality (TCEQ) to adopt language in the environmental flow standards for the Nueces River Basin to clarify that rules are to be applied prospectively and not affect an existing water right**

Resolution requesting the Texas Commission on Environmental Quality (TCEQ) clearly and conclusively state that Senate Bill 3 environmental flow standards are to be applied prospectively and environmental flow standards for the Nueces River Basin not affect an appropriation of or an authorization to store, take, or divert water under a permit or amendment to a water right issued before September 1, 2007

This Resolution was recommended to consent agenda

**44. Ratifying Federal grant for Marina replacement dock for boat slips**

Resolution ratifying grant application to US Fish and Wildlife Service through Texas Parks and Wildlife Department for \$502,496.00 Boating Infrastructure Grant for Marina boat slips including 35 transient boat slips.

This Resolution was recommended to consent agenda

**Q. BRIEFINGS TO CITY COUNCIL: (ITEM 45 - 46)**

**45. Fiscal Year Change**

Mayor Martinez reconvened the meeting and referred to Item 45. Director of Financial Services Constance Sanchez stated that the purpose of this item is to provide information on consideration for changing the City's fiscal year to October 1st through September 30th. Ms. Sanchez provided information regarding the problems with the current fiscal year including the tax rate information not received prior to adoption of the budget and grants not coinciding with the fiscal year; the fiscal year for the top twenty cities in Texas; the benefits to changing the fiscal year; and reasons staff is recommending the fiscal year ending on September 30th; the financial impact of the change; other

approval required; and additional resources. Ms. Sanchez said staff would like to bring this item back for consideration in January.

**46. Conceptual Discussion about a Regional Youth Sports Complex**

Mayor Martinez referred to Item 46. Assistant City Manager Wes Pierson stated that the purpose of this item is to have a conceptual discussion on a Regional Youth Sports Complex to increase tourism and youth sports activity. Mr. Pierson reported that the City is lacking facilities to accommodate the youth sports market and the Park and Recreation Master Plan needs assessment identifies a youth sports facility as an area of need in the City. Mr. Pierson said that the concept would include identifying land to accommodate a complex; creation of an Request for Proposal/Request for Qualification to gauge private market interest; and finally to negotiate an agreement to lease City property to a private partner to build and operate a facility. Mr. Pierson also provided a map of a City owned property identified as an appropriate size and location for the complex at the end of Crosstown 286. Council members asked questions regarding the following topics: the synergy with this complex; the City's investment in the Lyondell complex; the current complexes not being able to handle the demand; location; input on the design; providing a list of other existing properties should the identified location not work; impact on tourism; an option of additional property to expand the complex; including collateral use of the property; providing a market/demand analysis and have an exit strategy.

**R. ADJOURNMENT**

The meeting was adjourned at 1:28 p.m.