



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, September 11, 2012

12:00 PM

Council Chambers

11:45 Proclamation declaring September 11, 2012 as "9/11 Day of Remembrance and Commitment"

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 4:00 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 Joe Adame to call the meeting to order.**
- B. Invocation to be given by Pastor David Beirne, Travis Baptist Church.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1** [12-00656](#) Proclamation declaring the month of September 2012 as "National Recovery Month"
Proclamation declaring the month of September 2012 as "Senior Center Month"
Proclamation declaring September 12, 2012 as "Grandparents and Other Relatives Raising Children Day"
Proclamation declaring September 19, 2012 as "Texting and Driving - It Can Wait Day"
"At Your Service" Award, City Employee Recognition

F. MINUTES:

- 2 [12-00624](#) Approval of Meeting Minutes - August 21, 2012 and August 28, 2012.

G. BOARDS & COMMITTEE APPOINTMENTS:

- 3 [12-00657](#) Animal Control Advisory Committee
Building Code Board of Appeals
Cable Communications Commission
Retired and Senior Volunteer Program Advisory Committee

H. 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.

I. CONSENT AGENDA: (ITEMS 4 - 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.

- 4 [12-00597](#) **Supply agreement for asphalt used for street construction and repair**

Motion approving a supply agreement with Ergon Asphalt & Emulsions, Inc., Austin, Texas for emulsified polymerized asphalt in accordance with Bid Invitation No. BI-0210-12, based on lowest responsible bid, for an estimated 6-month expenditure of \$376,731.00. The term of the agreement shall be for six (6) months with options to extend for up to five (5) additional six-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by Street Operations in FY 2012-2013.

Sponsors: Purchasing Division and Street Department

- 5 [12-00446](#) **Participation agreement and Reimbursement agreement to fund street and water improvements for future development located south of Yorktown Blvd. and east of Cimarron Blvd. (Bond 2008)**

Motion authorizing the City Manager to execute a Participation Agreement for \$88,000 for City's portion of Excalibur Road, and a Water

Arterial Transmission and Grid Main Extension Construction and Reimbursement Agreement for \$18,171.34, each with MPM Development LP, Developer of Royal Creek Estates Unit 4.

Sponsors: Development Services and Engineering Department

6 [12-00591](#) **Professional services contract to obtain Legal services for general water law issues**

Motion to authorize the City Manager or designee to execute a legal services agreement with Timothy L. Brown to advise the City on water rights and general water law issues, at monthly rate of \$7,000 plus expenses and authorize \$50,000 for consultant subcontracts needed to assist with resolution of water law issues.

Sponsors: Legal Department and Water Department

7 [12-00606](#) **Amendment to contract to continue Packery Channel monitoring through FY 2012 - 2013**

Motion authorizing the City Manager, or designee, to execute Amendment No. 7 to the contract between the City of Corpus Christi and Texas A&M University-Corpus Christi in the amount of \$314,389.00, for a restated amount not to exceed \$1,548,028.00, for Packery Channel Monitoring for Fiscal Year 2012-2013.

Sponsors: Parks and Recreation Department and Engineering Department

8 [12-00561](#) **Second Reading Ordinance - Amending the Urban Transportation Plan and redesignating County Road 52 from 4 lane with a median to 4 lane with a continuous left turn lane located between US 77 and Callicoatte Road (First Reading 8/28/12)**

Ordinance amending the Urban Transportation Plan, an element of the Comprehensive Plan of the City of Corpus Christi, by re-designating County Road 52 from an A-2 Arterial (100-foot right-of-way, four lanes, and a median) to an A-1 Arterial (95-foot right-of-way, four lanes, and a continuous left turn lane) between U.S. Hwy. 77 and Callicoatte Road; amending related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Sponsors: Planning/Environmental Services

9 [12-00562](#) **Second Reading Ordinance - Amending the Urban Transportation Plan to consolidate two proposed collector streets into a single collector located midpoint between CR 69 and US 77 (First Reading 8/28/12)**

Ordinance amending the Urban Transportation Plan, an element of the Comprehensive Plan of the City of Corpus Christi, by consolidation of two north-south collector streets into a single collector street generally located midpoint between County Road 69 and U.S. Hwy. 77; amending

related elements of the Comprehensive Plan of the City; providing for severance; and providing for publication.

Sponsors: Planning/Environmental Services

- 10 [12-00595](#) **Second Reading Ordinance - Accepting and appropriating a State grant for overtime enforcement of Driving While Intoxicated (DWI) and speeding (First Reading 8/28/12)**

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 \$60,528.90 for the 2013 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for overtime Driving While Intoxicated (DWI) and Speed enforcement, with a city match of \$68,842.11, for a total project cost of \$129,371.01 and appropriating \$60,528.90 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

- 11 [12-00610](#) **Second Reading Ordinance - Accepting and appropriating a federal grant and awarding a construction contract for the runway extension/displacement and taxiway project at the Airport (First Reading 8/28/12)**

Ordinance accepting and appropriating \$16,345,505.00 from the Federal Aviation Administration Grant No. 3-48-0051-049-2012 in the No. 3020 Airport Capital Improvement Fund for the Runway 17/35 Extension Displacement and Associated Taxiways and Runway 13/31 Connecting Taxiways Project; changing the FY2012-2013 Capital Budget adopted by Ordinance No. 029565 by increasing revenues and expenditures by \$5,545,505.00 each; authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi in the amount of \$12,841,419.06 for Base Bid Plus Additive Alternates 1, 2 and 3 for the Runway 17/35 Extension/Displacement and Connecting Taxiway Project.

Sponsors: Aviation Department and Engineering Department

- 12 [12-00620](#) **Second Reading Ordinance - Accepting and appropriating a State grant for a marketing campaign to improve air service at the airport (First Reading 8/28/12)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept Small Community Air Service Development Program from the United States Department of Transportation (USDOT) in the amount of \$300,000 and appropriating \$300,000 from the United States Department of Transportation Small Community Air Service Development Program in the No. 1055 Airport

Grants Fund for a marketing campaign to educate travelers on benefits of local air service at Corpus Christi International Airport.

Sponsors: Aviation Department

J. EXECUTIVE SESSION: (ITEMS 13 - 14)

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

13 12-00640 Executive session pursuant to Section 551.071(1)(A) of the Texas Government Code for consultation with attorneys regarding Civil Action No. :2-12-cv-00217 styled United States of America v. The City of Corpus Christi, Texas presently pending in the United States District Court for the Southern District of Texas, Corpus Christi Division, with possible discussion and action in open session.

14 12-00641 Executive Session pursuant to Section 551.071(2) of the Texas Government Code for consultation with attorneys regarding a matter in which the duty of an attorney for the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code, with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEMS 15-16)

15 [12-00609](#) **Change of zoning from single-family 6 district to the neighborhood commercial district at 1221, 1225, 1237 Horne Rd.**

Case No. 0712-02: Hutton Company: A change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District, resulting in a change of future land use from low density residential to commercial. The property to be rezoned is described as Laguna Acres, Block 1, Lots 2, 3 and 4, located near the southwest corner of Columbia Street and Horne Road.

Planning Commission & Staff Recommendation (July 18, 2012):
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District.

ORDINANCE

Ordinance amending the Unified Development Code ("UDC") upon application by Hutton Company, on behalf of Guadalupe Silva Reyes (owner of lots 2 and 3) and Mayan Sun Enterprises, LTD (owner of lot 4) ("Owners"), by changing the UDC Zoning Map in reference to Laguna

Acres, Block 1, Lots 2, 3, and 4, from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

16 [12-00612](#) **Change of zoning from the farm rural district to the light industrial district at 8018 Sedwick Road**

Case No. 0712-03 Michael N. Gunning: A change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District, not resulting in a change of future land use. The property to be rezoned is described as a 19.15-acre tract of land out of Lots 23 and 24, H. B. Sheppard Farm Lots, located on the north side of Sedwick Road and approximately 1,000 feet west of Rhew Road.

Planning Commission & Staff Recommendation (July 18, 2012):

Approval of the change of zoning from the "FR" Farm Rural District to the "IL" Light Industrial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Michael N. Gunning, on behalf of Eloy Salazar and Rick A. Martinez ("Owners"), by changing the UDC Zoning Map in reference to a 19.15-acre tract of land out of Lots 23 and 24, H. B. Sheppard Farm Lots, from the "FR" Farm Rural District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

L. REGULAR AGENDA: (NONE)

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

M. FIRST READING ORDINANCES: (ITEMS 17 - 21)

17 [12-00627](#) **First Reading Ordinance - Accepting and appropriating a State grant to continue clinical services for infrastructure and maintenance of clinics**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant of \$775,666 from the Texas Department of State Health Services in the Health

Grants Fund No. 1066 to provide continued clinical services.

Sponsors: Health Department

18 [12-00642](#) **First Reading Ordinance - Accepting and appropriating a State grant to fund immunization education services**

Ordinance authorizing the City manager or designee to execute all documents necessary to accept and appropriate a grant amendment in amount of \$12,500.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide funds for Immunization education services.

Sponsors: Health Department

19 [12-00631](#) **First Reading Ordinance - Extending a State lease agreement to enable the boy scouts to finance and construct improvements on their permanent encampment**

Ordinance authorizing the City Manager, or designee, to execute an extension of the Lease Agreement with Texas Parks and Wildlife Department for the use of an approximately 14,106 acre tract adjacent to Lake Corpus Christi through December 31, 2052; providing for severance; providing for publication; and providing an effective date.

Sponsors: Water Department

20 [12-00630](#) **First Reading Ordinance - Accepting and appropriating a State grant to fund WebEOC operations**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Council in the amount of \$20,000 for the benefit of the City's WebEOC operations; and appropriating \$20,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grants Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

Sponsors: Fire Department

21 [12-00634](#) **First Reading Ordinance - Transferring and appropriating funds for pavement repairs required at Ocean Dr. and Elizabeth St.**

Ordinance appropriating \$553,839.90 from the Unreserved Fund Balance in No. 1020 General Fund and transferring into Street CIP Fund 3530 for the Emergency Repair - Ocean Drive at Elizabeth Street Pavement Repair Project; amending FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E 11088 Ocean Drive at Elizabeth Street; increasing revenues and expenditures in the amount of \$553,839.90; changing the FY 2013 Operating Budget adopted by Ordinance No. 029577 to increase expenditures by \$553,839.90.

Sponsors: Engineering Department and Office of Management and Budget

N. FUTURE AGENDA ITEMS: (ITEMS 22 - 29)

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

22 [12-00599](#) **Service agreement for household hazardous waste disposal**

Motion approving a service agreement with Stericycle Specialty Waste Solutions, Inc., Tulsa, Oklahoma for household hazardous waste disposal in accordance with Bid Invitation No. BI-0169-12, based on lowest responsible bid, for an estimated three-year expenditure of \$377,029.20 of which \$109,630.39 is required for the remainder of FY 2012-2013. The term of the agreement shall be for thirty-six (36) 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 Storm Water Department in FY 2012-2013.

Sponsors: Purchasing Division, Storm Water Department and Solid Waste Operations

23 [12-00629](#) **Amendment to a State contract to extend contract and add services for re-inventory of artifact collection**

Resolution authorizing the City Manager or designee to execute 3rd amendment to the interagency cooperation contract with the Texas Historical Commission which extends the term of the contract through December 31, 2013 and modifies the services to be performed

Sponsors: Museum of Science and History

24 [12-00604](#) **Authorization to submit a State grant application to study at-risk hazardous materials transportation activities and industrial facilities throughout Nueces County and neighboring jurisdictions**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2013 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safety and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

Sponsors: Fire Department

25 [12-00643](#) **State service agreement to analyze recreational beach water samples for water quality and public health and safety**

Resolution approving a service agreement between the Corpus Christi-Nueces County Public Health District ("Health District") and the Texas General Land Office to enable the Health District to provide beach water sampling in Nueces, Aransas, and San Patricio counties under the Texas Beach Watch Program; and ratifying approval of the agreement as of September 1, 2012.

Sponsors: Health Department

26 [12-00635](#) **Renewal of federal joint funding agreement to continue use of automated river gauging stations for recording inflows and releases of City's reservoir system**

Motion authorizing the City Manager or 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 \$155,864.

Sponsors: Water Department

27 [12-00632](#) **Construction contract for new mechanical bar screen and grit removal improvements for wastewater treatment plant**

Motion authorizing the City Manager, or designee, to execute a construction contract with R.M. Wright Construction Company of El Paso, Texas in the amount of \$2,772,662.00 for the Allison Wastewater Treatment Plant New Mechanical Bar Screen and Grit Removal Improvements for the Base Bid plus Additive Alternate No. 1 and 2.

Sponsors: Wastewater Department and Engineering Department

28 [12-00639](#) **Construction contract for Downtown Streets project (Chaparral) (BOND 2008)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$4,819,070.00 for the Downtown Streets - Chaparral Project for the Base Bid; authorizing the removal of the catenary poles, specialized street lights and paver covers at utility cleanouts from the Base Bid. (Bond 2008)

Sponsors: Engineering Department

29 [12-00661](#) **Analysis and summary of the Request for Proposal response for operation and management of the American Bank Center**

Motion directing the City Manager or designee to: i) prepare a document analyzing and summarizing the financial and strategic options available to the City for the operation and management of the ABC; (ii) provide recommendations to the City Council related to the operation and management of the American Bank Center; and (iii) conduct time-limited negotiations with SMG for the operation and management of the American Bank Center (ABC).

Sponsors: ACM - Business Support Services

FUTURE PUBLIC HEARING: (ITEMS 30 - 31)

30 [12-00613](#) **Change of zoning from the multifamily 1 district to the single-family 6 district located at 2302 Flour Bluff Drive**

Case No. 0712-04 Mohammad Rezaei: A change of zoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District, resulting in a change of future land use from commercial and medium density residential to low density residential. The property to be rezoned is described as being 8.943 acres out of the North one-half (½) of Lot 17, Section 49, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Purdue Road and Flour Bluff Drive.

Planning Commission and Staff Recommendation (July 18, 2012): Approval of the change of zoning 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 Mohammad Rezaei ("Owner"), by changing the UDC Zoning Map in reference to 8.943 acres out of the North one-half (1/2) of Lot 17, Section 49, 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 from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

31 [12-00614](#) **Change of zoning from the single-family 6 district to the resort commercial district located at 14101 Commodores Drive**

Case No. 0812-01 Steven Bright: A change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District,

resulting in a change of future land use from low density residential to commercial. The property to be rezoned is described as Island Fairway Estates, Block 34, Lot 21, located along the southwest corner of Commodore's Drive and Aquarius Street.

Planning Commission and Staff Recommendation (August 1, 2012):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District and, in lieu thereof, approval of the "RM-AT" Multifamily AT District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Steven Bright, on behalf of Calvin F. Bright ("Owner"), by changing the UDC Zoning Map in reference to Island Fairway Estates, Block 34, Lot 21 from the "RS-6" Single-Family 6 District to the "RM-AT" Multifamily AT District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

O. UPDATES TO CITY COUNCIL: (ITEMS 32 - 33)

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

- 32 [12-00625](#) Drought Contingency Plan and Conservation

Sponsors: Water Department

- 33 [12-00637](#) Mary Rhodes Pipeline, Phase 2

Sponsors: Water Department and Engineering Department

RECESS THE CITY COUNCIL MEETING

- 34 [12-00515](#) Board of Director's Meeting of the Corpus Christi Community Improvement Corporation (CCCIC)

1. Call meeting to order
2. Secretary Armando Chapa calls roll.
3. Motion appointing Councilman Kelley Allen as a board member of the CCCIC.
4. Approve minutes from Board meeting of June 28, 2011.
5. Treasurer's Report

6. Appointments to the Loan Review Committee

7. Public Comment

8. Adjournment

Sponsors: Neighborhood Services

RECONVENE THE CITY COUNCIL MEETING

P. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 4:00 P.M., OR AT THE END OF THE COUNCIL MEETING, WHICHEVER IS EARLIER. 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.

Q. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

R. ADJOURNMENT