



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, November 12, 2013

11:30 AM

Council Chambers

Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.

Members of the audience will be provided an opportunity to address the Council at approximately 12:00 p.m., or the end of the Council Meeting, whichever is earlier. Please speak into the microphone located at the podium and state your name and address. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

Si Usted desea dirigirse al Concilio y cree que su inglés es limitado, habrá un intérprete inglés-español en todas las juntas del Concilio para ayudarle.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (at 361-826-3105) at least 48 hours in advance so that appropriate arrangements can be made.

- A. Mayor Nelda Martinez to call the meeting to order.
- B. Invocation to be given by Pastor M S Chandrasekhar, Sri Venkateswara Temple
- C. Pledge of Allegiance to the Flag of the United States.
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.
- E. Proclamations / Commendations
 - 1. [13-001053](#) Proclamation declaring November 20, 2013 as the "16th Annual Worldwide GIS Day of the Coastal Bend 2013 - Discovering the World Through GIS"
- F. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:

1. **MAKE A STATEMENT OF FACTUAL INFORMATION.**
2. **RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.**
3. **ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.**

PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.

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

- a. **City Performance Report - Solid Waste Services**

H. EXECUTIVE SESSION: (ITEM 2)

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

2. [13-001049](#) Executive session pursuant to Section 551.071(1)(A) of the Texas Government Code to consult with attorneys regarding Cause No. 13-10-00272-CV, styled Michele L. Cantu, individually and as next friend of Shantel Alaniz and Isaiah Vasquez, minor children v. City of Corpus Christi, Cause No. 2012CCv-60497-4, for discussion and possible action in open session

I. MINUTES:

3. [13-001051](#) Regular Meeting of October 29, 2013 and Special Meeting of October 31, 2013

J. BOARDS & COMMITTEE APPOINTMENTS:

4. [13-001052](#) Committee for Persons with Disabilities
Library Board
Parking Advisory Committee
Retired and Senior Volunteer Program Advisory Committee

K. EXPLANATION OF COUNCIL ACTION:

For administrative convenience, certain of the agenda items are listed as motions, resolutions, or ordinances. If deemed appropriate, the City Council will use a different method of adoption from the one listed; may finally pass an ordinance by adopting it as an emergency measure rather than a two reading ordinance; or may modify the action specified. A motion to reconsider may be made at this meeting or a vote at the last regular, or a subsequent special meeting; such agendas are incorporated herein for reconsideration and action on any reconsidered item.

L. CONSENT AGENDA: (ITEMS 5 - 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.

5. [13-000976](#) Lease purchase of eight (8) CNG freightliner trucks with trash bodies for brush collection

Motion approving the lease-purchase of eight (8) Freightliner trucks with trash bodies from Freightliner of Houston, Houston, Texas for a total amount of \$1,573,114.00. 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.

6. [13-000977](#) Lease purchase of six (6) CNG Peterbilt trucks with automated side loaders for refuse collection

Motion approving the lease-purchase of six (6) Peterbilt trucks with automated side loaders from Rush Truck Centers of Texas, L.P., Houston, Texas for a total amount of \$1,897,112.00. 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.

7. [13-000975](#) Supply agreement for water meters and registers

Motion approving a supply agreement with Neptune Technology Group, Inc., Tallahassee, Alabama for water meters and registers for a total estimated expenditure of \$635,968.48. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (HGAC). The term of the agreement shall be for nine (9) months. Funds have been budgeted by the Water Department in FY 2013 - 2014.

8. [13-000967](#) Engineering monitoring contract - for salinity and freshwater inflow monitoring Rincon Bayou Diversion - Nueces Bay System

Motion authorizing the City Manager, or designee, to execute a Contract for Monitoring Services with the Conrad Blucher Institute at Texas A&M University - Corpus Christi in the amount of \$94,605.00 for Rincon Bayou Diversion - Nueces Bay System Salinity and Freshwater Inflow Monitoring 2013-2014.

9. [13-000968](#) **Engineering monitoring contract - for Nueces River water quality, Oso Creek water level and City of Corpus Christi meteorological monitoring**

Motion authorizing the City Manager, or designee, to execute Amendment No. 3 to the Contract for Monitoring Services with the Conrad Blucher Institute at Texas A&M University - Corpus Christi in the amount of \$93,381.00, for a total restated fee of \$456,642.00 for Nueces River Water Quality, Oso Creek Water Level & City of Corpus Christi Meteorological Monitoring 2013.

10. [13-000974](#) **Second Reading Ordinance - Designating the City as designated caretaker of impounded animals (1st Reading 10/29/13)**

Ordinance amending section 6-1(a) "definitions" by adding the definition of designated caretaker; amending section 6-103(g)(1) "Dispositions of animals" of the Corpus Christi Code by designating the City as designated caretaker of impounded animals; providing an effective date; providing for severance; and providing for publication.

11. [13-000978](#) **Second Reading Ordinance - Accepting and appropriating State grant funds for Women, Infants and Children grant (WIC) (1st Reading 10/29/13)**

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$447,758.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program; and to ratify acceptance of the grant to begin as of October 1, 2013

12. [13-000962](#) **Second Reading Ordinance - Appropriating funds to reimburse the developer for the construction of a wastewater lift station (1st Reading 10/29/13)**

Ordinance appropriating \$411,387.25 from the No. 4220 Sanitary Sewer Trunk System Trust Fund to reimburse Forestar (USA) Real Estate Group, Inc., ("Developer") for the construction of Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements in accordance with the approved reimbursement agreement executed with the Developer.

M. PUBLIC HEARINGS: (ITEMS 13 - 15)

13. [13-000969](#) **Public Hearing and First Reading Ordinance - Rezoning from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 District, on property located at 7546 Slough Road.**

Case No. 1013-01 Braselton Homes - Shoreline Oaks, Ltd.: A rezoning from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property is described as being a 4.73-acre tract of land out of Lot 29, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, located north of Slough Road and at the east end of Russ Lane.

Planning Commission and Staff Recommendation (October 23, 2013): Approval of the rezoning from the "CH" Cottage Housing District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Braselton Homes - Shoreline Oaks, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 4.73-acre tract of land out of Lot 29, Section 26, Flour Bluff and Encinal Farm and Garden Tracts, from the "CH" Cottage Housing 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.

14. [13-000996](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District, on property located at 6921 and 7522 Weber Road and along the east side of the Oso Creek.**

Case No. 0713-02 City of Corpus Christi: A rezoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District on property described as being an approximately 82-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, located on the south side of Weber Road and on the east and west sides of Yorktown Boulevard.

Planning Commission and Staff Recommendation (September 25, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon initiation by the City of Corpus Christi, Texas, by changing the UDC

Zoning Map in reference an approximately 82-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

15. [13-000997](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District, on property located at 6921 and 7539 Weber Road and 7030, 7033, 7057, 7058, 7110, and 7130 Brezina Road.**

Case No. 0713-03 City of Corpus Christi: A rezoning from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District on property described as being an approximately 102.287-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, and Lots 2, 4-A and 5, Block 2, and Lot 2, Block 1, Brezina Farm Tracts, located between Bratton and Weber Roads, and east and west of Bratton Road.

Planning Commission and Staff Recommendation (October 9, 2013): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CC" Commercial Compatible District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon initiation by the City of Corpus Christi, Texas, by changing the UDC Zoning Map in reference an approximately 102.287-acre tract of land out of Lots 3 and 4, Section 12, and Lot 1, Section 18, Bohemian Colony Lands, and Lots 2, 4-A and 5, Block 2, and Lot 2, Block 1, Brezina Farm Tracts, from the "RS-6" Single-Family 6 District to the "IC" Industrial Compatible District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

N. REGULAR AGENDA: (ITEM 16)

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

16. [13-001030](#) **Approving the Staples Street station or terminal complex under the Texas Transportation Code**

Resolution Approving the Staples Street Station of the Corpus Christi Regional Transportation Authority as a Station or Terminal Complex under the provisions of Chapter 451 of the Texas Transportation Code.

O. FIRST READING ORDINANCES: (ITEMS 17 - 24)

17. [13-001001](#) **First Reading Ordinance - Appropriating funds for one time**

expenditures for Police Department

Ordinance appropriating \$678,805 from the unreserved fund balance in No. 9010 Crime Control District Fund for "one-time" expenditures in the FY 2013-2014 operating budget, and changing the FY 2013-2014 operating budget adopted by Ordinance No. 029915 by increasing appropriations by \$678,805.

18. [13-001045](#) **First Reading Ordinance - Extending lease agreement for Juvenile Assessment Center at Wilson Plaza**

Ordinance to authorize City Manager, or designee, to execute a 24 month lease extension agreement, with Wilson Plaza Associates LP, for first floor, suite #105, approximately 4,802 square feet of the Wilson Building, 601 Carancahua/615 Leopard, for \$4,882 monthly rental payment.

19. [13-001003](#) **First Reading Ordinance - Renewal of lease agreement for Dick Runyan Field at Price Park**

Ordinance authorizing the City Manager or designee to execute a one year lease agreement with Incarnate Word Academy for the use of Dick Runyan Field at Price Park

20. [13-001007](#) **First Reading Ordinance - Interlocal agreement for North Beach nourishment project**

Ordinance to authorize the City Manager or designee to execute contract documents with Texas General Land Office for the North Beach Nourishment project, with cost sharing of \$75,000 by City of Corpus Christi and \$225,000 Coastal Erosion Planning and Response Act (CEPRA) funds.

21. [13-000979](#) **First Reading Ordinance - Approving reimbursement agreement and appropriation for construction of wastewater collection line at the south side of Interstate 37, east of Suntide Road, and west of Hunter Road**

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Embree Asset Group, Inc., ("Developer"), for the construction of a wastewater collection line and appropriating \$11,519.40 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the developer in accordance with the agreement.

22. [13-001034](#) **First Reading Ordinance - Amending the Code of Ordinances to refine street maintenance fee payment and appeals process; and modify the street maintenance fee trip factor index for certain**

Institute of Traffic Engineers (ITE) Codes

Ordinance amending the Street Maintenance Fee Payment and Appeals Process adopted by Ordinance No. 029900 on July 16, 2013; amending Exhibit "A" of Ordinance No. 029877 adopted on June 25, 2013 to modify, for consistency purposes, certain Institute of Transportation Engineers (ITE) Codes; and amending Article XX of Chapter 55 of the Code of Ordinances to codify the modified Trip Factor Index.

23. [13-000810](#) **First Reading Ordinance - Lease Agreement with Atlantic Aviation for operation of Fixed Base Operator Lease on the west side of the airfield at the Corpus Christi International Airport**

Ordinance authorizing the City Manager, or designee, to execute an Amended and Restated Hangar and Fixed Base Operator's Lease ("Lease") with Mercury Air Center - Corpus Christi, Inc., dba Atlantic Aviation ("Atlantic") for the operation of a commercial hangar and fixed base aviation operation on the west side of the airfield at the Corpus Christi International Airport ("Airport"), in consideration of annual rental fee paid by Atlantic to the City at fair market value based on the current professional property and land appraisal, for a term of five (5) years.

24. [13-001008](#) **First Reading Ordinance - Accepting and appropriating a Federal grant for carrying out provisions of the Fair Housing Act**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant with U.S. Department of Housing and Urban Development; appropriating \$64,450 in the No. 1071 Community Enrichment Grants fund for Fair Housing Assistance programs.

P. FUTURE AGENDA ITEMS: (ITEMS 25 - 27)

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

25. [13-001039](#) **Purchase of one pickup truck for beach use, one CNG pickup truck for litter enforcement, and two CNG pickup trucks for the Strike Force**

Motion approving the purchase of four (4) pickup trucks from Philpott Motors, Nederland, Texas for a total amount of \$129,928.23. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available in the Park & Recreation operations budget.

26. [13-000938](#) **Construction contract for adjustments to water lines and valves for State Highway 286**

Motion authorizing the City Manager, or designee, to execute a construction contract with Jhabores Construction Company, Inc. of Corpus Christi, Texas in the amount of \$257,871 for State Highway (SH) 286 Water Line and Valve Adjustment project for the base bid.

27. [13-001032](#) **Reimbursement resolution for Mary Rhodes Pipeline, Phase 2**

Resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date.

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

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

R. **ADJOURNMENT**