



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, April 23, 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 Luis Cabrera, Maranatha 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. [13-000359](#) Proclamation declaring April 21-27, 2013 as "National Medical Laboratory Professionals Week"
Proclamation declaring April 21-27, 2013 as "National Crime Victims' Rights Week"
Proclamation declaring April 23, 2013 as "Mike M. Anzaldúa Jr. Day of Remembrance"
Proclamation declaring April 26, 2013 as "Arbor Day"
Proclamation declaring May 1, 2013 as "Corpus Christi Technology Olympics Day"
Proclamation declaring May 5-11, 2013 as "Goodwill Industries Week"
Proclamation declaring May 11, 2013 as "Lemonade Day Corpus Christi"
Swearing-in Ceremony of newly appointed City board, commission and committee members

- 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. EXECUTIVE SESSION: (ITEMS 2 - 4)

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

- 2. [13-000373](#)** Executive session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the city wastewater treatment plants, with possible discussion and action in open session.
- 3. [13-000374](#)** Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from Staples Center Retail Venture, LP, a business prospect that the City Council seeks to have locate, stay or expand in the territory of the City and with which the City is conducting economic development negotiations, and to deliberate possible offers of financial or other incentives to said business prospect, with possible discussion and action in open session.
- 4. [13-000375](#)** 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.

H. MINUTES:

5. [13-000360](#) Approval of Regular Council Meeting of April 9, 2013 and Workshop Meeting of April 16, 2013.

I. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

J. 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.

K. CONSENT AGENDA: (ITEMS 6 - 18)

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.

6. [13-000258](#) **Lease Purchase of a pneumatic roller for street repair projects**

Motion approving the lease purchase of one (1) Caterpillar Pneumatic Roller from Holt Cat Machinery, Corpus Christi, TX for a total amount of \$112,183.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Cooperative. The equipment will be used by the City's Street Department. This unit is a replacement to the fleet. Funds for the lease purchase of the roller will be provided by the City's lease purchase financing program.

Sponsors: Purchasing Division and Street Department

7. [13-000260](#) **Service agreement for the printing, processing and mailing of utility bills**

Motion awarding a service agreement with QuestMark Information Management Inc., of Houston Texas, to provide printing, processing and mailing of utility bill services, based on lowest responsible bid, for an estimated three year expenditure of \$307,905.84 of which \$25,658.82 is required for the remainder of this fiscal year. The term of the contract will be for thirty-six months, with two, twelve month automatic extensions. Funding is available in the Utility Business Office Operations Budget of the Finance Department for fiscal year 12/13.

Sponsors: Purchasing Division

8. [13-000272](#) **Supply agreement for lease of computers for City use**

Motion approving a supply agreement with Dell Financial Services, Round Rock, Texas for lease of approximately 400 desktop computers, 200 laptop computers, 44 servers, and other computer peripherals and related products in accordance with the State of Texas cooperative purchasing program and the City's Master Lease Agreement No. 6656492 for an estimated expenditure of \$1,011,500.93. The term of the contract will be for twelve months with an option to extend for up to three additional twelve month periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using departments in FY 2012-13.

Sponsors: Purchasing Division and Municipal Information Systems

9. [13-000273](#) **Supply agreement for chemicals to be used for odor control at wastewater treatment facilities**

Motion approving a supply agreement with Pencco, Inc., San Felipe, Texas for approximately 300,000 gallons of ferrous sulfate in accordance with Bid Invitation No. BI-0124-13 based on lowest responsible bid for an estimated twelve month expenditure of \$308,200 of which \$102,733.33 is required for 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.

Sponsors: Purchasing Division and Wastewater Department

10. [13-000293](#) **Supply agreement for office supplies, equipment and furniture**

Motion approving a supply agreement with Gateway Printing and Office Supply, Inc., Corpus Christi, TX for office supplies, equipment and furniture, based on lowest local bid, in accordance with Bid Invitation No. BI-0245-12, for an estimated annual expenditure of \$549,737.29, of which \$137,434.32 is required for the remainder of FY 2012-2013. The term of the agreement will be for one year with an option to extend for up to four additional one-year periods subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by using departments in FY 2012-2013.

Sponsors: Purchasing Division

11. [13-000287](#) **Engineering design contract amendment no. 4 for Citywide Hydraulic Model - Sanitary Sewer Overflow Initiative**

Motion authorizing the City Manager, or designee, to execute Amendment No. 4 to the Contract for Professional Services with

Pipeline Analysis, LLC, of Garland, Texas in the amount of \$179,251.00, for a restated fee not to exceed \$2,342,179.00 for Citywide Hydraulic Model Sanitary Sewer Overflow Initiative (SSOI).

Sponsors: Wastewater Department and Engineering Department

12. [13-000290](#) **Architectural design contract for tennis center repairs and upgrades for HEB and Al Kruse tennis centers (Bond Issue 2012)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with CLK Architects & Associates, Inc. of Corpus Christi, Texas in the amount of \$204,700.00, for Tennis Center Repairs and Upgrades - HEB and Al Kruse, for design, bid, and construction phase services **BOND ISSUE 2012**.

Sponsors: Parks and Recreation Department and Engineering Department

13. [13-000214](#) **Engineering design contract for park development and improvements at Bill Witt/Oso Creek Park (Bond Issue 2012)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Martinez, Guy & Maybik, Inc. of Corpus Christi, Texas in the amount of \$156,780.00, for Community Park Development and Improvements for design, bid, and construction phase services **BOND ISSUE 2012**.

Sponsors: Parks and Recreation Department and Engineering Department

14. [13-000297](#) **Interlocal agreement for oil spill training and equipment storage at the marina**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A&M University - Corpus Christi regarding Corpus Christi Marina operations

Sponsors: Municipal Marina

15. [13-000288](#) **Second Reading Ordinance - A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2, on property located at 6810 South Staples Street (1st Reading 4/9/13)**

Case No. 0313-02 HEB Grocery Company, LP: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on 15.73 acres (Tract 1) and to the "CN-1" Neighborhood Commercial District on 5.48 acres (Tract 2), resulting in a change of future land use from low density residential and medium density residential to commercial. The property to be rezoned is described as being a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Timbergate Drive and South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (March 13, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by HEB Grocery Company, LP ("Owner"), by changing the UDC Zoning Map in reference to a 21.21-acre tract of land out of Lots 17 and 18, Section 11, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District on Tract 1 and the "CN-1" Neighborhood Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

16. [13-000289](#) **Second Reading Ordinance - A request for a Special Permit Time Extension for an additional 12 months, on property located at 2217 Flour Bluff Drive (1st Reading 4/9/13)**

Case No. 0711-02 Sigifredo Montemayor: A request for a Special Permit Time Extension for an additional 12 months. The property to be rezoned is described as Flour Heights, Block 1, Lot 22, located along the east side of Flour Bluff Drive approximately 350 feet north of Purdue Road.

Planning Commission and Staff Recommendation (March 13, 2012):

Approval of the requested Special Permit time extension for an additional 12 months.

Ordinance

Ordinance amending Ordinance No. 029355, upon application by Sigifredo Montemayor, acting as custodian agent on behalf of Edward Montemayor and Mearary Iveth Montemayor ("Owners"), by adding a 12-month time extension to the special permit time limit initially approved; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

17. [13-000244](#) **Second Reading Ordinance - Approval of Type A grant for federal grant application to locate an Unmanned Aerial Systems test range in the City; amending the budget, and appropriating the funds (1st Reading 4/9/13)**

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Texas A&M University-Corpus Christi ("TAMU-CC") to

provide a grant of up to \$600,000 for an application to the Federal Aviation Administration (FAA) to locate an Unmanned Aerial Systems (UAS) test range in Corpus Christi, Texas, and authorizing the City Manager, or designee, to execute a Business Incentive Project Support Agreement with the Type A Corporation regarding implementation and administration of the TAMU-CC Business Incentive Agreement; amending the budget to allow for this funding of up to \$600,000 from the Unreserved Fund balance in the No. 1140 Business/Job Development Fund and appropriating up to \$600,000 to the Unreserved Fund Balance in the No. 1140 Business/Job Development Fund.

Sponsors: Economic Development

18. [13-000259](#) **Second Reading Ordinance - Construction contract for Saluki Street rehabilitation; amending capital improvement budget to add project and account for expenditures (1st Reading 4/9/13)**

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E12053 Saluki Street Rehabilitation Project; increasing expenditures in the amount of \$60,000; and executing a construction contract with J. Carroll Weaver, Inc. of Sinton, Texas in the amount of \$192,479.50 for the Base Bid of Saluki Street Rehabilitation Project.

Sponsors: Storm Water Department and Engineering Department

L. PUBLIC HEARINGS: (ITEMS 19 - 25)

19. [13-000300](#) **Public Hearing and Resolution adopting the 5 Year Consolidated Action Plan for housing and homeless needs**

Resolution adopting the fiscal year (FY) 2013-FY2017 5 Year Consolidated Action Plan (PLAN) which includes the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships Programs (HOME); authorizing the City Manager or designee to submit the FY2013-FY2017 PLAN to the U.S. Department of Housing and Urban Development (HUD); and authorizing the City Manager or designee to make changes to the FY2013-FY2017 PLAN if required by HUD.

Sponsors: Neighborhood Services

20. [13-000301](#) **Public Hearing and First Reading Ordinance - Adopting the Consolidated Annual Action Plan for housing and homeless needs**

Ordinance to adopt the fiscal year (FY) 2013-2014 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize the City Manager or designee to submit the FY2013-FY2014 CAAP to the U.S. Department of Housing and Urban Development (HUD), and to amend if

required by HUD; to authorize the City Manager or designee to execute all documents necessary to accept and appropriate upon receipt the grants from HUD into the Grant Fund No. 1059 for the approved FY2013-2014 CAAP projects and further to execute funding agreements and all other documents necessary to implement the FY2013-2014 CAAP with organizations for approved projects; and to ratify the ESG funding agreements and other applicable implementation documents to be effective as of August 1, 2013.

Sponsors: Neighborhood Services

21. [13-000313](#) **Public Hearing and First Reading Ordinance - Rezoning from Residential to Office for Minerva V. Muro for property located at 2529 Nemec Street**

Case No. 1212-01 Minerva V. Muro: A change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District, resulting in a change of future land use from medium density residential to professional office. The property to be rezoned is described as Lot 5, Block 2, Nemec Addition, located on the southwest corner of Nemec Street and Dodd Drive.

Planning Commission and Staff Recommendation (March 27, 2013): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to a site plan and conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Minerva V. Muro ("Owner"), by changing the UDC Zoning Map in reference to Lot 5, Block 2, Nemec Addition, from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

22. [13-000314](#) **Public Hearing and First Reading Ordinance - Rezoning from Residential to Industrial Elizabeth Anne Meaney for property located at 8801 State Highway 44**

Case No. 0313-01 Elizabeth Anne Meaney: A change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit for the wholesale storage and distribution of fuels and lubricants, not resulting in a change to the Future Land Use Map. The property being rezoned is described as being an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract and being out of Survey 402, Thomas Gallagher Abstract 988 and the James W. Ward Abstract 1031, located on the south side of State Highway 44, approximately 110 feet

east of South Clarkwood Road.

Staff Recommendation:

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit, and in lieu thereof, approval of the "IL" Light Industrial District.

Planning Commission Recommendation (March 27, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit subject to a site plan and conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Elizabeth Anne Meaney ("Owner"), by changing the UDC Zoning Map in reference to an 18.25-acre tract of land out of the G. H. McLeroy 40-acre tract and being out of Survey 402, Thomas Gallagher Abstract 988 and the James W. Ward Abstract 1031, from the "RS-6" Single-Family 6 District to the "IL/SP" Light Industrial District with a Special Permit; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

23. [13-000315](#)

Public Hearing and First Reading Ordinance - Rezoning from Residential to Commercial for Hernando Ariza Soto for property located at 12337 Leopard Street

Case No. 0313-03 Hernando Ariza Soto: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Map from low density residential to commercial. The property to be rezoned is described as being a 0.482-acre tract of land out of a 1.804-acre tract of land out of Tract 12, Fallin's Riverside Subdivision, located on the south side of Leopard Street, approximately 300 feet west of Rehfeld Road.

Planning Commission and Staff Recommendation (March 27, 2013):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Hernando Ariza Soto, acting as agent on behalf of 9292 Enterprises, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 0.482-acre tract of land out of a 1.804-acre tract of land out of Tract 12, Fallin's Riverside Subdivision, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and

providing for a repealer clause and publication.

Sponsors: Development Services and Planning/Environmental Services

24. [13-000316](#) **Public Hearing and First Reading Ordinance - Rezoning from Commercial to Residential for George Shaheen for property located at 7953 South Staples Street**

Case No. 0313-04 George Shaheen: A change of zoning from the "CN-1" Neighborhood Commercial District to the "RS-4.5" Single-Family 4.5 District, resulting in a change of future land use from commercial to low density residential. The property to be rezoned is described as being a 3.136-acre tract of land out of Lot 1B, Block 1, King's Crossing West Unit 1, located along the north side of Oso Parkway, approximately 220 feet west of South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (March 27, 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 George Shaheen, acting as agent on behalf of FM 2444 & Oso, LP ("Owner"), by changing the UDC Zoning Map in reference to a 3.136-acre tract of land out of Lot 1B, Block 1, Replat No. 1, King's Crossing West Unit 1, 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.

Sponsors: Development Services and Planning/Environmental Services

25. [13-000317](#) **Public Hearing and First Reading Ordinance - Rezoning from Manufactured Home to Residential for The Lakes at King Estates, Inc. for property located at 1937 Division Road**

Case No. 0313-05 The Lakes at King Estates, Inc.: A change of zoning from the "RMH" Manufactured Home District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Map. The property to be rezoned is described as being a 24.93-acre tract of land out of Lots 8 and 9, Section 40, Flour Bluff and Encinal Farm and Garden Tracts, located west of Flour Bluff Drive at the west end of Antoinette Drive and south of the Holly Road extension.

Planning Commission and Staff Recommendation (March 27, 2013):
Approval of the change of zoning from the "RMH" Manufactured Home District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon

application by The Lakes at King Estates, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 24.93-acre tract of land out of Lots 8 and 9, Section 40, Flour Bluff and Encinal Farm and Garden Tracts, from the "RMH" Manufactured Home 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.

Sponsors: Development Services and Planning/Environmental Services

M. REGULAR AGENDA: (ITEMS 26 - 30)

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

26. [13-000362](#) Request by Petitioners to repeal Ordinance No. 029791 regarding the frequency of testing for residential irrigation backflow devices

Ordinance considering a request by petitioners, pursuant to Article I, Section 4 of the City Charter to repeal Ordinance No. 029791 which amended the Code of Ordinances, Chapter 14 regarding the frequency of testing for residential irrigation backflow devices; repealing adopted ordinance; providing for publication; and declaring an emergency.

Sponsors: City Secretary's Office

27. [13-000227](#) Second Reading Ordinance - Amending the lease of a portion of Mt. Vernon Park for the proposed expansion of the Deaf & Hard of Hearing Center located at the 5100 block of McArdle Road near La Palmera Mall (1st Reading 3/19/13)

Ordinance finding that there is no feasible and prudent alternative to the expanded use from approximately 0.4 acres to 0.677 acres of Mt. Vernon Park located along 5100 block of McArdle Road by The Corpus Christi Area Council for the Deaf for the expansion and continued operation of The Corpus Christi Area Council for the Deaf, and determining that all reasonable planning has occurred to minimize harm to Mt. Vernon Park resulting from such use; and authorizing the City Manager or designee to execute a ten-year lease agreement with The Corpus Christi Area Council for the Deaf for expanded lease area of approximately .677 acres of Mt. Vernon Park, with one ten-year extension term.

Sponsors: Parks and Recreation Department

28. [13-00071](#) Agreement for temporary tax abatement for the development located in the 800 block of Carancahua Street

Resolution authorizing the execution of an agreement with 164 Corpus, Ltd. (Bay Vista II Apartments) providing for temporary property tax abatement.

Sponsors: Economic Development

29. [13-000286](#) **Chapter 380 Agreement for development of an iron and steel facility**

Resolution authorizing the City Manager or designee to execute a Chapter 380 Economic Development Incentive Agreement with voestalpine Texas LLC ("Agreement") for certain economic development grants for development of an iron and steel facility within the City's extraterritorial jurisdiction and for construction of docks potentially within the Corpus Christi city limits for the benefit of the City.

Sponsors: Economic Development

30. [13-000302](#) **Resolution requesting State legislation allowing local governments the option to generate revenue for street repair and maintenance with additional financing tools**

Resolution encouraging the 83rd Texas Legislature to enact legislation authorizing municipalities to generate revenue to fund street repair and maintenance, through local option vehicle registration fees, gasoline taxes or other mechanism.

Sponsors: Intergovernmental Relations

N. FIRST READING ORDINANCES: (ITEMS 31 - 48)

31. [13-000335](#) **First Reading ordinance - Accepting and appropriating State grant funds for Click It or Ticket program**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$23,992.90 from the State of Texas, Department of Transportation for the FY2013 Click It Or Ticket program grant; and appropriating the \$23,992.90 in the No. 1061 Police Grants Fund

Sponsors: Police Department

32. [13-000278](#) **First Reading Ordinance - Waiving permit requirements, fees, and inspections for "Lemonade Day Corpus Christi" scheduled events**

Ordinance authorizing the Corpus Christi-Nueces County Public Health District to waive all permit requirements, including fees and required inspections for participating children and youth for "Lemonade Day Corpus Christi" scheduled events.

Sponsors: Health Department

33. [13-000294](#) **First Reading Ordinance - Approving Grant Amendment to extend contract period and increase funding for Women, Infants and Children (WIC) program**

Ordinance authorizing the City Manager, or his designee, to execute all

documents necessary to accept and appropriate a six month grant extension amendment in the amount of \$464,069 from the Texas Department of State Health Services in the Health Grant Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program for the extended contract period of April 1, 2013 thru September 30, 2013; and to ratify acceptance of the grant extension amendment to begin as of February 26, 2013.

Sponsors: Health Department

34. [13-000267](#) **First Reading Ordinance - Amending lease agreement for additional baseball fields at Greenwood / Horne Youth Sports complex**

Ordinance authorizing the City Manager or designee to execute an Amendment to the Lease Agreement with International Westside Baseball League for additional baseball fields at Greenwood/Horne Youth Sports Complex.

Sponsors: Parks and Recreation Department

35. [13-000325](#) **First Reading Ordinance - Increasing Beach Parking Permit budget to expand beach parking permit sales**

Ordinance appropriating \$50,000 in additional revenues from sales of Beach Parking Permits in the No. 1020 General Fund to be used for Beach Parking Permit Program; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenues and expenditures by \$50,000 each.

Sponsors: Parks and Recreation Department

36. [13-000326](#) **First Reading Ordinance - Amending City code for Commission on Children and Youth membership**

Ordinance amending the Code of Ordinances regarding membership of Corpus Christi Commission on Children and Youth.

Sponsors: Parks and Recreation Department

37. [13-000217](#) **First Reading Ordinance - Amending City code to correct existing speed limit boundaries on McArdle Road**

Ordinance amending Section 53-254 of the code of ordinances to rectify the existing speed limit boundaries on McArdle Road.

Sponsors: Engineering Department

38. [13-000270](#) **First Reading Ordinance - Amending City code to set speed limits on Hazel Bazemore Road (CR 69) and County Road 52**

Ordinance amending Section 53-254 of the Code of Ordinances to set the speed limit to 55 mph on Hazel Bazemore Road (County Road 69) between FM 624 and County Road 52; providing for penalties; providing

for severance; and providing for publication.

Sponsors: Engineering Department

39. [13-000271](#) **First Reading Ordinance - Amending City code to establish speed limit designation on Interstate Highway 69 (US 77) and Interstate Highway 37 frontage roads**

Ordinance amending Section 53-254 of the Code of Ordinances to establish the following speed limits: (a) 55 MPH on the Northbound IH 37 Frontage Road between Sharpsburg Road and the north city limit line; (b) 55 MPH on the Southbound IH 37 Frontage Road between the north city limit line and Redbird Lane; (c) 45 MPH on the Southbound IH 69 (US 77) Frontage Road between Redbird lane and the south city limit line; and (d) 45 MPH on the Northbound IH 69 (US 77) Frontage Road between the south city limit line and the crossover to North IH 37 Frontage Road; providing for penalties; providing for severance; and providing for publication.

Sponsors: Engineering Department

40. [13-000342](#) **First Reading Ordinance - Appropriate funds for Capital equipment purchase at Corpus Christi International Airport**

Ordinance appropriating \$125,000 from the Unreserved Fund Balance in Airport Fund No. 4610 for purchase of airport capital equipment; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase appropriations by \$125,000.

Sponsors: Aviation Department

41. [13-000343](#) **First Reading Ordinance - Appropriating funds from Passenger Facility Charge fund for payment of debt service associated with airport improvements**

Ordinance appropriating \$850,981 from the unreserved fund balance in Passenger Facility Charge Fund No. 4621 and transferring and appropriating \$664,118 into Airport 2012A Debt Service Fund No. 4640 and \$186,863 into Airport 2012A Debt Service Fund 4641 for debt service on airport improvements; amending the FY 2012-2013 Capital Budget adopted by Ordinance No. 029565 to increase appropriations by \$850,981.

Sponsors: Aviation Department

42. [13-000344](#) **First Reading Ordinance - Approving two farm lease agreements at the Corpus Christi International Airport**

Ordinance authorizing the City Manager, or designee, to execute 1) a Farm Lease Agreement with Matt Danysh Farms, Inc. to lease and farm approximately 870.703 acres of farm land located at the Corpus Christi International Airport and 2) a Farm Lease Agreement with S & S Farms

Partnership to lease and farm approximately 591.374 acres of farm land located at the Airport, both in consideration of an annual payment to the City of \$55 per leased acre, both for a term of five (5) years.

Sponsors: Aviation Department

43. [13-000206](#) **First Reading Ordinance - Reimburse Jimmie and Barbara Moretich for the wastewater development fees paid in 1993**

Ordinance appropriating \$3,143.60 from the No. 4220 Wastewater Trunk System Trust Fund to refund Jimmie J. Moretich and Barbara A. Moretich wastewater lot/acreage fees previously paid for Lot 7, Block 3, Farias Grant Subdivision and authorizing the City Manager or designee to issue payment.

Sponsors: Development Services

44. [13-000236](#) **First Reading Ordinance - Reimburse developer for the construction of a water line in Royal Creek Estates Unit 4 subdivision**

Ordinance appropriating \$18,171.34 from the No. 4030 Water Distribution Main Trust Fund to reimburse MPM Development, L.P. ("Developer"), for the construction of a 12-inch water line in accordance with the approved water arterial transmission and grid main reimbursement agreement executed between the City and the Developer.

Sponsors: Development Services

45. [13-000303](#) **First Reading Ordinance - Appropriating funds to reimburse developer for the construction of Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements**

Ordinance appropriating \$450,000 from the No. 4220 Sanitary Sewer Trunk System Trust Fund to reimburse Forestar (USA) Real Estate Group, Inc. ("Developer") for the construction of the Tortuga Dunes/Zahn Road/Packery Channel wastewater lift station and force main improvements in accordance with the approved reimbursement agreement executed with the Developer.

Sponsors: Development Services

46. [13-000228](#) **First Reading Ordinance - Appropriating funds for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the Capital Improvement Budget; and executing Amendment No. 1 to the performance contract for energy audit (Phase 2)**

Ordinance appropriating \$40,389 from AEP Program Incentives in the

No. 3160 City Hall CIP Fund for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase revenues and expenditures by \$40,389 each; and authorizing the City Manager, or designee, to execute Amendment No. 1 Technical Energy Audit to the Fixed Price Energy Performance Contract (Design/Build) with McKinstry Essention of Seattle, Washington for Energy Efficiency Conservation Retrofit for Major City Facilities in the amount of \$125,000, for a total re-stated fee of \$7,075,000.

Sponsors: Facilities Maintenance Services and Engineering Department

47. [13-000350](#) **First Reading Ordinance - Appropriating funds related to the American Bank Center**

Ordinance appropriating \$250,000 received from SMG (under contractual obligation to contribute capital for the American Bank Center) in the No. 4710 Visitors Facility Fund for improvements to the American Bank Center; Appropriating \$277,247.91 from reserved fund balance in the No. 4710 Visitors Facility Fund for American Bank Center capital improvement expenditures; Appropriating \$50,000 from reserved fund balance in the No. 4710 Visitors Facility Fund for capital and repair maintenance needs relating to the food and beverage concessions at the American Bank Center; Appropriating \$119,364.25 from unreserved fund balance in the No. 1130 Arena Facility Fund for repair maintenance needs at the Arena; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenues by \$250,000 and by increasing expenditures by a total of \$696,612.16.

Sponsors: ACM - Business Support Services

48. [13-000311](#) **First Reading Ordinance - Appropriating funds in cable franchise revenue for capital expenditures**

Ordinance appropriating \$165,491.99 from the State Cable Franchises issued by the Public Utility Commission of Texas in the No. 1031 Public, Education and Government Cable Fund for capital expenditures related to the Public, Education and Government Access Channels; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase appropriations by \$165,491.99.

Sponsors: Public Communications

O. **FUTURE AGENDA ITEMS: (ITEMS 49 - 56)**

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

49. [13-000298](#) **Supply agreement for fire hydrants for new and replacement installations**

Motion approving a Supply Agreement with HD Supply Waterworks,

Corpus Christi, Texas for fire hydrants in accordance with Bid Invitation No. BI-0104-13 based on lowest responsible bid for an estimated annual expenditure of \$114,139.70, of which \$28,534.93 is required for FY 2013. The term of the contract 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 from Warehouse Stores for FY 2012-2013.

Sponsors: Purchasing Division and Water Department

50. [13-000276](#) Service agreement for lead-based paint hazard consultant

Motion approving a service agreement with Jeff Zunker Specialty Products, Inc. dba Astex Environmental Services, San Antonio, Texas for lead-based paint hazard consultant services in accordance with Request for Proposal (RFP) No. BI-0089-13, based on lowest responsible proposer for an estimated annual expenditure of \$57,202. The term of the service agreement will be for twelve months with and an option to extend the agreement for up to two additional twelve month periods, subject to the approval of the contractor and the City Manager or designee. Funds have been budgeted by the Neighborhood Services Department in FY 2012- 2013.

Sponsors: Purchasing Division and Neighborhood Services

51. [13-000305](#) Purchase of Motor Starters for pumping system at Lake Texana pump station

Motion approving the purchase of six (6) MX3 motor starters from Curtiss Wright/Benshaw Flow Control Company of Pittsburgh, PA based on sole source, for a total amount of \$95,892.00. Funds are budgeted in FY 12-13 Water Fund.

Sponsors: Purchasing Division and Water Department

52. [13-000312](#) Purchase of Security Access System for O.N. Stevens Water Treatment Plant

Motion approving the purchase of a security access system for the O.N. Stevens Water Treatment Plant from Total Protection Systems, Inc., Corpus Christi, TX, based on sole source, for the amount of \$297,178.68. Funds are available from the Water Dept. CIP Fund No.4088.

Sponsors: Purchasing Division and Water Department

53. [13-000306](#) Authorization to submit a grant application to State for motor vehicle theft enforcement grant

Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$640,040 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft

enforcement grant within the Police Department for Year 13 with a City cash match of \$468,495, in-kind match of \$52,045, and program income match of \$7,359 for a total project cost of \$1,167,939 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

Sponsors: Police Department

54. [13-000338](#) Engineering design contract for Corpus Christi Ship Channel Gas Main Crossing

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with HDR Engineering of Corpus Christi, Texas in the amount of \$68,300, for Corpus Christi Ship Channel Gas Main Crossing for design, bid, and construction phase services.

Sponsors: Gas Department and Engineering Department

55. [13-000336](#) Engineering design contract for J.C. Elliott gas collection and control system repairs

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with SCS Field Services, a Virginia corporation, in the amount of \$77,000.00, for a re-stated fee not to exceed \$177,400.00 for J. C. Elliott Landfill Gas Collection And Control System Repairs.

Sponsors: Solid Waste Operations and Engineering Department

56. [13-000330](#) Resolution recommending the United States Congress pass a constitutional amendment reversing the Citizens United vs. Federal Election Commission decision on corporate personhood

Resolution recommending and encouraging the United States Congress to pass a Constitutional Amendment establishing that corporations not receive the same legal rights as natural persons; that money not be considered the same as speech, and that independent expenditures be regulated.

Sponsors: Intergovernmental Relations

P. BRIEFINGS TO CITY COUNCIL: (ITEM 57)

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

57. [13-000274](#) Corpus Christi Regional Economic Development Corporation

Sponsors: Economic Development

Q. LEGISLATIVE UPDATE:

R. CITY MANAGER'S COMMENTS:

* Update on City Operations

S. ADJOURNMENT