



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes - Final City Council

Tuesday, March 26, 2013

11:30 AM

Council Chambers

A. CALL MEETING TO ORDER.

Mayor Pro Tem Allen called the meeting to order.

B. INVOCATION.

The invocation was delivered by Pastor Scott McDonald of Corpus Christi Community Church.

C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Armando Chapa, City Secretary.

D. ROLL CALL.

City Secretary Armando Chapa verified that the necessary quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Ron Olson, City Attorney Carlos Valdez, and City Secretary Armando Chapa.

Present: 8 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

Absent: 1 - Mayor Nelda Martinez

E. Proclamations / Commendations

1. AEP Check Presentation to the City of Corpus Christi for their participation in the 2012 CitySmart Program for Energy Efficiency Lighting Retrofit Projects
Proclamation declaring April 13, 2013 as Earth Day - Bay Day 2013"
Proclamation declaring April 2013 as "Earth Month 2013"
Proclamation declaring April 2013 as "Sexual Assault Awareness Month"
Swearing-in ceremony of newly appointed City board, commission and committee members

Mayor Pro Tem Allen read and presented the proclamations.

F. PUBLIC COMMENT.

Mayor Pro Tem Allen referred to Public Comment and the following citizens spoke: Carolyn Moon spoke regarding the plastic bag ordinance and it's implementation date; Wilson Wakefield spoke regarding the water rights for the Mary Rhodes Pipeline; Jerry Garcia spoke regarding funding for Southside Pony League, ethical standards, and number of tournaments held in Select Baseball; Deven Bhakta spoke of a subcommittee of the Chamber of Commerce to study the street fee issue and present a plan on behalf of the business community to council for consideration; Moses Mostaghassi spoke of a matter that occurred on October 4 at Oso Creek Park; and Buck Robinson spoke regarding Item No. 37 on residential irrigation and stated that he supports annual testing.

G. EXECUTIVE SESSION: (ITEM 2)

2. Executive Session pursuant to Texas Government Code Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Municipal Court Judge with possible discussion and action in open session.

Mayor Pro Tem Allen read Executive Session Item No. 2. The council went into executive session. The council returned from executive session. City Secretary Chapa read the following ordinance:

Ordinance accepting the resignation of Melissa K. Madrigal from her position as Municipal Judge of the Municipal Court of Record in the City of Corpus Christi.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Garza

Absent: 2 - Mayor Martinez and Council Member Riojas

Abstained: 0

Enactment No: 029771

H. MINUTES: (NONE)**I. BOARDS & COMMITTEE APPOINTMENTS: (NONE)****J. EXPLANATION OF COUNCIL ACTION:****K. CONSENT AGENDA: (ITEMS 3 - 28)**

Mayor Pro Tem Allen referred to the Consent Agenda, Items 3 through 28. City Manager Olson announced that Item No. 27 was being pulled from the agenda. The following items were pulled for individual consideration: 4, 6, 9, and 10.

3. Renewal of treated water supply contract with Violet Water Supply Corporation

Motion authorizing the City Manager or designee to execute a contract to supply Violet Water Supply Corporation (Violet) with treated water for up to 10,000,000 gallons per month for a term of 40 years.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-050

4. Professional Services Contract for accelerated considerations of funding and constructing the Mary Rhodes Phase II pipeline project

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with HDR Engineering, Inc. of Corpus Christi, Texas in the amount of \$80,000.00, for Water Supply Alternative Funding Strategies.

The foregoing motion was passed and approved with the following vote:

Aye: 7 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Recused: 1 - Council Member Leal

Abstained: 0

Enactment No: M2013-051

5. Software Licensing Agreement to update existing Municipal Information Systems (MIS) service desk licensing and management suite licenses

Motion authorizing the City Manager, or designee, to execute a 3-year contract with SHI, Inc., of Austin, Texas for an estimated expenditure of \$252,911.94. The cost will be paid in 3 annual payments of \$84,303.98. The purpose is to update existing LANDesk Service Desk

and management suite licenses to an enterprise solution and this cost includes maintenance costs for the 3-year period. SHI, Inc. is a Texas' Department of Information Resources reseller number DIR-SDD-1009.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-052

6. BOND 2012 PROJECTS (Related Items 6 - 11)

Award of a construction contract; and approval of construction materials testing contract for Yorktown Boulevard Phase 2 project (BOND 2012)

Motion authorizing the City Manager or designee to execute a Construction Contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$6,373,769.00 and to execute a Construction Materials Testing Contract with Rock Engineering & Testing Laboratory, Inc. of Corpus Christi, Texas in the amount of \$84,201.00 for Yorktown Boulevard Phase 2 from Cimarron Boulevard to Rodd Field Road for the Base Bid plus Additive Alternate No. 1 and 2 **BOND ISSUE 2012** (Proposition No. 1 Street Projects).

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-053

7. Professional services contract for design and construction of County Road 52 Extension (CR 69 to FM 1889) (BOND 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Naismith Engineering, Inc. from Corpus Christi, Texas in the amount of \$241,692.50, for County Road 52 Extension from CR 69 to FM 1889 for design, bid, and construction phase services **BOND ISSUE 2012**. (Proposition No. 8 Economic Development Projects)

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-054

8. Professional services contract for remodeling and improvements of the animal care facility (BOND 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Chuck Anastos of Corpus Christi, Texas in the amount of \$87,300.00 for Animal Control Remodel/Improvements for design, bid, and construction phase services. **BOND ISSUE 2012** (Proposition No. 3 Service Center Complex Improvements).

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-055

9. Professional services contract for the design and construction of hike and bike trails along Schanen Ditch and Bear Creek Ditch (BOND 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 \$185,540.00, for Hike and Bike Trail Development for design, bid, and construction phase services. **BOND ISSUE 2012.**

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-056

10. Professional services contract for design and construction of

new shop and office facility for signs & signals operations (BOND 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Chuck Anastos from Corpus Christi, Texas in the amount of \$141,000, for Signs/Signal Operations - New Shop and Office Facility for design, bid, and construction phase services **BOND ISSUE 2012** (Proposition No. 3 Service Center Complex Improvements).

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-057

11. Professional services contract for Health Department parking lot improvements (BOND 2012)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Urban Engineering from Corpus Christi, Texas in the amount of \$64,200.00, for Health Department Building Parking Lot for design, bid, and construction phase services **BOND ISSUE 2012** (Proposition No. 6 Public Health Improvements)

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-058

12. Professional Services Agreement for Veterinary Services

Motion approving a professional services agreement with Melissa Draper, DVM, Corpus Christi, Texas for veterinary services for an estimated annual expenditure of \$100,000.00, of which \$33,333.33 is required for the remainder of FY 2012-2013. 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 Contractor and the City Manager or designee. Funds have

been budgeted by the Police Department in FY 2012-2013.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-059

13.

Supply agreement for aluminum traffic signs

Motion approving a supply agreement with Custom Products Corporation, Jackson, Mississippi for aluminum traffic signs in accordance with Bid Invitation No. BI-0097-13 based on lowest responsible bid for an estimated annual expenditure of \$133,994.55, of which \$44,664.85 is required for the remainder of FY 2012-2013. 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 Traffic Engineering FY 2012-2013.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-060

14.

Lease-purchase of pothole patcher trucks for street maintenance

Motion approving the lease-purchase of two (2) Bergkamp Flameless Pothole Patchers from Freightliner of Austin, Austin, Texas for a total amount of \$277,074.00. 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.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-061

15. Lease-purchase of two asphalt crack sealing machines to be used for street maintenance

Motion approving the lease purchase of two (2) asphalt crack sealing machines (trailer mounted) from Crafcot Texas, Inc., of San Antonio, Texas for a total amount of \$96,740.34. 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. These units are replacements to the fleet. Funds for the lease purchase of the machines will be provided by the City's lease purchase financing program.

The foregoing motion was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: M2013-062

16. Resolution of support for the application of Texas A&M University- Corpus Christi for Federal designation as a test range for unmanned aircraft system.

Resolution supporting the application of Texas A&M University-Corpus Christi to pursue Federal Aviation Administration (FAA) designation for Texas as an unmanned aircraft system (UAS) test range.

The foregoing resolution was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029772

17. Resolution authorizing submission of a grant application to the State for summer food program to serve children in summer recreation program

Resolution authorizing the City Manager, or designee, to submit a

grant application to Texas Department of Agriculture for a Summer Food Program Grant in the amount of \$250,000 to operate a Summer Food Service Program for summer recreation program participants ages one to eighteen years.

The foregoing resolution was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029773

18. Revisions to the Community Youth Development Steering Committee membership from 11 to 9 members

Resolution revising membership of the Community Youth Development Steering Committee.

The foregoing resolution was passed and approved with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029774

19. Second Reading Ordinance - Transfer and appropriation of funds to capital budget for arena / convention center loading dock repairs (1st Reading 3/19/13)

Ordinance transferring and appropriating \$100,000 from the Unreserved Fund Balance in No. 1130 Arena Improvement Fund to and appropriating in the No. 3274 Arena Type A CIP Fund for the Arena/Convention Center Loading Dock Repairs; changing the FY 2013 Operating Budget adopted by Ordinance No. 029577 to increase expenditures by \$100,000; and changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase revenues and expenditures by \$100,000 each.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029775

20. Second Reading Ordinance - Lease agreement for operation of news and gift concession at City airport (1st Reading 3/19/13)

Ordinance authorizing the City Manager, or designee, to execute a Long Term Lease Agreement ("Lease") with Host International, Inc. ("HMS Host") for the operation of a news and gift concession located at the Corpus Christi International Airport ("Airport"), in consideration of the greater of an annual minimum guarantee of \$110,000 or a sum equal to ten percent (10%) of the HMS Host's gross receipts, for a term of five (5) years.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029776

21. Second Reading Ordinance - Ratifying acceptance of the amendment to State grant for air quality planning activities; appropriating grant funds (1st Reading 3/19/13)

Ordinance ratifying the acceptance of Amendment No. 5 to the Grant Agreement with the Texas Commission on Environmental Quality and appropriating \$371,520 in the No. 1071 Community Enrichment Grants Fund for air quality planning activities.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029777

22. Second Reading Ordinance - Appropriating abandoned/unclaimed monies from Police Property room (1st Reading 3/19/13)

Ordinance appropriating \$11,586.71 from abandoned/unclaimed monies from the Police Property Room, changing the FY 2012-2013 Operating Budget adopted by Ordinance No.029577 by increasing revenue and expenditures in the General Fund No. 1020 by \$11,586.71 each.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029778

23. Second Reading Ordinance - Appropriating a State grant for serving homebound seniors in the Senior Companion Program (1st Reading 3/19/13)

Ordinance appropriating a \$5,381 grant from the Corporation for National and Community Service in the No. 1067 Parks and Recreation grants fund for the Senior Companion Program.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029779

24. Second Reading Ordinance - Amending the Code of Ordinances for the Mayor's Fitness Council duties and membership (1st Reading 3/19/13)

Ordinance amending the Code of Ordinances regarding Mayor's Fitness Council duties and membership.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029780

25. Second Reading Ordinance - Establishing the Downtown Catalyst Area in the City (1st Reading 3/19/13)

Ordinance defining "Catalyst Area" and establishing the Downtown Catalyst Area in the City of Corpus Christi, Texas.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029781

26. Second Reading Ordinance - Designating the Downtown Reinvestment Zone within the City (1st Reading 3/19/13)

Ordinance designating the Downtown Reinvestment Zone within the City of Corpus Christi, Texas, under the Property Redevelopment and Tax Abatement Act (Chapter 312 of the Texas Tax Code).

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029782

27. 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.

This Ordinance was withdrawn.

28. Second Reading Ordinance - Amending the Unified Development Code to add the requirements and enforcement of Model Subdivision Rules to plats and subdivisions of land within the Extraterritorial jurisdiction of the City (1st Reading 3/19/13)

Ordinance amending the Unified Development Code ("UDC") by revising Article 8, Section 8.1, subsection 8.1.1, related to Authority regarding subdivisions located in the extraterritorial jurisdiction of the City by adding language to incorporate Chapter II of the December 13, 2006 Nueces County Subdivision Regulations and Platting Requirements, which incorporate the Model Subdivision Rules as authorized by Chapter 364 of Title 31 of the Texas Administrative Code; providing for severance, penalties, and publication.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Enactment No: 029783

L. PUBLIC HEARINGS: (ITEMS 29 - 33)

29. Public Hearing and First Reading Ordinance - A change of zoning from the "RM-AT/PUD" Multifamily AT District with a Planned Unit Development Overlay to the "RM-AT/PUD" Multifamily AT District with a modified Planned Unit Development Overlay, on property located at 7269 State Highway 361.

Case No. 0213-02 Carl Badalich and Sherry Badalich: A change of zoning from the "RM-AT/PUD" Multifamily AT District with a Planned Unit Development Overlay to the "RM-AT/PUD" Multifamily AT District with a modified Planned Unit Development Overlay, not resulting in a change of future land use. The property to be rezoned is described as Sunrise Shores, Block 1, Lots 101-119, 122, 301-313 and 3B, located

between State Highway 361 and the Gulf of Mexico, approximately one-half mile north of Sea Way Drive.

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

Approval of the change of zoning from the "RM-AT/PUD" Multifamily AT District with a Planned Unit Development Overlay to the "RM-AT/PUD" Multifamily AT District with a modified Planned Unit Development Overlay, subject to nine conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Carl Badalich and Sherry Badalich ("Owners"), by changing the UDC Zoning Map in reference to Lots 101-119, 122, 301-313, and 3B, Block 1, Sunrise Shores, from the "RM-AT/PUD" Multifamily AT District with a Planned Unit Development Overlay to the "RM-AT/PUD" Multifamily AT District with a modified Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Allen referred to Item No. 29. Mark Van Vleck, Director of Development Services stated that this item is to rezone the property to allow a Planned Unit Development consisting of 31 single-family dwelling units, two townhouse units, and a multifamily structure. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of this zoning change. A motion was made by Council Member Scott, seconded by Council Member Magill to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Scott, seconded by Council Member Leal to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

30.

Public Hearing and First Reading Ordinance - A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, on property located east of U.S. Highway 77 and at the east end of County Road 52.

Case No. 0213-01 Charles O. Massey: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, resulting in a change of future land use from commercial to light industrial. The property is described as being an 18.47-acre tract of land out of the Gregorio Farias Grant, Abstract 592, located east of

U.S. Highway 77 (Interstate Highway 69) and at the east end of County Road 52.

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

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

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Charles O. Massey, acting as agent on behalf of COEL Properties, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to an 18.47-acre tract out of the Gregorio Farias Grant, Abstract 592, from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Allen referred to Item No. 30. Mark Van Vleck, Director of Development Services stated that this item is to rezone the property to allow light industrial uses. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of this zoning change. A motion was made by Council Member Scott, seconded by Council Member McIntyre to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Scott, seconded by Council Member Magill to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

31. Public Hearing and First Reading Ordinance - A change of zoning from the "CG-2" General Commercial District to the "CG-2/PUD" General Commercial District with a Planned Unit Development Overlay, 5402 Chicago Drive

Case No. 0812-02 N. P. Homes, L.L.C.: A change of zoning from the "CG-2" General Commercial District to the "CG-2/PUD" General Commercial District with a Planned Unit Development Overlay, not resulting in a change of future land use. The rezoning also includes the associated PUD replat. The property to be rezoned is described as King's Crossing West Unit 2, Block 2, Lot 3, located at the northeast corner of Chicago Drive, approximately 500 feet west of South Staples Street (FM 2444).

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

Approval of the change of zoning from the "CG-2" General Commercial District to the "CG-2/PUD" General Commercial District with a Planned Unit Development Overlay subject to eight conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by N.P. Homes, L.L.C. ("Owner"), by changing the UDC Zoning Map in reference to Lot 3, Block 2, King's Crossing West Unit 2, from "CG-2" General Commercial District to "CG-2/PUD" General Commercial District with a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Allen referred to Item No. 31. Mark Van Vleck, Director of Development Services stated that this item is to rezone the property to allow for a 32-unit townhouse development. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of the zoning change subject to eight conditions. A motion was made by Council Member Scott, seconded by Council Member Magill to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Scott, seconded by Council Leal to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

32. Public Hearing and First Reading Ordinance - A change of zoning from the "CR-1" Resort Commercial District to the "CI" Intensive Commercial District, on property located at 401 South Shoreline Boulevard.

Case No. 0213-04 TR Inscore LLC: A change of zoning from the "CR-1" Resort Commercial District to the "CI" Intensive Commercial District, not resulting in a change of future land use. The property to be rezoned is described as being a 0.50-acre tract of land out of Block 4, South Water Beach Addition, located on the west side of South Shoreline Boulevard between Broadway Court and Born Street.

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

Approval of the change of zoning from the "CR-1" Resort Commercial District to the "CI" Intensive Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by TR Inscore LLC, acting as agent on behalf of Guinn-Soin, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 0.50-acre tract of land out of Block 4, South Water Beach Addition, from the "CR-1" Resort Commercial District to the "CI" Intensive Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Pro Tem Allen referred to Item No. 32. Mark Van Vleck, Director of Development Services stated that the purpose of this zoning request is to rezone the property to reduce setback requirements and allow additional commercial uses. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of the zoning change. A motion was made by Council Member McIntyre, seconded by Council Member Leal to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Leal, seconded by Council Member McIntyre to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Mayor Martinez and Council Member Scott

Abstained: 0

33. Public Hearing and First Reading Ordinance - A change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District, on property located at 7511 Wooldridge Road.

Case No. 0213-03 N.P. Homes, L.L.C.: A change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District, not resulting in a change of future land use. The property to be rezoned is described as Lot 1, Block 20, Rodd East, located along the south side of Wooldridge Road and approximately 510 feet east of Quebec Drive.

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

Approval of the change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by N.P. Homes, L.L.C. ("Owner"), by changing the UDC Zoning Map in reference to Lot 1, Block 20, Rodd East, from the "FR"

Farm Rural 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.

Mayor Pro Tem Allen referred to Item No. 33. Mark Van Vleck, Director of Development Services stated that the purpose of this zoning request is to rezone the property to allow the development of a single-family subdivision. Mr. Van Vleck stated that the Planning Commission and Staff recommend approval of the zoning request. A motion was made by Council Member Magill, seconded by Council Member Leal to open the public hearing and passed. There were no comments from the audience. A motion was made by Council Member Leal, seconded by Council Member Magill to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Mayor Martinez, Council Member Scott and Council Member McIntyre

Abstained: 0

M. REGULAR AGENDA: (ITEM 34)

Mayor Pro Tem Allen referred to Item No. 34, Contract for Database Survey to collect data for Street Maintenance Fee. Mr. Oscar Martinez, Assistant City Manager stated that is a follow-up item related to the street maintenance fee. He added that Council had given direction to look at caps and trip factors and to consider conducting a survey to ascertain particular land use and attach trip factors for those businesses below 4.6. Mr. Martinez stated that the posted agenda item is a proposed contract for 90 days at a cost of \$225,000; however, to complete within the six weeks timeframe, staff recommends accelerating the timeframe to 30 days at a cost of \$270,000. Mr. Martinez added that to keep the contract cost low, staff would like to be included in the process. An amended version of the contract was distributed to council.

After council discussion, Mayor Pro Tem Allen asked for comments from the public: Wilson Wakefield stated that he does not support the Chamber of Commerce plan, the fee, and stated that it is unfair for residents; Eloy Salazar stated that the Chamber of Commerce has taken a position to involve the business community and formed a subcommittee to recommend a plan and asked to delay the item; and Abel Alonzo stated that the council was elected to lead and do what is in the best interest of the community.

City Secretary Chapa provided clarification on the two motions. A motion was made by Council Member Loeb, seconded by Council Member Scott to vote on the substitute contract for 30 days at a cost of \$270,000.

34. Professional services contract for database assistance survey to collect data for street maintenance fee land use identification

Motion authorizing the City Manager or designee to execute a contract

with HDR Engineering, Inc. to provide professional services in connection with the Street Maintenance Fee Database Assistance Project, for a total fee not to exceed \$270,000.

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The motion failed with the following vote:

Aye: 4 - Council Member Allen, Council Member Loeb, Council Member Scott and Council Member McIntyre

Nay: 4 - Council Member Leal, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

Professional services contract for database assistance survey to collect data for street maintenance fee land use identification

Motion authorizing the City Manager or designee to execute a contract with HDR Engineering, Inc. to provide professional services in connection with the Street Maintenance Fee Database Assistance Project, for a total fee not to exceed \$225,000.

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City Secretary Chapa then polled the council for their vote on the posted agenda item. The motion failed with the following vote:

Aye: 4 - Council Member Allen, Council Member Loeb, Council Member Scott and Council Member McIntyre

Nay: 4 - Council Member Leal, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 1 - Mayor Martinez

Abstained: 0

N. FIRST READING ORDINANCES: (ITEMS 35 - 39)

35. First Reading Ordinance - Accepting and appropriating a federal grant to support a state initiative to combat narcotics trafficking and related crimes

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$82,003 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Department's role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA) for the salary and benefits of a full-time program coordinator, one administrative assistant, overtime for 4 Corpus Christi Police

Officers, and 4 lease vehicles; and appropriating the \$82,003 in the No. 1061 Police Grants Fund.

Mayor Pro Tem Allen referred to Item No. 35. **Floyd Simpson, Police Chief** stated that this item is accepting a grant to support the Police department's role in the Texas Coastal Corridor Initiative in the amount of \$82,003. **Mayor Pro Tem Allen** asked for comments from the audience. There were no comments.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 6 - Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Allen, Mayor Martinez and Council Member McIntyre

Abstained: 0

36. First Reading Ordinance - Accepting and appropriating a State grant for border security

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$85,000 from the Texas Department of Public Safety, Texas Rangers Division for the FY2013 Local Border Security Program grant; and appropriating the \$85,000 in the No. 1061 Police Grants Fund.

Mayor Pro Tem Allen referred to Item No. 36. **Floyd Simpson, Police Chief** stated that this item is to accept a grant for the Local Border Security Program in the amount of \$85,000. **Mayor Pro Tem Allen** asked for comments from the audience. There were no comments.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 6 - Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Allen, Mayor Martinez and Council Member McIntyre

Abstained: 0

37. First Reading Ordinance - Amending Plumbing Code and International Residential Code to establish new language and change the residential irrigation backflow testing requirements from annual to triennial

Ordinance amending the Code of Ordinances, Chapter 14, "DEVELOPMENT SERVICES," Article II, "City of Corpus Christi Technical Construction Codes," Division 7, "PLUMBING CODE," Section 14-281, "Plumbing Code," and Division 8, "RESIDENTIAL

CODE," Section 14-292, "Residential construction code," by changing the frequency of testing for residential irrigation backflow devices; providing for severance, penalties, publication, and an effective date.

Mayor Pro Tem Allen referred to Item No. 37. Mark Van Vleck, Director of Development Services stated that this item is amending the City Code of Ordinances, Chapter 14, the Plumbing Code, to change the frequency of testing requirements for residential irrigation backflow devices from annual to every three years. Mr. Van Vleck stated that the Mechanical Plumbing Advisory Board and Staff recommend denial of this change.

Mayor Pro Tem Allen asked for comments from the public: James Rutherford stated that he supports annual inspections; Mr. Collins stated that he supports annual inspections; Buck Robinson stated that he supports annual inspections and asked that the council consider the Mechanical Plumbing Advisory Board's recommendation; and Abel Alonzo stated that this is a health issue and asked the Council to concur with the recommendation and keep the annual inspections.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre and Council Member Riojas

Nay: 1 - Council Member Garza

Absent: 2 - Council Member Leal and Mayor Martinez

Abstained: 0

38. First Reading Ordinance - Agreement authorizing the use of property adjacent to Whitecap Wastewater Treatment Plant for staging a fireworks display

Ordinance authorizing the City Manager or designee to execute an agreement with Jerry Watkins to use a portion of the property adjacent to Whitecap Wastewater Treatment Plant in 13400 block of Whitecap Blvd. for staging a fireworks display on July 4, 2013.

Mayor Pro Tem Allen referred to Item No. 38. Mr. Oscar Martinez, Assistant City Manager stated that this item is for an agreement for use of property adjacent to the Whitecap Wastewater Treatment Plant for a fireworks display on July 4, 2013. Mr. Martinez stated that council approval is required for any use of city property. Mayor Pro Tem Allen asked for comments from the public. There were no comments.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 6 - Council Member Allen, Council Member Loeb, Council Member Scott, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 3 - Council Member Leal, Mayor Martinez and Council Member Magill

Abstained: 0

39. First Reading Ordinance - To approve date, location, and admission fees and consideration for the 2013 Buccaneer Days Festival and related activities

Ordinance authorizing the City Manager or designee to execute a lease agreement with the Buccaneer Commission, Inc. ("Commission") for 2013 Buccaneer Days Festival and related activities to allow use of City property including areas bounded by Kinney Street, North Shoreline, South Shoreline, and Park Avenue, including adjacent parking lots, during April 22, 2013 through May 8, 2013; use of parking lot north of former Memorial Coliseum site from April 10, 2013 through April 16, 2013 provide for Commission paying fees for City services in amount not to exceed \$33,000.00.

Mayor Pro Tem Allen referred to Item No. 39. Mike Morris, Director of Parks & Recreation stated that this item is for a lease agreement for Buc Days Festival and to allow use of City property. Mayor Pro Tem Allen asked for comments from the public. Abel Alonzo spoke in support of this item and thanked them for their work with the disabled community.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 7 - Council Member Leal, Council Member Loeb, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 2 - Council Member Allen and Mayor Martinez

Abstained: 0

O. FUTURE AGENDA ITEMS: (ITEM 40)

Mayor Pro Tem Allen referred to the Future Agenda, Item No. 40 and stated that these item(s) are informational purposes only and that no action or public comment would be taken. There was no presentation on the item.

40. Professional services contract for park improvements at Parker Park located on the corner of Waldron Road and Graham Road

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 \$63,940.00, for Community Park Development and Improvements - Parker Park for design, bid, and construction phase services BOND ISSUE 2012.

This Motion was recommended by Staff to the Consent Agenda.

P. LEGISLATIVE UPDATE:

Mayor Pro Tem Allen referred to the Legislative Update item. Mr. Olson provided an update on the following items: 1) Texas Windstorm Insurance Association, 2) Senate Bill 102 and Senate Bill 144 regarding the Appraisal Cap, 3) Resolution in support of Unmanned Aircraft by Representative Hunter, and 4) the Choke Canyon Validation Act.

Council Member Scott asked for update on Senate Bill 19, a mitigation bill associated with Windstorm.

Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 41 - 42)**41. Animal Care Division**

Mayor Pro Tem Allen referred to Item No. 41, Animal Care Division. Floyd Simpson, Police Chief and Todd Green, Commander, Police Department provided an update of the initiatives and improvements at the animal care facility; discussed the adoption rate for 2012; new equipment and uniforms; and improvements in the future.

42. Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR)

Mayor Pro Tem Allen referred to Item No. 42 , Fiscal Year 2012 Comprehensive Annual Financial Report (CAFR). Constance Sanchez, Director of Finance provided a briefing of the CAFR and stated that the Local Government Code requires the CAFR to be filed in the City Secretary's Office within 180 days of 6 months after the last day of the fiscal year, and it was filed timely. Ms. Sanchez referred to the Management's Discussion and Analysis - summary of the activity for the fiscal year; Statement of Net Assets - the City's balance sheet and includes all city funds; the Statement of Activities - the City's income statement. She then reported on the results for Fiscal Year 2012 and stated that \$65.6 million was added to net assets, sales tax increased from \$9 million from the prior year, hotel occupancy tax increased \$1.3 million, \$3.3 million of added revenue and savings due to a full year of recycling, and a decrease of \$15 million of net expenses among all funds.

R. CITY MANAGER'S COMMENTS:*** Update on City Operations**

Mayor Pro Tem Allen referred to City Manager Comments. Mr. Olson reported on the following: 1) recognized the Police Department for the re-accreditation they received from the Commission on Accreditation for Law Enforcement Agency. He stated that the Police department was initially accredited in 2009 and that the city of Corpus Christi is 1 of 32 cities in the State of Texas with this accreditation; 2) reported that the City's Park & Recreation department was recognized by the Texas Recreation and Parks Society in the following three areas: Artesian Park Lonestar Legacy Award, 2012 Summer Games, and maintenance efforts on Gulf Beach programs; 3) staff is working on posting on the City website the Street Maintenance Fee issue and launched live this afternoon, and includes a link on the front page of the city's website; 4)

reported that the Mayor's Blue Ribbon Committee held their Kickoff Meeting and is working at water supplies, desalinization and other issues impacting the water resources for our city; 5) Solid Waste Competitive Review has been completed and scheduled an update to Council at the next Workshop Meeting on the findings and the improvement plan, 6) the Facility Review has also been completed and schedule an update to the council on the findings, 7) reported that Chief Simpson organized a Motorcycle Ride for city employees and was an opportunity to build friendships, 8) and reported that his 7th 100 days will be completed on April 2 and stated most of the items have been completed and progress on all of items, except for one item. The 8th 100 days with a new set of goals will begin on April 3rd.

In regards to the Mayor's Blue Ribbon Committee, Council Member Scott requested that the Council be provided copies of documents distributed to the committee on water issues.

S. ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tem Allen adjourned the meeting at 4:15 pm.