



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, July 10, 2012

12:00 PM

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 4:00 p.m., or the end of the Council Meeting, whichever is earlier. Please speak into the microphone located at the podium and state your name and address. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

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

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

- A. **Mayor Joe Adame to call the meeting to order.**
- B. **Invocation to be given by Reverend Rick Barrera, Cornerstone 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:**

* **"At Your Service" Award, City Employee Recognition**

F. **MINUTES:**

- 1. [12-00481](#) Approval of Meeting Minutes - June 26, 2012.

Sponsors: City Secretary's Office

G. **BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

H. **EXPLANATION OF COUNCIL ACTION:**

For administrative convenience, certain of the agenda items are listed as motions, resolutions, or ordinances. If deemed appropriate, the City Council will use a different

method of adoption from the one listed; may finally pass an ordinance by adopting it as an emergency measure rather than a two reading ordinance; or may modify the action specified. A motion to reconsider may be made at this meeting of a vote at the last regular, or a subsequent special meeting; such agendas are incorporated herein for reconsideration and action on any reconsidered item.

I. CONSENT AGENDA: (ITEMS 2 -7)

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.

2. [12-00408](#) Service agreement for large diameter sanitary sewer line inspection & cleaning

Motion approving a service agreement for large diameter sanitary sewer line inspection and cleaning with Ace Pipe Cleaning, Inc., of Fort Worth, TX, based on lowest responsible proposal, in accordance with Request for Proposal No. BI-0136-12, for a total amount of \$1,990,637.50. The term of the agreement is one year with an option to extend for up to two additional one-year periods subject to the approval of the service provider and the city manager or designee. Funds are available in the Wastewater Fund in FY11/12.

Sponsors: Purchasing Division and Wastewater Department

3. [12-00403](#) Amendments to contracts for air quality monitoring services

Resolution authorizing the City Manager, or designee, to execute Amendment No. 2 to Interlocal Cooperation Agreement with Texas A & M University Corpus Christi for the Pollution Partnership Alliance Clean Fleet Program by adding \$140,750.00 for cost reimbursements and extending the term through August 31, 2013; authorizing the City Manager, or designee, to execute Amendment No. 2 to Interlocal Cooperation Agreement with the University of North Texas University for Air Quality Monitoring and Modeling by adding \$184,750.00 for costs reimbursements and extending the term through August 31, 2013.

Sponsors: Planning/Environmental Services

4. [12-00402](#) Agreement to install parking lot and access road lighting for the Packery Channel Boat Ramp project

Motion approving a Contribution-In-Aid-Of-Construction Agreement with American Electric Power (AEP) in the amount of \$129,813.44, for installation of the Packery Channel Boat Ramp Parking Lot and Access

Road Lighting. (BOND 2008)

Sponsors: Engineering Department and Parks and Recreation Department

5. [12-00393](#) **Participation agreement to cover the City's cost for street construction related to the future development of subdivision (Related Items 5 & 6)**

Ordinance amending the FY 2012 Capital Improvement Budget adopted by Ordinance No. 029135 for ST28-Developer Participation Line Item; increasing expenditures in the amount of \$53,431.46; and declaring an emergency.

Sponsors: Development Services and Engineering Department

6. [12-00392](#) Motion authorizing the City Manager, or his designee, to execute a Participation Agreement with Mostaghasi Investment Trust, Developer of King's Point Unit 9, in the amount of \$53,431.46 for the City's portion of the cost of Maximus Drive and Queen Bess Drive abutting the linear park, in accordance with the Unified Development Code. (BOND 2008)

Sponsors: Development Services and Engineering Department

7. [12-00374](#) **Ordinance to consider adopting Unified Development Code Text Amendments**

Second Reading Ordinance - Amending the Corpus Christi Unified Development Code (UDC) by revising Table 4.4.2. relating to permitted uses; revising Table 4.4.3.B. relating to density, yards, and height; revising Table 7.2.2.B. relating to the parking requirement for retail sales and service uses; amending conflicting provisions of the City's Comprehensive Plan; repealing conflicting ordinances; providing for severance, penalties, publication and an effective date. **(First Reading - 6/26/12)**

Sponsors: Development Services and Planning/Environmental Services

J. EXECUTIVE SESSION:

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

8. [12-00472](#) Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding fire collective bargaining negotiations with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEMS 9 - 13)**ZONING CASES**

9. [12-00397](#) **Change of zoning on a portion of property located at 5409 Lipes Blvd. from residential to multi-family residential**

Case No. 0312-02: Convent Academy of the Incarnate Word: A change of zoning from the "RS-4.5" Single-Family 4.5 District, "RS-6" Single-Family 6 District, and "RM-1" Multifamily 1 District to the "RM-1" Multifamily 1 District. The property to be rezoned is described as being 41.32 acres out of Lots 5, 6, and 7, Section 6, Flour Bluff and Encinal Farm and Garden Tracts.

Planning Commission and Staff Recommendation: Denial of the change of zoning to the "RM-1" Multifamily 1 District on the entire 41.32-acre tract and, in lieu thereof, approval of the "RM-1" Multifamily 1 District on the western fifteen (15) acres and "RS-6" Single-Family 6 District on the remaining eastern 26.32 acres.

ORDINANCE

Ordinance amending the Unified Development Code (UDC), upon application by Convent Academy of the Incarnate Word, by changing the UDC Zoning Map in reference to the 41.32 acres out of Lots 5, 6, and 7, Section 6, Flour Bluff and Encinal Farm and Garden Tracts from the "RS-4.5" Single-Family 4.5 District, "RS-6" Single-Family 6 District, and "RM-1" Multifamily 1 District to the "RM-1" Multifamily 1 District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing a penalty; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

10. [12-00412](#) **Change of zoning from general commercial to neighborhood commercial on property located at 2921 Airline Road**

Case No. 0512-01: Saratoga Airline, LLC: A change of zoning from the "CG-1" General Commercial District to the "CN-1" Neighborhood Commercial District. The property to be rezoned is described as being 2.00 acres of land, more or less, out of Lot 3, Block 14, Brighton Village Unit 2.

Planning Commission & Staff Recommendation (May 23, 2012): Approval of the change of zoning from the "CG-1" General Commercial District to the "CN-1" Neighborhood Commercial District.

ORDINANCE

Ordinance amending the Unified Development Code (UDC), upon application by Saratoga Airline, LLC, by changing the UDC Zoning Map in reference to 2.00 acres of land, more or less, out of Brighton Village Unit 2, Block 14, Lot 3 from the "CG-1" General Commercial District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing a penalty; providing for publication; and declaring an emergency.

Sponsors: Development Services and Planning/Environmental Services

Approval for Republic Services, Inc. to refund tax-exempt bonds for capital improvements to City recycling center

11. [12-00468](#) Public Hearing and Resolution With Respect to Republic Services, Inc. Project Approving the Refunding of the Mission Economic Development Corporation Solid Waste Disposal Revenue Bonds (Allied Waste North America, Inc. Project) Series 2007A Bonds, and Authorizing the Mayor to Execute Certificates Approving the Resolution.

Sponsors: Solid Waste Operations, Legal Department and Financial Services Department

Proposed FY 2012-13 Operating Budget

12. [12-00465](#) Public hearing on the Proposed FY 2012-2013 Operating Budget. This budget will raise more total property taxes than last year's amended budget by \$1,880,999 (General Fund \$1,254,000 and Debt Service Fund \$626,999), or 2.4%, and of that amount an estimated \$1,299,657 is tax revenue to be raised from new property added to the tax roll this year.

Sponsors: Office of Management and Budget

Proposed FY 2012-13 Capital Budget & Capital Improvement Planning Guide

13. [12-00455](#) Public Hearing on FY 2012 -2013 Proposed Capital Budget & Capital Improvement Planning Guide

Sponsors: ACM - Public Works & Utilities and Planning/Environmental Services

L. REGULAR AGENDA: (ITEMS 14 - 18)

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

14. [12-00434](#) **Consultant agreement to assist with replacing the City's financial and human resources management software**

Motion authorizing the City Manager or his designee to execute a

consultant agreement with Plante & Moran, PLLC of Southfield Michigan, for \$198,340, to provide Enterprise Resource Planning (ERP) System Consultant services.

15. [12-00409](#) **Appropriation of funds and approval of Type A grant for expansion of boat manufacturing facility (Related Items 15 & 16)**

Ordinance appropriating \$360,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a business incentive grant from the Corpus Christi Business and Job Development Corporation ("Type A Corporation") to Majek Boatworks, Inc. and Turner-Majek Real Estate, LLC ("Majek") for building improvements and new equipment for an expansion of their boat manufacturing facility in Corpus Christi and the creation and retention of jobs; Changing the FY 2011-2012 operating budget, adopted by Ordinance No. 029155, by increasing proposed expenditures by \$360,000; and declaring an emergency.

Sponsors: Economic Development

16. [12-00410](#) Resolution approving a Business Incentive Agreement for the creation and retention of jobs between the Corpus Christi Business and Job Development Corporation and Majek Boatworks, Inc. ("Majek") and Turner-Majek Real Estate, LLC ("Turner-Majek LLC"), which provides a grant of up to \$150,000, for expansion of their existing manufacturing facilities within the city of Corpus Christi, in which Majek and Turner-Majek LLC will invest at least \$1,050,000 in building improvements, furniture, fixtures, and equipment and will retain at least 24 current full-time jobs with an average annual salary of at least \$24,300 over a five year period and the creation and maintenance of additional full-time jobs with an average annual salary of at least \$24,300 over a five year period; approving a grant to Majek and Turner-Majek LLC of up to \$210,000 for the improvement of Saluki Street reserve to a dedicated city street constructed to the Rodd Field Public Improvement District street standards, and authorizing the City Manager, or designee, to execute a Business Incentive Project Support Agreement with the Corpus Christi Business and Job Development Corporation regarding implementation and administration of the Majek and Turner-Majek LLC Business Incentive Agreement for the creation and retention of jobs.

Sponsors: Economic Development

17. [12-00435](#) **Issuance of new money and refunding of utility system secondary revenue bonds**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas Utility System Junior Lien Revenue and Refunding Bonds, Series 2012" in an amount not to exceed \$170,000,000.

Sponsors: Financial Services Department

18. [12-00436](#) Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue and Refunding Bonds, Series 2012" in an amount not to exceed \$170,000,000; making provisions for the payment and security thereof by a junior and inferior lien on and pledge of the net revenues of the City's Utility System; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of the bonds; including the approval and distribution of an Official Statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement, an escrow agreement, and a purchase contract; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of the bonds; and providing an effective date.

Sponsors: Financial Services Department

M. FIRST READING ORDINANCES: (NONE)

N. FUTURE AGENDA ITEMS: (ITEMS 19 - 28)

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

19. [12-00419](#) **Purchase of traffic signals and equipment**

Motion approving the purchase of traffic signals and equipment from Siemens Industry, Inc., Austin, Texas in accordance with Bid Invitation No. BI-0155-12 based on lowest responsible bid for a total amount of \$55,750. Funds have been budgeted by Traffic Engineering in FY 2011-2012.

Sponsors: Purchasing Division and Engineering Department

20. [12-00420](#) **Purchase of food items for Elderly Nutrition Program**

Motion approving supply agreements with the following companies for the following amounts in accordance with the Coastal Bend Council of Governments Bid Invitation No. CBCOG-12-3 for food items which include canned and frozen fruit and vegetables; meats and condiments, for an estimated six month expenditure of \$194,522.94 of which \$32,420.49 is required for the remainder of FY [2011-2012](#). The terms of the contracts shall be for six months with options to extend for up to three additional months, subject to the approval of the Coastal Bend Council of Governments, the suppliers, and the City Manager or designee. Funds are available through the Meals on Wheels Grant.

LaBatt Food Service
Corpus Christi, Texas
162 Line Items

Performance Food Group
Victoria, Texas
99 Line Items

\$91,102.80

\$103,420.14

Grand Total: \$194,522.94

Sponsors: Purchasing Division and Parks and Recreation Department

21. [12-00428](#) **Purchase of replacement vacuum truck for Wastewater department**

Motion approving the purchase of one (1) vacuum truck from Houston Freightliner, Inc., Houston, Texas for a total amount of \$303,976.14. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The unit is a replacement to the fleet and will be used by the Wastewater Department. Funding is available in the FY 2011-2012 Capital Outlay Budget of the Wastewater System Fund.

Sponsors: Purchasing Division and Wastewater Department

22. [12-00429](#) **Supply agreement for conversion of fleet vehicles from gasoline to compressed natural gas (CNG)**

Motion approving a supply agreement with Natural Gas Vehicles Texas, Inc., Dallas, Texas for the conversion and up-fitting of ten (10) vehicles from gasoline fuel to compressed natural gas (CNG) in accordance with Bid Invitation No. BI-0163-12 based on lowest responsible bid for an estimated annual expenditure of \$98,600. The term of the agreement will be for twelve months with options to extend for up to two additional twelve-month periods, subject to the approval of the supplier and the City Manager, or designee. Funds are available in the Gas Grant Fund No. 1053, Gas Fund, Maintenance Service Reserve for Fleet Replacement Fund and Storm Water Fund.

Sponsors: Purchasing Division and Gas Department

23. [12-00441](#) **Service agreement to provide portable chemical toilets**

Motion approving a service agreement with Skid-O-Kan Company, Corpus Christi, Texas for portable chemical toilets in accordance with Bid Invitation No. BI-0148-12, based on lowest responsible bid, for a total estimated annual expenditure of \$61,411.50 of which \$5,117.63 is required for the remainder of FY 2011-2012. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using Departments in FY 2011- 2012.

Sponsors: Purchasing Division and Parks and Recreation Department

24. [12-00442](#) **Service agreement to provide dumpster containers for using City departments**
- Motion approving a service agreement with CC Disposal Service, Corpus Christi, Texas for dumpster route collection in accordance with Bid Invitation No. BI-0161-12, based on lowest responsible bid, for a total estimated annual expenditure of \$89,088.00 of which \$7,424.00 is required for the remainder of FY 2011-2012. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the using Departments in FY 2011- 2012.
- Sponsors:** Purchasing Division and Solid Waste Operations
25. [12-00456](#) **Lease renewal for Tejas Bowman Archery Club on property located off of McKinzie Road and Allison Drive**
- Ordinance authorizing the City Manager, or designee, to execute a five-year lease agreement with Tejas Bowmen Archery Club for the use of City property near Allison Wastewater Treatment Plant off of McKenzie Road, to maintain and operate an archery range; and declaration of emergency.
- Sponsors:** Parks and Recreation Department and Wastewater Department
26. [12-00457](#) **Amendment to professional services contract to elevate and redesign Corpus Christi Beach bath house**
- Motion authorizing the City Manager, or designee, to execute Amendment No. 2 to a Contract for Professional Services with Chuck Anastos Associates, LLC. of Corpus Christi, Texas in the amount of \$49,699.00 for a total re-stated fee of \$99,524.00 for the Corpus Christi Beach New Bath House (Bond 2008).
- Sponsors:** Parks and Recreation Department and Engineering Department
27. [12-00458](#) **Construction contract for sports field improvements to Bill Witt and Botsford Parks**
- Motion authorizing the City Manager, or designee, to execute a Construction Contract with Lowman Land Improvements of Orange Grove, Texas for the Bill Witt and Botsford Park Improvements project in the amount of \$237,401.95 for the Base Bid (Bond 2008 Project - Sports Field Improvements).
- Sponsors:** Parks and Recreation Department and Engineering Department

28. [12-00459](#) **Professional services contract for architect/engineering services for wastewater service line repair**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Engineering Construction Management Services (ECMS) of Corpus Christi, Texas in the amount of \$60,400.00 for the Wastewater Service Line Repair and Clean-out Installation and Manhole Ring Cover Adjustment Program FY2012 for construction inspection services.

Sponsors: Engineering Department, Wastewater Department and Storm Water Department

O. **UPDATES TO CITY COUNCIL: (ITEM 29)**

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

29. [12-00460](#) Golf Course Annual Report

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

IF YOU PLAN TO ADDRESS THE COUNCIL DURING THIS TIME PERIOD, PLEASE SIGN THE FORM AT THE REAR OF THE COUNCIL CHAMBER, GIVING YOUR NAME, ADDRESS AND TOPIC. (A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.)

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

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

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

Q. **CITY MANAGER'S COMMENTS:**

* **Update on City Operations**

R. ADJOURNMENT