



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCTexas.com

Meeting Agenda - Final City Council

Tuesday, June 26, 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 Ms. Jeanne Gardiner, Unity by the Sea Church.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [12-00444](#) Proclamation declaring July 1 - August 15, 2012 as "Flamingos Rule!"
Proclamation declaring July 4, 2012 as "JULY 4TH BIG BANG CELEBRATION 2012"
Swearing-in Ceremony for newly appointed Board Members
- F. MINUTES:**
 - 2. [12-00430](#) Approval of Meeting Minutes - June 19, 2012.
- 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 or a vote at the last regular, or a subsequent special meeting; such agendas are incorporated herein for reconsideration and action on any reconsidered item.

I. CONSENT AGENDA (ITEMS 3 - 10)

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.

Professional services agreement for Local Health Authority services

3. [12-00146](#) Resolution authorizing the City Manager or designee to execute an agreement with Dr. William Burgin, Jr., to serve as the Local Health Authority for Public Health District.
Sponsors: Health Department

Professional services agreement for Alternate Local Health Authority services

4. [12-00147](#) Resolution authorizing the City Manager or designee to execute an agreement with Dr. Colette Simon to serve as the Alternate Local Health Authority for the Public Health District.
Sponsors: Health Department

Codifier to create a new section number in Code of Ordinances

5. [12-00275](#) Resolution authorizing codifier to create a new section number.
Sponsors: Legal Department

Renewal of lease agreement with Aeronautical Radio, Inc. for space at airport

6. [12-00383](#) Ordinance authorizing the City Manager, or designee, to execute an agreement with Aeronautical Radio, Inc. (ARINC) to lease space containing approximately twenty (20) square feet located in the lower level of the Corpus Christi International Airport (Airport) terminal for the maintenance and operation of aeronautical Communication equipment providing air/ground data communications to aircraft on the ground and en route within 200 nautical miles from Corpus Christi in consideration of

payment of an annual rate per square foot of \$51.38 for fiscal year 2011-2012, \$52.15 for fiscal year 2012-2013 and \$52.94 for fiscal year 2013-2014, adjusted annually thereafter based on the current Terminal Rental Rate for future fiscal years, payable monthly for a term of five (5) years; and declaring an emergency.

Sponsors: Aviation Department

Approval of avigation easement instruments and special warranty deeds related to property acquisition for airport runway project

7. [12-00400](#) Motion authorizing the City Manager or designee to execute an Avigation Easement referred to as Parcel 3 and Special Warranty Deeds referred to as Parcels 3A and 3B, out of Lots 1 and 2, V.M. Donigan Partition, located north of the Corpus Christi International Airport (CCIA) and State Highway 44; from Mary Frances Wilson Burson and fourteen other undivided fee owners; for a total expenditure of \$54,000 which includes \$52,000 for the avigation easement and land, with additional expense of \$2,000 for title policies, recording fees and incidentals; all necessary for the CCIA Runway 17-35 Relocation/Displacement Project E11046 and for other municipal purposes.

Sponsors: Aviation Department and Engineering Department

Street closure for "Play in the Park" event for proposed Destination

8. [12-00422](#) Motion approving the application for street closure from Destination Bayfront to temporarily close Northbound Shoreline between Furman Avenue and Coopers Alley beginning at 8:00 a.m. and ending at 2:00 p.m. for the Play In The Park event to take place on Saturday, June 30, 2012.

Sponsors: Engineering Department

Second Reading Ordinance - Utility easement closure for development of property located on the east side of Wishbone Court and north of Durant Drive

9. [12-00414](#) Second Reading Ordinance - Abandoning and vacating a 318-square-foot portion of a 7.5-foot-wide utility easement out of Wooldridge Creek Unit 12, Block 2, Lot 26, located on the east side of Wishbone Court and north of Durant Drive; and requiring the owners, Raymundo Ramos, Jr., and Rosario G. Ramos, to comply with the specified conditions. (1st reading - 6/19/12)

Sponsors: Development Services

Second Reading Ordinance adopting Joint Erosion Response Plan

10. [12-00395](#) Second Reading Ordinance - Adopting The Joint Erosion Response Plan for Nueces County and the City of Corpus Christi 2012; amending the Code of Ordinances, City of Corpus Christi, Chapter 10, Beachfront Management and Construction, by designating the erosion response

building set-back line or erosion set-back line, requiring an erosion response permit for construction seaward of the erosion set-back line, and making other conforming changes to the chapter; adding the City's Erosion Response Plan as an appendix to the City of Corpus Christi, Texas, Dune Protection and Beach Access Regulations; providing for penalties; providing for severance; providing for publication; and providing a delayed effective date. (1st Reading - 6/19/12)

Sponsors: Planning/Environmental Services

J. EXECUTIVE SESSION: (ITEM 11)

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.

11. [12-00450](#) 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: (ITEM 12)

Ordinance to consider adopting Unified Development Code Text Amendments

12. [12-00374](#) Public Hearing and First Reading Ordinance to consider 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.

Sponsors: Development Services and Planning/Environmental Services

L. REGULAR AGENDA (ITEMS 13 - 24)

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

Award of construction contract for Oso Bay Park Trail Improvements Phase 1

13. [12-00378](#) Motion authorizing the City Manager, or designee, to execute a construction contract with H2O Construction, Inc. of Corpus Christi, Texas in the amount of \$638,062.00 for the Oso Bay Park Trail Improvements, Phase 1 Project for the Base Bid.

Sponsors: Engineering Department and Parks and Recreation Department

Appropriation of funds and award of construction contract for Corpus Christi Beach arch entrance project

14. [12-00401](#) Ordinance amending the FY 2012 Capital Improvement Budget adopted by Ordinance No. 029135 to transfer a total of \$425,153.51 in budgeted project savings from the Heritage Park Cultural Center Renovation Project to the North Beach (CC Beach) Entry Development Project; increasing expenditures in the amount of \$425,153.51; and declaring an emergency.
Sponsors: Engineering Department and Parks and Recreation Department
15. [12-00380](#) Motion authorizing the City Manager, or designee, to execute a construction contract with Largin Construction Services, LLC. of Corpus Christi, Texas in the amount of \$404,960.93 for the Bond 2008 Corpus Christi Beach Entry Development Project (Re-Bid) for the Base Bid.
Sponsors: Engineering Department and Parks and Recreation Department

Consultant agreement for competitive assessment of Solid Waste Services

16. [12-00433](#) Motion authorizing the City Manager or designee to execute a consultant agreement with SAIC Energy, Environmental & Infrastructure, LLC, of Austin, Texas, to provide a competitive assessment/business case analysis of the Solid Waste Services Department, for an amount not to exceed \$93,600. Funding is available in the Solid Waste Services Operations Budget for fiscal year 2011/2012.
Sponsors: Purchasing Division, Office of Strategic Management and Solid Waste Operations

Approval to amend water permit rights at Choke Canyon and Lake Corpus Christi for mining purposes

17. [12-00331](#) Resolution granting authority to the City Manager or designee to amend the Choke Canyon and Lake Corpus Christi water right permits.
Sponsors: Water Department

Refunding of Corpus Christi Business and Job Development Corporation Seawall Bonds

18. [12-00413](#) Resolution by the City Council of the City of Corpus Christi, Texas relating to "Corpus Christi Business and Job Development Corporation Sales Tax Revenue Refunding Bonds, Series 2012 (Seawall Project)"; approving the resolution of Corpus Christi Business and Job Development Corporation authorizing the issuance of such bonds; and resolving other matters incident and related to the issuance of such bonds; and providing an effective date.
Sponsors: Financial Services Department

Notice of Intention to issue Airport Certificates of Obligation; appointment of financial advisor; and approval of preliminary official statement

19. [12-00421](#) Resolution by the City Council of the City of Corpus Christi, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12; and providing an effective date.
Sponsors: Financial Services Department and Aviation Department
20. [12-00423](#) Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor, for the City of Corpus Christi, Texas Combination Tax and Surplus Airport Revenue Certificates of Obligation, Series 2012 (AMT).
Sponsors: Financial Services Department and Aviation Department
21. [12-00424](#) Resolution by the City Council of the City of Corpus Christi, Texas approving the City's preliminary official statement pertaining to the sale of obligations designated as "City of Corpus Christi, Texas Combination Tax and Surplus Airport Revenue Certificates of Obligation, Series 2012 (AMT)"; complying with the requirements contained in the United States Securities and Exchange Commission's Rule 15c2-12; and other matters in connection therewith.
Sponsors: Financial Services Department and Aviation Department

Refunding of Airport Bonds from airport revenue bonds to general improvement bonds

22. [12-00425](#) Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012A (Airport Refunding - AMT) and Series 2012B (Airport Refunding - Non-AMT).
Sponsors: Financial Services Department and Aviation Department
23. [12-00426](#) Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012A (Airport Refunding - AMT)", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; 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/registrars agreement; a purchase contract, and an escrow deposit letter; complying with the letter of representations on file 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 and Aviation Department

24. [12-00427](#) Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012B (Airport Refunding - Non-AMT)", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; 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/registrars agreement; a purchase contract, and an escrow deposit letter; complying with the letter of representations on file 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 and Aviation Department

M. FIRST READING ORDINANCES: (NONE)

N. FUTURE AGENDA ITEMS (ITEMS 25 - 36)

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

Service agreement for large diameter sanitary sewer line inspection & cleaning

25. [12-00408](#) 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

Amendments to contracts for air quality monitoring services

26. [12-00403](#) 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

Agreement to install parking lot and access road lighting for the Packery Channel Boat Ramp project

27. [12-00402](#) 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.

Sponsors: Engineering Department and Parks and Recreation Department

Participation agreement to cover the City's cost for street construction related to the future development of subdivision

28. [12-00393](#) 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

29. [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.

Sponsors: Development Services and Engineering Department

Consultant agreement to assist with replacing the City's financial and human resources management software

30. [12-00434](#) 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.

Appropriation of funds and approval of Type A grant for expansion of boat manufacturing facility

31. [12-00409](#) 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

32. [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

Issuance of new money and refunding of utility system secondary revenue bonds

33. [12-00435](#) 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
34. [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

FUTURE PUBLIC HEARINGS

Change of zoning from residential to residential on property located at 5409 Lipes Blvd.

35. [12-00397](#) 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

Change of zoning from commercial to commercial on property located at 2921 Airline Road

36. [12-00412](#) 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

O. UPDATES TO CITY COUNCIL (ITEMS 37 - 39)

37. [12-00449](#) Emergency Operations Center (EOC) Preparedness Efforts

Sponsors: Fire Department

38. [12-00443](#) Packery Channel Six Pack Project Update

Sponsors: Engineering Department and Parks and Recreation Department

39. [12-00445](#) FY 2012-2013 Proposed Capital Budget and Capital Improvement Planning Guide

Sponsors: ACM - Public Works & Utilities, Planning/Environmental Services and Office of Management and Budget

P. SPECIAL BUDGET PRESENTATION (ITEM 40)

40. [12-00439](#) Proposed FY 2012-2013 Operating Budget for Enterprise Funds and Debt Service Funds.

Sponsors: City Manager's Office, ACM - General Government & Operations Support and Office of Management and Budget

Q. 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.

R. CITY MANAGER'S COMMENTS:

* Update on City Operations

S. ADJOURNMENT