



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, May 14, 2013

11:30 AM

Council Chambers

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

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

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

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

- A. Mayor Nelda Martinez to call the meeting to order.**
- B. Invocation to be given by Pastor Greg Hackett, First United Methodist Church.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [13-000432](#) Proclamation declaring May 2013 as "Motorcycle Safety and Awareness Month"**
- F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. PLEASE LIMIT PRESENTATIONS TO THREE MINUTES. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.**

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

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

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

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

H. EXECUTIVE SESSION: (ITEM 2)

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

2. [13-000437](#) Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from a business prospect that the City Council seeks to have locate, stay, or expand within the City and with which the City is conducting economic development negotiations and to deliberate possible offers of financial or other incentives to said business prospect, with possible discussion and action in open session.

I. MINUTES:

3. [13-000434](#) Approval of Meeting Minutes - Regular Meetings of April 23, 2013 and April 30, 2013.

J. BOARDS & COMMITTEE APPOINTMENTS:

4. [13-000433](#) Advisory Committee on Community Pride
Airport Board
Animal Control Advisory Committee
Building Code Board of Appeals
Commission on Children and Youth
Committee for Persons with Disabilities
Marina Advisory Committee
Mayor's Fitness Council
Parking Advisory Committee

Planning Commission

K. EXPLANATION OF COUNCIL ACTION:

For administrative convenience, certain of the agenda items are listed as motions, resolutions, or ordinances. If deemed appropriate, the City Council will use a different method of adoption from the one listed; may finally pass an ordinance by adopting it as an emergency measure rather than a two reading ordinance; or may modify the action specified. A motion to reconsider may be made at this meeting 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.

L. CONSENT AGENDA: (ITEMS 5 - 11)

NOTICE TO THE PUBLIC: The following items are consent motions, resolutions, and ordinances of a routine or administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

5. [13-000347](#) Purchase of Enterprise Resource Planning System and component software (Related Items 5 - 8)

Motion approving license, service, hosting, maintenance and professional services agreements with Infor (US), Inc., Alpharetta, GA, for an enterprise resource planning system for \$5,922,196.16, of which \$1,383,138.16 is required for the remainder of FY 2012-2013; an additional project contingency of \$749,718.87; and ongoing service, hosting and maintenance. The initial term of the service agreement is three years and the initial term of the hosting and maintenance agreements is one year; each will automatically renew annually thereafter upon payment of annual service, hosting and maintenance fees, respectively. The term of the professional services agreement will extend through project completion. Funds have been budgeted by the Municipal Information Systems Department in FY 2012-2013.

Sponsors: Purchasing Division and Municipal Information Systems

6. [13-000355](#) Motion approving software license, service and maintenance agreements with Emphasys Software, Emeryville, CA for treasury management software for \$105,600.00, of which \$36,500.00 is required for the remainder of FY 2012-2013; and ongoing service and maintenance. The initial term of the service and maintenance agreements is one year and each will automatically renew annually thereafter upon payment of annual service and maintenance fees. Funds have been budgeted by the Municipal Information Systems Department in FY 2012-2013.

Sponsors: Purchasing Division and Municipal Information Systems

7. [13-000356](#) Motion approving a software license and maintenance agreement with MHC Software, Inc., Burnsville, MN, for document generating software

for \$136,584.80, of which \$68,292.40 is required for the remainder of FY 2012-2013; and ongoing maintenance. The initial term of the maintenance agreement is two years and will automatically renew annually thereafter upon payment of annual maintenance fees. Funds have been budgeted by the Municipal Information Systems Department in FY 2012-2013.

Sponsors: Purchasing Division and Municipal Information Systems

8. [13-000357](#) Motion approving a software license and maintenance agreement with PCI, LLC, Tampa, FL, for cash management software for \$117,810.00, of which \$117,810.00 is required for the remainder of FY 2012-2013; and ongoing maintenance. The initial term of the maintenance agreement is one year and will automatically renew annually thereafter upon payment of annual maintenance fees. Funds have been budgeted by the Municipal Information Systems Department in FY 2012-2013.

Sponsors: Purchasing Division and Municipal Information Systems

9. [13-000279](#) **Landscape maintenance agreement for improvements on State Highway 358(South Padre Island Drive)/Flour Bluff Drive intersection and State Highway 358(South Padre Island Drive)/State Highway 44 Interchange**

Resolution authorizing the City Manager, or designee, to execute a Landscape Maintenance Agreement with the Texas Department of Transportation (TXDOT) for landscape improvements within the project's scope of SH 358 (South Padre Island Drive)/Flour Bluff Drive Intersection and SH 358 (South Padre Island Drive)/SH 44 Interchange.

Sponsors: Aviation Department, Street Department and Engineering Department

10. [13-000398](#) **Amendment to Financial Policy**

Resolution amending financial policies adopted by Resolution 029521 and providing financial policy direction on preparation of the Annual Budgets.

Sponsors: ACM - General Government & Operations Support, Financial Services Department and Office of Management and Budget

11. [13-000396](#) **Second Reading Ordinance - Approval for the sale of foreclosed property at annual tax resale auction to recoup City's share of property taxes (1st Reading 4/30/13)**

Ordinance authorizing the sale of no greater than one hundred and three (103) properties shown on the attached and incorporated "Re-Sale Property List" at a tax resale auction with opening bids of 20% of the most recent tax appraisal value, and reducing the opening bid for unsold properties by half.

Sponsors: Financial Services Department

M. PUBLIC HEARINGS: (ITEMS 12 - 15)

12. [13-000364](#) **Public Hearing/First Reading Ordinance - Unified Development Code Text Amendment exempting Regional Transit Authority signs that contain commercial advertising**

Ordinance amending the Corpus Christi Unified Development Code by revising subsection 7.5.7.A.7 relating to signs partially exempt from the UDC; providing for severance, penalties, and publication.

Sponsors: Development Services

13. [13-000314](#) **Public Hearing and First Reading Ordinance - Rezoning from Residential to Industrial for Elizabeth Anne Meaney on property located at 8801 State Highway 44 (Tabled on 4/23/13)**

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

Staff Recommendation:

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

Planning Commission Recommendation (March 27, 2013):

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

Ordinance

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

Sponsors: Development Services and Planning/Environmental Services

14. [13-000296](#) **Public Hearing and First Reading Ordinance - Amending the South**

Central Area Development Plan, an Element of the Corpus Christi Comprehensive Plan

Ordinance amending the South Central Area Development Plan, an element of the Comprehensive Plan of the City of Corpus Christi by renaming the Plan; updating goals and policies; providing new measurable strategies and a new multi-modal transportation plan, urban design plan, and urban living options plan; updating the future land use map; providing for severance; and providing for publication

Sponsors: Planning/Environmental Services

15. [13-000376](#) Public Hearing and Second Reading Ordinance - Designating voestalpine Reinvestment Zone (1st Reading 4/30/13)

Ordinance designating the "voestalpine Reinvestment Zone" within the extra territorial jurisdiction of the City of Corpus Christi, Texas ("City") and within the City limits under the Property Redevelopment and Tax Abatement Act (Chapter 312 of the Texas Tax Code).

Sponsors: Economic Development

N. REGULAR AGENDA: (ITEMS 16 - 18)

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

16. [13-000352](#) Second Reading Ordinance - Amending City Code regarding farmer's markets and the accompanying vendor fee (1st Reading 4/30/13)

Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding farmer's markets and the accompanying vendor fee; providing for penalties; providing for severance; and providing for publication.

Sponsors: Health Department

17. [13-000228](#) Second Reading Ordinance - Appropriating funds for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the Capital Improvement Budget; and executing Amendment No. 1 to the performance contract for energy audit (Phase 2)(1st Reading 4/23/13)

Ordinance appropriating \$40,389 from AEP Program Incentives in the No. 3160 City Hall CIP Fund for the Energy Efficiency Conservation Retrofit for Major City Facilities project; changing the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to increase revenues and expenditures by \$40,389 each; and authorizing the City Manager, or designee, to execute Amendment No. 1 Technical Energy Audit to the Fixed Price Energy Performance Contract (Design/Build) with McKinstry Essention of Seattle, Washington for Energy Efficiency

Conservation Retrofit for Major City Facilities in the amount of \$125,000, for a total re-stated fee of \$7,075,000.

Sponsors: Facilities Maintenance Services and Engineering Department

18. [13-000301](#) **Second Reading Ordinance - Adopting the Consolidated Annual Action Plan for housing and homeless needs (1st Reading 4/23/13)**

Ordinance to adopt the fiscal year (FY) 2013-2014 Consolidated Annual Action Plan (CAAP), for the Community Development Block Grant (CDBG), the Emergency Solutions Grant (ESG), and the HOME Investment Partnerships (HOME) Programs; to authorize the City Manager or designee to submit the FY2013-FY2014 CAAP to the U.S. Department of Housing and Urban Development (HUD), and to amend if required by HUD; to authorize the City Manager or designee to execute all documents necessary to accept and appropriate upon receipt the grants from HUD into the Grant Fund No. 1059 for the approved FY2013-2014 CAAP projects and further to execute funding agreements and all other documents necessary to implement the FY2013-2014 CAAP with organizations for approved projects; and to ratify the ESG funding agreements and other applicable implementation documents to be effective as of August 1, 2013.

Sponsors: Neighborhood Services

O. **FIRST READING ORDINANCES: (ITEMS 19 - 28)**

19. [13-000377](#) **First Reading Ordinance - Accepting and appropriating a Regional grant to support Emergency Medical Services (EMS) operations**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$2,847.28 to be used for the purchase of supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department; and appropriating \$2,847.28 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grant Fund to purchase supplies to support the delivery of emergency medical services for the Corpus Christi Fire Department

Sponsors: Fire Department

20. [13-000378](#) **First Reading Ordinance - Accepting and appropriating a Regional grant to support the Web Based Emergency Operations Center (WebEOC)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Advisory Council in the amount of \$40,000 for the benefit of the City's WebEOC operations; and appropriating \$40,000 from the Coastal Bend Regional Advisory Council into the 1062 Fire Grant Fund to purchase equipment, services, technical support, training and travel for the Corpus Christi Fire

Department's WebEOC.

Sponsors: Fire Department

21. [13-000419](#) **First Reading Ordinance - Amending the City Code to revise the City's Water Conservation Plan and Drought Contingency Plan**

Ordinance adopting the Water Conservation Plan and Drought Contingency Plan; Amending City Code of Ordinances, Chapter 55, Article XII Water Conservation, regarding water resource management including drought restrictions and surcharges, providing an effective date of June 3, 2013; and providing for penalties.

Sponsors: Water Department

22. [13-000421](#) **First Reading Ordinance - Amending City code to allow dogs in outdoor dining areas of food establishments**

Ordinance amending Chapter 19, Code of Ordinances, City of Corpus Christi, regarding a variance of Section 19-15 which allows for dogs in outdoor dining areas of food establishments and the accompanying application and variance certificate fee; providing for penalties; providing for severance; and providing for publication.

Sponsors: Health Department

23. [13-000402](#) **First Reading Ordinance - Lease renewal with Padre Little League for baseball field at Bill Witt Park**

Ordinance authorizing the City Manager or designee to execute a five-year Lease Agreement with Padre Little League for the use of Bill Witt Park for its baseball program.

Sponsors: Parks and Recreation Department

24. [13-000405](#) **First Reading Ordinance - Lease renewal with Padre Youth Soccer for soccer field at Bill Witt Park**

Ordinance authorizing the City Manager or designee to execute a five-year Lease Agreement with Padre Soccer League for the use of Bill Witt Park for its soccer program.

Sponsors: Parks and Recreation Department

25. [13-000358](#) **First Reading Ordinance - Approval of a use privilege agreement with the Corpus Christi Independent School District to install, operate, maintain, and remove a wastewater line located at 2602 Lipan Street**

Ordinance authorizing the City Manager to execute a use privilege agreement with the Corpus Christi Independent School District ("Permittee") to install, operate, maintain, and remove a private two-inch wastewater force main within the Lipan Street public right-of-way,

subject to Permittee's compliance with specified conditions.

Sponsors: Development Services

26. [13-000368](#) **First Reading Ordinance - Amendment to Type A agreement for Del Mar College Internship Program (Original Agreement Passed 08/21/12)**

Ordinance appropriating \$72,804.35 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a small business incentives grant from the Corpus Christi Business and Job Development Corporation ("Type A Corporation") to Del Mar College ("Del Mar") for an intern program to support small businesses; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$72,804.35.

Sponsors: Economic Development

27. [13-000369](#) **First Reading Ordinance - Amendment to Type A agreement for Texas A&M University - Corpus Christi Internship Program (Original Agreement Passed 08/21/12)**

Ordinance appropriating \$35,060 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a small business incentives grant from the Corpus Christi Business and Job Development Corporation ("Type A Corporation") to Texas A&M University - Corpus Christi ("TAMU-CC") for an intern program to support small businesses; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$35,060.

Sponsors: Economic Development

28. [13-000408](#) **First Reading Ordinance - Lease agreement for boat show event**

Ordinance authorizing the City Manager or designee to execute agreement with Costa Productions, L.L.C. for use of portions of Lawrence Street T-head from July 8, 2013 through July 15, 2013 for a boat show event.

Sponsors: Municipal Marina

P. FUTURE AGENDA ITEMS: (ITEMS 29 - 39)

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

29. [13-000384](#) **Purchase of Police Motorcycles**

Motion approving the purchase of six (6) police motorcycles from GRAMB, Inc. dba Corpus Christi CyclePlaza, Corpus Christi, Texas in accordance with Request For Proposal No. BI-0087-13 based on best value for an estimated expenditure of \$163,386.00, of which \$149,886.00 is required for the remainder of FY 2012-2013. Funding is

available in the FY 2012-2013 Capital Outlay Budget.

Sponsors: Purchasing Division and Police Department

30. [13-000389](#) **Supply agreement for polymer used to remove water from sludge at wastewater treatment plants**

Motion approving a supply agreement with Polydyne Inc., Riceboro, Georgia for sludge dewatering polymer to be used at the wastewater treatment plants in accordance with Bid Invitation No. BI-0133-13, based on only bid for an estimated twelve month expenditure of \$162,958.00 of which \$40,739.50 is required for FY 2012-2013. The term of the contract will be for twelve months with option to extend for up to two additional twelve month periods subject to the approval of the supplier and the City Manager or designee. Funds are available in the Wastewater Operating Budget in FY 2012-2013.

Sponsors: Purchasing Division and Wastewater Department

31. [13-000390](#) **Supply agreement for chemical solution for disinfection of treated effluent and potable drinking water**

Motion approving a supply agreement with Brenntag Southwest, Inc., Dallas, Texas for approximately 956,200 pounds of sodium hypochlorite solution in accordance with Bid Invitation No. BI-0137-13 based on lowest responsible bid for an estimated twelve month expenditure of \$551,211.90 of which \$137,334.23 is required for FY 2012-2013. The term of the supply agreement will be for twelve months with an option to extend for up to two additional twelve-month periods subject to the approval of the supplier and the City Manager or designee. Funds are available in the Water and Wastewater Operations Budgets in FY2012-2013.

Sponsors: Purchasing Division, Water Department and Wastewater Department

32. [13-000341](#) **Change Order No. 11 for Kostoryz Road improvements Phase 1 from Horne to Sunnybrook and Phase 2 from Sunnybrook to SPID (Bond 2008)**

Motion authorizing the City Manager, or designee, to execute a Change Order No. 11 with Texas Sterling Construction of Houston, Texas in the amount of \$508,077.63, for the Kostoryz Road Improvements Phase 1 from Horne to Sunnybrook and Phase 2 from Sunnybrook to SPID.

Sponsors: Street Department, Storm Water Department, Wastewater Department, Water Department and Engineering Department

33. [13-000354](#) **Engineering design contract for lifecycle curb and gutter replacement**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Engineering and Construction

Management Services LLC, from Corpus Christi, in the amount of \$73,150.00, for Lifecycle Curb and Gutter Replacement.

Sponsors: Storm Water Department and Engineering Department

34. [13-000383](#) **Engineering design contract amendment no. 1 for Schanen Ditch Improvements Phase 2**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to the Contract for Professional Services with Freese and Nichols, Inc. from Corpus Christi, Texas in the amount of \$38,540.00, for a re-stated fee not to exceed \$72,978.00 for Schanen Ditch Improvements Phase 2, for design, bid, and construction phase services.

Sponsors: Storm Water Department and Engineering Department

35. [13-000406](#) **Engineering design contract for Americans with Disabilities Act (ADA) Master Plan Improvements City Wide (BOND 2012)**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with CH2M Hill, Inc., from Corpus Christi, in the amount of \$263,200.00, for ADA Master Plan Improvements City-Wide Bond Issue 2012 for design, bid, and construction phase services. (Proposition No. 1 Street Projects)

Sponsors: Street Department and Engineering Department

36. [13-000418](#) **Interlocal agreement with Regional Transportation Authority (RTA) for street improvement program**

Resolution authorizing the City Manager, or designee, to execute an Interlocal Agreement with the Corpus Christi Regional Transportation Authority to increase funding based upon sales tax revenues and provide for a more efficient process in funding street improvements.

Sponsors: ACM - Public Works & Utilities, Street Department and Engineering Department

37. [13-000299](#) **Chapter 380 Agreement for Staples Center Retail Venture, LP (The Shops at La Palmera)**

Approving a resolution authorizing the City Manager or designee to execute a Chapter 380 Economic Development Incentive Agreement with Staples Center Retail Venture, LP ("Agreement") for certain economic development grants for redevelopment of Staples Retail Center and Mt. Vernon Center, for the benefit of the City.

Sponsors: Economic Development

38. [13-000400](#) **Purchase of software, hardware and services to create a virtual desktop program for City computer services**

Motion authorizing the City Manager, or designee, to execute documents necessary to purchase software, hardware, and services for a virtual desktop infrastructure program from the following suppliers: Computer Solutions for \$52,709.70, Dell, Inc., for \$31,875.00, and Intelek Technologies for \$2,317.00 for a total expenditure of \$86,901.70.

Sponsors: Municipal Information Systems

39. [13-000427](#) Approving Financial Underwriters for issuing bonds

Motion approving authorized list of financial underwriters

Sponsors: Financial Services Department

Q. BRIEFINGS TO CITY COUNCIL: (ITEM 40)

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

40. [13-000367](#) Nueces County Appraisal District

Sponsors: ACM - Public Works & Utilities

R. LEGISLATIVE UPDATE: (ITEM 41)

41. [13-000440](#) Status Report on Legislative Issues

S. ADJOURNMENT