



# Corpus Christi

1201 Leopard St  
Corpus Christi, TX 78401  
CCtexas.com

## Meeting Agenda - Final City Council

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Tuesday, May 22, 2012

12:00 PM

Council Chambers

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### 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. Proclamations**

**B. Call meeting to order.**

**C. Invocation.**

**D. Pledge of Allegiance.**

**E. Roll call.**

**F. MINUTES:**

1. [12-00347](#) Approval of Meeting Minutes - May 15, 2012.

Attachments: [Minutes - May 15, 2012.pdf](#)

**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**

*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.*

### **Purchase of wastewater lift station replacement pumps**

2. [12-00286](#) Motion approving the purchase of six (6) Wastewater Lift Station Replacement Pumps from Xylem Water Solutions USA, Inc., Corpus Christi, Texas, in accordance with Bid Invitation No. BI-0058-12 based on lowest responsible bid in the amount of \$137,505.34. Funds have been budgeted by the Wastewater Department Fund in FY 2011-2012.

**Sponsors:** Purchasing Division and Wastewater Department

**Attachments:** [Agenda memo - Lift station replacement pumps](#)

[Bid Tab - Lift station replacement pumps.xls](#)

### **Approval of reimbursement agreement for proposed water improvements for proposed industrial development on Hwy 44 (Bronco Road)**

3. [12-00287](#) Motion approving the Grid Main Extension Construction and Reimbursement Agreement submitted by Commercial Metals Company, owner and developer of CMC Subdivision Lot 4A, located north of Hwy. 44 (Agnes St.) on Bronco Road for the extension of an 8-inch and 12-inch grid main line, including all related appurtenances.

**Sponsors:** Development Services

**Attachments:** [Agenda Memo - Commercial Metals Company](#)

[Exhibits 1 - 5](#)

[Agreement - Commercial Metals Company](#)

- [12-00295](#) Ordinance appropriating \$415,070.00 from the No. 4030 Water Arterial Transmission & Grid Main Trust Fund to reimburse Commercial Metals Company, for the extension of a 12-inch grid main line, including all related appurtenances for development of CMC Subdivision Lot 4A, as specified in the Water Grid Main Line Extension Construction and Reimbursement Agreement

**Sponsors:** Development Services

**Attachments:** [Agenda memo - Commercial Metals Company](#)

[Ordinance - CMC Appropriation Re Water & Grid Main Trust Fund](#)

**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.*

5. [12-00349](#) Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from Schlitterbahn Waterpark 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.

**K. PUBLIC HEARINGS: (NONE)****L. REGULAR AGENDA**

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

**Appropriation for emergency removal of storm debris**

6. [12-00352](#) Ordinance appropriating \$500,000 from the unappropriated fund balance in the No. 1020 General Fund for the removal, mulching, and disposal of brush and debris which resulted from severe thunderstorms and wind that occurred May 10, 2012; changing the FY2011-12 operating budget adopted by Ordinance 029155 by increasing appropriations by \$500,000; and declaring an emergency.

**Sponsors:** Solid Waste Operations

**Attachments:** [Agenda Memo 500K Brush Appropriation](#)

[EHord362 SW Emer Brush Clearing 20120517\[1\]](#)

[Letter to CM - Solid Waste](#)

**Contracts for construction, materials testing, and professional services for Staples Street Phase 1 improvements**

7. [12-00226](#) Motion authorizing the City Manager, or designee, to execute a Construction Contract with ReYTEC Construction Resources, Inc of Houston, Texas in the amount of \$6,530,816.95 for Staples Street Phase 1 from Brawner Parkway to Barracuda Place for Additive Alternate No. 1 (Bond 2008).

**Sponsors:** Engineering Department and Street Department

**Attachments:** [Agenda Memo - Staples Street Phase 1](#)  
[PROJECT BUDGET.xls](#)  
[MAP.pdf](#)  
[Presentation - Staples Phase 1 \(2\)](#)

[12-00227](#)

Motion authorizing the City Manager, or designee, to execute a Construction Materials Testing Agreement with Tolunay-Wong Engineers, Inc of Corpus Christi, Texas in the amount of \$89,400.00 for Staples Street Phase 1 from Brawner Parkway to Barracuda Place (Bond 2008).

**Sponsors:** Engineering Department and Street Department

**Attachments:** [PROJECT BUDGET.xls](#)  
[MAP.pdf](#)  
[Testing Agreement - Staples Street Phase 1](#)

9. [12-00228](#)

Motion authorizing the City Manager, or designee, to execute Amendment No. 7 to a Contract for Professional Services with LNV Engineering, Inc of Corpus Christi, Texas in the amount of \$98,560.00 for a restated fee of \$1,043,795.00 for Staples Street Phase 1 from Brawner Parkway to Barracuda Place for Construction Inspection Services (Bond 2008).

**Sponsors:** Engineering Department and Street Department

**Attachments:** [Agenda Memo - Staples Street Phase 1](#)  
[PROJECT BUDGET.xls](#)  
[MAP.pdf](#)  
[Amendment 7 - Staples Street Phase 1](#)

### **Resolution regarding use of remaining proceeds from Bond 2008**

10. [12-00221](#)

Resolution Supporting the Use and Commitment of Necessary Funding of any Remaining Bond 2008 - Street Proceeds to fund additional projects requested by the City Council.

**Sponsors:** Engineering Department

**Attachments:** [Agenda Memo - Resolution Remaining BI 08 Street Funds](#)  
[Location Map - Bond 08 Street Proceeds](#)  
[Resolution - Remaining BI 08 Street Proceeds](#)

### **Schlitterbahn project Type A agreement and appropriation of funds**

11. [12-00327](#)

Ordinance appropriating \$5,000,000 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 North Padre Waterpark Holdings, LTD ("Schlitterbahn"), to be paid to Schlitterbahn's general partner North Padre WPH GP, LLC, of which \$2,500,000 (one-half) is to be paid upon 50% completion of the construction of the waterpark or after \$5,000,000 has been spent on infrastructure costs, whichever comes first, and \$2,500,000 (one-half) upon completion of the waterpark construction, for the creation of certain infrastructure improvements

allowed under Section 501.103 of the Texas Local Government Code needed for the development of the Schlitterbahn waterpark in Corpus Christi, increased economic development and the creation and retention of jobs; Changing the FY 2011-2012 operating budget, adopted by Ordinance No. 029155, by increasing proposed expenditures by \$5,000,000; and declaring an emergency

**Sponsors:** Economic Development

**Attachments:** [Agenda memo - Schlitterbahn Type A](#)  
[ORDINANCE Schlitterbahn Type A 5-7-12](#)

12. [12-00328](#) Resolution approving a business incentive agreement for the creation and retention of jobs between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and North Padre Waterpark Holdings, LTD ("Schlitterbahn"), which provides a grant of up to \$5,000,000, of which \$2,500,000 (one-half) is to be paid upon 50% completion of the construction of the waterpark or after \$5,000,000 has been spent on infrastructure costs, whichever comes first, and \$2,500,000 (one-half) upon completion of the waterpark construction, for the creation of certain infrastructure improvements allowed under Section 501.103 of the Texas Local Government Code needed for the development of the Schlitterbahn waterpark in Corpus Christi, increased economic development and the creation and retention of jobs, and authorizing the City Manager or designee to execute a business incentive project support agreement with the Type A Corporation regarding implementation and administration of the Schlitterbahn Business Incentive Agreement for the creation and retention of jobs

**Sponsors:** Economic Development

**Attachments:** [Agenda memo - Schlitterbahn Type A](#)  
[RESOLUTION Schlitterbahn Type A 5-7-12](#)  
[Business Incentive Project Service Agreement - Schlitterbahn](#)  
[Signed Business Agmt Type A-05182012](#)

### **Schlitterbahn project economic development incentive agreement**

13. [12-00326](#) Resolution authorizing the City Manager or designee to execute a Chapter 380 Economic Development Incentive Agreement with Upper Padre Partners, LP, and North Padre Waterpark Holdings, LTD, ("Agreement") for certain economic development grants up to approximately \$112,116,878 to be paid to Upper Padre GP, Inc, general partner of Upper Padre Partners, LP, for development of a Schlitterbahn waterpark resort project together with certain public improvements by Upper Padre Partners, LP and North Padre Waterpark Holdings, LTD for the benefit of the City

**Sponsors:** Economic Development

**Attachments:** [Agenda Memo Schlitterbahn Chapter 380](#)  
[Resolution - Schlitterbahn Chapter 380](#)  
[SB 380 with Ex, signed-05182012](#)

**M. FIRST READING ORDINANCES (NONE)****N. FUTURE AGENDA ITEMS AND UPDATES TO CITY COUNCIL**

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

**Type A grant for investment and expansion of a cycle business in downtown Corpus Christi**

14. [12-00289](#) Ordinance appropriating \$200,000 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 Plant Bikes LLC ("Rugged Cycles") for building improvements to expand their current location 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 \$200,000; and declaring an emergency

**Sponsors:** Economic Development

**Attachments:** [Agenda memo - Rugged Cycles](#)  
[ORDINANCE Rugged Cycles 4-26-12](#)

15. [12-00332](#) Resolution approving a business incentive agreement for the creation and retention of jobs between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Plant Bikes LLC ("Rugged Cycles"), which provides a grant of up to \$200,000 for building improvements to expand their current location in Corpus Christi and the creation and retention of jobs, and authorizing the City Manager or designee to execute a business incentive project support agreement with the Type A Corporation regarding implementation and administration of the Rugged Cycles Business Incentive Agreement for the creation and retention of jobs.

**Sponsors:** Economic Development

**Attachments:** [Agenda memo - Rugged Cycles](#)  
[RESOLUTION Rugged Cycles 4-26-12](#)  
[Business Incentive Agreement - Rugged Cycles](#)  
[Rugged Cycles Business Support Agreement Type A City](#)  
[Rugged Cycles Certification of Funds B](#)

**O. 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.*

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

- \* Update on City Operations

**Q. ADJOURNMENT**