



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
Cctexas.com

Meeting Minutes - Final City Council

Tuesday, September 18, 2012

12:00 PM

Council Chambers

A. Call meeting to order.

Mayor Adame called the meeting to order at 12:03 pm.

B. Invocation.

The invocation was delivered by Deacon Michael Mantz, Diocese of Corpus Christi.

C. Pledge of Allegiance.

The Pledge of Allegiance was led by Mayor Joe Adame.

D. Roll Call.

City Secretary Chapa verified that the necessary quorum of the Council and the following necessary Charter Officers, City Manager Ron Olson, City Attorney Carlos Valdez and City Secretary Armando Chapa were present to conduct the meeting:

Council Member Martinez arrived at 12:15 pm.

Present: 9 - Mayor Joe Adame, Council Member Chris Adler, Council Member Kelley Allen, Council Member Larry Elizondo, Council Member Priscilla Leal, Council Member David Loeb, Council Member John Marez, Council Member Nelda Martinez, and Council Member Mark Scott

E. Proclamations / Commendations

- 1 Proclamation declaring September 17-23, 2012 as "United States Constitution Week"
Swearing-in ceremony of newly appointed board, commission and committee members

Mayor Adame read and presented the Proclamation(s).

F. MINUTES:

- 2 Approval of Meeting Minutes - September 11, 2012.

A motion was made by Council Member Scott, seconded by Council Member Marez to approve the minutes as presented and passed.

G. BOARD & COMMITTEE APPOINTMENTS: (NONE)**I. CONSENT AGENDA: (ITEMS 3 - 12)**

Mayor Adame called for consideration of the Consent Agenda, Items 3 - 12.
Mayor Adame asked for comments from the audience. There were no comments. The items were approved by one vote:

3 Service agreement for household hazardous waste disposal

Motion approving a service agreement with Stericycle Specialty Waste Solutions, Inc., Tulsa, Oklahoma for household hazardous waste disposal in accordance with Bid Invitation No. BI-0169-12, based on lowest responsible bid, for an estimated three-year expenditure of \$377,029.20 of which \$109,630.39 is required for the remainder of FY 2012-2013. The term of the agreement shall be for thirty-six (36) 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 Storm Water Department in FY 2012-2013.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: M2012-166

4 Amendment to a State contract to extend contract and add services for re-inventory of artifact collection

Resolution authorizing the City Manager or designee to execute 3rd amendment to the interagency cooperation contract with the Texas Historical Commission which extends the term of the contract through December 31, 2013 and modifies the services to be performed

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029625

- 5** Authorization to submit a State grant application to study at-risk hazardous materials transportation activities and industrial facilities throughout Nueces County and neighboring jurisdictions

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2013 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safety and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029626

- 6** State service agreement to analyze recreational beach water samples for water quality and public health and safety

Resolution approving a service agreement between the Corpus Christi-Nueces County Public Health District ("Health District") and the Texas General Land Office to enable the Health District to provide beach water sampling in Nueces, Aransas, and San Patricio counties under the Texas Beach Watch Program; and ratifying approval of the agreement as of September 1, 2012.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029627

- 7** Renewal of federal joint funding agreement to continue use of automated river gauging stations for recording inflows and releases of City's reservoir system

Motion authorizing the City Manager or designee to renew an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Society (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of all inflows and releases in the City's water reservoir, with the City's cost to be \$155,864.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: M2012-167

8 Construction contract for new mechanical bar screen and grit removal improvements for wastewater treatment plant

Motion authorizing the City Manager, or designee, to execute a construction contract with R.M. Wright Construction Company of El Paso, Texas in the amount of \$2,772,662.00 for the Allison Wastewater Treatment Plant New Mechanical Bar Screen and Grit Removal Improvements for the Base Bid plus Additive Alternate No. 1 and 2.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: M2012-168

9 Second Reading Ordinance - Accepting and appropriating a State grant to continue clinical services for infrastructure and maintenance of clinics. (1st Reading - 9/11/12)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant of \$775,666 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide continued clinical services.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029628

10

Second Reading Ordinance - Accepting and appropriating a State grant to fund immunization education services (1st Reading - 09/11/12)

Ordinance authorizing the City manager or designee to execute all documents necessary to accept and appropriate a grant amendment in amount of \$12,500.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide funds for Immunization education services.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029629

11

Second Reading Ordinance - Accepting and appropriating a State grant to fund WebEOC operations (1st Reading - 9/11/12)

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Council in the amount of \$20,000 for the benefit of the City's WebEOC operations; and appropriating \$20,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grants Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029630

- 12 Second Reading Ordinance - Transferring and appropriating funds for pavement repairs required at Ocean Drive and Elizabeth Street (1st Reading - 9/11/12)

Ordinance appropriating \$553,839.90 from the Unreserved Fund Balance in No. 1020 General Fund and transferring into Street CIP Fund 3530 for the Emergency Repair - Ocean Drive at Elizabeth Street Pavement Repair Project; amending FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E 11088 Ocean Drive at Elizabeth Street; increasing revenues and expenditures in the amount of \$553,839.90; changing the FY 2013 Operating Budget adopted by Ordinance No. 029577 to increase expenditures by \$553,839.90.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029631

J. EXECUTIVE SESSION: (NONE)

K. PUBLIC HEARINGS: (ITEMS 13 - 14)

- 13 Change of zoning from the multifamily 1 district to the single-family 6 district located at 2302 Flour Bluff Drive

Case No. 0712-04 Mohammad Rezaei: A change of zoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District, resulting in a change of future land use from commercial and medium density residential to low density residential. The property to be rezoned is described as being 8.943 acres out of the North one-half (½) of Lot 17, Section 49, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Purdue Road and Flour Bluff Drive.

Planning Commission and Staff Recommendation (July 18, 2012): Approval of the change of zoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon

application by Mohammad Rezaei ("Owner"), by changing the UDC Zoning Map in reference to 8.943 acres out of the North one-half (1/2) of Lot 17, Section 49, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District; amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Mayor Adame referred to Item No. 13. Mark Val Vleck, Interim Director of Development Services stated that this zoning case was presented under the Future Agenda and is considered non-controversial. A motion was made by Council Member Marez, seconded by Council Member Leal and passed to open the public hearing. There were no comments. A motion was made by Council Member Elizondo, seconded by Council Member Scott and passed to close the public hearing.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029632

14

Change of zoning from the single-family 6 district to the resort commercial district located at 14101 Commodores Drive

Case No. 0812-01 Steven Bright: A change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District, resulting in a change of future land use from low density residential to commercial. The property to be rezoned is described as Island Fairway Estates, Block 34, Lot 21, located along the southwest corner of Commodore's Drive and Aquarius Street.

Planning Commission and Staff Recommendation (August 1, 2012): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District and, in lieu thereof, approval of the "RM-AT" Multifamily AT District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Steven Bright, on behalf of Calvin F. Bright ("Owner"), by changing the UDC Zoning Map in reference to Island Fairway Estates, Block 34, Lot 21 from the "RS-6" Single-Family 6 District to the "RM-AT" Multifamily AT District; amending the Comprehensive

Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing for penalties; providing for publication; and declaring an emergency.

Mayor Adame referred to Item No. 14. Mark Van Vleck, Interim Director of Development Services stated that this zoning case was presented under the Future Agenda and is considered non-controversial. A motion was made by Council Member Elizondo, second by Council Member Leal and passed to open the public hearing. There were no comments. A motion was made by Council Member Elizondo, seconded by Council Member Leal and passed to close the public hearing.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Scott

Absent: 1 - Council Member Martinez

Abstained: 0

Enactment No: 029633

L. REGULAR AGENDA: (ITEMS 15 - 18)

15 Construction contract for Downtown Streets project (Chaparral) (BOND 2008)

Motion authorizing the City Manager, or designee, to execute a construction contract with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$4,819,070.00 for the Downtown Streets - Chaparral Project for the Base Bid; authorizing the removal of the catenary poles, specialized street lights and paver covers at utility cleanouts from the Base Bid. (Bond 2008)

Mayor Adame referred to Item No. 15. Dan Biles, Director of Engineering stated that this item is for the award of a construction contract for the Downtown Streets - Chaparral and it is a Bond 2008 project. Mayor Adame asked for comments from the audience and the following citizens spoke regarding this item: John Schluder, Johnny French, and Jerry Garcia.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Loeb

Abstained: 0

Enactment No: M2012-169

16 Analysis and summary of the Request for Proposal response for

operation and management of the American Bank Center

Motion directing the City Manager or designee to: i) prepare a document analyzing and summarizing the financial and strategic options available to the City for the operation and management of the ABC; (ii) provide recommendations to the City Council related to the operation and management of the American Bank Center; and (iii) conduct time-limited negotiations with SMG for the operation and management of the American Bank Center (ABC).

Mayor Adame referred to Item No. 16, Wes Pierson, Assistant City Manager stated that item is directing staff to negotiate with SMG for the operation and management of the American Bank Center for a five year term. Mayor Adame asked for comments from the audience and the following citizens spoke: Abel Alonzo and Jerry Garcia.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Marez, Council Member Martinez and Council Member Scott

Nay: 1 - Council Member Loeb

Abstained: 0

Enactment No: M2012-170

17

Approval of the settlement agreement with the United States Department of Justice

Motion authorizing the City Manager or his designee to approve the settlement agreement with the United States Department of Justice in Case No. 2:12-cv-00217, United States of America v. City of Corpus Christi, Texas, in the U.S. District Court, Southern District of Texas, Corpus Christi Division.

Mayor Adame referred to Item No. 17. Carlos Valdez, City Attorney stated that this item is approving a settlement agreement with the United States Department of Justice related to a lawsuit filed by the United States Department of Justice filed against the City alleging a disparity in the hiring of female police officers when compared to the hiring of male police officers. He stated that the city had arrived at a settlement agreement in the best interest of the city. Mayor Adame asked for comment from the audience and the following citizen spoke: Abel Alonzo.

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

Aye: 9 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Abstained: 0

Enactment No: M2012-171

18 Resolution declaring intent to establish a street user fee

Resolution declaring intent to establish a street user fee for implementation in FY 2013-2014; approving the design concepts for street user fee rates; and establishing policy relative to establishment of a street user fee.

Mayor Adame referred to Item No. 18. Oscar Martinez, Assistant City Manager provided a brief overview of the Street User Fee Resolution and discussed the modifications made due to council input. Mayor Adame asked for comments from the audience and the following citizens spoke: Abel Alonzo, Trian Serbu, and Jerry Garcia.

A motion was made by Council Member Loeb to add "subsequent to stakeholder input" to Item 23 of the resolution, seconded by Council Member Martinez and passed.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Nay: 1 - Council Member Leal

Abstained: 0

Enactment No: 029634

M. FIRST READING ORDINANCES: (ITEMS 19 - 22)**19** First Reading Ordinance - Appropriating and transferring funds to be used for capital expenditures

Ordinance appropriating \$65,417 from the No. 4611 Airport Capital Reserve Fund and transferring \$65,417 to the No. 4610 Airport Operating Fund as a result of the July 10, 2012 refunding of the Series 2000 A & B Bonds that eliminated the reserve fund requirement; amending the FY 2012-13 Operating Budget adopted by Ordinance No. 029577 to increase revenue and expenditures by \$65,417.

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

Aye: 9 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Abstained: 0

20 First Reading Ordinance - Executing a sublease agreement to build and operate a bicycle motocross track on a portion of Manuel Q.

Salinas Park at 1354 Airport Road

Ordinance authorizing the City Manager, or his designee to execute a 5 year sublease agreement with South Texas BMX, LLC for the use of approximately 3 acres out of Manuel Q. Salinas Park located at 1354 Airport Road, for construction and operation of a bicycle motocross facility, with options to extend for up to two additional five year terms, in consideration of monthly rental payments of ten percent of net revenues; providing for severance; and providing for publication.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Elizondo

Abstained: 0

21

First Reading Ordinance - Accepting and appropriating a State grant; transferring and appropriating City/InKind match to fund victims of crime

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$79,188.69 to continue the Victims of Crime Act (VOCA) grant within the Police Department for Year 13, with a City match of \$16,731.84, in-kind match of \$4,000 in the No. 1020 Police General Fund; and appropriating the \$79,188.69 in the No. 1061 Police Grants Fund to continue the VOCA grant in the Police Department and authorizing the transfer of \$16,731.84 from the No. 1020 Cash Contribution to and appropriating in the No. 1061 Police Grants Fund as grant matching funds for a total project cost of \$99,920.53.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 2 - Council Member Elizondo and Council Member Loeb

Abstained: 0

22

First Reading Ordinance - Appropriating funds for purchase of 164 In-Car Video Recording Systems and completion of fiber network for police substations

Ordinance appropriating \$1,216,225 in the General Fund No. 1020 for

the purchase of 164 vehicle video recording systems for the Police Department's patrol fleet; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 by increasing appropriations by \$1,216,225; transferring an amount of \$80,000 from the General Fund No. 1020 to and appropriating in the MIS Fund No. 5210 to facilitate completion of the fiber network for use by the Tuloso and Waldron Police Department Substations; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 by increasing revenues and appropriations by \$80,000 each; awarding and authorizing the purchase of 164 vehicle video recording systems from Coban Technologies, Inc. for \$1,426,611.30 based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC).

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

Aye: 9 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Abstained: 0

N. FUTURE AGENDA ITEMS: (ITEMS 23 - 25)

Mayor Adame referred to the Future Agenda section, Items 23 - 25. Mayor Adame stated that these items are for informational purposes only and that no action or public comments would be taken at this item. City Manager Olson stated that staff would provide a presentation on Item 25.

- 23** Deferment agreement with Calallen Retail Partners, L.P., for public improvements located at the Southeast corner of Farm to Market Rd. 624 (Northwest Blvd.) and Farm to Market Rd. 1889.

Motion finding reasonable cause exists to delay completion of public improvements in accordance with Section 8.1.10.B of the Unified Development Code and authorizing the City Manager, or designee, to execute a deferment agreement with Calallen Retail Partners, L.P. ("Developer"), in the amount of \$228,800.00 for public improvements to property located at the southeast corner of Farm to Market Rd. 624 (Northwest Blvd.) and Farm to Market Rd. 1889, contingent upon receipt of a letter of credit approved by the City prior to the filing of the final plat by the Developer.

This Motion was recommended by staff to the Consent Agenda.

- 24** Employee Transition Plan for the Professional Service Management Agreement for the Corpus Christi Museum of Science and History

Motion authorizing the City Manager or his designee to execute the Employee Transition Plan with Corpus Christi Museum Joint Venture

(CCMJV), amending the Professional Service Management Agreement to operate and manage the Corpus Christi Museum of Science and History.

This Motion was recommended by staff to the Consent Agenda.

25

Professional services contract amendment for the extension of a runway and taxiway threshold and two new taxiways

Motion authorizing the City Manager, or designee, to execute Amendment No. 9 to the Professional Services contract with KSA Engineers, Inc. of Longview, Texas, in the amount of \$1,000,000.00 for a total restated fee not to exceed \$3,403,226.95 for the Corpus Christi International Airport Runway 17/35 Extension/Displacement and Connecting Taxiway Project.

This Motion was recommended by staff to the Consent Agenda.

O. UPDATES TO CITY COUNCIL: (NONE)

P. Public Comment.

Mayor Adame referred to public comment. Jerry Garcia asked about what propositions are included in the Bond 2012 election; Mike Staff thanked the council for their support on the In-car Video Cameras and the Crime Advocate grant, and expressed concern with the Street User Fee resolution.

Q. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

City Manager Olson stated that Troy Riggs, Assistant City Manager has submitted his resignation and that he intends to appoint an Interim Assistant City Manager. He also stated that he intends to hire a recruitment firm to assist with the search.

R. ADJOURNMENT

There being no further business to come before the council, Mayor Adame adjourned the meeting at 2:20 pm.