



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Minutes - Final City Council

Tuesday, October 9, 2012

1:30 PM

Council Chambers

A. Call meeting to order.

Mayor Adame called the meeting to order.

B. Invocation.

The invocation was delivered by Council Member Larry Elizondo.

C. Pledge of Allegiance.

The Pledge of Allegiance was led by Council Member David Loeb.

D. Roll call.

City Secretary Armando Chapa verified that the necessary quorum of the Council and the following necessary Charter Officers, Assistant City Manager Oscar Martinez, City Attorney Carlos Valdez and City Secretary Armando Chapa were present to conduct the meeting.

Council Member John Marez arrived at 1:45 pm, and Council Member Nelda Martinez arrived at 1:50 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 October 12, 2012 as "Pink Mustache for Josie Day"
Proclamation declaring October 2012 as "Employment Alliance for Persons with Disabilities Month"
Proclamation declaring October 8 - 13, 2012 as "The 237th United States Navy Week"
Swearing-in for all newly appointed Board, Commission and Committee Members
"At Your Service" Award, City Employee Recognition
Mayor Adame read and presented the Proclamation(s).

F. MINUTES:

2 Approval of Meeting Minutes - September 25, 2012.

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

G. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

I. CONSENT AGENDA: (ITEMS 3 - 10)

Mayor Adame called for consideration of the Consent Agenda, Items 3 - 10. Mayor Adame asked for comments from the audience. There were no comments. City Secretary Chapa stated that Item No. 6 will require an amendment and will be voted on separately. The remaining items were approved by one vote:

3 Second Reading Ordinance - Extending a State lease agreement to enable the boy scouts to finance and construct improvements on their permanent encampment. (1st Reading - 9/11/12) (Requires 2/3 vote)

Ordinance authorizing the City Manager, or designee, to execute an extension of the Lease Agreement with Texas Parks and Wildlife Department for the use of an approximately 14,106 acre tract adjacent to Lake Corpus Christi through December 31, 2052; providing for severance; providing for publication; and providing an effective date.

The foregoing ordinance was passed and approved on second 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

Enactment No: 029639

4 Second Reading Ordinance - Amending the Comprehensive Plan of the City of Corpus Christi and adopting the Corpus Christi Parks and Recreation Master Plan (1st reading 9/25/12)

Ordinance amending the Comprehensive Plan of the City of Corpus Christi by adoption of the Corpus Christi Parks and Recreation Master Plan; providing for repeal of conflicting ordinances; and providing for severance.

The foregoing ordinance was passed and approved on second 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

Enactment No: 029640

- 5** Second Reading Ordinance - Accepting and appropriating a State grant; transferring and appropriating City/InKind match to fund advocacy for victims of domestic violence (1st reading 9/25/12) (Requires 2/3 vote)

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 \$94,705.39 to continue the Violence Against Women Formula Grant (VAWA) grant within the Police Department for Year 13, with a City match of \$47,165.68, in-kind match of \$7,200 in the No. 1020 Police General Fund; and appropriating the \$94,705.39 in the No. 1061 Police Grants Fund to continue the VAWA grant in the Police Department and authorizing the transfer of \$47,165.68 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 \$149,071.07

The foregoing ordinance was passed and approved on second 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

Enactment No: 029641

- 7** Second Reading Ordinance - Appropriating funds for marketing and co-promotion expenditures at the American Bank Center (1st reading 9/25/12) (Requires 2/3 vote)

Ordinance appropriating \$600,000 from the unreserved fund balance in the No. 1130 Arena Facility Fund and transferring to and appropriating in the No. 4710 Visitors Facilities Fund for American Bank Center Marketing and Co-Promotion Expenditures; appropriating \$115,999.96 from the reserved fund balance in the No. 4710 Visitors Facilities Fund for American Bank Center Marketing and Co-Promotion Expenditures; changing the FY 2012-2013 Operating Budget adopted by Ordinance No. 029577 to increase revenues by \$600,000 and expenditures by \$ 1,315,999.96.

The foregoing ordinance was passed and approved on second 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

Enactment No: 029643

- 8** Second Reading Ordinance - State lease agreement to store materials for offshore artificial reef construction (1st reading 9/25/12) (Requires 2/3 vote)

Ordinance authorizing the City Manager or designee to execute a Coastal Surface Lease with the State of Texas to lease approximately 3.0 acres of filled submerged land for the storage of reefing material for use in constructing an offshore artificial reef, for a term of four years, for \$500 per month for the first two years, and \$833.33 per month for the last two years.

The foregoing ordinance was passed and approved on second 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

Enactment No: 029644

- 9** Second Reading Ordinance - Professional service contract to improve operations of the J. C. Elliott landfill gas collection system (1st reading 9/25/12) (Requires 2/3 vote)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E12108 J.C. Elliott Landfill Gas Collection and Control System Repairs; transferring budgeted funds in the amount of \$108,432 from the Citizens Collection Center Flour Bluff / Padre Island Area Project to the J.C. Elliott Landfill Gas Collection and Control System Repairs Project; and authorizing the City Manger or designee to execute a contract for professional services with SCS Field Services of Bedford, Texas in the amount of \$100,400 for the J.C. Elliott Landfill Gas Collection and Control System Repairs Project.

The foregoing ordinance was passed and approved on second 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

Enactment No: 029645

- 10** Second Reading Ordinance - Amending the Capital Improvement Budget to transfer funds and execute a construction contract for street improvements including utilities from Leopard Street to Maple Leaf

Drive and offsite Storm Water improvements from Lois Drive to Turkey Creek along Leopard Street (BOND 2008) (1st reading 9/25/12)
(Requires 2/3 vote)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to transfer \$41,928 in budgeted wastewater project savings and \$16,450 in budgeted water project savings from the TXDOT Participation Project and \$267,499 in budgeted storm water project savings from the Staples Street Outfall Project to the Charles Drive from Leopard to Maple Leaf Project; increasing expenditures in the amount of \$325,877; authorizing the City Manager or designee execute a construction contract with Jhaboros Construction Company of Corpus Christi, Texas in the amount of \$1,735,439.03 for the Charles Drive from Leopard Street to Maple Leaf Drive Project for the base bid.

A motion was made that this Ordinance be passed on second reading. The motion carried by 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: 029646

City Secretary Chapa stated that an amendment is necessary to correct the effective date of the ordinance. A motion was made by Council Member Marez, seconded by Council Member Loeb to amend the ordinance to reflect that the ordinance is effective upon publication, and passed.

6

Second Reading Ordinance - Repealing/reenacting ordinance creating the Corpus Christi Museum Advisory Board (1st reading 9/25/12)

Ordinance repealing and reenacting section 2-90 "created; membership; terms; filling vacancies" of the code of ordinances, dissolving the Corpus Christi Museum of Science and History Advisory Board and creating a new Corpus Christi Museum of Science and History Advisory Board; amending section 2-92 "Meetings; function" of the code of ordinances by modifying the meeting from monthly to quarterly; providing an effective date; providing for severance; and providing for publication.

The foregoing ordinance was passed and approved on second reading as amended 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: 029642

J. EXECUTIVE SESSION: (ITEM 11)

11 Executive session pursuant to Section 551.071(1)(A) of the Texas Government Code for consultation with attorneys regarding contemplated litigation with a construction contractor with possible discussion and action in open session.

Mayor Adame read Executive Session Item No. 11. The council went into executive session. The council returned from executive session. Mayor Adame announced that no action would be taken on the executive session.

K. PUBLIC HEARINGS: (NONE)

L. REGULAR AGENDA: (ITEM 12)

12 Agreement for temporary tax abatement for future mixed use development located at 401 N Chaparral Street (Requires 2/3 vote)

Resolution authorizing the execution of an agreement with Cosmopolitan Corpus Ltd providing for temporary property tax abatement.

The foregoing resolution 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: 029647

M. FIRST READING ORDINANCES: (ITEMS 13 - 14)

13 Second Reading Ordinance - Appropriating funds for equipment, cadets, and trainee intern program (1st reading 10/9/12) (Requires 2/3 vote)

Ordinance appropriating \$430,000 from the unreserved fund balance in No. 9010 Crime Control District Fund for "one-time" expenditures in the FY 2012-2013 operating budget, and changing the FY 2012-2013 operating budget adopted by Ordinance No. 029577 by increasing appropriations by \$430,000.

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

Enactment No: 029653

14

Second Reading Ordinance - Amending the Capital Improvement Budget transferring funds; rescinding/executing contract for North Beach archway (1st reading 10/9/12) (Requires 2/3 vote)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to transfer \$40,000 in budgeted project savings from the Heritage Park Cultural Center Renovation Project to the North Beach Entry Development Project; increasing expenditures in the amount of \$40,000; rescinding the award of the North Beach Entry Development (Bond 2008) Re-Bid contract to Largin Construction Services, LLC. awarded on June 26, 2012 by Motion M2012-119; and authorizing the City Manager, or designee, to execute a construction contract with Barcom Commercial, Inc. of Corpus Christi, Texas in the amount of \$427,609.49 for the North Beach Entry Development (Bond 2008) Re-Bid for the Base Bid.

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

Enactment No: 029654

N. FUTURE AGENDA ITEMS: (ITEMS 15 - 28)

Mayor Adame referred to the Future Agenda section of the agenda, Items 15 - 28. Assistant City Manager Martinez stated that staff would provide a presentation on Items 27 and 28; and Council Member Leal requested a presentation on Items 15, 16, 18 and 20.

15

Professional services agreement for transporting liquid waste and sludge to wastewater treatment plant for disposal (Requires 2/3 vote)

Motion approving a service agreement with Stump Enterprises, LLC, Rockport, Texas for the hauling of liquid waste and sludge in accordance with Bid Invitation No. BI-0201-12, based on lowest responsible bid, for an estimated annual expenditure of \$86,250 of which \$71,875 is required for the remainder of FY 2012-2013. The term of the contract shall 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 have been budgeted by the Wastewater Department in FY 2012-2013.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-175

- 16** Supply Agreement for material to be used for traffic sign manufacturing and installation program (Requires 2/3 vote)

Motion approving supply agreements with the following companies in the following amounts for traffic sign blanks, sheeting/roll goods, and traffic sign posts/anchors in accordance with Bid Invitation No. BI-0216-12, based on lowest responsible bidder, for an estimated annual expenditure of \$146,232.89 of which \$121,860.74 is required for the remainder of FY 2012-2013. The terms of the agreements shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the suppliers and the City Manager or designee. Funds have been budgeted by Traffic Engineering in FY 2012-2013.

Allied Tube & Conduit Corp. Harvey, Illinois Group I \$42,644.00	Vulcan Signs Foley, Alabama Groups II & III \$103,588.89
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Total: \$146,232.89

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-176

- 17** Purchase of furniture for offices at water treatment plant (Requires 2/3 vote)

Motion approving the purchase of furniture for the O.N. Stevens Facility Alteration Project from Business Interiors by Staples, Houston, Texas in the amount of \$98,422.94. The award is in accordance with the State's Cooperative Purchasing Program (TXMAS). Funds are available in the Water Department Fund No. 4088 - 2012 Capital Improvement Program (CIP) Fund.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-177

- 18** Service Agreement for City departments to utilize dump truck hauling of miscellaneous materials to designated areas throughout the city (Requires 2/3 vote)

Motion approving a service agreement with Tahoe Trucking, Inc., Corpus Christi, Texas for dump truck hauling in accordance with Bid Invitation No. BI-0217-12, based on only bid, for an estimated annual expenditure of \$270,000.00 of which \$225,000.00 is required for the remainder of FY 2012-2013. The term of the agreement shall be for twelve (12) months with options to extend for up to two (2) additional twelve-month periods, subject to the approval of the supplier and the City Manager or designee. Funds have been budgeted by the Water, Storm Water, Street Operations and Solid Waste Operations Departments in FY 2012-2013.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-178

- 19** Purchase agreement for four (4) Ford F-150 Crew Cab 4 x 4 Pickup Trucks to be used for beach rescue operations (Requires 2/3 vote)

Motion approving the purchase of four (4) Ford F-150 Crew Cab 4 X 4 pickup trucks from Philpott Motors, Nederland, Texas for a total amount of \$114,173.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funds for the purchase of the Ford F-150 Crew Cab 4 X 4 pickup trucks are available in the Capital Outlay Budget of the Park and Recreation Department in FY 2012-2013.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-179

- 20** Payment authorization for Mary Rhodes Pipeline emergency repair (Requires 2/3 vote)

Motion to authorize payment of \$95,512.04 for Mercer Construction Company for emergency repair to Mary Rhodes Pipeline.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-180

- 21** Lease Agreement with Boy Scout Troop sponsor for property located near McKenzie Rd. and Allison Drive (Requires 2/3 vote)

Ordinance authorizing the City Manager, or designee, to execute a three-year Lease Agreement with West Corpus Christi Rotary Club for the use of property near McKenzie Road and Allison Drive by Boy Scout troop sponsored by the Rotary Club, in consideration of the Rotary Club maintaining the premises and improvements; providing for severance; and declaring an emergency.

This Emergency Ordinance was recommended by Staff to the Consent Agenda.

Enactment No: 029648

- 22** Authorization for application to State reimbursement program for beach maintenance expenditures (Requires 2/3 vote)

Resolution authorizing the City Manager or designee to execute all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2012-2013 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

This Resolution was recommended by Staff to the Consent Agenda.

Enactment No: 029649

- 23** Amendment to interlocal agreement for latchkey program (Requires 2/3 vote)

Resolution authorizing the City Manager or designee to execute an Amended Interlocal Agreement with the Corpus Christi Independent School District to operate the latchkey program with term of approximately five years.

This Resolution was recommended by Staff to the Consent Agenda.

Enactment No: 029650

- 24** State Interlocal agreement for failure to appear at Municipal Court (Requires 2/3 vote)

Resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Texas Department of Public Safety relating to the Failure To Appear Program

This Resolution was recommended by Staff to the Consent Agenda.

Enactment No: 029651

- 25** Professional services contract for wastewater permitting process assistance (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with RPS Espey of Austin, Texas in the amount of \$70,000.00 for the Wastewater Permit Assistance FY 2012.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-181

- 26** Ratification of change order for improvements at the airport (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to ratify Change Order No. 2 with Beecroft Construction, LTD of Corpus Christi, in the amount of \$168,499.36 for the CCIA Communication Center, Perimeter Security, Standby Generator and Commercial Aviation Apron Lighting Upgrades - Rehabilitate Terminal Building FIS.

This Motion was recommended by Staff to the Consent Agenda.

Enactment No: M2012-182

- 27** Resolution adopting the City of Corpus Christi's State legislative priorities for the 83rd Texas Legislature in 2013.

This Resolution was recommended by Staff to the Consent Agenda.

Enactment No: 029652

- 28** Agreement to manage the American Bank Center (Requires 2/3 vote)

Motion authorizing the City Manager or his designee to execute a new five year agreement with SMG to manage the American Bank Center under new fees, terms and conditions, including a new base management fee and incentive fee formula, new performance requirements, new food and beverage service provisions, and authorizing termination of the current agreement.

This Motion was recommended by Staff to the Regular Agenda.

Enactment No: M2012-183

O. UPDATES TO CITY COUNCIL: (NONE)

P. Public Comment.

Mayor Adame referred to Public Comment and the following citizens spoke: Ray Madrigal made comments regarding the SMG contract; Abel Alonzo thanked staff for their work on the SMG contract; John Sendejar spoke about the conditions of certain streets; Art Norman spoke about illegal dumping at Oso Creek Park.

Q. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

Assistant City Manager Martinez stated that there are no City Manager comments.

R. ADJOURNMENT

There being no further business to come before the Council, Mayor Adame adjourned the meeting at 3:20 pm.