



# Corpus Christi

1201 Leopard St  
Corpus Christi, TX 78401  
CCtexas.com

## Meeting Minutes - Draft City Council

---

Tuesday, May 15, 2012

12:00 PM

Council Chambers

---

### A. Proclamations

Mayor Adame read the following Proclamations:

Proclamation declaring May 6-12, 2012 as "Water Utilities Awareness Week"

Proclamation declaring May 2012 as "Motorcycle Safety and Awareness Month"

Proclamation declaring May 2012 as "Odler Americans Month"

Proclamation declaring May 2012 as "Lupus Awareness Month"

Swearing-in ceremony of newly appointed Board, Commission and Committee members

### B. Call meeting to order.

Mayor Adame called the meeting to order.

**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

### C. Invocation.

The invocation was delivered by Council Member John Marez.

### D. Pledge of Allegiance.

The Pledge was led by Council Member Kelley Allen.

### E. Roll call.

City Secretary Chapa verified that the necessary quorum of the council and the required Charter officers were present to conduct the meeting:

**Council Members Present:** Joe Adame, Chris Adler, Kelley Allen, Larry Elizondo, Priscilla Leal, David Loeb, John Marez, Nelda Martinez and Mark Scott.

**Charter Officers Present:** City Manager Ron Olson, City Attorney Carlos Valdez and City Secretary Armando Chapa.

### F. MINUTES:

1. Approval of Meeting Minutes - May 8, 2012.

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

**G. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

**I. CONSENT AGENDA**

Mayor Adame called for consideration of the Consent Agenda, Items 2 through 17. Item No 2 was pulled for individual consideration and voted on separately. The remaining consent items were approved by one vote.

**Service agreement for street sweeping services**

2. Motion approving a service agreement with Coastal Maintenance Concepts, LLC/Deluxe Finance Inc., Corpus Christi, Texas for street sweeping services in accordance with Bid Invitation No. BI-0086-12, based on lowest responsible bid, for an estimated two-year expenditure of \$587,484 of which \$73,435.50 is required for the remainder of FY 2011-2012. The term of the agreement shall be for twenty-four 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. The service will be administered by the Storm Water Department

**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: M2012-085

**Acceptance of State grant and appropriation of funds for safety belt enforcement program**

3. Motion authorizing the City Manager or his designee to accept grant funding in the amount of \$23,992.90 from the Texas Department of Transportation for the Click It or Ticket (CIOT) Selective Traffic Enforcement Project (STEP) for occupant protection enforcement overtime within the Police Department and to execute all related documents.

**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: M2012-086

4. Ordinance appropriating \$23,992.90 from the Texas Department of Transportation for funding of the Click It or Ticket (CIOT) Selective Traffic Enforcement Project (STEP) within the Police Department in No. 1061 Police Grants Fund; and declaring an emergency.

**An emergency was declared and the foregoing ordinance 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: Ord. 029472

#### **Acceptance of Federal sub-grant and appropriation of funds for purchase of equipment for port security**

5. Motion authorizing the City Manager or designee to accept a sub-grant in the amount of \$244,302 from the Department of Homeland Security FEMA for funding eligible under the 2011 Port Security Grant Program (PSGP) grant to purchase law enforcement equipment for the Police Department.

**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: M2012-087

6. Ordinance appropriating \$244,302 in the No. 1061 Police Grants fund from the Department of Homeland Security FEMA for funding eligible under the 2011 Port Security Grant Program (PSGP) grant to purchase law enforcement equipment for the Police Department, and declaring an emergency.

**An emergency was declared and the foregoing ordinance 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: Ord. 029473

### **Purchase of mobile interoperable communications vehicle for Police Department**

7. Motion approving the purchase of a Mobile Interoperable Communications Vehicle for the Corpus Christi Police Department and regional users, from LDV, INC., Burlington, Wisconsin based on the Cooperative Purchasing Agreement with the State of Texas for a total amount of \$229,814. Funds are available through the Port Security Grant Program (PSGP).

**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: M2012-088

### **Acceptance of State grant and appropriation of funds for diabetes prevention program**

8. Resolution authorizing the City Manager or designee to accept a grant of \$80,000 from the Texas Department of State Health Services to provide diabetes prevention and management services and to execute all related documents; and to ratify acceptance of the grant to begin as of March 30, 2012.

**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: Res. 029474

9. Ordinance appropriating a grant of \$80,000 from the Texas Department of State Health Services in the No. 1066 Health Grants Fund to provide diabetes prevention and management services; and declaring an emergency.

**An emergency was declared and the foregoing ordinance 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: Ord. 029475

**Agreement allowing developer to defer required wastewater improvements prior to final plat of property located at 1026 S. Navigation Blvd.**

10. Motion authorizing the City Manager to execute a Deferment Agreement with Thomas Davis, (Developer), in the amount of \$49,978.50 to allow for the recording of the Saxet Industrial, Block 2, Lot 1 plat without having the required public improvements in place per Article 8.1.10 of the Unified Development Code. Recording of the plat will be subject to acceptance of a Letter of Credit for the amount of the deferred public improvements.

**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: M2012-089

**Participation Agreement with CCISD for City's portion of costs related to Southside Middle School Tract development**

11. Motion authorizing the City Manager, or his designee, to execute a Participation Agreement with Corpus Christi Independent School District, Developer of CCISD - Southside Middle School Tract, in the amount of \$238,496.10 for the City's portion of the cost of the Ennis Joslin Road Bridge over Ditch 29, in accordance with the Unified Development Code.

**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 Martinez

**Abstained:** 1 - Council Member Scott

Enactment No: M2012-090

**Advance Funding Agreement with TxDOT for 2012 ADA Citywide Curb Ramp Replacement**

12. Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the adjustment of wastewater manholes, gas valves, and water valves within the project's scope of TxDOT's ADA Curb Ramps City-wide 2012 Program, with the City's participation in the amount of \$17,473.

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: Res. 029476

### **Advance Funding Agreement with TxDOT for utilities work related to McKinzie Road Improvements project**

13. Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the adjustment of wastewater manholes, gas valves, and water valves within the project's scope of TxDOT's FM 3386 (McKinzie Road) from IH 37 to three miles south of IH 37, with the City's participation in the amount of \$24,282.

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: Res. 029477

### **Street closure application for Discover Downtown Music and Film Festival**

14. Motion approving the application for street closure from Moondogger Productions to temporarily close the following street sections for the Discover Downtown Music and Film Festival to take place Friday, May 18, 2012 and Saturday, May 19, 2012.

The temporary street closure of north bound Shoreline Boulevard between Buford Street and Coopers Alley, beginning at 3:00 p.m. Friday, May 18, 2012 and ending at 12:00 a.m. Sunday, May 20, 2012.

The temporary street closure of south bound Shoreline Boulevard between Furman Avenue and Kinney Street, beginning at 3:00 p.m. Friday, May 18, 2012 and ending at 12:00 a.m. Sunday, May 20, 2012.

The temporary street closure of Park Avenue between south bound Shoreline Boulevard and north bound Shoreline Boulevard, beginning at 3:00 p.m. Friday, May 18, 2012 and ending at 12:00 a.m. Sunday, May 20, 2012.

The temporary street closure of Kinney Street between south bound Shoreline Boulevard and north bound Shoreline Boulevard, beginning at 3:00 p.m. Friday, May 18, 2012 and ending at 12:00 a.m. Sunday, May 20, 2012.

**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: M2012-091

### **Second Reading Ordinance - Appropriation of funds to reimburse police overtime costs for special event**

15. Ordinance appropriating \$30,301.57 from HITS, INC. for Police overtime reimbursement for the HITS Marathon held on February 18-19, 2012, changing the FY 2011-2012 Operating Budget adopted by Ordinance No. 029155 by increasing revenue and expenditures in the General Fund No. 1020 by \$30,301.57 each. (First Reading - 05/08/12)

**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: Ord. 029478

### **Second Reading Ordinance - Code amendment regarding "vulnerable road users" protection**

16. Ordinance adding a new Section 53-15 to the Corpus Christi Code of Ordinances relating to restrictions on operating a motor vehicle near a vulnerable road users; creating an offense; providing for penalties; providing for severance; providing for publication; providing for an effective date. (First Reading - 5/08/12)

**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 Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

**Nay:** 1 - Council Member Leal

**Abstained:** 0

Enactment No: Ord. 029479

**Second Reading Ordinance - Amendment to Code of Ordinances regarding regulation of illegal smoking products**

17. Ordinance amending Chapter 33, Code of Ordinances, City of Corpus Christi, by adding a new Article (IX) to regulate illegal smoking products and related paraphernalia and by specifically negating a requirement of a culpable mental state; providing for penalties; providing for severance; providing for publication. (First Reading - 05/08/12)

**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: Ord. 029480

**J. EXECUTIVE SESSION: (NONE)**

**K. PUBLIC HEARINGS: (NONE)**

**L. REGULAR AGENDA**

**Construction contract to replace wastewater lift station force main**

18. Motion authorizing the City Manager, or designee, to execute a construction contract with Bridges Specialties, Inc. of Sandia, Texas in the amount of \$1,593,083.32 for the McBride Lift Station Force Main Replacement for the Base Bid.

**Note: This item had a scrivener error. The amount was posted as \$1,543,083.32 and should have been \$1,543,083.67.**

**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: M2012-092

**Appropriation of funds and approval of contract to renovate Ayers Municipal Service Center fuel station**

19. Ordinance appropriating \$198,096.94 from the Maintenance Services



Unreserved Fund Balance No. 5110 for the Ayers Municipal Service Center Fuel Station Renovation, changing the FY2011-2012 Operating Budget adopted by Ordinance No. 029155 by increasing expenditures by \$198,096.94.

**An emergency was declared and the foregoing ordinance 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: Ord. 029481

**20.**

Motion authorizing the City Manager, or designee, to execute a construction contract for the Base Bid and Additive Alternate No. 1 with Facility Solutions Group, Inc. of Austin, Texas, in the amount of \$154,175.00 for the Ayers Municipal Service Center Fuel Station Renovation.

**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: M2012-093

**Resolution requesting that Nueces County add a Child Safety fee to fund school crossing guard program**

**21.**

Resolution requesting the Nueces County Commissioners Court to add a child safety fee of \$1.50 per vehicle registered in Nueces County, pursuant to Section 502.403 of the Transportation Code, to be made effective January 1, 2013.

**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: Res. 029482

**M. FIRST READING ORDINANCES: (NONE)**

**N. FUTURE AGENDA ITEMS AND UPDATES TO CITY COUNCIL**

Mayor Adame referred to the Future Agenda section of the agenda, Items 22

through 31. Mayor Adame stated that these items are for informational purposes only and that no action or public comment would be taken at this item. Staff provided a presentation on Item Nos. 23, 24, 25, 26, 29, 30 and 31.

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

22. 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.

**This Motion was recommended by staff to the Consent Agenda.**

### **Contracts for construction, materials testing, and professional services for Staples Street Phase 1 Improvements from Brawner Parkway to Barracuda Place**

23. Motion authorizing the City Manager, or designee, to execute a Construction Contract with Reytec Construction Resources, Inc of Houston, Texas in the amount of \$5,851,969.45 for Staples Street Phase 1 from Brawner Parkway to Barracuda Place for the base bid and additive alternate No. 2 (Bond 2008).

**This Motion was recommended by staff to the Regular Agenda.**

24. Motion authorizing the City Manager, or designee, to execute a Construction Materials Testing 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).

**This Motion was recommended by staff to the Regular Agenda.**

25. 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).

**This Motion was recommended by staff to the Regular Agenda.**

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

26. 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.

**This Resolution was recommended to the Regular Agenda.**

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

27. 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.

**This Motion was recommended by staff to the Consent Agenda.**

28. 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

**This Ordinance was recommended by staff to the Consent Agenda.**

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

29. 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

**This Ordinance was recommended by staff to the Regular Agenda.**

30. 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

**This Resolution was recommended by staff to the Regular Agenda.**

### **Schlitterbahn Chapter 380 Incentive Agreement**

31. 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

**This Resolution was recommended by staff to the Regular Agenda.**

### **UPDATES TO CITY COUNCIL**

32. Update on Destination Bayfront (To be considered at approximately 1:00 p.m.)

Mayor Adame referred to Item No. 32, Update on Destination Bayfront. Trey McCampbell, Destination Bayfront Committee Member recognized the committee members and Hargreaves and Associates staff. Ms. Mary Margaret Jones, Hargreaves & Associates provided an overview and discussed the following: future destination of the Bayfront Park; destination bayfront site; design for environmental conditions; site activity plan; concept design options; final concept design; key components - promenade, pier, beach, water recreation area, play area, family area, great lawn/festival area and sherrill park; traffic along Shoreline Boulevard; construction cost estimate; and the economic benefit of destination bayfront.

### **O. PUBLIC COMMENT.**

Mayor Adame referred to Public Comment. Israel Ybarra spoke about the bicyclist ordinance; Carolyn Moon spoke about the Wounded Warrior event and the conditions of the beach; Johnny French spoke about the Park Road 22 project; Curt Broomfield spoke about traffic light synchronization in the city;

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

There were no city manager comments.

**Q. ADJOURNMENT**

Mayor Pro Tem Scott adjourned the meeting at 2:00 pm.