



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Minutes - Final City Council

Tuesday, April 24, 2012

10:30 AM

Council Chambers

City Council met in Workshop Session on Tuesday, April 24, 2012 at 10:30 a.m. in the Council Chambers, 1201 Leopard Street, Corpus Christi, Texas to discuss the Street Maintenance Funding Plan - Final Session.

Assistant City Manager Oscar Martinez provided a presentation on the final workshop for the Street Improvement Finance Work Plan. Mr. Martinez discussed the street design standards, street cut issues, community outreach plan, timing consideration, and financing options.

- 1 Proclamation declaring April 26, 2012 as "International Pay It Forward Day"
Proclamation declaring April 22-28, 2012 as "National Medical Laboratory Professional Week"
Proclamation declaring April 24, 2012 as "GenTX Day"
Proclamation declaring May 7, 2012 as "Establishment of the Lindale Park Community EDGE Garden"
Proclamation declaring April 27, 2012 as "Arbor Day"
Proclamations were read and presented.

A. Call to order.

Mayor Adame and Mayor Pro Tem Loeb were absent. A motion was made and passed that Council Member Mark Scott lead the council meeting. Council Member Scott called the meeting to order.

B. Invocation.

The invocation was provided by Pastor Luis Cabrera, Maranatha Iglesia.

C. Pledge of Allegiance to the Flag of the United States.

The Pledge was led by the Fourth Grade class from St. James Episcopal School.

Present: 7 - Council Member Chris Adler, Council Member Kelley Allen, Council Member Larry Elizondo, Council Member Priscilla Leal, Council Member John Marez, Council Member Nelda Martinez, and Council Member Mark Scott

Absent: 2 - Mayor Joe Adame, and Council Member David Loeb

D. 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: Chris Adler, Kelley Allen, Larry Elizondo, Priscilla Leal, John Marez, Nelda Martinez and Mark Scott

Council Members Absent: Mayor Adame and David Loeb

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

E. MINUTES:

2 Approval of the Regular Meeting of April 17, 2012.

A motion was made by Council Member Elizondo, seconded by Council Member Leal to approve the minutes as presented and passed with the following vote:

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

H. CONSENT AGENDA

Item No. 6 was pulled for individual consideration and voted on separately. The remaining consent items were approved by one vote.

Approval of lease purchase of alternative fuel dump trucks for Wastewater

3 Motion approving the lease purchase of five (5) dump trucks from Rush Truck Centers of Texas LP, Houston, Texas for a total amount of \$897,500.00 of which \$65,085.77 is required for the remainder of FY 2011-2012. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). All units are replacement to the fleet and will be used by the Wastewater Department. Financing for the lease purchase of the vehicles will be provided through the City's lease/purchase financing program.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: M2012-076

Replacement tractor/backhoe equipment for Gas department operations

- 4** Motion approving the purchase of one (1) Series III tractor/loader/backhoe from Nueces Power Equipment, of Corpus Christi, Texas for a total amount of \$67,140.85. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The equipment will be used by the Gas Department. Funds are available in FY 2011-2012 Capital Outlay Budget of the Maintenance Service Fund.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: M2012-077

Approval to submit State grant application for auto theft burglary program

- 5** Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$681,248 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 12 with a City cash match of \$503,003, in-kind match of \$14,019, and program income match of \$8,541 for a total project cost of \$1,206,811 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029456

Approval of program logic control upgrades to O.N. Stevens Water Treatment Plant

- 6** Motion authorizing the City Manager, or designee, to execute a construction contract with Associated Construction Partners of Boerne, Texas in the amount of \$381,190 for O. N. Stevens Water Treatment Plant Caustic Feed and East Program Logic Control (PLC) Upgrades.

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

Aye: 6 - Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Martinez and Council Member Scott

Absent: 3 - Mayor Adame, Council Member Loeb and Council Member Marez

Abstained: 0

Enactment No: M2012-078

Subscription for infrastructure project coordination software for Water department

- 7** Motion approving a two-year subscription agreement for the Envista Project Coordination software from Envista Corporation, Beverly, MA, based on sole source for the total amount of \$96,000, to be used by the Utility Departments for the web-based infrastructure project coordination. Monies are available in the Water and Wastewater Department operating budgets for FY 2012.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: M2012-079

Agreement to provide wastewater to proposed Ranch Lake Unit 2 residential subdivision

- 8** Motion approving the Sanitary Sewer Collection Line Extension Construction and Reimbursement Agreement submitted by Mostaghazi Enterprises, Inc., owner and developer of Ranch Lake Unit 2, located south of Yorktown Boulevard between the Schanen Ditch and Lake Superior Drive, for the extension of an 8-inch collection line, including all related appurtenances.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: M2012-080

Second Reading Ordinance - Changing the FY 2011-2012 Operating Budget regarding the number of police officer positions budgeted

- 9** Ordinance changing the FY 2011-2012 Operating Budget adopted by Ordinance No. 029155, regarding the number of police officer positions budgeted, reducing the number of Police Commanders from five to four, and increasing the number of Assistant Police Chiefs from two to three, effective the day following final City Council approval. (First Reading - 4/17/12)

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029457

Second Reading Ordinances - Amending FY 2012 CIP Budget to use Type A sales tax proceeds for American Bank Center Arena loading dock

- 10** Ordinance approving and appropriating the transfer of \$75,000 from No. 1130 Arena Facility Fund to and appropriating in the No. 3274 Arena Type A CIP Fund for the preliminary investigation of the American Bank Center Loading Dock; amending the FY 2011 - 2012 Operating Budget, adopted by Ordinance No. 029155 by increasing expenditures by \$75,000. (First Reading - 4/17/12)

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029458

- 11** Ordinance amending the FY 2012 Capital Improvement Budget adopted by Ordinance No. 029135 to add Project No. E12016 American Bank

Center Loading Dock; increasing expenditures in the amount of \$75,000.
(First Reading - 4/17/12)

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029459

Second Reading Ordinance - Approving lease agreement with Girl Scouts of Greater South Texas

- 12 Ordinance authorizing the City Manager, or designee, to execute a Lease Agreement with Girl Scouts of Greater South Texas for the use of a 76-acre tract adjacent to Lake Corpus Christi through December 31, 2041; and providing for publication.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029460

I. EXECUTIVE SESSION:

- 13 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.

Mr. Scott announced that the executive session was withdrawn.

J. PUBLIC HEARINGS:

Public hearing and ordinance imposing assessments and liens for Flour Bluff Drive

- 14 Public Hearing on proposed assessments on improvements
(Construction of a Sound Wall Structure on Public Right of Way) on Flour
Bluff Drive.

**A motion was made by Council Member Elizondo, seconded by Council
Member Martinez to open the public hearing. There was no public comment.
A motion was made by Council Member Leal, seconded by Council Member
Elizondo to close the public hearing.**

- 15 Ordinance closing the public hearing on proposed assessments for
improvements to the following highway in Corpus Christi, Nueces County,
Texas:

Flour Bluff Street Improvements: construction of a sound wall structure on
public right of way at the corner of Flour Bluff Drive and Cornerstone
Drive imposing assessments totaling \$23,509.68 against property
abutting the improvements fixing corresponding liens on property and
charges against property owners; providing for subsequent adjustment of
assessment amounts and the corresponding liens and charges based on
as-built conditions; specifying assessment payment terms and lien
enforcement measures.

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

Aye: 6 - Council Member Adler, Council Member Allen, Council Member Elizondo,
Council Member Leal, Council Member Martinez and Council Member Scott

Absent: 3 - Mayor Adame, Council Member Loeb and Council Member Marez

Abstained: 0

Enactment No: NO-029461

K. REGULAR AGENDA

Construction contract for Corpus Christi Beach Promenade Northward Extension

- 16 Motion authorizing the City Manager, or designee, to execute a
construction contract with H2O Construction Services, Inc. of Corpus
Christi, Texas in the amount of \$403,272.46 for the Corpus Christi Beach
Promenade Northward Extension for the Base Bid.

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

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

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 2012-081

Adoption of proposed FY 2012-2013 Consolidated Annual Action Plan

- 17** Resolution adopting the FY2012-2013 Consolidated Annual Action Plan ("CAAP") which includes the Community Development Block Grant, Emergency Solutions Grant, and HOME Investment Partnerships Programs, for submission to the U.S. Department of Housing and Urban Development ("HUD"); authorizing the City Manager or designee to execute all documents necessary to amend the CAAP if required by HUD; and authorizing the City Manager or designee to execute funding agreements with organizations for approved projects upon the future acceptance and appropriation of FY2012-2013 funding from HUD.

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

Aye: 5 - Council Member Adler, Council Member Elizondo, Council Member Leal, Council Member Martinez and Council Member Scott

Absent: 4 - Mayor Adame, Council Member Allen, Council Member Loeb and Council Member Marez

Abstained: 0

Enactment No: 029462

Special permit time extension for a multifamily residential complex located at 2725 Leopard Street

- 18** Case No. 0311-02: The NRP Group: The applicant is requesting that Zoning Ordinance 029044 be amended by adding a twenty-four (24) month time extension for a previously granted Special Permit.

Planning Commission and Staff Recommendation (March 14, 2012): Approval of the requested Special Permit time extension for an additional twenty-four (24) months.

ORDINANCE

Ordinance amending Zoning Ordinance 029044, upon application by the NRP Group, by adding a twenty-four (24) month time extension to the Special Permit time limit initially approved; amending the Comprehensive Plan to account for any deviation from the existing Comprehensive Plan; providing a repealer clause; providing penalty; and providing for publication.

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

Aye: 5 - Council Member Adler, Council Member Elizondo, Council Member Leal, Council Member Martinez and Council Member Scott

Absent: 4 - Mayor Adame, Council Member Allen, Council Member Loeb and Council Member Marez

Abstained: 0

Enactment No: 029463

Second Reading Ordinance - Correction to metes and bounds and map of dedicated public access easement

19 Ordinance amending Ordinance No. 028064, with regard to the condition noted at SECTION 2.a., by replacing former Exhibit B with the current Exhibit B, pages 1 thru 3; and by deleting the last sentence.
(POSTPONED ON 4/17/12)

Council Member Martinez made a motion requesting a substitute ordinance to allow the palm tree in the one foot air easement. The motion died for lack of second.

Assistant City Attorney Deborah Brown requested a housekeeping amendment to paragraph in Section 1 to change reference from Lots 12 and 13 to Lots 11 and 12. A motion was made by Council Member Elizondo, seconded by Council Member Leal and passed.

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

Aye: 6 - Council Member Adler, Council Member Allen, Council Member Elizondo, Council Member Leal, Council Member Marez and Council Member Scott

Nay: 1 - Council Member Martinez

Absent: 2 - Mayor Adame and Council Member Loeb

Abstained: 0

Enactment No: 029464

L. FIRST READING ORDINANCES

First Reading Ordinance -Amending City Code of Ethics to meet State requirements for juvenile case managers.

20 Ordinance amending Section 2-311, Code of Ordinances, City of Corpus Christi, regarding additional ethics standards for the City's juvenile case managers and other individuals subject to the code of ethics.

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

Aye: 6 - Council Member Adler, Council Member Elizondo, Council Member Leal, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 3 - Mayor Adame, Council Member Allen and Council Member Loeb

Abstained: 0

Enactment No: 029467

M. FUTURE AGENDA ITEMS

Mr. Scott referred to the Future Agenda Item section of the agenda, Items 21 through 28. Mr. Scott stated that these items were for informational purposes only and that no action or public comment would be taken at this time. Staff provided a presentation on Item No. 25, 27 and 28.

Installation of replacement equipment for Solid Waste operations

- 21** Motion approving the installation of one (1) split rear load refuse body and one (1) lift roll-off body from Heil of Texas of Houston, Texas for a total contract amount of \$209,511 of which \$3,741.41 is required for FY 2011-2012. The award is based on the Cooperative Purchasing Agreement with the Texas Local Government Cooperative. These bodies are replacements bodies and will be used by the Solid Waste Department. Funds for the lease purchase of the split rear load refuse body and lift roll-off body will be provided through the City's lease/financing program.

This Motion was recommended by staff to consent agenda

Enactment No: M2012-082

Purchase of replacement vacuum trucks for Storm Water department

- 22** Motion approving the purchase of two (2) vacuum trucks from Houston Freightliner, Inc., Houston, Texas for a total amount of \$621,171.32. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). All units are replacements to the fleet and will be used by the Storm Water Department. Funding is available in the FY 2011-2012 Capital Outlay Budget of the Maintenance Services Fund.

This Motion was recommended by staff to consent agenda.

Enactment No: M2012-083

Approval of interlocal agreement with Nueces County to share funding for State grant and submission of grant application

- 23** Resolution authorizing the City Manager, or designee, to execute an

interlocal agreement between the City of Corpus Christi and Nueces County to establish terms for the sharing of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation.

This Resolution was recommended by staff to consent agenda.

Enactment No: 029465

24

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$169,575 to the U.S. Department of Justice, Bureau of Justice Assistance for funding eligible under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2012 Local Solicitation; 50% of the funds to be distributed to Nueces County under the established interlocal agreement. Grant funds will be used for the enhancement of law enforcement efforts by the Police Department and Nueces County.

This Resolution was recommended by staff to consent agenda.

Enactment No: 029466

Donation of new playground set made of recycled materials

25

Resolution authorizing the City Manager or designee to accept a donation of a new playground set made from recycled materials from the Ziploc® brand of SC Johnson & Son, Inc. and RecycleBank, for installation at the HEB Park located at 1501 Shely Street.

This Resolution was recommended by staff to regular agenda.

Enactment No: 029470

Street closures for 2012 Beach to Bay Relay

26

Motion approving the application for street closure from Corpus Christi Road Runners to temporarily close the following street sections for the 37th Annual Beach to Bay Relay, to take place, Saturday, May 19, 2012.

The temporary street closure of the north and south bound lanes of Shoreline Boulevard between Furman Street and Coopers Alley, beginning at 6:00 p.m. Friday, May 18, 2012 and ending at 7:00 p.m. Saturday, May 19, 2012.

The temporary street closure of Park Avenue between south bound Shoreline Boulevard and north bound Shoreline Boulevard, beginning at 6:00 p.m. Friday, May 18, 2012 and ending at 7:00 p.m. Saturday, May 19, 2012.

The temporary street closure of Kinney Street between south bound

Shoreline Boulevard and north bound Shoreline Boulevard, beginning at 6:00 p.m. Friday, May 18, 2012 and ending at 7:00 p.m. Saturday, May 19, 2012.

This Motion was recommended by staff to consent agenda.

Enactment No: M2012-084

FUTURE PUBLIC HEARING

Zoning change for property located at 817 Waldron Road from commercial to light industrial

- 27 Case No. 0212-06: Bluff Plastic: The applicant is requesting a change of zoning from the "CG-1" General Commercial District to the "IL" Light Industrial District, resulting in a change of the future land use from commercial to light industrial. The property being rezoned is Flour Bluff Estates, Block L, Lots 1 and 2, located north of South Padre Island Drive (SH 358) and east along Waldron Road.

Planning Commission and Staff Recommendation (March 14, 2012): Denial of the "IL" Light Industrial District and in lieu thereof approval of a "CG-1/SP" General Commercial District with a Special Permit to allow for a plastic fabrication facility, subject to three (3) conditions.

ORDINANCE

Ordinance amending the Unified Development Code (UDC), upon application by Bluff Plastic, by changing the UDC Zoning Map in reference to Flour Bluff Estates, Block L, Lots 1 and 2, from the "CG-1" General Commercial District to the "CG-1/SP" General Commercial District with a Special Permit, subject to three (3) conditions, amending the Comprehensive Plan to account for any deviations from the existing Comprehensive Plan; providing a repealer clause; providing a penalty; providing for publication; and declaring an emergency.

This Emergency Ordinance was recommended by staff to public hearing.

Enactment No: 029468

Amendment to Urban Transportation Plan

- 28 Public Hearing and Ordinance amending the Urban Transportation Plan, an element of the Comprehensive Plan of the City of Corpus Christi, by providing for removal of proposed collector street which was to be located approximately 0.28 miles south of Northwest Blvd (FM 624), between FM 1889 and FM 69, amending related elements of the Comprehensive Plan of the City; providing for severance; providing for

publication.

This Ordinance was recommended by staff to public hearing.

Enactment No: 029469

N. UPDATES TO CITY COUNCIL:

29 American Bank Center Performance Audit Results

Mr. Scott referred to Item No. 29, Presentation on American Bank Center Performance Audit. Ms. Susan Sieger, President of Crossroads Consulting Services provided an update on key findings including performance audit elements and priorities, operations and benchmarking analysis, comparison of utilization and financial performance, industry best practices, and provided a summary of key findings and recommendations.

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.

Mr. Scott called for public comment and the following citizens spoke: Lionel Lopez and Abel Alonzo.

P. CITY MANAGER'S COMMENTS:

There were no City Manager comments.

Q. ADJOURNMENT:

Mr. Scott adjourned the meeting at 3:20 pm.