



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, August 14, 2012

12:00 PM

Council Chambers

Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.

Members of the audience will be provided an opportunity to address the Council at approximately 4:00 p.m., or the end of the Council Meeting, whichever is earlier. Please speak into the microphone located at the podium and state your name and address. Your presentation will be limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

Si Usted desea dirigirse al Concilio y cree que su inglés es limitado, habrá un intérprete inglés-español en todas las juntas del Concilio para ayudarle.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (at 361-826-3105) at least 48 hours in advance so that appropriate arrangements can be made.

- A. Mayor Joe Adame to call the meeting to order.**
- B. Invocation to be given by Reverend Greg Hackett, First United Methodist Church.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Armando Chapa to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1** [12-00588](#) Certificate of Commendations to Youth Participants in the "Ramp It Up!" Workforce Solutions of the Coastal Bend Summer Youth Project 2012
- F. MINUTES:**
 - 2** [12-00590](#) Approval of Meeting Minutes - July 31, 2012.

 Sponsors: City Secretary's Office
- G. BOARDS & COMMITTEE APPOINTMENTS:**
 - 3** [12-00589](#) Advisory Committee on Community Pride
 Coastal Bend Council of Governments

Commission on Children and Youth
Human Relations Commission
Leadership Committee for Senior Services
Park and Recreation Advisory Committee

Sponsors: City Secretary's Office

H. **EXPLANATION OF COUNCIL ACTION:**

For administrative convenience, certain of the agenda items are listed as motions, resolutions, or ordinances. If deemed appropriate, the City Council will use a different method of adoption from the one listed; may finally pass an ordinance by adopting it as an emergency measure rather than a two reading ordinance; or may modify the action specified. A motion to reconsider may be made at this meeting or a vote at the last regular, or a subsequent special meeting; such agendas are incorporated herein for reconsideration and action on any reconsidered item.

I. **CONSENT AGENDA: (ITEMS 4 - 6)**

NOTICE TO THE PUBLIC: The following items are consent motions, resolutions, and ordinances of a routine or administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.

4 [12-00553](#) **Rescinding purchase approval of a software interface to Starlims and approving purchase for Intergraph Corporation**

Motion rescinding the approval to purchase an interface for the Laboratory Information Management System (LIMS) and ILeads from STARLIMS Corporation of Hollywood, Florida and awarding the purchase of an interface for the Laboratory Information Management System (LIMS) and ILeads from Intergraph Corporation, Chicago, Illinois for a total expenditure of \$73,625. Funds are available through the Coverdell Forensic Science Improvement Grant program and Municipal Information Systems.

Sponsors: Police Department and Municipal Information Systems

5 [12-00415](#) **Agreement to use reclaimed water supply for irrigation of the Coastal Bend Texas State Veteran's Cemetery**

Resolution authorizing the City Manager, or designee, to execute an agreement with the State of Texas Veteran's Land Board to supply effluent to irrigate the Coastal Bend Texas State Veteran's Cemetery.

Sponsors: Engineering Department

6 [12-00480](#) **Supplemental Agreement to determine responsibilities for the Billings & Clems parking lot improvements located on Park Road 22**

Resolution authorizing the City Manager, or designee, to execute a Supplemental Agreement to the Master Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the Billings and Clems Parking Lot Improvements located within State right-of-way of Park Road 22 adjacent to the John F. Kennedy Memorial Causeway.

Sponsors: Parks and Recreation Department and Engineering Department

J. EXECUTIVE SESSION: (ITEMS 7 - 9)

PUBLIC NOTICE is given that the City Council may elect to go into executive session at any time during the meeting in order to discuss any matters listed on the agenda, when authorized by the provisions of the Open Meeting Act, Chapter 551 of the Texas Government Code, and that the City Council specifically expects to go into executive session on the following matters. In the event the Council elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding office.

- 7** **12-00564** Executive session under Section 551.071 of the Texas Government Code for consultation with attorneys regarding permitting issues related to the City's TCEQ-issued Texas Pollutant Discharge Elimination System (TPDES) Municipal Separate Storm Sewer System (MS4) Permit Renewal, with possible discussion and action related thereto in open session.
- 8** **12-00550** Executive session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the city wastewater treatment plants, with possible discussion and action in open session.
- 9** **12-00594** Executive session pursuant to Section 551.087 of the Texas Government Code to deliberate regarding confidential commercial or financial information received from Schlitterbahn Waterpark a business that the City Council seeks to have locate, stay or expand within the City and with which the City is conducting economic development negotiations with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEMS 10 - 11)

- 10** [12-00528](#) **Change of zoning from single family to general commercial located at 6210 South Padre Island Drive**

Case No. 0612-01: CCLEL Investments, Inc.: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a change of future land use from medium density residential to commercial. The property to be rezoned is a 2.30-acre portion out of Lot 6, Section 13, Flour Bluff and Encinal Farm and Garden Tracts, located on the north side of South Padre Island Drive (SH 358) and east of Prince Drive.

Planning Commission and Staff Recommendation (June 20, 2012):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

ORDINANCE

Ordinance amending the Unified Development Code ("UDC") upon application by CCLEL Investments, Inc., on behalf of Leer Properties, Inc. ("Owner"), by changing the UDC Zoning Map in reference to a 2.30-acre portion out of Lot 6, Section 13, Flour Bluff and Encinal Farm and Garden Tracts from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial 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.

Sponsors: Development Services and Planning/Environmental Services

- 11 [12-00574](#) Public Hearing on Fiscal Year 2013 Ad Valorem Tax rate

Sponsors: Financial Services Department

L. REGULAR AGENDA: (ITEM 12)

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

- 12 [12-00571](#) **Ordinance ordering a general election for election of Mayor and eight Council Members and consideration of bond propositions**

Ordinance ordering a general election to be held on November 6, 2012, in the City of Corpus Christi for the election of Mayor and eight Council Members, and on the questions of authorizing bond issuances of the City supported by ad valorem taxes; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early polling places; designating polling place locations; authorizing a joint election with Nueces County; and a Runoff Election, if one is necessary; enacting provisions incident and relating to the subject and purpose of this ordinance; and declaring an emergency.

Sponsors: City Secretary's Office

M. FIRST READING ORDINANCES: (ITEMS 13 - 17)

- 13 [12-00565](#) **First Reading Ordinance - Accepting and appropriating a federal grant to support joint City and County law enforcement efforts**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the U. S. Department of Justice, Bureau of Justice Assistance, in the amount of \$169,575 for the

FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation within the Police Department, 50% of the funds to be distributed to Nueces County under an established interlocal agreement and appropriating \$169,575 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

14 [12-00541](#) **First Reading Ordinance - Accepting and appropriating a state grant to prevent auto burglary and theft**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Automobile Burglary and Theft Prevention Authority (ABTPA) in the amount of \$392,474 to continue the motor vehicle theft enforcement grant within the Police Department for Year 12, with a City match of \$478,212, in-kind match of \$14,019 in the No. 1020 Police General Fund, and program income match of \$8,541 in the NO. 1061 Police Grants Fund for a total project cost of \$893,246; and appropriating the \$392,474 grant in the No. 1061 Police Grants Fund continue the motor vehicle theft enforcement grant in the Police Department.

Sponsors: Police Department

15 [12-00542](#) **First Reading Ordinance - Accepting and appropriating a State grant to assist with operations for border security**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Texas Ranger Division of the Texas Department of Public Safety in the amount of \$155,000 for the FY2012 Local Border Security Program within the Police Department and appropriating \$155,000 in the No. 1061 Police Grants Fund..

Sponsors: Police Department

16 [12-00399](#) **First Reading Ordinance - Utility easement closure to develop property located north of State Highway 44**

Ordinance abandoning and vacating a 3,357.08-square-foot portion of a 5-foot-wide utility easement out of Lot 1A, Block 6, Airport Industrial Subdivision, and a 6,721.94-square-foot portion of a 10-foot-wide utility easement out of Lot 3, Block 4, Airport Industrial Subdivision; and requiring the owner, Weatherford U.S., L.P., to comply with the specified conditions.

Sponsors: Development Services

17 [12-00558](#) **First Reading Ordinance - Receipt and transfer of funds from the Sessions Bequest to the Friends of the Museum**

Ordinance authorizing the City Manager to execute all documents necessary to accept disbursements from mineral interests from the Estate of L. Lloyd Sessions; appropriating distribution in the No. 1069 Museum Trust Fund and authorizing the transfer to the Friends of the Museum of Science and History for the benefit of the Museum.

Sponsors: Museum of Science and History

N. FUTURE AGENDA ITEMS: (ITEMS 18 - 31)

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

- 18** [12-00452](#) **Amendment to city/county health district agreement to combine two nurse practitioner positions into one position; and amending code of ordinances (Related items 18 - 19)**

Motion to approve the First Amendment to the Reformed Cooperative Agreement with Nueces County for operation of the Corpus Christi-Nueces County Public Health District in order to consolidate a nursing position under Pay Plan HTH and to authorize execution of the First Amendment by the City Manager.

Sponsors: Health Department

- 19** [12-00363](#) Ordinance amending the Code of Ordinances, Chapter 39, Article III Section 39-303, Subsection (m), "Pay Plan HTH," to eliminate the Grade 58 position from the plan.

Sponsors: Health Department

- 20** [12-00495](#) **Construction contract for parking, drainage, and ADA improvements to the Evelyn Price Park (Bond 2008 - Sports Field Improvements)**

Motion authorizing the City Manager, or designee, to execute a Construction Contract with Safenet, LLC. of Corpus Christi, Texas in the amount of \$137,764.63 for the (Evelyn Price Park Improvements (Bond 2008 - Sports Field Improvements).

Sponsors: Parks and Recreation Department and Engineering Department

- 21** [12-00531](#) **Type A Grant to fund interest buy down and grant program to assist small businesses**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Acción Texas, Inc. ("Acción") to provide grant amount up to \$400,000 for the interest buy down and grant programs for small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the Acción Texas Small Business Incentives

Agreement.

Sponsors: Economic Development

22 [12-00532](#) **Type A Grant to fund Del Mar College small business owner education program**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College ("Del Mar") to provide grant amount up to \$120,000 for the FastTrac® Growth Venture program for small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the Del Mar FastTrac® Small Business Incentives Agreement.

Sponsors: Economic Development

23 [12-00533](#) **Type A Grant to fund 95 interns through the Del Mar College internship program**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business And Job Development Corporation and Del Mar College ("Del Mar") to provide grant amount up to \$173,223 for an intern program for small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business And Job Development Corporation to administer the Del Mar College Intern Program Small Business Incentives Agreement.

Sponsors: Economic Development

24 [12-00534](#) **Type A grant to fund a program that provides market research and technical assistance to small businesses**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and the Corpus Christi Regional Economic Development Corporation ("EDC") to provide grant amount up to \$96,000 to initiate an Economic Gardening program to help small businesses in Corpus Christi and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the EDC Small Business Incentives Agreement.

Sponsors: Economic Development

25 [12-00535](#) **Type A Grant to fund assistance for small businesses through**

workshops and counseling

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Service Corps of Retired Executives (SCORE) Chapter 221 to provide grant up to \$50,000 to assist small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the SCORE Chapter 221 Small Business Incentives Agreement.

Sponsors: Economic Development

26 [12-00536](#) **Type A Grant to fund 105 interns through the TAMU-CC Internship Program**

Resolution approving a Small Business Incentives Agreement between the Corpus Christi Business And Job Development Corporation and Texas A&M University-Corpus Christi ("TAMU-CC") to provide grant amount up to \$190,635 for an intern program for small businesses and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Corpus Christi Business and Job Development Corporation to administer the TAMU-CC Intern Program Small Business Incentives Agreement.

Sponsors: Economic Development

27 [12-00587](#) **Management agreement with Corpus Christi Museum Joint Venture**

Motion authorizing the City Manager or his designee to execute a twenty four month agreement with Corpus Christi Museum Joint Venture (CCMJV) to operate and manage the Corpus Christi Museum of Science and History (Museum).

Sponsors: ACM - Business Support Services and Museum of Science and History

28 [12-00586](#) **Collective bargaining agreement with the Corpus Christi Firefighters' Association for wages, benefits and working conditions**

Motion authorizing the City Manager to enter into a collective bargaining agreement with the Corpus Christi Firefighters' Association for wages, benefits and working conditions.

29 [12-00567](#) **Authorization for the Issuance of Utility System Revenue Bonds (Related items 29 - 30)**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial

Advisor for one or more series of City of Corpus Christi, Texas Utility System Revenue Bonds, in an aggregate principal amount not to exceed \$75,000,000.

Sponsors: Financial Services Department

30 [12-00568](#)

Ordinance authorizing the issuance of one or more series of City of Corpus Christi, Texas Utility System Revenue Bonds, in an aggregate principal amount not to exceed \$75,000,000, pursuant to the delegation provisions set forth herein; making provisions for the payment and security thereof of a parity with certain currently outstanding Utility System revenue obligations; stipulating the terms and conditions for the issuance of additional revenue bonds on a parity therewith; prescribing the forms, terms, conditions, and resolving other matters incident and related to the issuance, sale and delivery of each series of bonds; including the approval and distribution of one or more Official Statements pertaining thereto; authorizing the execution of one or more paying agent/registrar agreements, one or more escrow agreements, and one or more purchase contracts; complying with the requirements imposed by the letter of representations previously executed with the depository trust company; establishing the City's intention to reimburse itself from the proceeds of any such series of bonds for the prior lawful expenditure of funds to construct various City improvements; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of each series of bonds; and providing an effective date.

Sponsors: Financial Services Department

FUTURE PUBLIC HEARINGS: (ITEM 31)

31 [12-00540](#) **Change of zoning from farm rural district to general commercial at 14801 Northwest Blvd.**

Case No. 0612-02: Calallen GP, LLC: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District, resulting in a change of future land use from commercial and medium density residential uses to commercial uses. The property to be rezoned is described as being a 36.896-acre tract of land out of Lot 4, Block 2, Nueces River Irrigation Park, located on the southeast corner of Northwest Boulevard (FM 624) and FM 1889.

Planning Commission and Staff Recommendation (June 20, 2012):_ Denial of the applicant's request for the "CG-2" General Commercial District on 36.896 acres and, in lieu thereof, approval of the "CG-2" General Commercial District on Tract 1 (29.243 acres) and the "CN-1" Neighborhood Commercial District on Tract 2 (7.653 acres).

ORDINANCE

Ordinance amending the Unified Development Code (“UDC”) upon application by Calallen GP, LLC, on behalf of Lois Lowman, Connie Diane Brown Polk Laing, Herman Bruce Lowman, NRIP, LLC, and Cloudcroft Land Ventures, Inc. (“Owners”), by changing the UDC Zoning Map in reference to a 36.896-acre tract of land out of Lot 4, Block 2, Nueces River Irrigation Park from the “FR” Farm Rural District to the “CG-2” General Commercial District on Tract 1 (29.243 acres) and the “CN-1” Neighborhood Commercial District on Tract 2 (7.653 acres); 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.

Sponsors: Development Services and Planning/Environmental Services

O. UPDATES TO CITY COUNCIL: (ITEM 32)

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

32 [12-00560](#) Presentation on Packery Channel Quarterly Monitoring for [2011-2012](#)

Sponsors: Parks and Recreation Department and Engineering Department

P. 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. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary.

PLEASE BE ADVISED THAT THE OPEN MEETINGS ACT PROHIBITS THE CITY COUNCIL FROM RESPONDING AND DISCUSSING YOUR COMMENTS AT LENGTH. THE LAW ONLY AUTHORIZES THEM TO DO THE FOLLOWING:

1. MAKE A STATEMENT OF FACTUAL INFORMATION.
2. RECITE AN EXISTING POLICY IN RESPONSE TO THE INQUIRY.
3. ADVISE THE CITIZEN THAT THIS SUBJECT WILL BE PLACED ON AN AGENDA AT A LATER DATE.

PER CITY COUNCIL POLICY, NO COUNCIL MEMBER, STAFF PERSON, OR MEMBERS OF THE AUDIENCE SHALL BERATE, EMBARRASS, ACCUSE, OR SHOW ANY PERSONAL DISRESPECT FOR ANY MEMBER OF THE STAFF, COUNCIL MEMBERS, OR THE PUBLIC AT ANY COUNCIL MEETING. THIS POLICY IS NOT MEANT TO RESTRAIN A CITIZEN'S FIRST AMENDMENT RIGHTS.

Q. CITY MANAGER'S COMMENTS:

* Update on City Operations

R. ADJOURNMENT