



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, December 11, 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 Nelda Martinez to call the meeting to order.**
- B. Invocation to be given by Chuck Goodwin, Fish for Life Ministries.**
- 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. [12-00876](#) H.E.B. Feast of Sharing
City Manager's "At Your Service" Award
- F. MINUTES:**
 - 2. [12-00871](#) Approval of Meeting Minutes - Special Meeting of November 14, 2012 and Regular Meeting of November 20, 2012.
- G. BOARDS & COMMITTEE APPOINTMENTS:**
 - 3. [12-00872](#) Citizens Advisory Health Board
Library Board
Museum of Science and History Advisory Board
Regional Health Awareness Board

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 of 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 - 15)

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. [12-00775](#) Supply Agreement for Firefighting Clothing

Motion approving a supply agreement with Casco Industries Inc., Pasadena, Texas for firefighting clothing consisting of ninety sets of pants and coats, based on only bid, in accordance with Bid Invitation No. BI-0003-13 for an estimated annual expenditure of \$139,064.40 of which \$92,709.60 is required for the remainder of FY 2012-2013. The term of the agreement will 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 Fire Department in FY 2012-2013.

Sponsors: Purchasing Division and Fire Department

5. [12-00778](#) Approving the purchase of nineteen (19) Chevrolet Tahoes for replacement vehicles in the Police Department fleet

Motion approving the purchase of nineteen (19) Chevrolet Tahoes from Caldwell Country, Caldwell, Texas for a total amount of \$521,639. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). All units are replacements to the fleet and will be used by the Police Department. Funding is available in the FY 2012-2013 Capital Outlay Budget of the Fleet Maintenance Fund.

Sponsors: Purchasing Division and Fleet Maintenance Services

6. [12-00779](#) Purchase of a replacement vehicle (vacuum truck) for the maintenance of wastewater collection main lines

Motion approving the purchase of one (1) vacuum truck from Houston Freightliner, Inc., Houston, Texas for a total amount of \$305,896.14. The

award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). Funding is available in the FY 2012-2013 Capital Outlay Budget of the Maintenance Service Fund.

Sponsors: Purchasing Division and Fleet Maintenance Services

7. [12-00793](#) **Amending City Investment Policy to further protect the City's assets**

Resolution approving amendments to the City Investment Policy to amend term for Certificate of Deposit from one to two years and include brokered certificates of deposit as an authorized investment; and approving the Investment Policy as amended.

Sponsors: Financial Services Department

8. [12-00773](#) **Agreement for temporary tax abatement for outpatient surgery center providing for 12 permanent jobs located at 6200 Saratoga Boulevard**

Resolution authorizing the execution of an agreement with JHPK, LLC providing for temporary property tax abatement.

Sponsors: Economic Development

9. [12-00759](#) **Contract amendment no. 2 to authorize additional design time for Hike and Bike Trails project**

Motion authorizing the City Manager, or designee, to ratify Amendment No. 2 to the Contract for Professional Services with JEC Architects, Inc. of Corpus Christi, Texas, in the amount of \$7,800.00, for a total restated amount not to exceed \$52,175.00 for the Hike & Bike Trails - City Wide (Bond 2008).

Sponsors: Parks and Recreation Department and Engineering Department

10. [12-00760](#) **Professional services contract for decommissioning of wastewater treatment plant**

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$590,887.00 for the Broadway Wastewater Treatment Plant Decommissioning.

Sponsors: Wastewater Department and Engineering Department

11. [12-00761](#) **Construction contract for an effluent line from Oso Water Reclamation Plant to Wooldridge Lift Station for delivering effluent water to various golf courses and City Parks via existing effluent**

distribution network

Motion authorizing the City Manager, or designee, to execute a construction contract with S.J. Louis Construction in the amount of \$2,433,323.70 for the Oso Effluent Re-Use Distribution System Phase 1 Project.

Sponsors: Wastewater Department and Engineering Department

12. [12-00733](#) **Second Reading Ordinance - Amending the Comprehensive Plan to include Americans with Disabilities Act (ADA) improvements within public right-of-ways (1st Reading 11/20/12)**

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

Sponsors: Planning/Environmental Services and Engineering Department

13. [12-00776](#) **Second Reading Ordinance - Authorizing "Updated Service Credits" and "Increased Prior and Current Service Annuities" in the Texas Municipal Retirement System for adherence to collective bargaining agreement (1st Reading 11/20/12)**

Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

Sponsors: Human Resources

14. [12-00780](#) **Second Reading Ordinance - Accepting and appropriating Federal grant to strengthen homeland security preparedness (1st Reading 11/20/12)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$22,268 from the U.S. Department of Homeland Security FEMA for funding eligible under the FY 2012 Port Security Grant Program to purchase law enforcement equipment for the Police Department; and appropriating the \$22,268 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

15. [12-00781](#) **Second Reading Ordinance - Appropriating funds for one-time expenditures to provide three police motorcycles and lights and hardcases for previously purchased patrol rifles (1st Reading 11/20/12)**

Ordinance appropriating \$85,000 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 \$85,000.

Sponsors: Police Department

J. EXECUTIVE SESSION: (ITEMS 16 -18)

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.

16. [12-00849](#) Executive session pursuant to Texas Government Code Section 551.071 to consult with attorneys regarding contemplated litigation related to the city of Corpus Christi's wastewater treatment plants, with possible discussion and action in open session.
17. [12-00852](#) 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.
18. [12-00866](#) Executive session pursuant to Texas Government Code Section 551.072 to deliberate the value of real property because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, with possible discussion and action in open session.

K. PUBLIC HEARINGS: (ITEM 19)

19. [12-00804](#) **Public Hearing and First Reading Ordinance - Amending the Unified Development Code for new zoning districts for use under airport flight zones, refineries or other potential hazards to adjacent uses**

Ordinance amending the Unified Development Code ("UDC") by establishing new section 4.8 "Compatible Districts" in Article 4 "Base Zoning Districts" and revising related provisions of the UDC to include the "Table of Contents" and subsections 1.11.2 "Abbreviations," 1.11.3 "Defined Terms," 7.4.3 "Allowed Outside Display, Sales and Storage," 7.5.3.A "Single Tenant Freestanding Sign," 7.5.3.C "Multi-Tenant (3 or

more Tenants) Freestanding Sign," and 7.9.5 "Zoning District Buffer Yard-New Development;" amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, severance, penalties, publication, and an effective date.

Sponsors: Planning/Environmental Services

L. REGULAR AGENDA: (ITEMS 20 - 23)

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

20. [12-00865](#) Motion changing the start time of the City Council Meetings from 12:00 Noon to 11:30 am beginning on December 18, 2012.

21. [12-00790](#) **Refunding of existing General Improvement Bonds (Related Items 21 - 23)**

Motion authorizing the appointment of M. E. Allison, & Co., as Financial Advisor for the City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012C and for the City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2012.

Sponsors: Financial Services Department

22. [12-00791](#) Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2012C, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the Bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement; a purchase contract, and an escrow and trust agreement; complying with the letter of representations on file with the depository trust company; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of the bonds, and providing an effective date.

Sponsors: Financial Services Department

23. [12-00792](#) Ordinance by the City Council of the City of Corpus Christi, Texas authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2012", levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the Bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the Bonds, including the approval and distribution of an official statement pertaining thereto; authorizing the execution of a paying agent/registrar agreement; a purchase contract, and an escrow

and trust agreement; complying with the letter of representations on file with the depository trust company; delegating the authority to the Mayor and certain members of the City staff to execute certain documents relating to the sale of the bonds, and providing an effective date.

Sponsors: Financial Services Department

M. FIRST READING ORDINANCES: (ITEMS 24 - 30)

24. [12-00794](#) **First Reading Ordinance - City reimbursement for costs incurred prior to receipt of bond proceeds for approved projects relating to Bond 2012**

Ordinance relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various City improvements from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date. (BOND 2012)

Sponsors: Financial Services Department

25. [12-00844](#) **First Reading Ordinance - Amending the Capital Improvement Program Budget to add the voter-approved Bond 2012 Projects**

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add the voter-approved Bond 2012 projects as listed in Attachment 1; increasing revenues and expenditures in the amount of \$30,674,000.

Sponsors: Planning/Environmental Services and Engineering Department

26. [12-00789](#) **First Reading Ordinance - Amending City code to increase fares/fees, and modifying enforcement procedures and regulations to bring them in line with industry standards**

Amending Chapter 57, Article II "TAXICABS" of the Corpus Christi Code by modifying, clarifying and expanding taxicab inspector's duties, modifying and clarifying enforcement, procedures, and regulations for owners, operators, and drivers of vehicles for hire, repealing section 57-34 public notice of application, increasing fees for taxicab certificates, permits, and street user fees, and increasing fares for taxicabs; Amending Chapter 57, Article IIIA "LIMOUSINE AND SIGHTSEEING SERVICE" of the Corpus Christi Code by modifying and clarifying enforcement, procedures, and regulations for limousines and sightseeing services and increasing fees for permits and street user fees.

Sponsors: Police Department

27. [12-00819](#) **First Reading Ordinance - Accepting and appropriating State grant**

for collaborative enforcement efforts with Nueces County Sheriff's office

Authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$245,503 from Nueces County for funding eligible under the FY2011 Department of Homeland Security Grant Program Operation Stonegarden to reimburse fuel, overtime, fringe benefits, and equipment expenditures for the Police Department's collaborative enforcement efforts with Nueces County along routes of ingress and egress to including (but not limited to) U. S, Highway 77 and State HY44; and appropriating the \$245,503 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

28. [12-00816](#) **First Reading Ordinance - Accepting and appropriating State grant for Meals on Wheels Program**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$248,663.25 grant awarded by the Texas Department of Aging and Disability Services and appropriating in No. 1067 Parks and Recreation Grants Fund for the FY 2013 Senior Community Services, Title XX Meals on Wheels Program.

Sponsors: Parks and Recreation Department

29. [12-00825](#) **First Reading Ordinance - Accepting and appropriating federal grant and authorizing execution of agreements for homeless prevention and rapid re-housing**

Ordinance authorizing the City Manager, or designee, to execute all documents necessary to accept and appropriate a grant in the amount of \$83,495 from the U.S. Department of Housing and Urban Development in Grant Fund No. 1059 for the 2011 Consolidated Annual Action Plan's Emergency Solutions Grant Program.

Sponsors: Neighborhood Services

30. [12-00828](#) **First Reading Ordinance - Repealing and amending cable franchise ordinances to comply with State cable franchising statute**

Ordinance repealing Divisions 1 through 15 of Article XVIII Cable Communications Services of Chapter 55 and amending Chapter 2, Division 17, regarding municipal cable franchises; amending Division 16 regarding public access channels rules and procedures; providing for effective date and publication.

Sponsors: Public Communications

N. FUTURE AGENDA ITEMS: (31 - 40)

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

31. [12-00772](#)**Purchase of Tasers for police officers for restraint of aggressive individuals**

Motion approving the purchase of TASER brand non-lethal weapons from GT Distributors, Inc., Austin, Texas based on sole source for a total expenditure of \$72,034.10. Funds have been budgeted by the Police Department in FY 2012- 2013.

Sponsors: Purchasing Division and Police Department

32. [12-00822](#)**Purchase of animal transport shells to replace existing units**

Motion approving the purchase of six (6) animal transport shells from Jackson Creek Manufacturing, Inc., Denton, North Carolina based on lowest responsible bid, in accordance with Bid Invitation No. BI-0030-13, for a total expenditure of \$67,302.30. Funds have been budgeted by the Animal Care Department in FY 2012- 2013.

Sponsors: Purchasing Division and Police Department

33. [12-00826](#)**Lease purchase for ambulances to replace existing units**

Motion approving the lease purchase of two (2) ambulances from Knapp, Chevrolet, of Houston, Texas based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC), in the amount of \$270,000. The ambulances will be used by the EMS Division of the Fire Department. These units are a replacement to the fleet. Funds for the lease purchase of the ambulances will be provided through the City's lease/financing program.

Sponsors: Purchasing Division and Fire Department

34. [12-00777](#)**Lease purchase of curbside refuse containers for the Solid Waste automated collection program**

Motion approving the lease purchase of 6,500 96-gallon curbside refuse containers from Toter Incorporated, Statesville, NC for the total amount of \$307,420. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The containers will be used in the City's automated collection program. Funds for the lease purchase of the curbside collection containers will be provided through the City's lease/purchase financing program.

Sponsors: Purchasing Division and Solid Waste Operations

35. [12-00771](#)**Supply Agreement for testing reagent that tests water for bacteria**

Motion approving a supply agreement with IDEXX Distribution, Inc., Westbrook, Maine for the laboratory testing reagent "Colilert" based on only bid, in accordance with Bid Invitation No. BI-0174-12, for an estimated annual expenditure of \$94,140.00, of which \$62,760.00 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 Health Department and Water Department in FY 2012- 2013.

Sponsors: Purchasing Division, Water Department and Health Department

36. [12-00757](#) **Professional services contract amendment no. 1 for design work solutions to air emissions testing for flare permitting requirements at wastewater treatment plant**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to the Contract for Professional Services with Naismith Engineering, Inc. of Corpus Christi, Texas in the amount of \$11,250.00, for a total restated fee not to exceed \$57,700.00, for the Greenwood Wastewater Treatment Plant Flare Permitting.

Sponsors: Wastewater Department and Engineering Department

37. [12-00799](#) **Professional services contract to update licensing for records imaging and management to a city-wide solution**

Motion authorizing the City Manager, or designee, to execute a contract with MCCI of Tallahassee, Florida for an expenditure of \$99,817.92 to update existing Laserfiche licenses to an enterprise solution with the option to extend for up to three 1-year terms for annual maintenance in the amount of \$40,737.74.

Sponsors: Municipal Information Systems

38. [12-00802](#) **Certification agreement with State for local historic preservation efforts**

Motion approving execution by the Mayor of a Certification Agreement with the Texas Historical Commission for City participation in the Certified Local Government Program regarding local historic preservation.

Sponsors: Planning/Environmental Services

39. [12-00811](#) **Resolution of support for the Schanen Hike and Bike trail project allowing a request for State funding**

Resolution to certify local funding and support of the Schanen Hike and Bike Trail from Yorktown Blvd to Saratoga Blvd project to the statewide Transportation Enhancement Program for funding competition in the

Texas Department of Transportation 2012 program call for projects.

Sponsors: Parks and Recreation Department

40. [12-00808](#) **Ordinance - Amending city code to clarify area for discharge of firearms**

Ordinance amending section 33-75 of the Corpus Christi Code by clarifying the area where discharge of firearm is prohibited, clarifying unlawful act, clarifying areas where waterfowl hunting is not allowed within 1,000 feet; providing an effective date; providing for severance; and providing for publication.

Sponsors: Police Department and Legal Department

O. UPDATES TO CITY COUNCIL: (ITEMS 41 - 43)

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

41. [12-00768](#)

Flint Hills Permitting Process

Sponsors: ACM - Public Works & Utilities

42. [12-00833](#) Bond Issue 2012 Project Execution Schedule

Sponsors: Engineering Department

43. [12-00851](#) FEMA's Preliminary Flood Insurance Rate Map Update

Sponsors: Development Services, Storm Water 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