



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Minutes - Final City Council

Tuesday, October 23, 2012

12:00 PM

Council Chambers

A. CALL MEETING TO ORDER.

Mayor Adame called the meeting to order.

B. INVOCATION.

The invocation was delivered by Pastor James Thompson, St. John Lutheran Church.

C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Council Member John Marez.

D. ROLL CALL.

City Secretary Armando Chapa verified that the necessary quorum of the Council and the foregoing necessary Charter Officers, City Manager Ron Olson, City Attorney Carlos Valdez and City Secretary Armando Chapa were present to conduct the meeting.

*Council Member Nelda Martinez arrived at 12:05 pm.

Present: 8 - 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, and Council Member Nelda Martinez

Absent: 1 - Council Member Mark Scott

E. PROCLAMATIONS / COMMENDATIONS.

- 1 Proclamation declaring October 23, 2012 as "Texas Paralegal Day"
Proclamation declaring October 27, 2012 as "Palmer Drug Abuse Program Drug Free Walk/Drug Free Youth Day"

Mayor Adame read and presented the Proclamation(s).

F. MINUTES:

- 2 Approval of Meeting Minutes - October 9, 2012 and October 16, 2012.

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

G. BOARDS & COMMITTEE APPOINTMENTS: (NONE)**I. CONSENT AGENDA: (ITEMS 3 - 15)**

Mayor Adame called for consideration of the Consent Agenda, Items 3 - 15. Mayor Adame asked for comments from the audience. The following citizens spoke regarding Item No. 15: John Plotnik, Executive Vice President, CC Regional Economic Development Corporation, and Abel Alonzo. The remaining items were approved by one vote:

3 Purchase of Six (6) Side Loading Refuse Trucks for city-wide automated collection process (Requires 2/3 vote)

Motion approving the lease-purchase of six (6) side-loading refuse trucks from Rush Truck Centers of Texas LP, Houston, Texas for a total amount of \$1,576,127.60 of which \$84,438.57 is required for the remainder of FY 2012-2013. 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 Solid Waste 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: 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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2012-184

4 Approving purchase of electronic ticket writers for traffic officers (Requires 2/3 vote)

Motion approving the purchase of fifteen (15) hand held ticket writers for the Corpus Christi Police Department in the amount of \$69,419, from Brazos Technologies, College Station, Texas based on General Services Administration Contract No GS-35F-0096X. Funds are available through the 2012 Edward Byrne Justice Assistance Grant.

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2012-185

5 Professional services contract for geotechnical study for water line, gas line, and management information system conduit from Laguna Shores Boulevard to Padre Island Drive (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a Contract for Geotechnical Engineering Services with Kleinfelder Central, Inc. of Corpus Christi, Texas in the amount of \$70,000.00 for the Padre Island Water Supply Study.

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2012-186

6 Professional services contract for survey and design work to re-route power lines that cross water treatment plant (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a contract for professional services with AEP Texas Central Company in the amount of \$400,000.00 for the O.N. Stevens Water Treatment Plant Transmission Line Relocation Project.

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

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: M2012-187

7 Second Reading Ordinance - Executing a sublease agreement to build and operate a bicycle motocross track on a portion of Manuel Q. Salinas Park at 1354 Airport Road (1st reading 9/18/12) (Requires 2/3 vote)

Ordinance authorizing the City Manager, or his designee to execute a

5 year sublease agreement with South Texas BMX, LLC for the use of approximately 3 acres out of Manuel Q. Salinas Park located at 1354 Airport Road, for construction and operation of a bicycle motocross facility, with options to extend for up to two additional five year terms, in consideration of monthly rental payments of ten percent of net revenues; providing for severance; and providing for publication.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029655

8

Second Reading Ordinance - Change of zoning from the "RS-TF" Two-Family District to the "ON" Office District at 5446 Lipas Boulevard (1st reading 10/16/12) (Requires 2/3 vote)

Case No. 0812-03 Michael G. Winnie and Liza Winnie: A change of zoning from the "RS-TF" Two-Family District to the "ON" Office District, resulting in a change of future land use from medium density residential to professional office. The property to be rezoned is described as Corpus Christi Retirement Residence Addition, Block 1, Lot 2, located along the north side of Lipas Boulevard, approximately 800 feet west of South Staples Street (FM 2444).

Planning Commission and Staff Recommendation (August 15, 2012): Approval of the change of zoning from the "RS-TF" Two-Family District to the "ON" Office District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Michael G. Winnie and Liza Winnie, acting on behalf of Grace Bible Church of Corpus Christi, Texas ("Owner"), by changing the UDC Zoning Map in reference to Corpus Christi Retirement Residence Addition, Block 1, Lot 2, from the "RS-TF" Two-Family District to the "ON" Office District; amending the Comprehensive Plan to account for any deviations; providing a repealer clause; providing for penalties; and providing for publication.

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

2/3 vote)

Case No. 0912-02 Williams Airline Partners, Ltd.: A change of zoning from the "RM-3" Multifamily 3 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 described as being a 1.792-acre tract of land out of Lot H, Wilkey Addition Unit 2, located on the north side of Williams Drive and approximately 1,200 feet west of Airline Road.

Planning Commission and Staff Recommendation (September 12, 2012):

Approval of the change of zoning from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Williams Airline Partners, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 1.792-acre tract of land out of Lot H, Wilkey Addition Unit 2, from the "RM-3" Multifamily 3 District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; providing for a repealer clause, penalties, and publication.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029658

11

Second Reading Ordinance - Change of Zoning: Request for a Special Permit for the wholesale storage of motor oils and lubricants in the "IL" Light Industrial District, at 5440 Ayers Street (1st reading 10/16/12) (Requires 2/3 vote)

Case No. 0912-01 Arnold Brothers Properties, L.P.: The applicant is requesting a Special Permit for the wholesale storage of motor oils and lubricants in the "IL" Light Industrial District, not resulting in a change of future land use. The property to be rezoned is described as being a 0.284-acre tract of land out of Lot 6, Holly Industrial Subdivision, located on the east side of Ayers Street (SH 286 Business) and approximately 1,000 feet north of Holly Road.

Planning Commission and Staff Recommendation (September 12,

2012):

Approval of the Special Permit in the "IL" Light Industrial District subject to specified conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Arnold Brothers Properties, L.P. ("Owner"), by changing the UDC Zoning Map in reference to a 0.284-acre tract of land out of Lot 6, Holly Industrial Subdivision, by granting a Special Permit to the Owner in the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029659

12

Second Reading Ordinance - Change of Zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District at 5218 Silverberry Drive (1st reading 10/16/12) (Requires 2/3 vote)

Case No. 0912-03 Starplex Operating, L.L.C.: A change of zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District, not resulting in a change of future land use. The property to be rezoned is described as being a 7.7-acre tract of land out of Lot 11, Block 3, S.P.I.C.E. Plaza, located along the east side of Silverberry Drive and along the south side of South Padre Island Drive (SH 358).

Planning Commission and Staff Recommendation (September 12, 2012):

Approval of the change of zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Starplex Operating, L.L.C., acting on behalf of STORE SPE Starplex, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 7.7-acre tract of land out of Lot 11, Block 3, S.P.I.C.E. Plaza, from the "IL" Light Industrial District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations;

providing for a repealer clause, penalties, and publication.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029660

13

Second Reading Ordinance - Utility easement closure to develop property located on the southwest corner of Ocean Drive and Airline Road (1st reading 10/16/12) (Requires 2/3 vote)

Ordinance abandoning and vacating a 14-foot wide portion of a 38-foot wide utility easement out of Lots 1 and 2, Ocean Village Estates Unit 1, and Lot 3, Block 1, Ocean Village Estates; and requiring the owner, Airline and Ocean Investments, L.P., to comply with the specified conditions.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 1 - Council Member Scott

Abstained: 0

Enactment No: 029661

14

Second Reading Ordinance - Use privilege agreement to allow communications cable to cross city right-of-way for private business operations (1st reading 10/16/12) (Requires 2/3 vote)

Ordinance authorizing the City Manager to execute a use privilege agreement with Super Commercial Properties, LLC, and Gates E&S North America, Inc. ("Permittees"), to install, operate, maintain, and remove an aerial fiber optic communications cable across the 44th Street public right-of-way from 134 44th Street to 123 44th Street, subject to Permittees' compliance with the specified conditions.

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 Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

- 17 ~~Executive session pursuant to Section 551.072 to deliberate the purchase, exchange, lease, or value of real property where deliberation in an open meeting would have a detrimental effect on the position of the City of Corpus Christi in negotiations with a third person with possible discussion and action in open session.~~

This E-Session Item was withdrawn

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

L. **REGULAR AGENDA: (ITEMS 18 - 19)**

- 18 **Master agreement for job order contracting for minor construction services and repair of city facilities (Requires 2/3 vote)**

Motion authorizing the City Manager or designee to execute a Master Agreement for Job Order Contracting (JOC) with Barcom Commercial, Inc. for a two-year term with option to renew administratively for up to three one-year periods, with no guaranteed minimum and a maximum aggregate of \$2,000,000.00 in any one year; authorizing the City Manager or designee to execute all Job Order Contracts thereunder not exceeding \$500,000.00; authorizing the City Manager or designee to execute a Master Agreement for Job Order Contracting (JOC) with CAS Companies, LP for a two-year term with option to renew administratively for up to three one-year periods, with no guaranteed minimum and a maximum aggregate of \$2,000,000.00 in any one year; authorizing the City Manager or designee to execute all Job Order Contracts thereunder not exceeding \$500,000.00.

Mayor Adame referred to Item No. 18. Dan Biles, Director of Engineering stated that this is approving a master agreement for job order contracting with Barcom Commercial and CAS Companies for a two year term for minor construction services and repairs of city facilities on an as needed basis. Mayor Adame asked for comments and there were no comments.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 2 - Council Member Elizondo and Council Member Scott

Abstained: 0

Enactment No: M2012-188

- 19 **Certification of the 2012 Property Tax Levy**

Motion approving the 2012 Property Tax Levy of \$81,245,941.65

based on the adopted property tax rate of \$0.570557 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Property Tax Code.

Mayor Adame referred to Item No. 19. Oscar Martinez, Assistant City Manager stated that this is approving the 2012 Property Tax Levy. Mayor Adame asked for commentes from the audience and there were none.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 2 - Council Member Elizondo and Council Member Scott

Abstained: 0

Enactment No: M2012-189

M. FIRST READING ORDINANCES: (ITEMS 20 - 22)

20 First Reading Ordinance - Utility easement closure to develop property located east of Port Avenue and north of Morgan Avenue (Requires 2/3 vote)

Ordinance abandoning and vacating the five-foot wide utility easement out of Portmoor Addition, Block 1, Lot 8; and requiring the owner, Bill Miller Bar B Q, to comply with the specified conditions.

Mayor Adame referred to Item No. 19. Mark Van Vleck, Interim Director of Development Services stated that this item is to eliminate the utility easement from the subject property to allow for construction of a CVS Pharmacy Store in the area where the easement is located. Mayor Adame asked for comments from the audience. The following citizen spoke: Ryan Sweeney, Lawyer for the applicant.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 2 - Council Member Elizondo and Council Member Scott

Abstained: 0

21 First Reading Ordinance - Utility easement closure to develop property located east of Ennis Joslin Road and north of South Padre Island Drive (Requires 2/3 vote)

Ordinance abandoning and vacating a 10-foot wide utility easement out of Lot 5, Block 1, Joslin Tracts; and requiring the owner, The

Alexan Resort on the Bay, LLC, to comply with the specified conditions.

Mayor Adame referred to Item No. 21. Mark Van Vleck, Interim Director of Development Services stated that this item is eliminating the utility easement and to allow for future development of the subject property. Mayor Adame asked for comments from the audience and there were none.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 2 - Council Member Elizondo and Council Member Scott

Abstained: 0

22

First Reading Ordinance- Amending capital improvement budget and amending professional services contract for airport improvements (Requires 2/3 vote)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to accelerate Project No. E12156 Rehabilitate East General Aviation (EGA) Apron from Fiscal Year 2015 to 2013; increasing expenditures in the amount of \$121,050; and authorizing the City Manager or designee to execute Amendment No. 13 to a Professional Services Agreement with KSA Engineers, Inc. of Longview, Texas, in the amount of \$121,050 for the rehabilitation of the East General Aviation (EGA) Apron.

Mayor Adame referred to Item No. 22. Fred Segundo, Director of Aviation stated that this item is for the rehabilitation of the East General Aviation Apron. Mayor Adame asked for comments from the audience and there were none.

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

Aye: 7 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez and Council Member Martinez

Absent: 2 - Council Member Elizondo and Council Member Scott

Abstained: 0

N. FUTURE AGENDA ITEMS: (ITEMS 23 - 26)

Mayor Adame referred to the Future Agenda section of the agenda, Items 23 - 26. Mayor Adame stated that these items are for informational purposes only and that no action or public comment would be taken. City Manager Olson stated that staff would provide a presentation on Item No. 26; and Council Members requested a presentation on Items 23 and 24.

- 23** **Renaming Northwest Library**
- Resolution authorizing the name change of the Northwest Library to the Owen R. Hopkins Public Library.
- This Resolution was recommended by Staff to the Consent Agenda.
- 24** **Interlocal agreement for engineering students senior undergraduate design course at water treatment plant (Requires 2/3 vote)**
- Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A&M University - Kingsville for evaluation and recommendation of various processes at the O.N.Stevens Water Treatment Plant.
- This Resolution was recommended by Staff to the Consent Agenda.
- 25** **Resolution of support to reduce air emissions and maintain ambient air quality standards**
- Resolution by the City Council of the City Corpus Christi supporting the Corpus Christi Air Quality Groups participation in the EPA Ozone Advance Program to promote local actions to reduce ozone precursors in the community and continue to maintain National Ambient Air Quality Standards for ozone.
- This Resolution was recommended by Staff to the Consent Agenda.
- 26** **Professional services contract for design and construction of improvements at wastewater treatment plant (Requires 2/3 vote)**
- Motion authorizing the City Manager, or designee, to execute a professional services contract with Urban Engineering of Corpus Christi, Texas in the amount of \$359,620 for the Laguna Madre Wastewater Treatment Plant 2013 Improvements.
- This Motion was recommended by Staff to the Consent Agenda.

O. UPDATES TO CITY COUNCIL: (ITEMS 27 - 29)

- 27** **Corpus Christi Convention and Visitors Bureau Quarterly Report**
- Mayor Adame referred to Item No. 27, Quarterly Report for the Corpus Christi Convention and Visitors Bureau (CVB). Keith Arnold, Chief Executive Officer for the CVB provided an update and discussed convention and events sales and reported a 17% increase over last year; 2011-2012 budget; branding guides for conventions & sales, and marketing; interactive marketing; total likes in

social media is at 30,039; reported that 33% of the traffic to the site since mobile website was launched was from mobile devices; online packaging program and reported that 233 packages were sold in the month of July; communications program; attraction attendance; and HOT collections.

28 The City of Corpus Christi Wastewater Collection System

Mayor Adame referred to Item No. 28, Wastewater Collection System. Foster Crowel, Director of Wastewater provided an update on the aging infrastructure of the wastewater collection system which includes 1,260 plus miles of pipe; 18,000 plus manholes and 100 lift stations that continue to be a major concern; displayed photos depicting the infrastructure damage, pipe collapses, and debris; and discussed solutions.

29 Plastic Bag/Litter Reduction Recommendation

Mayor Adame referred to Item No. 29, Recommendation on the Plastic Bag/Litter Reduction. Oscar Martinez, Assistant City Manager provided an update and discussed the stakeholder meetings, partnership commitments, program content and timeline.

RECESS THE CITY COUNCIL MEETING: (ITEM 30)

- 30** Board of Director's Meeting of the Corpus Christi Community Improvement Corporation (CCCIC)
1. Call the Meeting to Order
 2. Secretary Armando Chapa calls roll
 3. Approval of the minutes of September 25, 2012
 4. Treasurer's Report
 5. Motion to approve loan commitments for the Palms at Leopard project
 6. Motion to approve loan commitments for the Hacienda Senior Apartments project
 7. Public Comment
 8. Adjournment

This Corporation Meeting was held.

RECONVENE THE CITY COUNCIL MEETING:

P. PUBLIC COMMENT.

Mayor Adame referred to Public Comment. The following citizens spoke: Art Norman thanked staff for their work at Oso Creek Park and will continue to raise public awareness; Neal McQueen spoke about reuseable plastic bags and displayed photos of plastic bags in the bay; Cliff Schlabach spoke about plastic bags in the bay; Joan Veith spoke about reuseable plastic bags and supports a fine; Carrie Robertson supports a plastic bag fee and educating the community; John Adams thanked staff for their work on the plastic bag issue; Jim Klein supports plastic bag ban; Weldon Lucas supports plastic bag fee;

and Abel Alonzo supports a plastic bag ban.

Q. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

City Manager Olson announced that a Retirement Reception is planned for Rick Stryker, Director of Museum on Wednesday, October 24th from 7 pm to 9 pm at the Corpus Christi Museum of Science and History.

R. ADJOURNMENT

There being no further business to come before the council, Mayor Adame adjourned the meeting at 2:40 pm.