



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Minutes - Final City Council

Tuesday, October 16, 2012

12:00 PM

Council Chambers

A. Call meeting to order.

Mayor Pro Tem Allen called the meeting to order.

B. Invocation.

The invocation was delivered by Pastor Robert Perkins, Parkway Church of Christ.

C. Pledge of Allegiance.

The Pledge of Allegiance was led by Council Member Mark Scott.

D. Roll Call.

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

Mayor Joe Adame arrived at 1:25 p.m.

Present: 8 - Mayor Joe Adame, Council Member Chris Adler, Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Council Member John Marez, Council Member Nelda Martinez, and Council Member Mark Scott

Absent: 1 - Council Member Larry Elizondo

E. Proclamations / Commendations

- 1 Proclamation declaring October 18, 2012 as "International Credit Union Day"
Proclamation declaring October 19-21, 2012 as "52nd Annual Texas Jazz Festival"
Proclamation declaring October 26, 2012 as "70th Anniversary Day of Celebration of the Family Counseling Service"
Mayor Pro Tem Allen read and presented the Proclamation(s).

F. MINUTES: (NONE)

G. BOARDS & COMMITTEE APPOINTMENTS: (NONE)

I. CONSENT AGENDA: (ITEMS 2 - 16)

Mayor Pro Tem Allen called for consideration of the Consent Agenda, Items 2 - 16. Mayor Pro Tem Allen asked for comments from the audience and there were none. The council pulled Item No. 7 for individual consideration. The remaining items were approved by one vote:

2 Professional services agreement for transporting liquid waste and sludge to wastewater treatment plant for disposal (Requires 2/3 vote)

Motion approving a service agreement with Stump Enterprises, LLC, Rockport, Texas for the hauling of liquid waste and sludge in accordance with Bid Invitation No. BI-0201-12, based on lowest responsible bid, for an estimated annual expenditure of \$86,250 of which \$71,875 is required for the remainder of FY 2012-2013. The term of the contract shall 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 the Wastewater Department in FY 2012-2013.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-175

3 Supply Agreement for material to be used for traffic sign manufacturing and installation program (Requires 2/3 vote)

Motion approving supply agreements with the following companies in the following amounts for traffic sign blanks, sheeting/roll goods, and traffic sign posts/anchors in accordance with Bid Invitation No. BI-0216-12, based on lowest responsible bidder, for an estimated annual expenditure of \$146,232.89 of which \$121,860.74 is required for the remainder of FY 2012-2013. The terms of the agreements 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 suppliers and the City Manager or designee. Funds have been budgeted by Traffic Engineering in FY 2012-2013.

Allied Tube & Conduit Corp.
Harvey, Illinois
Group I

Vulcan Signs
Foley, Alabama
Groups II & III

\$42,644.00

\$103,588.89

Total: \$146,232.89

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-176

4 Purchase of furniture for offices at water treatment plant (Requires 2/3 vote)

Motion approving the purchase of furniture for the O.N. Stevens Facility Alteration Project from Business Interiors by Staples, Houston, Texas in the amount of \$98,422.94. The award is in accordance with the State's Cooperative Purchasing Program (TXMAS). Funds are available in the Water Department Fund No. 4088 - 2012 Capital Improvement Program (CIP) Fund.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-177

5 Service Agreement for City departments to utilize dump truck hauling of miscellaneous materials to designated areas throughout the city (Requires 2/3 vote)

Motion approving a service agreement with Tahoe Trucking, Inc., Corpus Christi, Texas for dump truck hauling in accordance with Bid Invitation No. BI-0217-12, based on only bid, for an estimated annual expenditure of \$270,000.00 of which \$225,000.00 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 Water, Storm Water, Street Operations and Solid Waste Operations Departments in FY 2012-2013.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-178

6 Purchase agreement for four (4) Ford F-150 Crew Cab 4 x 4 Pickup Trucks to be used for beach rescue operations (Requires 2/3 vote)

Motion approving the purchase of four (4) Ford F-150 Crew Cab 4 X 4 pickup trucks from Philpott Motors, Nederland, Texas for a total amount of \$114,173.00. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funds for the purchase of the Ford F-150 Crew Cab 4 X 4 pickup trucks are available in the Capital Outlay Budget of the Park and Recreation Department in FY 2012-2013.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-179

7 Payment authorization for Mary Rhodes Pipeline emergency repair (Requires 2/3 vote)

Motion to authorize payment of \$95,512.04 for Mercer Construction Company for emergency repair to Mary Rhodes Pipeline.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-180

8 Lease Agreement with Boy Scout Troop sponsor for property located near McKenzie Rd. and Allison Drive (Requires 2/3 vote)

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

three-year Lease Agreement with West Corpus Christi Rotary Club for the use of property near McKenzie Road and Allison Drive by Boy Scout troop sponsored by the Rotary Club, in consideration of the Rotary Club maintaining the premises and improvements; providing for severance; and declaring an emergency.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029648

9 Authorization for application to State reimbursement program for beach maintenance expenditures (Requires 2/3 vote)

Resolution authorizing the City Manager or designee to execute all documents necessary to request continued financial assistance for beach cleaning and maintenance on North Padre Island and Mustang Island during FY 2012-2013 under the Texas General Land Office's Beach Cleaning and Maintenance Assistance Program.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029649

10 Amendment to interlocal agreement for latchkey program (Requires 2/3 vote)

Resolution authorizing the City Manager or designee to execute an Amended Interlocal Agreement with the Corpus Christi Independent School District to operate the latchkey program with term of approximately five years.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029650

- 11** State Interlocal agreement for failure to appear at Municipal Court
(Requires 2/3 vote)

Resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement with the Texas Department of Public Safety relating to the Failure To Appear Program

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029651

- 12** Professional services contract for wastewater permitting process assistance (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with RPS Espey of Austin, Texas in the amount of \$70,000.00 for the Wastewater Permit Assistance FY 2012.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-181

- 13** Ratification of change order for improvements at the airport (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to ratify Change Order No. 2 with Beecroft Construction, LTD of Corpus Christi, in the amount of \$168,499.36 for the CCIA Communication Center, Perimeter Security, Standby Generator and Commercial Aviation Apron Lighting Upgrades - Rehabilitate Terminal Building FIS.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: M2012-182

- 14** Resolution adopting the City of Corpus Christi's State legislative priorities for the 83rd Texas Legislature in 2013.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029652

- 15** Second Reading Ordinance - Appropriating funds for equipment, cadets, and trainee intern program (1st reading 10/9/12) (Requires 2/3 vote)

Ordinance appropriating \$430,000 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 \$430,000.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029653

- 16** Second Reading Ordinance - Amending the Capital Improvement Budget transferring funds; rescinding/executing contract for North Beach archway (1st reading 10/9/12) (Requires 2/3 vote)

Ordinance amending the FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to transfer \$40,000 in budgeted project savings from the Heritage Park Cultural Center Renovation

Project to the North Beach Entry Development Project; increasing expenditures in the amount of \$40,000; rescinding the award of the North Beach Entry Development (Bond 2008) Re-Bid contract to Largin Construction Services, LLC. awarded on June 26, 2012 by Motion M2012-119; and authorizing the City Manager, or designee, to execute a construction contract with Barcom Commercial, Inc. of Corpus Christi, Texas in the amount of \$427,609.49 for the North Beach Entry Development (Bond 2008) Re-Bid for the Base Bid.

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

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

Absent: 2 - Mayor Adame and Council Member Elizondo

Abstained: 0

Enactment No: 029654

J. EXECUTIVE SESSION: (ITEM 17)

- 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.

Mayor Pro Tem Allen read Executive Session No. 17. The council went into executive session. The council returned from executive session. Mayor Pro Tem Allen announced that no action would be taken on the executive session.

K. PUBLIC HEARINGS: (ITEMS 18 - 22)

- 18 Second Reading Ordinance - Change of zoning from the "RS-TF" Two-Family District to the "ON" Office District at 5446 Lipes 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 Lipes 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.

Mayor Adame referred to Item No. 18. Annika Gunning, Development Services stated that the applicant, Michael G. Winnie and Liza Winnie are requesting a zoning change from "RS-TF" Two-Family District to "ON" Office District to allow for the construction of a 4,000 square foot medical office, located along the north side of Lipes Boulevard. She added that the Planning Commission and Staff recommend approval of the change of zoning from "RS-TF" to "ON". A motion was made by Council Member Loeb, seconded by Council Member Scott to open the public hearing and passed. There were no comments. A motion was made by Council Member Adler, seconded by Council Member Scott to close the public hearing and passed.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Elizondo

Abstained: 0

Enactment No: 029656

19

Second Reading Ordinance - Change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District at 3226 Houston Street (1st reading 10/16/12) (Requires 2/3 vote)

Case No. 0812-05: Nueces County Community Action Agency: A change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District, resulting in a change of future land use from low density residential to medium density residential. The property to be rezoned is described as Laughlin Addition, Block 3, Lot 25-A, located along the north side of Houston Street approximately 400 feet east of Kostoryz Road.

Planning Commission & Staff Recommendation (August 15, 2012): Approval of the change of zoning from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District.

Ordinance

Ordinance amending the Unified Development Code (“UDC”) upon application by Nueces County Community Action Agency (“Owner”), by changing the UDC Zoning Map in reference to Laughlin Addition, Block 3, Lot 25-A, from the “RS-6” Single-Family 6 District to the “RM-1” Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; providing a repealer clause; providing for penalties; and providing for publication.

Mayor Adame referred to Item No. 19. Annika Gunning, Development Services stated that the applicant, Nueces County Community Action Agency is requesting a change of zoning from the "RS-6" Single Family 6 District to the "RM-1" Multifamily 1 District to allow for the construction of a four-unit apartment development, located along the north side of Houston Street approximately 400 feet east of Kostoryz Road. She stated that the Planning Commission and Staff recommend approval of the change of zoning. A motion was made by Council Member Scott, seconded by Council Member Allen to open the public hearing and passed. There were no comments. A motion was made by Council Member Loeb, seconded by Council Member Scott to close the public hearing and passed.

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

Absent: 1 - Council Member Elizondo

Abstained: 1 - Council Member Leal

Enactment No: 029657

20

Second Reading Ordinance - Change of zoning from the “RM-3” Multifamily 3 District to the “CG-2” General Commercial District at 5879 South Padre Island Drive (1st reading 10/16/12) (Requires 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.

Mayor Adame referred to Item No. 20. Annika Gunning, Development Services stated that the applicant, William Airline Partners is requesting a change of zoning from "RM-3" Multifamily 3 District to the "CG-2" General Commerical District to allow for construction of a four-story hotel, located on the north side of Williams Drive. Ms. Gunning stated that the Planning Commission and Staff recommending approval of the change of zoning from "RM-3" Multifamily 3 District to "CG-2" General Commerical District. A motion was made by Council Member Scott, seconded by Council Member Adler to open the public hearing and passed. There were no comments. A motion was made by Council Member Scott, seconded by Council Member Adler to close the public hearing and passed.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Elizondo

Abstained: 0

Enactment No: 029658

21

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.

Mayor Adame referred to Item No. 21. Annika Gunning, Development Services stated that the applicant, Arnold Brothers Properties, LP is requesting a special permit to allow the wholesale storage of motor oils and lubricants for an automotive parts supply business, located on the east side of Ayers Street. Ms. Gunning stated that the Planning Commission and Staff recommend approval of the special permit with four conditions. A motion was made by Council Member Scott, seconded by Council Member Allen and passed. There were no comments. A motion was made by Council Member Scott, seconded by Council Member Allen and passed.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Elizondo

Abstained: 0

Enactment No: 029659

22

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.

Mayor Adame referred to Item No. 22. Annika Gunning, Development Services stated that the applicant, Starplex Operating, LLC is requesting a change of zoning from "IL" Light Industrial District to "CG-2" General Commercial District, to bring the property to a non-conforming use into compliance with the current zoning regulations, located along the east side of Silverberry Drive and along the south side of South Padre Island Drive. Ms. Gunning stated that the Planning Commission and Staff recommend approval of the zoning change. A motion was made by Council Member Scott, seconded by Council Member Adler to open the public hearing and passed. There were no comments. A motion was made by Council Member Scott, seconded by Council Member Marez to close the public hearing and passed.

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

Aye: 8 - Mayor Adame, Council Member Adler, Council Member Allen, Council Member Leal, Council Member Loeb, Council Member Marez, Council Member Martinez and Council Member Scott

Absent: 1 - Council Member Elizondo

Abstained: 0

Enactment No: 029660

L. REGULAR AGENDA: (ITEM 23)

23 Agreement to manage the American Bank Center (Requires 2/3 vote)

Motion authorizing the City Manager or his designee to execute a new five year agreement with SMG to manage the American Bank Center under new fees, terms and conditions, including a new base management fee and incentive fee formula, new performance requirements, new food and beverage service provisions, and authorizing termination of the current agreement.

Mayor Adame referred to Item No. 23. Wes Pierson, Assistant City Manager stated that this item is to approve a five year management agreement with SMG to manage the American Bank Center under new fees, terms, and conditions. Mr. Pierson stated that the term of the agreement is for five years, with the first three years guaranteed, and with an option to terminate the agreement with or without cause with a 90 day notice during the final two years of the agreement. He also added that at the commencement of the agreement, SMG will provide a grant in the amount of \$250,000 to the City, and to use the grant funds at its discretion; however, if the agreement were terminated at the end of third, fourth or fifth year, SMG would be entitled to the remaining funds. He further discussed the base management fee, incentive fee and termination

for poor performance. He added that the motion would need to be amended to direct staff to terminate the current lease.

Mayor Adame asked for comments from the audience and the following citizens spoke and made comments: Steve Cahoon, Vice President, Centerplate; Jim Salamente, SMG; and Abel Alonzo.

A motion was made by Council Member Marez, seconded by Council Member Scott to amend the motion directing staff to terminate the current agreement and passed with the following vote: Adame, Adler, Allen, Leal, Marez, Martinez, and Scott voting "Aye"; Loeb voting "No"; and Elizondo "Absent".

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

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

Nay: 1 - Council Member Loeb

Absent: 1 - Council Member Elizondo

Abstained: 0

Enactment No: M2012-183

M. FIRST READING ORDINANCES: (ITEMS 24 - 26)

24 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.

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

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

Absent: 2 - Council Member Elizondo and Council Member Loeb

Abstained: 0

Enactment No: 029661

25 Second Reading Ordinance - Approving Type A agreement and appropriating funds for constructing two plants at the port (1st reading 10/16/12) (Requires 2/3 vote)

Ordinance approving a Type A Incentives Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and M&G Resins USA, LLC ("M&G") to provide a grant of up to \$3,000,000 for constructing two plants in the inner harbor, investing \$751 million, creating 220 full-time jobs, and paying at least \$11.7 million in annual wages and authorizing the City Manager, or designee, to execute a Project Support Agreement with the Type A Corporation to administer the M&G Type A Incentives Agreement and appropriating \$3,000,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for a business incentive grant from the Type A Corporation to M&G for constructing two plants in the inner harbor, investing \$751 million, creating 220 full-time jobs, and paying at least \$11.7 million in annual wages; Changing the FY 2012-2013 operating budget, adopted by Ordinance No. 029565, by increasing proposed expenditures by \$3,000,000.

A motion was made that this Ordinance be passed on first reading. The motion carried by 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: 1 - Council Member Elizondo

Abstained: 1 - Council Member Scott

Enactment No: 029663

26

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.

A motion was made that this Ordinance be passed on first reading. The motion carried by 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: 029662

N. FUTURE AGENDA ITEMS: (ITEMS 27 - 32)

Mayor Adame referred to the Future Agenda section, Items 27 - 32. 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 Items 30 and 32; and Council Member Martinez requested a presentation on Item No. 33.

- 27** 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.

This Motion was recommended by staff to the Consent Agenda.

Enactment No: M2012-184

- 28** 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.

This Motion was recommended by staff to the Consent Agenda.

Enactment No: M2012-185

- 29** 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.

This Motion was recommended by staff to the Consent Agenda.

Enactment No: M2012-186

- 30** 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.
- This Motion was recommended by Staff to the Regular Agenda.**
- Enactment No: M2012-188

- 31** 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.
- This Motion was recommended by Staff to the Consent Agenda.**
- Enactment No: M2012-189

- 32** 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.
- This Motion was recommended by Staff to the Consent Agenda.**
- Enactment No: M2012-187

FUTURE CORPORATION MEETING (ITEM 33)

- 33** 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 recommended to be held.

O. UPDATES TO CITY COUNCIL: (ITEM 34)

34

Corpus Christi Regional Economic Development Corporation
Semi-Annual report to the City Council

Mayor Adame referred to Item No. 34, Semi-Annual Report for the Corpus Christi Regional Economic Development Corporation. Mr. Roland Mower, President and CEO for the Regional Economic Development Corporation provided a quarterly update and discussed the following: 2012 economic trends; new residential permits and new commercial permits for 2012; and business attraction activity update for 3rd Quarter including existing industry. Mr. Mower announced the new successes: M&G Resins USA, Del Mar College Truck Training Simulators, and Schlitterbahn.

P. Public Comment.

Mayor Adame referred to Public Comment. Art Norman made comments regarding the destruction at Oso Creek Park.

Q. CITY MANAGER'S COMMENTS:

*** Update on City Operations**

Mayor Adame referred to City Manager comments. City Manager Olson announced that Kimberly Jozwiak has been hired for the Director of Municipal Court position. Mr. Olson provided an update on Solid Waste Competitive Review.

R. ADJOURNMENT

There being no further business to come before the Council meeting, Mayor Adame adjourned the meeting at 3:40 pm.