



Corpus Christi

1201 Leopard St
Corpus Christi, TX 78401
CCtexas.com

Meeting Agenda - Final City Council

Tuesday, September 18, 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 Deacon Michael Mantz, Diocese of Corpus Christi.
- 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 [12-00672](#) Proclamation declaring September 17-23, 2012 as "United States Constitution Week"
Swearing-in ceremony of newly appointed board, commission and committee members
- F. MINUTES:
 - 2 [12-00673](#) Approval of Meeting Minutes - September 11, 2012.
- G. BOARD & COMMITTEE APPOINTMENTS: (NONE)

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 3 - 12)

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.

3 [12-00599](#) **Service agreement for household hazardous waste disposal**

Motion approving a service agreement with Stericycle Specialty Waste Solutions, Inc., Tulsa, Oklahoma for household hazardous waste disposal in accordance with Bid Invitation No. BI-0169-12, based on lowest responsible bid, for an estimated three-year expenditure of \$377,029.20 of which \$109,630.39 is required for the remainder of FY 2012-2013. The term of the agreement shall be for thirty-six (36) 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 Storm Water Department in FY 2012-2013.

Sponsors: Purchasing Division, Storm Water Department and Solid Waste Operations

4 [12-00629](#) **Amendment to a State contract to extend contract and add services for re-inventory of artifact collection**

Resolution authorizing the City Manager or designee to execute 3rd amendment to the interagency cooperation contract with the Texas Historical Commission which extends the term of the contract through December 31, 2013 and modifies the services to be performed

Sponsors: Museum of Science and History

5 [12-00604](#) **Authorization to submit a State grant application to study at-risk hazardous materials transportation activities and industrial facilities throughout Nueces County and neighboring jurisdictions**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public

Safety, Governor's Division of Emergency Management, for FY 2013 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safety and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or terminate the grant.

Sponsors: Fire Department

6 [12-00643](#) State service agreement to analyze recreational beach water samples for water quality and public health and safety

Resolution approving a service agreement between the Corpus Christi-Nueces County Public Health District ("Health District") and the Texas General Land Office to enable the Health District to provide beach water sampling in Nueces, Aransas, and San Patricio counties under the Texas Beach Watch Program; and ratifying approval of the agreement as of September 1, 2012.

Sponsors: Health Department

7 [12-00635](#) Renewal of federal joint funding agreement to continue use of automated river gauging stations for recording inflows and releases of City's reservoir system

Motion authorizing the City Manager or designee to renew an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Society (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of all inflows and releases in the City's water reservoir, with the City's cost to be \$155,864.

Sponsors: Water Department

8 [12-00632](#) Construction contract for new mechanical bar screen and grit removal improvements for wastewater treatment plant

Motion authorizing the City Manager, or designee, to execute a construction contract with R.M. Wright Construction Company of El Paso, Texas in the amount of \$2,772,662.00 for the Allison Wastewater Treatment Plant New Mechanical Bar Screen and Grit Removal Improvements for the Base Bid plus Additive Alternate No. 1 and 2.

Sponsors: Wastewater Department and Engineering Department

- 9 [12-00627](#) **Second Reading Ordinance - Accepting and appropriating a State grant to continue clinical services for infrastructure and maintenance of clinics. (1st Reading - 9/11/12)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a grant of \$775,666 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide continued clinical services.

Sponsors: Health Department

- 10 [12-00642](#) **Second Reading Ordinance - Accepting and appropriating a State grant to fund immunization education services (1st Reading - 09/11/12)**

Ordinance authorizing the City manager or designee to execute all documents necessary to accept and appropriate a grant amendment in amount of \$12,500.00 from the Texas Department of State Health Services in the Health Grants Fund No. 1066 to provide funds for Immunization education services.

Sponsors: Health Department

- 11 [12-00630](#) **Second Reading Ordinance - Accepting and appropriating a State grant to fund WebEOC operations (1st Reading - 9/11/12)**

Ordinance authorizing the City Manager or designee to accept a grant from the Coastal Bend Regional Council in the amount of \$20,000 for the benefit of the City's WebEOC operations; and appropriating \$20,000 from the Coastal Bend Regional Advisory Council into the No. 1062 Fire Grants Fund to purchase equipment, services, technical support and training for the Corpus Christi Fire Department's WebEOC.

Sponsors: Fire Department

- 12 [12-00634](#) **Second Reading Ordinance - Transferring and appropriating funds for pavement repairs required at Ocean Drive and Elizabeth Street (1st Reading - 9/11/12)**

Ordinance appropriating \$553,839.90 from the Unreserved Fund Balance in No. 1020 General Fund and transferring into Street CIP Fund 3530 for the Emergency Repair - Ocean Drive at Elizabeth Street Pavement Repair Project; amending FY 2013 Capital Improvement Budget adopted by Ordinance No. 029565 to add Project No. E 11088 Ocean Drive at Elizabeth Street; increasing revenues and expenditures in the amount of \$553,839.90; changing the FY 2013 Operating Budget adopted by Ordinance No. 029577 to increase expenditures by \$553,839.90.

Sponsors: Engineering Department and Office of Management and Budget

J. EXECUTIVE SESSION: (NONE)

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.

K. PUBLIC HEARINGS: (ITEMS 13 - 14)**13 [12-00613](#) **Change of zoning from the multifamily 1 district to the single-family 6 district located at 2302 Flour Bluff Drive****

Case No. 0712-04 Mohammad Rezaei: A change of zoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District, resulting in a change of future land use from commercial and medium density residential to low density residential. The property to be rezoned is described as being 8.943 acres out of the North one-half (½) of Lot 17, Section 49, Flour Bluff and Encinal Farm and Garden Tracts, located on the southeast corner of Purdue Road and Flour Bluff Drive.

Planning Commission and Staff Recommendation (July 18, 2012):
Approval of the change of zoning from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Mohammad Rezaei ("Owner"), by changing the UDC Zoning Map in reference to 8.943 acres out of the North one-half (1/2) of Lot 17, Section 49, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-1" Multifamily 1 District to the "RS-6" Single-Family 6 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

14 [12-00614](#) **Change of zoning from the single-family 6 district to the resort commercial district located at 14101 Commodores Drive**

Case No. 0812-01 Steven Bright: A change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District, resulting in a change of future land use from low density residential to commercial. The property to be rezoned is described as Island Fairway Estates, Block 34, Lot 21, located along the southwest corner of Commodore's Drive and Aquarius Street.

Planning Commission and Staff Recommendation (August 1, 2012):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CR-2" Resort Commercial District and, in lieu thereof, approval of the "RM-AT" Multifamily AT District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Steven Bright, on behalf of Calvin F. Bright ("Owner"), by changing the UDC Zoning Map in reference to Island Fairway Estates, Block 34, Lot 21 from the "RS-6" Single-Family 6 District to the "RM-AT" Multifamily AT 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

L. REGULAR AGENDA: (ITEMS 15 - 18)

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

**15 [12-00639](#) **Construction contract for Downtown Streets project (Chaparral)
(BOND 2008)****

Motion authorizing the City Manager, or designee, to execute a construction contract with Reytec Construction Resources, Inc. of Houston, Texas in the amount of \$4,819,070.00 for the Downtown Streets - Chaparral Project for the Base Bid; authorizing the removal of the catenary poles, specialized street lights and paver covers at utility cleanouts from the Base Bid. (Bond 2008)

Sponsors: Engineering Department

**16 [12-00661](#) **Analysis and summary of the Request for Proposal response for
operation and management of the American Bank Center****

Motion directing the City Manager or designee to: i) prepare a document analyzing and summarizing the financial and strategic options available to the City for the operation and management of the ABC; (ii) provide recommendations to the City Council related to the operation and management of the American Bank Center; and (iii) conduct time-limited negotiations with SMG for the operation and management of the American Bank Center (ABC).

Sponsors: ACM - Business Support Services

**17 [12-00666](#) **Approval of the settlement agreement with the United States
Department of Justice****

Motion authorizing the City Manager or his designee to approve the settlement agreement with the United States Department of Justice in Case No. 2:12-cv-00217, United States of America v. City of Corpus Christi, Texas, in the U.S. District Court, Southern District of Texas, Corpus Christi Division.

Sponsors: Police Department and Legal Department

18 [12-00569](#) Resolution declaring intent to establish a street user fee

Resolution declaring intent to establish a street user fee for implementation in FY 2013-2014; approving the design concepts for street user fee rates; and establishing policy relative to establishment of a street user fee.

Sponsors: Street Department

M. FIRST READING ORDINANCES: (ITEMS 19 - 22)

19 [12-00636](#) First Reading Ordinance - Appropriating and transferring funds to be used for capital expenditures

Ordinance appropriating \$65,417 from the No. 4611 Airport Capital Reserve Fund and transferring \$65,417 to the No. 4610 Airport Operating Fund as a result of the July 10, 2012 refunding of the Series 2000 A & B Bonds that eliminated the reserve fund requirement; amending the FY 2012-13 Operating Budget adopted by Ordinance No. 029577 to increase revenue and expenditures by \$65,417.

Sponsors: Aviation Department and Financial Services Department

20 [12-00655](#) First 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

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.

Sponsors: Parks and Recreation Department

21 [12-00659](#) First Reading Ordinance - Accepting and appropriating a State grant; transferring and appropriating City/InKind match to fund victims of crime

Ordinance authorizing the City Manager or designee to execute all

documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$79,188.69 to continue the Victims of Crime Act (VOCA) grant within the Police Department for Year 13, with a City match of \$16,731.84, in-kind match of \$4,000 in the No. 1020 Police General Fund; and appropriating the \$79,188.69 in the No. 1061 Police Grants Fund to continue the VOCA grant in the Police Department and authorizing the transfer of \$16,731.84 from the No. 1020 Cash Contribution to and appropriating in the No. 1061 Police Grants Fund as grant matching funds for a total project cost of \$99,920.53.

Sponsors: Police Department

22 [12-00615](#) **First Reading Ordinance - Appropriating funds for purchase of 164 In-Car Video Recording Systems and completion of fiber network for police substations**

Ordinance appropriating \$1,216,225 in the General Fund No. 1020 for the purchase of 164 vehicle video recording systems for the Police Department's patrol fleet; changing the FY [2012-2013](#) Operating Budget adopted by Ordinance No. 029577 by increasing appropriations by \$1,216,225; transferring an amount of \$80,000 from the General Fund No. 1020 to and appropriating in the MIS Fund No. 5210 to facilitate completion of the fiber network for use by the Tuloso and Waldron Police Department Substations; changing the FY [2012-2013](#) Operating Budget adopted by Ordinance No. 029577 by increasing revenues and appropriations by \$80,000 each; awarding and authorizing the purchase of 164 vehicle video recording systems from Coban Technologies, Inc. for \$1,426,611.30 based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC).

Sponsors: Purchasing Division and Police Department

N. FUTURE AGENDA ITEMS: (ITEMS 23 - 25)

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

23 [12-00664](#) **Deferment agreement with Calallen Retail Partners, L.P., for public improvements located at the Southeast corner of Farm to Market Rd. 624 (Northwest Blvd.) and Farm to Market Rd. 1889.**

Motion finding reasonable cause exists to delay completion of public improvements in accordance with Section 8.1.10.B of the Unified Development Code and authorizing the City Manager, or designee, to execute a deferment agreement with Calallen Retail Partners, L.P. ("Developer"), in the amount of \$228,800.00 for public improvements to property located at the southeast corner of Farm to Market Rd. 624 (Northwest Blvd.) and Farm to Market Rd. 1889, contingent upon receipt of a letter of credit approved by the City prior to the filing of the final plat

by the Developer.

Sponsors: Development Services

24 [12-00647](#) Employee Transition Plan for the Professional Service Management Agreement for the Corpus Christi Museum of Science and History

Motion authorizing the City Manager or his designee to execute the Employee Transition Plan with Corpus Christi Museum Joint Venture (CCMJV), amending the Professional Service Management Agreement to operate and manage the Corpus Christi Museum of Science and History.

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

25 [12-00649](#) Professional services contract amendment for the extension of a runway and taxiway threshold and two new taxiways

Motion authorizing the City Manager, or designee, to execute Amendment No. 9 to the Professional Services contract with KSA Engineers, Inc. of Longview, Texas, in the amount of \$1,000,000.00 for a total restated fee not to exceed \$3,403,226.95 for the Corpus Christi International Airport Runway 17/35 Extension/Displacement and Connecting Taxiway Project.

Sponsors: Aviation Department and Engineering Department

O. UPDATES TO CITY COUNCIL: (NONE)

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

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