



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, April 29, 2014

11:30 AM

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 12:00 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 Dr. Bob Eckhert.**
- C. Pledge of Allegiance to the Flag of the United States.**
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [14-00492](#) Proclamation declaring April 29, 2014 as "National Mayor's Challenge for Water Conservation Day"
Proclamation declaring May 3, 2014 as "CASA 5K SuperHero Run Walk"
Proclamation declaring May 4-10, 2014 as "National Children's Mental Health Awareness Week"
Proclamation declaring May 4-10, 2014 as "Goodwill Industries Week"
Proclamation declaring May 5-11, 2014 as "National Tourism Week"
Proclamation declaring May 10, 2014 as "Lemonade Day Corpus Christi"
Proclamation declaring May 12, 2014 as "National Peace Officers' Memorial Day" & May 11-17, 2014, as "National Police Week"
Certificate of Commendation- Carroll & Moody High Schools, Baker & South Park Middle Schools, and Sam Houston Elementary School for

Their Students' Outstanding Leadership in Raising Funds for the
Triumph Over Kid Cancer Foundation

- F. **PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. 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.

G. **CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

- a. **City Performance Report - Capital Programs**
- b. **Other**

H. **EXECUTIVE SESSION: (ITEMS 2 - 3)**

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 officer.

2. [14-00488](#) Executive session pursuant to Sections 551.071 and 551.072, Texas Government Code, and Rule 1.05 Texas Disciplinary Rules of Professional Conduct, regarding acquisition of permits and easements related to Mary Rhodes Pipeline Phase II, with possible discussion and action in open session.
3. [14-00499](#) Executive session pursuant to Texas Government Code Section 551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of all Municipal

Court Judges with possible discussion and action in open session.

I. **MINUTES:**

4. [14-00496](#) Regular meeting of April 22, 2014

J. **BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

K. **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.

L. **CONSENT AGENDA: (ITEMS 5 - 20)**

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.

5. [14-00400](#) **Approval to submit a grant application to the Automobile Burglary and Theft Prevention Authority for motor vehicle theft enforcement**

Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$645,331 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 14 with a City cash match of \$485,161, in-kind match of \$52,045, and program income match of \$7,687 for a total project cost of \$1,190, 224 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

Sponsors: Police Department

6. [14-00369](#) **Service Agreement for Diabetes Care Team**

Motion approving a service agreement for a Diabetes Care Team for the Corpus Christi Nueces County Public Health District (CCNCPHD) with Texas A&M Health Science Center (Coastal Bend Health Education Center), Corpus Christi, Texas, in accordance with Request for Proposal No. BI-0020-14 for an estimated three-year expenditure of \$840,000, of which \$100,800 is required for FY 2013-2014. The term of the service agreement will be for three years. Funds are budgeted in the Nueces

County Health District Fund.

Sponsors: Purchasing Division and Health Department

7. [14-00290](#) **Approving an advance funding agreement for median landscaping on Holly Road from State Highway 286 to Greenwood Drive (Bond 2012)**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for approximately 3,800 linear feet of median landscaping on Holly Road from State Highway (SH) 286 to Greenwood Drive (Bond 2012) with the City's participation in the amount of \$37,361.

Sponsors: Street Department and Capital Programs

8. [14-00327](#) **Approving architectural design contract amendment no. 1 for aquatic facility upgrades and improvements**

Motion authorizing the City Manager or designee to execute Amendment No. 1 to an Architectural Design Contract with Turner Ramirez Associates, Inc. from Corpus Christi, Texas in the amount of \$280,050, for a total re-stated fee of \$329,550, for Aquatic Facility Upgrades and Improvements for the design, bid, and construction phase services. BOND 2012.

Sponsors: Parks and Recreation Department and Capital Programs

9. [14-00267](#) **Professional Service Agreement for Consulting Services related to the RESTORE Act**

Motion approving a professional service agreement with Tim Richardson, Rockville, Maryland to provide consulting assistance to the Environmental & Strategic Initiatives Department to secure Deepwater Horizon (DWH) restoration funding, for a total expenditure of \$80,050, of which \$40,025 is required in FY 2013-2014. The term of the agreement will be for twelve months with options to extend for up to two additional twelve-month periods, subject to the approval of the service provider and the City Manager, or designee. Funds have been budgeted by the using Department in FY 2013-2014.

Sponsors: Environmental and Strategic Initiatives

10. [14-00371](#) **Construction contract for facilities ADA improvements at the South Texas Art Museum and barge dock parking lot (Bond 2012)**

Motion authorizing the City Manager, or designee, to execute a construction contract with JE Construction Services of Corpus Christi, Texas in the amount of \$294,386.80 for Facilities ADA Improvements: South Texas Art Museum and Barge Dock Parking Lot for the Base Bid plus Additive Alternate No. 1. (Bond 2012)

Sponsors: Facilities Maintenance Services and Capital Programs

11. [14-00392](#) **Second Reading Ordinance - Rezoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, on property located at 5650 Wooldridge Road (1st Reading 4/22/14)**

Case 0314-02 - Morent, LLC - Series A: A rezoning from the "CG-2" General Commercial District to the "IL" Light Industrial District, resulting in a change to the Future Land Use Plan from commercial to light industrial. The property is described as Lot 4, Block 16-D, Lokey Subdivision, located along the north side of Wooldridge Road, approximately 530 feet east of South Staples Street.

Planning Commission and Staff Recommendation (March 26, 2014): Approval of the change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Morent, LLC - Series A ("Owner"), by changing the UDC Zoning Map in reference to Lot 4, Block 16-D, Lokey Subdivision, from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

12. [14-00393](#) **Second Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "CG-2" General Commercial District on Tract 1; to the "RM-2" Multifamily 2 District on Tract 2; to the "RM-1" Multifamily 1 District on Tract 3; to the "RS-4.5" Single-Family 4.5 District on Tract 4; and to the "RS-TF" Two-Family District on Tract 5, on property located at 8010 Yorktown Boulevard (1st Reading 4/22/14)**

Case 0314-04 Dorsal Development, LLC: A change of zoning from the "FR" Farm Rural District to the "CG-2" General Commercial District on Tract 1; to the "RM-2" Multifamily 2 District on Tract 2; to the "RM-1" Multifamily 1 District on Tract 3; to the "RS-4.5" Single-Family 4.5 District on Tract 4; and to the "RS-TF" Two-Family District on Tract 5. The property is described as being a 70.201-acre tract of land out of Lots 7, 8, 9 and 10, Section 25 and Lots 1, 2, 5 and 6, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, located along the north side of Yorktown Boulevard at the intersection of Starry Road.

Planning Commission and Staff Recommendation (March 26, 2014): Approval of the change of zoning for all Tracts.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Dorsal Development, LLC ("Owner"), by changing the

UDC Zoning Map in reference to a 70.201-acre tract of land out of Lots 7, 8, 9 and 10, Section 25 and Lots 1, 2, 5 and 6, Section 34, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "CG-2" General Commercial District on Tract 1; to the "RM-2" Multifamily 2 District on Tract 2; to the "RM-1" Multifamily 1 District on Tract 3; to the "RS-4.5" Single-Family 4.5 District on Tract 4; and to the "RS-TF" Two-Family District on Tract 5; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

13. [14-00394](#) **Second Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, on property located at 11930 Leopard Street (1st Reading 4/22/14)**

Case 0314-03 ZEBA, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan from low density residential to commercial uses. The property is described as being a 5.864-acre tract of land out of Tract 11 of the Partition of the Estate of John B. Harney, located between Leopard Street and Interstate Highway 37, approximately 1,200 feet east of Callicoatte Road.

Planning Commission and Staff Recommendation (March 26, 2014): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by ZEBA, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 5.864-acre tract of land out of Tract 11 of the Partition of the Estate of John B. Harney, from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

14. [14-00356](#) **Second Reading Ordinance - Accepting and appropriating a Federal grant to combat drug trafficking (1st Reading 4/22/14)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant modification award in the amount of \$165,700 from the Executive Office of the President, Office of National Drug Control Policy, to support the Police Department's role in the Texas Coastal Corridor Initiative in the Houston High Intensity Drug Trafficking Area (HIDTA) for the salary and benefits of a full-time program coordinator, one administrative assistant, overtime for 4 Corpus Christi Police Officers, and 4 lease vehicles; and appropriating the

\$165,700 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

15. [14-00410](#) **Second Reading Ordinance - Accepting and appropriating increase in State grant for homeland security (1st Reading 4/22/14)**

Ordinance authorizing the Mayor or designee to execute all documents necessary to accept a grant adjustment from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA) to increase the amount from \$60,678.80 to \$75,678.80 for FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP); and appropriating \$15,000.00 from the Texas Department of Public Safety/Texas Homeland Security State Administrative Agency (TXHLS-SAA), FY 2012 Homeland Security Grant Program (HSGP), State Homeland Security Program (SHSP), into the No. 1062 Fire Grants Fund to carry out homeland security projects that will significantly improve local and regional terrorism prevention, preparedness, response, and recovery capabilities.

Sponsors: Fire Department

16. [14-00359](#) **Second Reading Ordinance - Accepting and appropriating a State grant increase for Women, Infants and Children (WIC) grant (1st Reading 4/22/14)**

Ordinance authorizing the City Manager, or his designee, to execute all documents necessary to accept and appropriate a six month grant extension amendment in the amount of \$470,578 from the Texas Department of State Health Services in the Health Grant Fund No. 1066, to provide funds for the Women, Infants, and Children (WIC) program for the extended contract period of April 1, 2014 thru September 30, 2014; and to ratify acceptance of the grant extension amendment to begin as of April 1, 2014.

Sponsors: Health Department

17. [14-00358](#) **Second Reading Ordinance - Participation agreement for the extension of Rancho Vista Boulevard (1st Reading 4/22/14)**

Ordinance authorizing the City Manager or designee to execute a developer participation agreement with Yorktown Oso Joint Venture, ("Developer"), to reimburse the Developer up to \$67,952.92 for the City's share of the cost to extend Rancho Vista Boulevard, in accordance with the Unified Development Code.

Sponsors: Development Services

18. [14-00368](#) **Second Reading Ordinance - Closing a portion of a pipeline easement located north of Saratoga Boulevard and east of Ayers Street (1st Reading 4/22/14)**

Ordinance abandoning and vacating a portion of an existing blanket pipeline easement within a 4.07 acre tract, out of a part of Lot 5, Section 8, Bohemian Colony Lands, located north of the Saratoga Boulevard (State Highway 357) state right-of-way, and located east of the Ayers Street public right-of-way; and requiring the owner, Spear Consolidated, Ltd., to comply with the specified conditions.

Sponsors: Development Services

19. [14-00444](#) **Second Reading Ordinance - Approving the resale of twenty-five (25) foreclosed properties (1st Reading 4/22/14)**

Ordinance authorizing the resale of twenty-five (25) properties for \$123,650.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$15,013.28 plus \$19,505.27 for partial payment of City paving and demolition liens.

Sponsors: Financial Services Department

20. [14-00411](#) **Second Reading Ordinance - Appropriating funds for repair and maintenance at the American Bank Center & Arena (1st Reading 4/22/14)**

Ordinance approving a grant of \$193,375.66 to SMG-American Bank Center for repair and maintenance needs at the Arena; appropriating \$193,375.66 from the unreserved fund balance in the No. 1130 Arena Facility Fund for these needs; amending the FY 2013-2014 Operating Budget adopted by Ordinance No. 029915 to increase expenditures by \$193,375.66.

Sponsors: ACM - Business Support Services

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

N. **REGULAR AGENDA: (ITEM 21)**

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

21. [14-00306](#) **Second Reading Ordinance - Accepting and appropriating Federal funds for Desalination program and amending engineering contract for Desalination program (1st Reading 4/22/14)**

Ordinance amending the FY 2014 Capital Improvement Budget adopted by Ordinance No. 029916 to transfer and appropriate \$1,080,735 from the Unreserved Fund Balance in No. 4041 Raw Water Supply Development Fund to and appropriating in the No. 4080 Water CIP Fund for the City of Corpus Christi Desalination Program; accepting and appropriating a grant in the amount of \$400,000 from the United States Department of Interior Bureau of Reclamation in Fund 1052 Water Grant Fund for Project No. E13063 City of Corpus Christi Desalination Program; amending the FY 2014 Capital Improvement Budget adopted

by Ordinance No. 029916 to add Project No. E13063 City of Corpus Christi Desalination Program; increasing expenditures and revenues in the amount of \$1,480,735; authorizing the City Manager, or designee to execute all documents necessary to accept the grant for the City of Corpus Christi Desalination Program Pilot Study; authorizing the City Manager, or designee, to apply for additional federal and state grants with anticipated use of the City of Corpus Christi Desalination Program Pilot Study funds for any grant matches; and authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$966,699, for a total restated fee not to exceed \$1,016,047 for Project No. E13063 City of Corpus Christi Desalination Program.

Sponsors: Capital Programs and Environmental and Strategic Initiatives

O. FIRST READING ORDINANCES: (ITEMS 22 - 23)

22. [14-00454](#) First Reading Ordinance - Participation agreement with developer and reimbursement for the City's cost of South Oso Parkway

Ordinance authorizing the City Manager or designee to execute a developer participation agreement with MPM Development, LP., ("Developer"), to reimburse the Developer up to \$215,861.52 for the City's share of the cost to extend South Oso Parkway, in accordance with the Unified Development Code.

Sponsors: Development Services

23. [14-00455](#) First Reading Ordinance - Approving an agreement and appropriating funds to reimburse developer for the construction of water arterial transmission and grid main line located south of Leopard Street and east of McKinzie Road

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with First Landmark Development Inc., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$104,218.24 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

P. RECESS TO THE CORPORATION MEETING: (ITEM 24)

24. [14-00427](#) Special Board Meeting of the Corpus Christi Housing Finance Corporation.

Sponsors: ACM - Safety, Health and & Neighborhoods

Q. RECONVENE THE CITY COUNCIL MEETING:

R. FUTURE AGENDA: (ITEMS 25 - 26)

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

25. [14-00448](#) Supply agreement for cement stabilized sand and cushion sand for backfill of utility trenches after repairs are complete

Motion approving a supply agreement with G.P Transport Inc., Corpus Christi, Texas for cement stabilized sand and cushion sand in accordance with Bid Invitation No. BI-0124-14, based on only bid for an estimated twelve month expenditure of \$167,250.00 of which \$69,687.50 is required for the remainder of FY 2013-2014. The term of the supply 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 are available in the Utilities Operations Budget in FY 2013-2014.

Sponsors: Purchasing Division and Office of Public Utilities

26. [14-00370](#) Landscape maintenance agreement for landscape improvements on State Highway 286 at J. C. Elliott Landfill Transfer Station

Resolution authorizing the City Manager, or designee, to execute a Landscape Maintenance Agreement with the Texas Department of Transportation (TXDOT) for landscape improvements within the project's scope of SH 286 (Crosstown Expressway) at J. C. Elliott Landfill Transfer Station.

Sponsors: Solid Waste Operations and Capital Programs

S. BRIEFINGS TO CITY COUNCIL: (NONE)

The following items are for Council's informational purposes only. Council may give direction to the City Manager, but no other action will be taken and no public comment will be solicited.

T. ADJOURNMENT