



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, May 12, 2015

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 Pastor Claude Axel, Mount Pilgrim Baptist Church.**
- C. Pledge of Allegiance to the Flag of the United States to be led by Jeffrey Edmonds, Director of Capital Programs.**
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [15-0458](#) Proclamation declaring May 3-9, 2015, "National Children's Mental Health Awareness Week"
Proclamation declaring May 11-15, 2015, "Corpus Christi Small Business Week"
Proclamation declaring May 2015, "Corpus Christi Tourism Industry Appreciation Month"
Proclamation declaring May 2015, "Elder Abuse Prevention Month"
Proclamation declaring May 2015, "Older Americans Month"

- 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. **OTHER**

H. **EXECUTIVE SESSION: (ITEMS 2 - 5)**

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. The description of an item in "Executive Sessions" constitutes the written interpretation by the City Attorney of Chapter 551 of the Texas Government Code and his determination that said item may be legally discussed in Closed Meeting in compliance with Chapter 551 the Texas Government Code.

2. [15-0456](#) **Executive Session pursuant to Texas Gov't Code § 551.071 and Texas Gov't Code § 551.087 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to negotiations for economic development incentives for transportation, warehousing, equipment manufacturing, and a regional headquarters operation and to deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development**

negotiations and/or financial or other incentives involving said business prospect and the aforesaid incentives; with possible action and discussion in open session

3. [15-0462](#) **Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining negotiations, the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters Association and/or Corpus Christi Police Officers' Association, with possible discussion, resolution(s), and other actions in open session concerning any matters related thereto.

4. [15-0465](#) **Executive session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning status and potential settlement of litigation, including SOAH Docket No. 473-14-4431 and PUC Docket No. 42467 *Application of Electric Transmission Texas, LLC to Amend Its Certificates of Convenience and Necessity for the Proposed Barney Davis to Naval Base Single-Circuit 138 KV Transmission Line in Nueces County, Texas*, with additional discussion and possible action in open session concerning any matters related thereto.

5. [15-0481](#) **Executive session pursuant to Texas Gov't Code § 551.074** to deliberate the employment, evaluation, and duties of public officers or employees, including, but not limited to, the City Manager, City Secretary, Municipal Court Judges, and City Auditor, with possible action and discussion in open session.

I. **MINUTES:**

6. [15-0460](#) Regular Meeting of April 28, 2015

J. **BOARD & COMMITTEE APPOINTMENTS:**

7. [15-0459](#) Animal Care Advisory Committee
Citizens Advisory Health Board
Commission on Children and Youth
Mayor's Fitness Council
Planning Commission

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 8 - 13)

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.

8. [15-0377](#) Approving the submission of a grant application for the Automobile Burglary and Theft Prevention Authority to continue the motor vehicle theft enforcement grant in the Police Department

Resolution authorizing the City Manager or designee to submit a grant application in the amount of \$822,504 to the Automobile Burglary Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant within the Police Department for Year 15 with a City cash match of \$457,926, in-kind match of \$52,439, and program income match of \$3,546 for a total project cost of \$1,336,415 and authorizing the City Manager or the City Manager's designee to apply for, accept, reject, alter or terminate the grant.

Sponsors: Police Department

9. [15-0360](#) Interlocal Agreement with Del Mar College for training emergency medical service students

Resolution authorizing the City Manager, or his designee, to execute an Interlocal Agreement with Del Mar College for the training of emergency medical service students.

Sponsors: Fire Department

10. [15-0362](#) Approving submission of grant applications for Schanen Ditch Hike & Bike Trail Phase II Project and Dr. Hector P. Garcia Hike & Bike Trail Phase I Project

Resolution approving submission of grant applications with Corpus Christi Metropolitan Planning for the Schanen Ditch Hike & Bike Trail - Phase II Project and Dr. Hector P. Garcia Hike & Bike Trail - Phase I Project.

Sponsors: Street Department and Capital Programs

11. [15-0378](#) Second Reading Ordinance - Accepting and appropriating the Click It or Ticket Grant from the State of Texas, Department of Transportation (TXDOT) (1st Reading 4/28/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$19,988.20

from the State of Texas, Department of Transportation for the FY2014 Click It Or Ticket program grant; and appropriating the \$19,988.20 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

12. [15-0363](#) **Second Reading Ordinance - Amendment No. 1 to lease agreement with United Airlines for three year extension (1st Reading 4/28/15)**

Ordinance ratifying and authorizing the City Manager to execute a first amendment to the lease agreement with United Airlines to extend the term of the lease; providing for an effective date; providing for severance; and providing for publication.

Sponsors: Aviation Department

13. [15-0277](#) **Second Reading Ordinance - Type A Grant for QSROnline.com, Inc. Located at 817 Ayers (1st Reading 4/28/15)**

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and QSROnline.com, Inc. ("QSROnline") to provide a grant of up to \$129,500, for the creation and retention of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the QSROnline Business Incentive Agreement for the creation and retention of jobs; and appropriating \$129,500 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to QSROnline; and changing the FY 2014-2015 operating budget, adopted by Ordinance No. 030294, by increasing expenditures by \$129,500.

Sponsors: Economic Development

M. **PUBLIC HEARINGS: (ITEMS 14 - 17)**

14. [15-0365](#) **Public Hearing and First Reading Ordinance - Rezoning from Single-Family and Farm Rural to General Commercial at 2101 and 2139 Rodd Field Road**

Case No. 0415-03 Related Investors, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural 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 to be rezoned is described as being a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, located on the southwest corner of Holly Road and Rodd Field Road.

Planning Commission and Staff Recommendation (April 8, 2015):

Approval of the change of zoning from the "RS-6" Single-Family 6 District and the "FR" Farm Rural District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Related Investors, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 10.58 acre tract of land out of Lots 7 and 8, Section 19, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District and "FR" Farm Rural 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

15. [15-0423](#) **Public Hearing and First Reading Ordinance - Rezoning from Neighborhood Commercial to General Commercial at 2901 Airline Road**

Case No. 0415-04 Gulfway Shopping Center: A change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District on Lot 2, Block 14, Brighton Village Unit 2, located on the southwest corner of Airline Road and Saratoga Boulevard (SH 357).

Planning Commission and Staff Recommendation (April 8, 2015):

Approval of the change of zoning from the "CN-1" Neighborhood Commercial District to the "CG-2" General Commercial District

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Gulfway Shopping Center ("Owner"), by changing the UDC Zoning Map in reference to Lot 2, Block 14, Brighton Village Unit 2, from the "CN-1" Neighborhood Commercial 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

16. [15-0424](#) **Public Hearing and First Reading Ordinance - Rezoning from Single-Family 6 to Single-Family 4.5 at 817 Graham Road (Requires 3/4 vote)**

Case No. 0415-02 Superior N&R Development, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property to be rezoned is described as 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and Garden Tracts,

located south of Graham Road between Ruddock Drive and Dove Lane.

Staff Recommendation: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Planning Commission Recommendation (April 8, 2015): Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Superior N&R Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to 19.697 acres out of Lot 22, Section 48, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

17. [15-0425](#) **Public Hearing and First Reading Ordinance - Rezoning from Farm Rural to Single-Family on Tract 1, Neighborhood Commercial on Tract 2, and Multifamily on Tract 3 at 3401, 3421, and 3513 Airline Road**

Case No. 0415-01 MPM Development, LP: A change of zoning from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, located east of Airline Road at the intersection of Brooke Road.

Planning Commission and Staff Recommendation (April 8, 2015): Approval of the change of zoning from the "FR" Farm Rural District to the to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by MPM Development, LP ("Owner"), by changing the UDC Zoning Map in reference to Tract 1 being 22.186 acres out of Lots 12, 13, 14, 19, 20, and 21, Section 22, Flour Bluff and Encinal Farm and

Garden Tracts, Tract 2 being 1.774 acres out of Lot 12, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, and Tract 3 being 10.183 acres out of Lots 21 and 22, Section 20, Flour Bluff and Encinal Farm and Garden Tracts, from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District on Tract 1, "CN-1" Neighborhood Commercial District on Tract 2, and "RM-2" Multifamily 2 District on Tract 3; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

N. REGULAR AGENDA: (ITEMS 18 - 20)

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

18. [15-0096](#) Second Reading Ordinance - Type A Grant for Govind Development, LLC Located at 9359 IH 37 (1st Reading 4/28/15)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Govind Development, LLC ("Govind") to provide a grant of up to \$908,000, for the creation and retention of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Govind Business Incentive Agreement for the creation and retention of jobs; and appropriating \$908,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Govind; and changing the FY 2014-2015 operating budget, adopted by Ordinance No. 030294, by increasing expenditures by \$908,000.

Sponsors: Economic Development

19. [15-0254](#) Second Reading Ordinance - Approving a Real Estate Sales Contract for the Citizen's Collection Center for Flour Bluff/Padre Island (1st Reading 4/21/14)(Tabled 4/28/15)

Ordinance amending the FY 2015 Capital Improvement Program Budget adopted by Ordinance No. 030303 by transferring \$78,000.00 from Fund 3365 Sanitary Landfill 2008 Certificate of Obligation Project Reserves to Project #E12190 Citizens Collection Center - Flour Buff/Padre Island; increasing expenditures in the amount of \$78,000.00; and authorizing the City Manager or designee to execute a Real Estate Sales Contract with Alamo Concrete Products Company in the amount of \$275,000 plus \$3,000 in estimated closing costs for a total expenditure of \$278,000, for the purpose of acquiring a tract of land containing 5.320 acres located at the northeast corner of the intersection of Flour Bluff Drive and Division Road, to be used for the

Citizens Collection Center - Flour Bluff/Padre Island Area Project
#E12190.

Sponsors: Capital Programs and Solid Waste Operations

20. [15-0331](#) **Engineering Contract Amendment No. 1 for Construction Material Testing for the Citywide Street Preventative Maintenance (SPMP) Program Year 2**

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 with Rock Engineering & Testing Laboratory, Inc. of Corpus Christi, Texas in the amount of \$75,306.00 for a restated fee of \$181,250.00 for the Citywide Street Preventative Maintenance Program (SPMP) Year 2 project.

Sponsors: Street Department and Capital Programs

O. **FIRST READING ORDINANCES: (ITEMS 21 - 22)**

21. [15-0364](#) **First Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for construction of off-site wastewater collection line for subdivision located on the south side along Holly Road, east of Rodd Field Road (SH 357) and west of Encino Drive.**

Ordinance authorizing execution of a wastewater collection line extension construction and reimbursement agreement ("Agreement") with Palm Land Investment, Inc. ("Developer"), for the construction of a wastewater collection line and appropriating \$245,864.14 from the No. 4220 Sanitary Sewer Collection Line Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

22. [15-0214](#) **First Reading Ordinance - Amending City Code to add Article IV, Public Works Contracts to Chapter 17 related to debarment, suspension and ineligibility of contractors**

Ordinance amending the Code of Ordinances by adding Article IV, Public Works Contracts to Chapter 17 to provide for policies and procedures related to public works contracts related to debarment, suspension and ineligibility of contractors; authorizing the City Manager or designee to make rules and establish methods and procedures necessary to implement the article; providing for severance; and providing for an effective date.

Sponsors: Legal Department and Capital Programs

P. FUTURE AGENDA ITEMS: (ITEMS 23 - 27)

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

23. [15-0419](#) **Mutual Aid Agreement with Naval Air Station Corpus Christi, Fire Departments and Emergency Service districts in Nueces County for fire fighting assistance**

Resolution authorizing the City Manager, or his designee, to execute a Mutual Aid Agreement with the Naval Air Station Corpus Christi and the fire departments and emergency service districts located in Nueces County for the provision of fire fighting assistance.

Sponsors: Fire Department

24. [14-001441](#) **Approving use of Type A Seawall Sales Tax Funding and approving job order construction contract for Miradores Improvement Project**

Motion authorizing the City Manager or designee to execute a Job Order Contract with Barcom Commercial, Inc. in the amount of \$318,624.56 for the Miradores Improvement Project, for improvements to the eight Miradores located on the Seawall.

Sponsors: Parks and Recreation Department and Capital Programs

25. [15-0317](#) **Engineering Contract Amendment No. 1 - Engineering services for the installation of two diesel power generators at Navigation and Staples Pump Stations for the Alternative Capacity Power Generation Project.**

Motion authorizing the City Manager or designee to execute Amendment No. 1 to the engineering contract with Bath Engineering of Corpus Christi, Texas in the amount of \$90,955 for a total restated fee not to exceed \$123,455 for the Alternative Capacity Power Generation.

Sponsors: Water/Wastewater Treatment and Capital Programs

26. [15-0358](#) **Engineering Construction Contract and Engineering Professional Services Contract for the Lifecycle Curb and Gutter Replacement Project**

Motion authorizing the City Manager, or designee, to execute a construction contract with A. Ortiz Construction & Paving, Inc. of Corpus Christi, Texas in the amount of \$445,950 for the Lifecycle Curb and Gutter Replacement for base bid and to execute a Contract for Professional Services with Engineering & Construction Management Services, LLC (ECMS, LLC) in the amount of \$88,440.00 for the Lifecycle Curb and Gutter Replacement project.

Sponsors: Street Department and Capital Programs

27. [15-0418](#) **Change Order No. 15 for the Runway 17-35 Extension/Displacement and Connecting Taxiway Project**

Motion authorizing the City Manager or designee to execute Change Order No. 15 with Bay, Ltd. of Corpus Christi, Texas in the amount of \$298,651.24 for a total restated fee of \$15,361,021.36 for the Runway 17-35 Extension/Displacement and Connecting Taxiway project.

Sponsors: Aviation Department and Capital Programs

Q. **BRIEFINGS: (ITEM 28)**

Briefing information will be provided to the City Council during the Council meeting. Briefings are for Council information only. Council may give direction to the City Manager, but no other action will be taken and no public comment will be solicited.

28. [15-0430](#) **Corpus Christi Convention & Visitors Bureau - Fiesta de la Flor**

Sponsors: Business Liaison

R. **LEGISLATIVE UPDATE:**

This item is 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.

[15-0461](#) Legislative Update

S. **ADJOURNMENT**