



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, May 13, 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 Chaplain Lynn Blackler, CHRISTUS Spohn Health System.**
- 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. [14-00539](#) Proclamation declaring May 2014, as "Older Americans Month"
Proclamation declaring May 2014, as "Elder Abuse Prevention Month"
Proclamation declaring May 11-17, 2014, as "National Hospital Week"
Proclamation declaring May 13, 2014, as "Flour Bluff Junior High School and Intermediate TMSCA Champions 1986-2014"
Proclamation declaring May 13, 2014, as "Retired Teachers' Day"
Proclamation declaring May 15, 2014, as "Dr. Hector P. Garcia & Dr. Cleo Garcia American GI Forum Chapters of Texas Stand Up for Veterans 3rd Annual Scholarship Awards Banquet"
Proclamation declaring May 18-24, 2014, as "National Public Works Week"
Certificate of Commendation Presentation to the Flour Bluff High School Pink Lady Hornets Robotic Team

- 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 - Finance Department**
- b. Water Conservation**
- c. 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 office.

- 2. [14-00531](#) Executive Session pursuant to Section 551.071, Texas Government Code, and Rule 1.05, Texas Disciplinary Rules of Professional Conduct, for consultation with the interim city attorney regarding General Open Records Opinion OR2014-07118 and contemplated litigation, with possible action and discussion in open session.**
- 3. [14-00541](#) Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding fire**

collective bargaining negotiations with possible discussion and action in open session

I. MINUTES:

4. [14-00538](#) Regular Meeting of April 29, 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 - 8)

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. [14-00448](#) **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

6. [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

7. [14-00454](#) **Second Reading Ordinance - Participation agreement with developer and reimbursement for the City's cost of South Oso Parkway (1st Reading 4/29/14)**

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

8. [14-00455](#) **Second 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 (1st Reading 4/29/14)**

Ordinance authorizing the 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

M. PUBLIC HEARINGS: (ITEMS 9 - 13)

9. [14-00487](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family 6 District to the "ON" Office District for Klatt Thomas, LLC on property located at 4302 Interstate Highway 69**

Case No. 0414-01 Klatt Thomas, LLC: A change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District, resulting in a change to the Future Land Use Plan from commercial and medium density residential to office uses. The property is described as Lot 22, River Forest Acres, located along the northwest side of Interstate Highway 69, between Teague Lane and Cornett Road.

Planning Commission and Staff Recommendation (April 9, 2014): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "ON" Office District.

Ordinance:

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

Zoning Map in reference to Lot 22, River Forest Acres, from the "RS-6" Single-Family 6 District to the "ON" Office District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

10. [14-00490](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Residential District to the "CG-2" General Commercial District for Peterson Properties, Ltd. on property located at 5425 & 5515 Old Brownsville Road & 809 South Padre Island Drive**

Case No. 0414-02 Peterson Properties, Ltd.: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, resulting in a partial change to the Future Land Use Plan from light industrial to commercial uses. The property is described as being a 118.30-acre tract of land out of Lots 9, 10, 11, 14, 15, and 16, Section 5, Range VIII, of the Gugenheim and Cohn's Farm Lots, located between Old Brownsville Road (FM 665), South Padre Island Drive (SH 358), and West Point Road.

Planning Commission and Staff Recommendation (April 9, 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 Peterson Properties, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 118.30-acre tract of land out of Lots 9, 10, 11, 14, 15, and 16, Section 5, Range VIII, of the Gugenheim and Cohn's Farm Lots, 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

11. [14-00491](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RS-6" Single-Family to the "RM-1" Multifamily for John O. Nicholson, III d/b/a Barton Street Pub on property located at 1005 & 1009 Mounts Drive**

Case No. 0414-03 John O. Nicholson, III d/b/a Barton Street Pub: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change to the Future Land Use Plan from commercial to medium density residential uses. The property is described as being a 0.421-acre tract of land out of Lots 7 and 8, Block H, Flour Bluff Estates, located at the southeast intersection of Mounts Drive and Melody Lane.

Planning Commission and Staff Recommendation (April 9, 2014):
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 John O. Nicholson, III d/b/a Barton Street Pub ("Owner"), by changing the UDC Zoning Map in reference to a 0.421-acre tract of land out of Lots 7 and 8, Block H, Flour Bluff Estates, from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

12. [14-00508](#) **Public Hearing and First Reading Ordinance - Rezoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District, on property located at 7601 South Staples Street (FM 2444)**

Case No. 0414-04 BCH Investment Group, LLC: A change of zoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as being an 8.080-acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, located along the west side of South Staples Street (FM 2444), approximately 400 feet south of Yorktown Boulevard.

Planning Commission and Staff Recommendation (April 9, 2014):
Approval of the rezoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by BCH Investment Group, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 8.080-acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-2" Multifamily 2 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

13. [14-00498](#) **Public Hearing and First Reading Ordinance - Adopting Unified Development Code Text Amendments for plat recordation prior to final acceptance of infrastructure improvements**

Ordinance amending the Unified Development Code to provide Conditional Acceptance requirements by revising section 8.1.11 - Requirements for Plat Recordation; subsections 8.1.11.A - Traffic Engineering Department acceptance requirements, 8.1.11.B - Water

Department acceptance requirements, 8.1.11.C - Wastewater Department acceptance requirements, 8.1.11.D Storm Water Department acceptance requirements, 8.1.11.E Street Department acceptance requirements; section 8.1.12 Technical Requirements for Final Acceptance; subsections 8.1.12.A Traffic Engineering Department acceptance requirements, 8.1.12.B Water Department acceptance requirements, 8.1.12.C Wastewater Department acceptance requirements, 8.1.12.D Storm Water Department acceptance requirements, and 8.1.12.E Street Department acceptance requirements.

Sponsors: Development Services

N. REGULAR AGENDA: (ITEMS 14 - 15)

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

14. [14-00511](#) Resolution supporting approval of bonds and a project relating to Texas A&M - Corpus Christi

Resolution of the City Council of the City of Corpus Christi, Texas authorizing the Mayor to approve the issuance of New Hope Cultural Education Facilities Finance Corporation Student Housing Revenue Bonds (CHF - Collegiate Housing Corpus Christi I, L.L.C. - Texas A&M University-Corpus Christi Project) Series 2014A and to approve the project to be acquired with the proceeds of such bonds

Sponsors: Legal Department

15. [14-00542](#) Resolution supporting protest of McMullen County regarding disposal facility operation application to the Railroad Commission of Texas

Resolution of the City of Corpus Christi, Texas supporting protest letter filed by McMullen County regarding application of PetroWaste Environmental, L.P. to Railroad Commission of Texas for operation of a Commercial Disposal Facility in McMullen County and authorizing the City Manager or designee to take steps necessary to protect the City of Corpus Christi's water sources in this application process

Sponsors: Legal Department

O. FIRST READING ORDINANCES: (ITEMS 16 - 18)

16. [14-00503](#) First Reading Ordinance - Lease agreement for North Bayfront Park kiosk

Ordinance authorizing the City Manager or designee to execute a five year term lease agreement with the Corpus Christi Convention & Visitors Bureau for the North Bayfront Park Kiosk, located on North Shoreline Blvd, near the intersection with Resaca Street; Lessee agrees to pay the

City \$200 on a monthly basis beginning May 1, 2014; terminating a 1998 lease agreement with the Corpus Christi Business Alliance, a predecessor entity for the Corpus Christi Convention & Visitors Bureau, for the Tex Mex Railroad Depot located on North Chaparral Street; appropriating \$1,000 of anticipated rental income in the No. 4710 Visitors Facility Fund for the maintenance of the North Bayfront Park Kiosk; changing the FY2013-2014 Operating Budget adopted by Ordinance No. 029915 by increasing revenues and appropriations by \$1,000 each.

Sponsors: Parks and Recreation Department

17. [14-00470](#) **First Reading Ordinance - Appropriating funds for the Utilities Department reorganization and maintenance services**

Ordinance changing the FY 2014 budget adopted by Ordinance 029915 to appropriate and approve a transfer of \$268,017 from Storm Water Fund 4300 to and appropriate in Street Fund 1041 and reducing the transfer from Water Fund 4010 to Storm Water Fund 4300 by \$59,540 and appropriating \$59,540 in the Engineering Fund 5310 to cover costs associated with transfer of staff due to recent reorganization; to appropriate and approve a transfer of \$1,536,333 from Fleet Maintenance Fund 5110 to and appropriate in the Facilities Maintenance Fund 5115 for noncash assets and liabilities; and increasing revenues and expenditures by \$1,744,810.

Sponsors: Office of Management and Budget, Water/Wastewater Treatment and Storm Water Department

18. [14-00505](#) **First Reading Ordinance - Closing a portion of a 15-foot wide utility easement located northeast of Junior Beck Drive and southwest of South Padre Island Drive**

Ordinance abandoning and vacating a portion of a 15-foot wide utility easement out of Lots 5A and 6A, Industrial Technology Park Unit 1, and requiring the owner, Agnes Properties, to comply with the specified conditions.

Sponsors: Development Services

P. **FUTURE AGENDA: (ITEMS 19 - 27)**

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

Vehicle Purchases (Related Items 19 - 23)

19. [14-00445](#) **Purchase of two CNG pickup trucks for use at landfill**

Motion approving the purchase of two (2) CNG pickup trucks from Burns Motors LTD, McAllen, Texas in accordance with Bid Invitation No. BI-0136-14 based on only bid for a total amount of \$75,600.00. Funding

for the purchase of CNG pickup trucks is available in the Capital Outlay Budget of the Maintenance Service Fund.

Sponsors: Purchasing Division and Fleet Maintenance Services

20. [14-00457](#) Purchase of thirty-one (31) trucks and one (1) SUV and Lease-purchase of fifty (50) trucks

Motion approving the purchase of five (5) heavy trucks, twenty-six (26) light trucks, and one (1) SUV and the lease-purchase of five (5) heavy trucks, and forty-five (45) light trucks for the total amount of \$2,896,263.60, of which \$1,077,464.00 is required for the remainder of FY 2013-2014. The vehicles are awarded to the following companies for the following amounts in accordance with Bid Invitation No. BI-0117-14 based on lowest responsible bid and on lowest local bid. Funding for the purchase of vehicles is available in the Capital Outlay Budget of the Maintenance Service Fund and the Municipal Information System Fund. Financing for the lease-purchase of vehicles will be provided through the City's lease-purchase financing contractor.

Grapevine DCJ, LLC Grapevine, TX Items 13 & 26	Silsbee Ford Silsbee, TX Items 2, 4, & 9	AutoNation Ford Corpus Christi, TX Items 1, 3, 5-8, 10-12, 14-25, 27-31
\$45,642.60	\$82,572.00	\$2,768,049.00

Grand Total: \$2,896,263.60

Sponsors: Purchasing Division and Fleet Maintenance Services

21. [14-00450](#) Lease-Purchase of four (4) freightliner trucks and four (4) Peterson lightning loader bodies for brush collection

Motion approving the lease-purchase of four (4) Freightliner trucks from Houston, Freightliner, Inc., Houston, Texas and four (4) Peterson lightning loader bodies from Texan Waste Equipment, Inc., Houston, Texas for a total amount of \$520,120. The award is based on the cooperative purchasing agreements with the Houston-Galveston Area Council of Governments (HGAC) and the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available from the City's lease-purchase financing contractor.

Sponsors: Purchasing Division and Solid Waste Operations

22. [14-00451](#) Lease-Purchase of three (3) freightliner trucks and Peterson rear-steer loader bodies for brush collection

Motion approving the lease-purchase of three (3) Freightliner trucks from Houston, Freightliner, Inc., Houston, Texas and three (3) Peterson rear-steer loader bodies from Texan Waste Equipment, Inc., Houston, Texas for a total amount of \$443,520. The award is based on the

cooperative purchasing agreements with the Houston-Galveston Area Council of Governments (HGAC) and the Texas Local Government Purchasing Cooperative (TLGPC). Funding is available from the City's lease-purchase financing contractor.

Sponsors: Purchasing Division and Solid Waste Operations

23. [14-00449](#) **Purchase of one freightliner vacuum truck and sewer cleaner body for wastewater collection main line maintenance**

Motion approving the purchase of one (1) Freightliner truck from Houston Freightliner, Inc., Houston, Texas and one (1) VAC-ALL sewer cleaner body from Waukesha-Pierce Industries, Inc., Dallas, Texas for a total amount of \$322,073.45. The award is based on the cooperative purchasing agreement with the Houston-Galveston Area Council of Governments (H-GAC). The unit is a replacement to the fleet and will be used by the Utilities Department. Funds are available in the Fleet Maintenance Services Fund FY 2013-2014.

Sponsors: Purchasing Division and Office of Public Utilities

24. [14-00447](#) **Service agreement for school crossing guard program**

Motion approving a service agreement with All City Management Services, Houston, Texas to administer the School Crossing Guard Program in accordance with Bid Invitation No. BI-0114-14 based on only bid for an estimated twelve-month expenditure of \$257,936.40 of which \$46,897.53 is required for the remainder of FY 2013-2014. The term of the service 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 service provider and the City Manager or designee. Funds are available in the General Fund and the Red Light Photo Enforcement Fund in FY 2013-2014.

Sponsors: Purchasing Division and Police Department

25. [14-00522](#) **Interlocal agreement and approval for submission of grant application for Federal funds from the Edward Byrne Memorial Justice Grant (JAG) Program FY 2014 Local Solicitation**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$168,613 to the U.S. Department of Justice, Bureau of Justice Assistance for funding eligible under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2014 Local Solicitation with 50% of the funds to be distributed to Nueces County under the established Interlocal Agreement; and authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Nueces County to establish terms for the sharing of the Edward Byrne Memorial Justice Grant (JAG) Program FY 2014 Local Solicitation.

Sponsors: Police Department

26. [14-00460](#) **Contract amendment no. 1 for on-call engineering services for dams for construction phase services**

Motion 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 \$10,500, for a total restated fee not to exceed \$60,000 for On-Call Engineering Services for Dams for construction phase services.

Sponsors: Water/Wastewater Treatment and Capital Programs

27. [14-00521](#) **Approval of a reservation agreement with Flint Hills Resources Corpus Christi, LLC for use of recycled water**

Motion authorizing the City Manager or designee to execute an Agreement for Exclusive Reservation of Recycled Water (the "Reservation") with Flint Hills Resources Corpus Christi, LLC (FHR) for 2 million gallons per day (MGD) of recycled water.

Sponsors: Environmental and Strategic Initiatives

Q. 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.

R. ADJOURNMENT