



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final City Council

Tuesday, April 21, 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 Deacon Jesse Hinojosa, Diocese of Corpus Christi.**
- C. Pledge of Allegiance to the Flag of the United States to be led by Paul Pierce, Assistant City Secretary.**
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [15-0381](#) Proclamation declaring April 21, 2015, "Radiology Associates Day"
Proclamation declaring April 19-25, 2015, "National Crime Victims' Rights Week"
Proclamation declaring April 20-24, 2015, "Human Trafficking Awareness Week 2015"
Proclamation declaring April 24-25, 2015, "Texas A&M Health Science Center Tropical and Infectious Diseases Impacting Texas Weekend"
Proclamation declaring April 2015, "Corpus Christi Safe Digging Month"
Certificate of Commendation Presented to Alfredo Segura of the City Parks and Recreation Department
Check Presentation from AEP for Energy Efficiency Program, Phase 2 Rebate

- 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. [15-0384](#) **Executive Session pursuant to Section 551.074, Texas Government Code**, to consider the evaluation of performance and employment of the City Secretary, with possible action and discussion in open session.
3. [15-0383](#) **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. [15-0389](#) **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 *City of Corpus Christi v. MPM Homes, Inc.*, with additional discussion and possible action in open session concerning any matters related *thereto*.
5. [15-0390](#) **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 claims, including claims from AT&T and Fiber Light, LLC regarding damage to buried cables, with additional discussion and possible action in open session concerning any matters related thereto.

I. **MINUTES:**

6. [15-0382](#) Regular Meeting of April 14, 2015

J. **BOARD & 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 7 - 14)**

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.

7. [15-0281](#) **Engineering Construction Contract for the Laguna Madre Wastewater Treatment Plant Head Works and Bar Screen Improvements**

Motion authorizing the City Manager or designee to execute a construction contract with Associated Construction Partners LTD of Boerne, Texas in the amount of \$2,895,000 for the Laguna Madre

Wastewater Treatment Plant Head Works and Bar Screen Improvements for the Base Bid.

Sponsors: Office of Public Utilities and Capital Programs

8. [15-0333](#) **Appointing Board Members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation**

Motion appointing City Council Members Nelda Martinez, Rudy Garza, Chad Magill, Colleen McIntyre, Lillian Riojas, Brian Rosas, Lucy Rubio, Mark Scott and Carolyn Vaughn as board members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation.

Sponsors: City Secretary's Office

9. [15-0310](#) **Second Reading Ordinance - Rezoning for a Special Permit for a Transitional Housing Facility at 1508 Leopard Street (1st Reading 4/14/15)**

Case No. 0215-01 The Salvation Army: From the "CI" Intensive Commercial District to the "CI/SP" Intensive Commercial District with a Special Permit for a transitional housing facility. The property to be rezoned is described as Lots 1 thru 9, Block 2, West End Addition and portion of alley, between Antelope and Leopard Streets and between Mexico and Josephine Streets.

Planning Commission and Staff Recommendation (March 11, 2015): Approval of the change of zoning from the "CI" Intensive Commercial District to the "CI/SP" Intensive Commercial District with a Special Permit for a transitional housing facility, subject to 11 conditions.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by The Salvation Army ("Owner"), by changing the UDC Zoning Map in reference to Lots 1 thru 9, Block 2, West End Addition and portion of alley, from the "CI" Intensive Commercial District to the "CI/SP" Intensive Commercial District with a Special Permit for a transitional housing facility; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

10. [15-0315](#) **Second Reading Ordinance - Amending the Wastewater Collection System Master Plan (1st Reading 4/14/15)**

Ordinance amending the Wastewater Collection System Master Plan, an element of the Comprehensive Plan of the City of Corpus Christi, Texas, by relocating approximately 17 acres of land from the

Wooldridge II Lift Station 48 service area as identified in the Wastewater Collection System Master Plan, Oso W.R.P. Service Area, Area 1, to the Wooldridge Lift Station 61 service area as identified in the Master Sanitary Sewer Plan for the Southern Portion of Corpus Christi, Texas 1983; amending related elements of the City's Comprehensive Plan; providing for severance; and providing for publication.

Sponsors: Development Services

11. [15-0322](#) **Second Reading Ordinance - Appropriating funds from back filing of E911 fees from Vonage (1st Reading 4/14/15)**

Ordinance appropriating \$39,533.05 in General Fund No. 1020 from the back filing of E911 fees from Vonage; and changing the FY 2014-2015 Operating Budget adopted by Ordinance No. 030294 by increasing revenue and expenditures in the General Fund No. 1020 by \$39,533.05 each.

Sponsors: Police Department

12. [15-0349](#) **Second Reading Ordinance - Adopting the Corpus Christi Maintenance Code (CCPMC) and approving licensing agreement with the International Code Council (1st Reading 4/14/15)**

Ordinance amending the Corpus Christi Code of Ordinances Chapter 13, Article II to repeal the adoption of the Southern Standards Housing Code, 1973 Edition and to adopt the Corpus Christi Property Maintenance Code; amending Chapter 13, Article II to extend the time to appeal Building Standard Board decisions and allow for the recoupment of title search expenses; amending Chapter 13, Article II, Division II to modify the definition and procedures for junk vehicles; amending §13-3002 to add the definition of hearing officer; repealing Chapter 13, Article IV in its entirety; repealing in its entirety Ordinance No. 12826 regarding fire breaks; authorizing the City Manager or his designee to execute a licensing agreement with the International Code Council for copyright use of the International Property Maintenance Code; providing for severance; providing for penalties; providing for publication; and providing for effective date.

Sponsors: Police Department

13. [15-0278](#) **Second Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for the construction of water arterial transmission and grid main line located south along Holly Road, east of Rodd Field Road and west of Paul Jones Avenue (1st Reading 4/14/15)**

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with MPM Development, LP ("Developer"), for the construction of a water arterial transmission and grid main line and

appropriating \$49,980.11 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

14. [15-0284](#) **Second Reading Ordinance - Closing a portion of a utility easement located north of the Saratoga Boulevard (SH 357) state right-of-way, and east of the Airline Road public street right-of-way (1st Reading 4/14/15)**

Ordinance abandoning and vacating a 3,066.16-square foot portion of an existing 15-foot wide utility easement out of a part of Lot 29, Tract N, Bass Subdivision, located north of the Saratoga Boulevard (SH 357) state right-of-way, and east of the Airline Road public street right-of-way; and requiring the owner, George V. Piperis, to comply with the specified conditions

Sponsors: Development Services

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

N. **REGULAR AGENDA: (ITEMS 15 - 21)**

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

15. [15-0361](#) **Direction regarding 2012 Bond Projects**

Resolution directing staff to proceed with bidding remaining Bond 2012 Projects; and providing direction on specific projects.

Sponsors: Capital Programs and Office of Public Works

16. [15-0324](#) **Authorizing Agreement for All Risk Property Insurance Coverage**

Motion authorizing the City Manager to execute a one-year agreement, with Borden Insurance and McGriff, Seibels & Williams of Texas, Inc., for the purchase of all risk property insurance coverages totaling \$2,752,388 of which \$1,131,117.95 is required for the remainder of FY2014-2015. Funds have been budgeted by the Legal Department in FY2014-2015.

Sponsors: Purchasing Division and Legal Department

17. [15-0203](#) **Approving Real Estate Contract for Elevated Water Storage Tank Site located at Rand Morgan and Leopard Street**

Motion authorizing the City Manager or designee to execute a Real Estate Sales Contract with Marjak, Inc. in the amount of \$188,000 plus \$2,500 in estimated closing costs for a total expenditure of \$190,500, for the purpose of acquiring a tract of land containing 1.76 acres of land located at the southeast corner of the intersection of Leopard Street and

Rand Morgan Road, to be used for the construction of an elevated water storage tank in connection with the CC Elevated Storage Tanks - Citywide Project #E12210, Capital Improvement project.

Sponsors: Water/Wastewater Treatment and Capital Programs

18. [15-0273](#) **Second Reading Ordinance - Closing a portion of an undeveloped and unsurfaced 20-foot wide public right-of-way, located south of and adjacent to Williams Drive and north of Holly Road (1st Reading 4/14/15)**

Ordinance abandoning and vacating an undeveloped and unsurfaced 11,420-square foot portion (0.262 acres) of a 20-foot wide public right-of-way, out of Lot 1, Block 1, Oso River Estates Unit 2, and requiring the owners, Breckenridge Group Corpus Christi Phase II, LP., to comply with specified conditions.

Sponsors: Development Services

19. [15-0274](#) **Second Reading Ordinance - Closing a portion of a public right-of-way, located south of Williams Drive and north of Holly Road (1st Reading 4/14/15)**

Ordinance abandoning and vacating an undeveloped and unsurfaced 39,530-square foot portion (0.91 acres) of a 20-foot wide public right-of-way, out of Lots 23-24, Section 28, Flour Bluff & Encinal Farm & Garden Tracts and requiring the owners, Gladys Mattie Smith Marital Trust, Patricia Ray Peterson Nuss, and Christy Ann Peterson Brown, to comply with specified conditions.

Sponsors: Development Services

20. [15-0304](#) **Second Reading Ordinance - Exemption from the Wastewater Acreage/Lot Fees for Wedgewood Terrace Unit 3 located north of Yorktown Drive and West of Flour Bluff Drive, in the southwest portion of Flour Bluff (1st Reading 4/14/15)**

Ordinance exempting Wedgewood Terrace Unit 3 from the payment of wastewater lot and acreage fees pursuant to Section 8.5.2.G.1. of the Unified Development Code; requiring the owner/developer to comply with the specified conditions.

Sponsors: Development Services

21. [15-0298](#) **Second Reading Ordinance - Amending City Code regarding disbanding the Cable Communications Commission (1st Reading 4/14/15)**

Ordinance amending the Code of ordinances, City of Corpus Christi, Chapter 2 and Chapter 55 regarding disbanding of the Cable Communications Commission

Sponsors: Communications and Media Relations & eGovernment

O. FIRST READING ORDINANCES: (ITEMS 22 - 27)

- 22. [15-0348](#) First Reading Ordinance - Accepting a donation from the Port of Corpus Christi Authority for training firefighters in marine firefighting from the landside**
- Ordinance authorizing the City Manager or designee to accept a donation from the Port of Corpus Christi Port Authority for \$20,000.00 to be used to train firefighters in marina firefighting from the landside; and appropriating \$20,000.00 from the Port of Corpus Christi Authority into the Fire Grant Fund No. 1062.
- Sponsors:** Fire Department
- 23. [15-0127](#) First Reading Ordinance - Amending City Code regarding park and beach vendors**
- Ordinance amending Chapter 38 of the City Code of Ordinances regarding park and beach vendors.
- Sponsors:** Parks and Recreation Department
- 24. [15-0267](#) First Reading Ordinance - Lease Agreement renewal for Ben Garza Field and Clara Driscoll Field**
- Ordinance authorizing the City Manager, or his designee, to execute five-year lease agreement with Corpus Christi Police Athletic League for the use of Ben Garza field located at 1815 Howard, including sublease of Driscoll Field located at 4235 Baldwin, for baseball program.
- Sponsors:** Parks and Recreation Department
- 25. [15-0323](#) First Reading Ordinance - Approving the sale of a narrow strip of land for a future street right-of-way**
- Ordinance approving the sale of a narrow strip of land -- 0.169 acres out of the City's 4.39 acre tract to MPM Development, LP (Developer) for the amount of \$7,600.00, for the use in constructing future street right-of-way necessary for Developer's proposed Bordeaux Place Unit 4 Subdivision development and associated plat; and authorizing the City Manager or designee to execute a Real Estate Sales Contract, Special Warranty Deed, and all closing documents necessary for the sale and conveyance.
- Sponsors:** Capital Programs
- 26. [15-0254](#) First Reading Ordinance - Approving a Real Estate Sales Contract for the Citizen's Collection Center for Flour Bluff/Padre Island**
- 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

27. [15-0202](#) **First Reading Ordinance - Amendment No. 1 to Lease for Real Property for U.S. Coast Guard Navigational Marker ACLL 7817**

Ordinance authorizing the City Manager or designee to execute Amendment No. 1 to the US Government Lease for Real Property for the US Coast Guard Aid to Navigation Marker ACLL 7817, amending Paragraph four (4) NOTICE section, of the current lease of real property to the U.S. Government in connection with a navigation marker mounted on the east wall of the South Texas Institute for the Arts building, an aid to navigation (ATON) structure known as the "Corpus Christi Channel Cut "B" West Range Front Light (ACLL 7817)"; and providing for publication.

Sponsors: Capital Programs

P. RECESS COUNCIL MEETING

CORPORATION MEETINGS: (ITEMS 28 - 29)

28. [15-0334](#) **Corporation Meeting of the Coastal Bend Health Facilities Development Corporation**

Annual Meeting of the Coastal Bend Health Facilities Development Corporation

Sponsors: City Secretary's Office

29. [15-0335](#) **Corporation Meeting of the Coastal Bend Cultural Education Facilities Finance Corporation**

Annual Board Meeting of the Coastal Bend Cultural Education Facilities Finance Corporation

Sponsors: City Secretary's Office

Q. RECONVENE COUNCIL MEETING

R. FUTURE AGENDA ITEMS: (ITEMS 30 - 35)

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

30. [15-0325](#) Purchase and Installation of Casework, Lab Benches, Cabinetry, and a Chemical Hood

Motion approving the purchase and installation of the casework, lab benches, cabinetry, and the chemical hood necessary to renovate three (3) laboratory rooms at the Water Utilities Laboratory from VWR International, LLC, Irving, Texas in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$72,820.63. Funds have been budgeted by the Utilities Department in FY 2014-2015.

Sponsors: Purchasing Division and Office of Public Utilities

31. [15-0319](#) Approving Amendment No. 1 to Professional Services Contract for Signal Improvements and Street Lighting Project (Bond 2012)

Motion authorizing the City Manager, or designee, to execute Amendment No. 1 to a Contract for Professional Services with Maldonado-Burkett Intelligent Transportation Systems, LLP of Austin, Texas in the amount of \$30,321.74 for a re-stated fee not to exceed \$79,833.85 for the Signal Improvements and Street Lighting BOND 2012 project.

Sponsors: Capital Programs and Office of Public Works

32. [15-0332](#) Engineering Construction Contract and Design Contract Amendment No. 1 Indefinite Delivery/Indefinite Quantity Minor Street Pavement Improvements

Motion authorizing the City Manager, or designee, to execute a construction contract with Grace Paving and Construction, Inc. of Corpus Christi, Texas in the amount of \$1,880,404.50 for the Indefinite Delivery/Indefinite Quantity Minor Street Pavement Improvements and to execute Amendment No. 1 to a Contract for Professional Services with Engineering & Construction Management Services, LLC (ECMS, LLC) in the amount of \$97,440.00 for a restated fee of \$114,940.00 for the Indefinite Delivery/Indefinite Quantity Minor Street Pavement Improvements.

Sponsors: Capital Programs and Office of Public Works

33. [15-0297](#) Interlocal Agreement with the Port of Corpus Christi for Sam Rankin Street from Port Avenue to West Broadway Street

Motion authorizing the City Manager or designee to execute an Interlocal Agreement with the Port of Corpus Christi Authority of Nueces

County, Texas (PCCA) for improvements to Sam Rankin Street from Port Avenue to West Broadway Street.

Sponsors: Capital Programs and Intergovernmental Relations

34. [15-0321](#) **Interlocal Agreement with Texas A&M University Kingsville for a decision support modeling system for modeling the water resources around Choke Canyon Reservoir Region**

Resolution authorizing the City Manager or designee to execute an Interlocal Agreement with Texas A&M University Kingsville in the amount of \$59,697 for a decision support modeling system for modeling the water resources around the Choke Canyon Reservoir Region of the Nueces River Basin.

Sponsors: Environmental and Strategic Initiatives and Capital Programs

35. [15-0327](#) **Interlocal agreement with Tuloso-Midway Independent School District for public infrastructure**

Resolution authorizing the City Manager or designee to execute all documents necessary to resolve the future funding of streets on the City's Street Master Plan by Tuloso-Midway Independent School District by Interlocal Agreement in relation to a subdivision plat for a new Agricultural Building.

Sponsors: Development Services and Legal Department

S. BRIEFINGS: (ITEM 36)

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.

36. [15-0359](#) **Water Rate - Adjustments and Unit Costs**

Sponsors: Office of Public Utilities and Water/Wastewater Treatment

T. 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.

U. ADJOURNMENT