



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final

City Council

Tuesday, November 15, 2016

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 Steve Sorenson, Bridgeway Church.**
- C. Pledge of Allegiance to the Flag of the United States to be led by Captain Anthony Sanders - Uniform/Neighborhood Services/K9.**
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [16-1321](#) Proclamation declaring November 15, 2016, "Coastal Bend Day of Giving".
Proclamation declaring November 16, 2016, "18th Annual World-Wide GIS Day of the Coastal Bend 2016 - Discovering the World Through GIS".
Proclamation declaring November 17, 2016, "Great American Smokeout".
Proclamation declaring November 19, 2016, "Corpus Christi Black Chamber of Commerce Day and Celebration with a 73rd Anniversary Gala".
Proclamation declaring November 12-20, 2016, "National Hunger and Homelessness Awareness Week".
Proclamation declaring November 2016, "Prematurity Awareness Month" and November 17, 2016, "Prematurity Awareness Day".

- 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 choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. 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. MINUTES:

- 2. [16-1343](#)** Regular Meeting of November 1, 2016.

I. OUTGOING COUNCIL MEMBER SPEECHES AND PRESENTATION OF GIFTS

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 or 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 3 - 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.

3. [16-1227](#) Approving a supply agreement for the purchase of fire hydrants for new and replacement installations (Requires 2/3 vote)

Motion approving a supply agreement with HD Supply Waterworks, Ltd., a Florida limited partnership, with a branch in Corpus Christi, Texas as HD Supply Waterworks, for fire hydrants in accordance with Request for Bid No.126 based on the lowest, responsive responsible bid for an estimated annual expenditure of \$178,690.00, of which \$148,908.34 will be funded in FY2016-2017. The term of the agreement is for one year with an option to extend for up to two additional one year periods, subject to the approval of the supplier and the City Manager or designee.

Sponsors: Water Utilities Department and Purchasing Division

4. [16-1277](#) Developer's Agreement for Downtown Streets - Chaparral project (Bond 2008, Proposition 1) (Requires 2/3 vote)

Motion authorizing the City Manager, or designee, to execute a developer's agreement with Cosmopolitan Corpus, LLC. of Corpus Christi, Texas in the amount of \$142,235.89 for work associated with the Downtown Streets - Chaparral project. (BOND 2008 Proposition 1).

Sponsors: Engineering Services

5. [16-1256](#) Second Reading Ordinance - Rezoning property located at 3838 Acushnet Drive (1st Reading 11/1/16) (Requires 3/4 vote)

Case No. 1016-02 Jose and Hector Sanchez: A change of zoning from the "CG-2" General Commercial District to the "IL" Light Industrial District. The property to be rezoned is described as Block 7, Lot 13, Saratoga Weber Plaza, located on the north side of Acushnet Drive between Weber Road and Jefferson Street.

Planning Commission and Staff Recommendation (October 5, 2016):
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 Jose and Hector Sanchez ("Owners"), by changing the UDC Zoning Map in reference to Saratoga Weber Plaza, Block 7, Lot 13 from the "CG-2" General Commercial District to the "IL" Light Industrial District; amending the Plan CC to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

6. [16-1257](#) **Second Reading Ordinance - Rezoning property located at 701 East Port Avenue (1st Reading 11/1/16) (Requires 2/3 vote)**

Case No. 1016-03 Durrill Farms, LLC: A change of zoning from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District. The property to be rezoned is described as a 2.6-acre tract of land out of Port Addition, Block 2, Lot 1, located between Port Avenue and Brewster Street and between Tanchua Street and Broadway Street.

Planning Commission and Staff Recommendation (October 5, 2016): Approval of the change of zoning from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Durrill Farms, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 2.6-acre tract of land out of Port Addition, Block 2, Lot 1, from the "IH" Heavy Industrial District to the "CI" Intensive Commercial District; amending the Plan CC to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

7. [16-1266](#) **Second Reading Ordinance - Accepting and appropriating grant funds for the Violence Against Women Act (VAWA) Program within the Police Department (1st Reading 11/1/16) (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the State of Texas, Criminal Justice Division in the amount of \$46,226.82 for the Violence Against Women (VAWA) Program within the Police Department with a cash match of \$20,000.52 and an in-kind match of \$6,900.00 for a total project cost of \$73,127.34; appropriating the \$46,226.82 in the No. 1061 Police Grants Fund for the VAWA grant in the Police Department; and authorizing the transfer of \$20,000.52 from the No. 1020 General Fund to the No. 1061 Police Grants Fund and appropriating the same for a total project cost of \$73,127.34.

Sponsors: Police Department

8. [16-1268](#) **Second Reading Ordinance - Approving the 2017 Annual Audit Plan (1st Reading 11/1/16) (Requires 2/3 vote)**

Ordinance to Approve the 2017 Annual Audit Plan.

Sponsors: City Auditor

M. EXECUTIVE SESSION: (ITEMS 9 - 10)

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. If 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 City Council may deliberate and take action in open session on any issue that may be discussed in executive session. 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.

9. [16-1323](#) **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to potential settlement in Janet Cormier, et al v. City of Corpus Christi.**
10. [16-1324](#) **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to emergency service districts, the provision of fire and ambulance services, dispatching, 911 services, Chapter 143 of the Texas Local Government Code, and collective bargaining.**

N. PUBLIC HEARINGS: (ITEMS 11 - 12)

11. [16-1309](#) **Public Hearing and First Reading Ordinance - Rezoning property located at 5151 McArdle Road (Requires 2/3 vote)**

Case No. 1016-05 The City of Corpus Christi: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District. The property is described as being a 6.36 acre tract, out of a 7.245 acre public park, Mt. Vernon Subdivision Unit 3, located on the southeast corner of McArdle Road and Holmes Drive.

Planning Commission and Staff Recommendation (November 2, 2016):
Tract 1: Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District except for that portion of the tract abutting Holmes Drive and extending to a depth of 50 feet measured from the Holmes Drive right-of-way line. (See Tract Exhibit)

Tract 2: Denial of the change of zoning from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District and in lieu thereof approval of the “CN-1” Neighborhood Commercial District for that portion of the property abutting Homes Drive to a depth of 50 feet measured from the Homes Drive right-of-way line. (See Tract Exhibit).

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Corpus Christi Retail Venture, LP and Corpus Christi Area Council for the Deaf, Inc., on behalf of The City of Corpus Christi (“Owner”), by changing the UDC Zoning Map in reference to a 6.36 acre tract, out of a 7.245 acre public park, Mt. Vernon Subdivision Unit 3, from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District on Tract 1, and to the “CN-1” Neighborhood Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

12. [16-1310](#)

Public Hearing and First Reading Ordinance - Rezoning property located at 10329 Kingsbury Drive (Requires ¾ vote)

Case No. 0916-01 Coastal Bend Grace House, Inc.: A change of zoning from the “CN-1” Neighborhood Commercial District to the “CG-1/SP” General Commercial District with a Special Permit. The property is described as Block 3, Lot 4, Hill Country Estates, located on the southeast corner of Kingsbury Drive and McKinzie Road.

Planning Commission and Staff Recommendation (September 7, 2016):

Denial of the change of zoning from the “CN-1” Neighborhood Commercial District to the “CG-1/SP” General Commercial District with a Special Permit and, in lieu thereof, approval of the “CN-1/SP” Neighborhood Commercial District with a Special Permit subject to seven conditions.

Ordinance:

Ordinance amending the Unified Development Code (“UDC”), upon application by Coastal Bend Grace House, Inc. (“Owner”), by changing the UDC Zoning Map in reference to a 0.86-acre tract of land described as Block 3, Lot 4, Hill Country Estates, from the “CN-1” Neighborhood Commercial District to the “CN-1/SP” Neighborhood Commercial District with a Special Permit for a social service use; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

O. REGULAR AGENDA: (ITEMS 13 - 14)

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

13. [16-1322](#) **One Reading Action Item - Opposing proposed Texas Commission on Environmental Quality (TCEQ) rule amendments that give TCEQ broader discretion to order boil water notices**

Resolution authorizing submission of comments in proposed rulemaking at Texas Commission on Environmental Quality ("TCEQ") regarding revised total coliform rule plus, TCEQ Rule Project No. 2015-035-290-OW, to oppose proposed rules that allow discretionary issuance of boil water notices and request clarification with regard to other proposed amendments.

Sponsors: Water Utilities Department

14. [16-1327](#) **Discussion and consideration of "Petition for Removal according to City Charter Sec. 11(6)(b)" of Council Member At-Large Mark Scott.**

Sponsors: City Secretary's Office and Legal Department

P. FIRST READING ORDINANCES: (ITEMS 15 - 18)

15. [16-1328](#) **First Reading Ordinance - Final Reimbursement of Election Services Overbilling (Requires 2/3 vote)**

Ordinance accepting payment from Nueces County in the amount of \$73,616.52 as the final reimbursement for election services overbilling and appropriating in the No. 1020 General Fund; changing the FY2016-2017 operating budget adopted by Ordinance 030965 to increase revenues by \$73,616.52.

Sponsors: City Secretary's Office

16. [16-1272](#) **First Reading Ordinance - Accepting and appropriating a grant amendment for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities grant and ratifying acceptance to begin October 1, 2016 (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept an amendment to a grant contract for the Health Promotions and Chronic Disease Prevention/Texas Healthy Communities (HPCDP/TXHC) grant in the amount of \$50,000.00, increasing the total amount to \$100,000.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund to provide funds to implement systems and strategies that address one or more Texas Healthy Communities priority indicators for the amended contract period October 1, 2015, through September 30, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant

agreement to begin October 1, 2016.

Sponsors: Health Department

17. [16-1308](#) **First Reading Ordinance - Appropriating funds and approving Engineering Design Contracts for Residential Reconstruction Test Projects - Ralston Avenue and Rogerson Drive (Requires 2/3 vote)**

Ordinance appropriating \$2,500,000 from the Unreserved Fund Balance in No. 1042 Residential and Local Street Fund for the Residential Reconstruction Test Projects - Ralston Avenue and Rogerson Drive; amending the FY 2017 Operating Budget adopted by Ordinance No. 030965; authorizing the City Manager, or designee, to execute a contract for engineering design services with Urban Engineering of Corpus Christi, Texas in the amount of \$88,420 for design of Ralston Avenue and Freese & Nichols, Inc. of Corpus Christi, Texas in the amount of \$97,764 for the design of Rogerson Drive.

Sponsors: Engineering Services and Street Department

18. [16-1316](#) **First Reading Ordinance - Continuing Texas Municipal Retirement System (TMRS) Updated Service Credits for Current Participants and Increases for Prior and Current Annuities (Requires 2/3 vote)**

Ordinance authorizing and allowing, under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system for service performed by qualifying members of such system who presently are members of the City of Corpus Christi; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; establishing an effective date for such actions; and providing for severance.

Sponsors: Human Resources

Q. FUTURE AGENDA ITEMS: (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.

19. [16-1229](#) **Lease Agreement for 150 parking spaces for Police Department and Municipal Court Facilities**

Motion authorizing the City Manager or designee to renew a five-year Parking Space Lease Agreement with 101 Shoreline Limited for 150 parking spaces located at 221 South Water Street, necessary to support the Police Department and Municipal Court facilities, and approving monthly lease payments of \$6,620 per month inclusive of the City's share of utilities, property taxes, mowing, and parking lot maintenance.

Sponsors: Police Department

20. [16-1301](#) **Resolution ratifying the submission of a grant application for the Assistance to Firefighters Grant Program**

Resolution ratifying the submission of a grant application in the amount of \$391,200 to the US Department of Homeland Security, Federal Emergency Management Agency for the Assistance to Firefighters Grant Program.

Sponsors: Fire Department

21. [16-1221](#) **Service Agreement for Elevator Maintenance and Repairs for 17 elevators**

Motion authorizing the City Manager, or designee, to approve a Service Agreement with Schindler Elevator Corporation, of Morristown, New Jersey, to perform maintenance and repairs to 17 elevators for an amount of \$95,324.84. In addition to Contractor's repair cost, this motion also included a 10% contingency of \$9,532.48 to address unforeseen conditions. The award is based on the cooperative purchasing agreement with the State of Texas Multiple Award Schedule (TxMas).

Sponsors: Facilities Management Services and Purchasing Division

22. [16-1302](#) **Construction Contract for the Sharpsburg Lift Station Upgrade and Up River Road Force Main Rehabilitation (Capital Improvement Project)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Associated Construction Partners, Ltd. of Boerne, Texas in the amount of \$3,042,665 for the Sharpsburg Lift Station Upgrade and Up River Road Force Main Rehabilitation for the Total Base Bid.

Sponsors: Engineering Services and Water Utilities Department

23. [16-1296](#) **Resolution authorizing Advance Funding Agreement for 2014 Highway Safety Improvements Program (Bond 2014, Proposition 2)**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for 2014 Highway Safety Improvements Program with the City's local participation in the amount of \$779,877.60 from the Bond 2012 and Bond 2014 programs.

Sponsors: Engineering Services and Office of Public Works

24. [16-1298](#) **Construction Contract for the Choke Canyon Dam Sluice Gate Stem Repairs**

Motion authorizing the City Manager, or designee, to execute a construction contract with Huffman Contractors, LLC of Nederland, Texas

in the amount of \$189,999 for the Choke Canyon Dam Sluice Gate Stem Repairs for the Total Base Bid.

Sponsors: Engineering Services

25. [16-1306](#) **Engineering Construction Contract for Alternative Capacity Power Generation Staples and Navigation Water Pump Station (Capital Improvement Project)**

Motion authorizing the City Manager, or designee, to execute a construction contract with McDonald Municipal & Industrial of Houston, Texas in the amount of \$868,869 for the Alternative Capacity Power Generation - Staples and Navigation Water Pump Station for the Total Base Bid.

Sponsors: Engineering Services

26. [16-1307](#) **Approving Cellular Services for Phones, Wireless Devices, and Connectivity**

Motion authorizing the City Manager or designee to execute a contract with T-Mobile USA, Inc., of Bellevue, Washington, based on a cooperative purchasing agreement with the Texas Department of Information Resources (DIR), for a total estimated expenditure of \$1,650,348 for three years, of which \$412,587 is funded in FY2016-2017, with options to extend for up to one additional one-year period subject to renewals of the State's DIR contract (DIR-TSO-3416) with T-Mobile, sufficient annual appropriations, and mutual consent of the vendor and City Manager.

Sponsors: Information Technology Services

27. [16-1289](#) **Establishing Waste Acceptance Contract with Killian Calderon Disposal LLC**

Motion authorizing the City Manager or designee to execute an 11-year contract with Killian Calderon Disposal, LLC, guaranteeing the delivery of specific tonnage of acceptable waste collected within the boundaries of the Coastal Bend Council of Governments region to the City's Cefe Valenzuela Municipal Landfill, with a termination date of November 12, 2027.

Sponsors: Solid Waste Operations

R. BRIEFINGS: (ITEMS 28 - 29)

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. [16-1313](#) **Water Quality Projects Update**

Sponsors: Water Utilities Department

29. [16-1351](#) **Ethics Commission Ethics Code Recommendations**

Sponsors: Legal Department

S. **ADJOURNMENT**