



# Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Agenda - Final

### City Council

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Tuesday, November 1, 2016

11:30 AM

Council Chambers

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**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 David Kelly, Trinity Worship.
- C. Pledge of Allegiance to the Flag of the United States to be led by Pat Persohn - Administrative Manager, Police Department.
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.
- E. Proclamations / Commendations
  - 1. [16-1283](#) Proclamation declaring November 4, 2016, "Texas Arbor Day".  
Proclamation declaring November 7, 2016, "CRPS/RSD Awareness Day: Color the World Orange".
- 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. [16-1284](#) Regular Meeting of October 25, 2016.

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

J. 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.*

CONSENT AGENDA: (ITEMS 3 - 7)

3. [16-1252](#) Reimbursement Resolution for Utility System Revenue Bonds  
(Requires 2/3 vote)

Resolution relating to establishing the City's intention to reimburse itself in an amount not to exceed \$115,000,000 for the prior lawful expenditure of funds from the proceeds of one or more series of obligations to be issued by the City for authorized purposes relating to constructing improvements to the City's Combined Utility System; authorizing matters incident and related thereto; and providing an effective date.

Sponsors: Financial Services Department

4. [16-1207](#) **Contract for Professional Services for Wesley Seale Dam Instrumentation Testing and Replacement Project (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a contract for professional services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$447,020 for the Wesley Seale Dam Instrumentation Testing and Replacement project.

Sponsors: Engineering Services and Water Utilities Department

5. [16-1230](#) **Engineering Construction Contract for Lift Station Repairs Citywide 2016 (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Associated Construction Partners, LTD of Boerne, Texas in the amount of \$1,359,000 for the Lift Station Repairs Citywide 2016 for the Total Base Bid.

Sponsors: Office of Public Utilities, Water Utilities Department and Engineering Services

6. [16-1178](#) **Second Reading Ordinance - Rezoning property located at 1013 E. Lakeside Drive (1st Reading 10/25/16) (Requires 2/3 vote)**

Case No. 0916-02 Dawn Melancon: A change of zoning from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District. The property to be rezoned is described as being a 0.344-acre tract of land out of Lot 16, Section 56, Flour Bluff and Encinal Farm and Garden Tracts, located on the northeast corner of South Padre Island Drive (Hwy 358) and East Lakeside Drive.

Planning Commission and Staff Recommendation (September 21, 2016):

Approval of the change of zoning from the "RS-6" Single-Family 6 District to "CG-1" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application of Dawn Melancon ("Owner"), by changing the UDC Zoning Map in reference to 0.344-acre tract of land out of Lot 16, Section 56, Flour Bluff and Encinal Farm and Garden Tracts, from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

7. [16-1179](#) **Second Reading Ordinance - Rezoning property located at 7401 Holly Road (1st Reading 10/25/16) (Requires 2/3 vote)**

Case No. 0916-03 Palm Land Investments, Inc.: A change of zoning from the "RS-4.5" Single-Family 4.5 District to the "RS-TH" Townhouse District. The property to be rezoned is described as an 8.63-acre tract of land out of the north portion of Lot 3, Section 27, Flour Bluff and Encinal Farm and Garden Tracts, located on the south side of Holly Road, approximately 1,307 feet east of Rodd Field Road.

Planning Commission and Staff Recommendation (September 21, 2016): Approval of the change of zoning from the "RS-4.5" Single-Family 4.5 to the "RS-TH" Townhouse District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Palm Land Investments, Inc. ("Owner"), by changing the UDC Zoning Map in reference to an 8.63 acre of Flour Bluff and Encinal Farm and Garden Tracts Section 27, Lot 3, from the "RS-4.5" Single-Family 4.5 District to "RS-TH" Townhouse District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

**L. EXECUTIVE SESSION: (ITEMS 8 - 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.*

8. [16-1275](#) **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 economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities that will be consumers of water and wastewater services and pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).
9. [16-1288](#) **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 Article II of the Charter of the City of Corpus Christi, including, but not limited to, City Council terms, City Council term limits, membership on City Council, elections, eligibility for election for Council Member, City Council rules, meeting attendance, potential removal of City Council Member Mark Scott and documentation and procedures related thereto, vacancies and procedures and documentation related thereto, potential employment of independent counsel regarding the aforementioned matters and future potential litigation related thereto, effects of past elections and ballots, prior and other opinions of attorneys regarding the aforementioned matters, and potential causes of action and/or future litigation related to the aforementioned matters, City Council duties and matters related to compensation, future City Charter elections and matters related to terms and term limits, administrative actions, City Council actions, and other matters related to any of the aforementioned issues and possible direction to employ attorneys and prepare documents regarding potential removal proceedings pursuant to Article II, Section 11 of the Charter of the City of Corpus Christi.

10.     [16-1299](#)     **Executive Session pursuant to Texas Government Code § 551.074**  
to discuss the discipline or dismissal of a public officer or employee or hear a complaint or charge against an officer, including but not limited to, matters related to the potential removal of City Council Member Mark Scott pursuant to Article II, Section 11 of the Charter of the City of Corpus Christi.

**M.     PUBLIC HEARINGS: (ITEMS 11 - 12)**

11.     [16-1256](#)     **Public Hearing and First Reading Ordinance - Rezoning property located at 3838 Acushnet Drive (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 Lot 13, Block 7, 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

**12. [16-1257](#) Public Hearing and First Reading Ordinance - Rezoning property located at 701 East Port Avenue (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

**N. REGULAR AGENDA: (ITEMS 13 - 14)**

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

**13. [16-1274](#) Resolution recognizing the Importance of Municipal Courts (Requires 2/3 vote)**

Resolution recognizing the importance of Municipal Courts, the Rule of Law, and the Fair and Impartial Administration of Justice.

Sponsors: Municipal Court Administration

**14. [16-1253](#) Certification of 2016 Tax Levy (Requires 2/3 vote)**

Motion approving the 2016 Property Tax Levy of \$114,816,809.63 based on the adopted property tax rate of \$0.606264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Property Tax Code.

Sponsors: Financial Services Department

**O. FIRST READING ORDINANCES: (ITEMS 15 - 16)**

**15. [16-1266](#) First Reading Ordinance - Accepting and appropriating grant funds for the Violence Against Women Act (VAWA) Program within the**

**Police Department (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

**16.     [16-1268](#)     **First Reading Ordinance - Approving the 2017 Annual Audit Plan (Requires 2/3 vote)****

Ordinance to Approve the 2017 Annual Audit Plan.

**Sponsors:** City Auditor

**P.     **FUTURE AGENDA ITEMS: (ITEMS 17 - 18)****

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

**17.     [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

**18.     [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

**Q.     BRIEFINGS: (NONE)**

*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.*

**R.     ADJOURNMENT**