



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final

City Council

Tuesday, October 30, 2018

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. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. 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. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

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 Joe McComb 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 Aly Berlanga, Executive Assistant, City Secretary's Office.**
- D. City Secretary Rebecca L. Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [18-1366](#) Proclamation declaring October 10, 2018, "Real Men Wear Pink Day".
Proclamation declaring November 11, 2018, "The 143rd Year Anniversary of St. John Baptist Church".**
- F. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**
 - a. UTILITY BILLING UPDATE**

b. STRATEGIC FUTURE ISSUES**c. OTHER****G. MINUTES:**

- 2. [18-1358](#)** Regular Meeting of October 23, 2018 and Workshop Meeting of October 15, 2018.

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)**I. 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.

- J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. 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. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate. All items on this agenda are considered public hearings.**

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.

K. 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. [18-1207](#) Master Services Agreement for Subsurface Utility Engineering (SUE) Services (Capital Improvement Project) (Requires 2/3 Vote)

Motion to authorize execution of a Master Services Agreement with Cobb, Fendley & Associates, Inc., of Corpus Christi, Texas for a period of 1 year in the amount of \$300,000 with one optional 1-year renewal to be administratively awarded for a total contract cost of \$600,000 for Subsurface Utility Engineering (SUE) Services project.

Sponsors: Engineering Services and Water Utilities

4. [18-1268](#) Professional Services Contract Amendment No. 1 for Seawall Capital Repairs (CIP - Type A) (Requires 2/3 Vote)

Motion to authorize execution of Amendment No. 1 to a professional services contract with Munoz Engineering of Corpus Christi, Texas in the amount of \$91,213 for a total restated fee of \$108,493 for the Seawall Capital Repairs project.

Sponsors: Engineering Services, Parks and Recreation Department and Municipal Marina

5. [18-1255](#) Purchase of Uniforms for the Gas Department (Requires 2/3 Vote)

Motion authorizing the purchase of uniforms for the Gas Department with Cintas Corporation from Corpus Christi, Texas, via U.S. Communities cooperative, for a total amount not to exceed \$122,795.50.

Sponsors: Gas Department and Purchasing Division

6. [18-1296](#) **Second Reading Ordinance - Rezoning for a Property located at or near 15621 and 15625 South Padre Island Drive (Requires 2/3 Vote) (1st Reading 10/23/18)**

Case No. 0918-02 Rakesh Patel: Request for rezoning property at or near 15621 and 15625 South Padre Island Drive from "CR-2/IO" Resort Commercial District with the Island Overlay to the "IL" Light Industrial District.

Planning Commission and Staff Recommendation (September 19, 2018): Denial of the change of zoning from the "CR-2/IO" Resort Commercial District with the Island Overlay to the "IL" Light Industrial District, in lieu thereof:

Ordinance rezoning property at or near 15621 and 15625 South Padre Island Drive from "CR-2/IO" Resort Commercial District with the Island Overlay to the "CR-2/IO/SP" Resort Commercial District with the Island Overlay and a Special Permit.

Sponsors: Development Services

7. [18-1294](#) **Second Reading Ordinance - Amending City Code for Water Master Plan Amendment - South of Oso Creek (1st Reading 10/23/18)**

Ordinance amending the City of Corpus Christi Comprehensive Plan by amending the City's Water Distribution System Master Water Plan South of Oso Creek.

Sponsors: Water Utilities

8. [18-1292](#) **Second Reading Ordinance - Accepting and appropriating the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant (Requires 2/3 Vote) (1st Reading 10/23/18)**

Ordinance authorizing acceptance of grant from U. S. Department of Justice, Bureau of Justice Assistance, in amount of \$178,821 for FY 2018 Edward Byrne Memorial Justice Assistance Grant Program; and appropriating \$178,821 in Police Grants Fund to fund enhancement of law enforcement efforts with \$82,042 of funds distributed to Nueces County and \$14,736 of funds distributed to City of Robstown.

Sponsors: Police Department

L. **RECESS FOR LUNCH**

The City Council will take a lunch break at approximately 1:30 p.m.

M. PUBLIC HEARINGS: (ITEM 9)

9. [18-1333](#) Public Hearing and First Reading Ordinance - Alley Right-of-Way and Easement Closure located between Morgan Avenue and Elizabeth Street and between Ocean Drive and Third Street

Ordinance closing, abandoning and vacating two public alleys totaling 5,767 square feet located between Morgan Avenue and Elizabeth Street and between Ocean Drive and Third Street, 1,654 square feet of an existing 5-foot wide drainage easement, and partial closure, abandonment and vacation of 10,618 square feet of an existing 30-foot wide utility and drainage easement dedicated by separate instrument and shown on the Plat of Ocean View Addition Volume 1, Page 11 and Volume 62, Page 130 and 131 Deed and Map Records of Nueces County, located at 600 Elizabeth Street; and requiring the Owner, Christus Spohn Health System Corporation, to comply with specified conditions.

Sponsors: Development Services

N. REGULAR AGENDA: (ITEMS 10 - 12)

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

10. [18-1356](#) Service Agreement for On-Call Cabling Services and Related Products (Requires 2/3 Vote)

Motion authorizing a one-year service agreement to provide cabling services and related products with Network Cabling Services, Inc., of Houston, Texas for a not to exceed amount of \$150,000, with two one-year options for a total potential not to exceed amount of \$450,000 through the State DIR cooperative.

Sponsors: Information Technology Services and Purchasing Division

11. [18-1374](#) Second Reading Ordinance - Corpus Christi International Airport Taxiway K Settlement and Release Agreement (requires 2/3 Vote)

Ordinance authorizing the City Manager to execute a settlement and release agreement with FDL-CC, L.L.C., Harvey Cleary Builders and Spawglass Civil Construction, Inc. related to the fire suppression foam spill on the city's Taxiway K Project; amending the FY 2019 Operating Budget; and appropriating certain funds into Airport Fund No. 4610; and authorizing a payment of \$312,500 to Spawglass Civil Construction, Inc. as provided in the settlement and release agreement.

Sponsors: Aviation Department

12. [18-1373](#) **Purchase of Playground Equipment (Requires 2/3 Vote)**

Motion authorizing the purchase of playground equipment from GameTime by Total Recreation Products, Inc. of Cypress, Texas via U.S. Communities Cooperative for a total amount not to exceed \$400,442.25.

Sponsors: Parks and Recreation Department and Purchasing Division

O. **FIRST READING ORDINANCES: (ITEM 13)**

13. [18-1332](#) **First Reading Ordinance - Ordinance authorizing a License Agreement with Christus Spohn Health System Corporation to cross Elizabeth Street with private utilities (Requires 2/3 Vote)**

Ordinance authorizing a License Agreement with Christus Spohn Health System Corporation, A Texas Non-Profit Corporation, to cross Elizabeth Street with private utilities.

Sponsors: Development Services

P. **FUTURE AGENDA ITEMS: (ITEMS 14 - 19)**

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

14. [18-1320](#) **Resolution ratifying grant application submission for the Emergency Operations Center and Transportation Management Center Assessment project**

Resolution ratifying submission of a grant application for \$37,573.61 to the Office of the Governor for the Emergency Operations Center and Transportation Management Center Assessment project; and authorizing acceptance, rejection, alteration, or termination of grant.

Sponsors: Fire Department

15. [18-1302](#) **Supply Agreement for Medications for Emergency Medical Services (EMS) (Requires 2/3 Vote)**

Motion authorizing a one-year supply agreement for the purchase of EMS Medications with Life-Assist, Inc. of Rancho Cordova, California for a total amount of \$146,964.04 with two one-year options for a total potential multi-year amount of \$440,892.12.

Sponsors: Fire Department and Purchasing Division

16. [18-1267](#) **Professional Services Contract Amendment No. 2 for North Padre Island Beach Access Roads Project (Bond 2014, Proposition 2) (Requires 2/3 Vote)**

Motion to authorize execution of Amendment No. 2 to a professional services contract with Govind Development, LLC. of Corpus Christi, Texas in the amount of \$59,350 for a total restated fee of \$149,435 for the North Padre Island Beach Access Roads project (Bond 2014, Proposition 2).

Sponsors: Street Department and Engineering Services

17. [18-1293](#) **Professional Services Contract Amendment No. 1 for Greenwood Wastewater Treatment Plant Flood Mitigation (Capital Improvement Program) (Requires 2/3 Vote)**

Motion to authorize execution of Amendment No. 1 to a contract for professional services with Alan Plummer Associates, Inc. of Corpus Christi, Texas in the amount of \$339,895 for a total restated fee of \$389,595 for the Greenwood Wastewater Treatment Plant Flood Mitigation project.

Sponsors: Engineering Services and Water Utilities

18. [18-1301](#) **Construction Contract Change Order No. 1 for Oso Water Reclamation Plant Headworks and Lift Station (Capital Improvement Project) (Requires 2/3 Vote)**

Motion to authorize execution of Change Order No. 1 with CSA Construction Inc., of Houston, TX in the amount of \$381,427 for a total restated fee of \$23,246,967 for the Oso Water Reclamation Plant Headworks and Lift Station project.

Sponsors: Engineering Services and Water Utilities Department

19. [18-1290](#) **Service Agreement for Motor and Clutch Repairs for Wastewater Treatment Plants (Requires 2/3 Vote)**

Motion authorizing a one-year service agreement for motor and clutch repairs with Massengale Armature Works Inc. from San Antonio, Texas for a total not to exceed amount of \$146,350.00.

Sponsors: Water Utilities and Purchasing Division

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. The City Manager or City Council Liaison for any city board, commission, committee or corporation (including Type A or B Corporation) may report on the action(s) or discussion(s) of any such body's public meeting that occurred within one month prior to this City Council meeting.

R. EXECUTIVE SESSION: (ITEMS 20 - 23)

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.

20. [18-1367](#) **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 the City's contracts related to waste management, handling, and disposal and state and federal regulations related to the disposal of solid waste and/or recycling, including but not limited to, the City's contracts with Republic Services, BFI Waste Services of North America, Inc. and BFI Waste Systems of Texas, LP. and related entities, force majeure provisions in contracts involving the aforesaid companies and or services, calculation of rates therein, and provisions related to termination thereof, including, but not limited to, the potential later authorization in open session of settlement agreements related to claims by and against some of the aforesaid entities.
21. [18-1371](#) **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning claims, pending litigation, potential settlement, attorney's fees, and/or other potential legal matters regarding lawsuits of *Ray Rosas, Virginia Rosas, Individually and on Behalf of Brenda Rosas, Isabel Rocha Andjose Maria Pena, vs. The City of Corpus Christi, Andy Trevino, Justin Sanders, Adam Villarreal, Ross Murray, Heriberto Martinez, Michael Landino, Roger Arevalo, Yezenia Banuelos* and other lawsuits and claims against the City and the City's officers and employees.
22. [18-1387](#) **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 statutes, City Charter provisions, ordinances and other matters relates to the structure and activities of the Corpus Christi Municipal Court and duties of the judge(s) and clerk(s) thereof and **Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Presiding Judge and other judges and the clerk of the Corpus Christi Municipal Court.
23. [18-1388](#) **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 the Texas Utilities Code,

utility billing regulations, policies, and practices, the regulation of and charges associated with biochemical oxygen demand, total suspended solids, and other wastewater components, and other matters related to the provision of water services, including, but not limited to, issues related to Kane Beef, and agreements related to the aforementioned matters.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Per Council Policies, an item may be added to the agenda by four members of the City Council. Council may give direction to the City Manager to add an item to a future agenda, but no other action will be taken, and no public comment solicited.

T. ADJOURNMENT