



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final

City Council

Tuesday, October 9, 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 ayudarlo.

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 Pastor Chuck Goodwin, Fish for Life Ministries.**
- C. Pledge of Allegiance to the Flag of the United States to be led by Aimee Alcorn-Reed, Assistant City Attorney.**
- D. City Secretary Rebecca L. Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [18-1272](#)** Proclamation declaring October 12, 2018, "Texas Association of Legal Professionals Day".
Proclamation declaring October 8-12, 2018, "Court Observance Week".
Proclamation declaring October 2018, "NCCER Careers in Construction Month".
Commendation in Remembrance of Dr. Leo Carrillo.
- F. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

- a. **STRATEGIC FUTURE ISSUES (NONE)**
- b. **CITY PERFORMANCE REPORT - GAS DEPARTMENT**
- c. **OTHER**

G. MINUTES:

2. [18-1276](#) Regular Meeting of September 25, 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 - 15)

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. [18-1210](#) Annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS) (Requires 2/3 Vote)

Motion authorizing renewal of an annual Joint Funding Agreement for Water Resources Investigation with the United States Geological Survey (USGS), U.S. Department of the Interior, for automated river gauging stations to gather and maintain accurate records of water quality and stream flows associated with the Nueces River and its tributary, with the City's cost to be \$160,350.

Sponsors: Water Utilities

4. [18-1233](#) Food Program Purchase for the Senior and Summer Youth Feeding Programs (Requires 2/3 Vote)

Resolution authorizing the purchase up to \$421,000.00 in food supplies for the senior and summer youth feeding programs through the Coastal Bend Council of Governments' ("CBCOG") participation in the TEXAS 20 Purchasing Cooperative as organized and administered by the Education Service Center, Region 20.

Sponsors: Parks and Recreation Department

5. [18-1152](#) **Supply Agreement for the Purchase of Garbage Truck Parts
(Requires 2/3 Vote)**

Motion authorizing a one-year supply agreement for the purchase of garbage truck parts with Heil of Texas of San Antonio, Texas via BuyBoard cooperative for \$220,000, with a one-year option for a total potential multi-year amount not to exceed \$440,000.

Sponsors: Asset Management Department and Purchasing Division

6. [18-1156](#) **Supply Agreement for the Purchase of Heavy Equipment Parts for
Asset Management (Requires 2/3 Vote)**

Motion authorizing a one-year supply agreement for the purchase of heavy equipment parts with Rush Truck Centers of Texas, LP dba, Rush Truck Center of Corpus Christi, Texas via BuyBoard cooperative for \$630,000, with a one-year option for a total potential multi-year amount of \$1,260,000.

Sponsors: Asset Management Department and Purchasing Division

7. [18-1164](#) **Service Agreement for Backflow Prevention Testing and Repairs for
City Facilities (Requires 2/3 Vote)**

Motion authorizing a three-year service agreement for backflow prevention testing and repairs for City facilities with Smart Plumbing, Inc. of Corpus Christi, Texas for a total amount not to exceed \$276,286.

Sponsors: Asset Management Department and Purchasing Division

8. [18-1150](#) **Service Agreement for Plumbing Services for City Facilities
(Requires 2/3 Vote)**

Motion authorizing a three-year service agreement with Smart Plumbing Inc of Corpus Christi, Texas for plumbing services for City facilities for a total amount not to exceed \$230,625.

Sponsors: Asset Management Department and Purchasing Division

9. [18-1155](#) **Second Reading Ordinance - Urban Transportation Plan
Amendment deleting a proposed collector street (1st Reading
9/25/18)**

Ordinance amending Urban Transportation Plan map by deleting a portion of Las Tunas Drive, a proposed C1 Collector located approximately 0.2 miles south of Whitecap Boulevard connecting Palmira Avenue with South Padre Island Drive (Park Road 22)

Sponsors: Planning and Environmental/Strategic Initiatives

10. [18-1177](#) **Second Reading Ordinance - Unimproved Street Right-of-Way
Closure of Las Tunas Drive (1st Reading 9/25/18)**

Ordinance closing, abandoning and vacating a 0.516-acre portion of Las Tunas Drive, a platted unimproved road, out of Padre Island No. 1 and requiring petitioner, Yasin Investment, LLC., to comply with specified conditions.

Sponsors: Development Services

11. [18-1174](#) **Second Reading Ordinance - Partial Street Right-of-Way closure, vacation, and abandonment of Battlin' Buc Boulevard and Lipan Street, and alley closures out of Nelson Addition Block 2 and 3 (1st Reading 9/25/18)**

Ordinance closing, vacating, and abandoning a 0.50 acre portion of Battlin' Buc Boulevard, a 0.43 acre portion of Lipan Street, a 0.069 of an acre, being a 10-foot wide alley located out of Nelson Addition Block 2, and a 0.034 of an acre, being a 10-foot wide alley located out of Nelson Addition Block 3, and requiring Corpus Christi Independent School District to comply with specified conditions.

Sponsors: Development Services

12. [18-1160](#) **Second Reading Ordinance - Rezoning for a Property located at or near 5518 Curtis Clark Drive (Requires 2/3 Vote)**

Case No. 0818-04 Marias Properties, LLC: Request for rezoning property at or near 5518 Curtis Clark Drive from "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

Planning Commission and Staff Recommendation (August 22, 2018):
Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

Ordinance rezoning property at or near 5518 Curtis Clark Drive from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District.

Sponsors: Development Services

13. [18-1161](#) **Second Reading Ordinance - Rezoning for a Property located at or near 2141 Laguna Shores Drive (1st Reading 9/25/18) (Requires 2/3 Vote)**

Case No. 0818-05 James Karstens: Request for rezoning property at or near 2141 Laguna Shores Road from "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Planning Commission and Staff Recommendation (August 22, 2018):

Approval of the change of zoning from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Ordinance rezoning property at or near 2141 Laguna Shores Road from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Sponsors: Development Services

14. [18-1162](#) **Second Reading Ordinance - Rezoning for a Property located at or near 2117 Laguna Shores Road (1st Reading 9/25/18) (Requires 2/3 Vote)**

Case No. 0818-06 Guy Brady: Request for rezoning property at or near 2117 Laguna Shores Road from "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Planning Commission and Staff Recommendation (August 22, 2018):
Approval of the change of zoning from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Ordinance rezoning property at or near 2117 Laguna Shores Road from the "CR-1" Resort Commercial District to the "RS-15" Single-Family 15 District.

Sponsors: Development Services

15. [18-1171](#) **Second Reading Ordinance - Amending Tree Advisory Committee Membership Requirements (1st Reading 9/25/18)**

Ordinance amending Tree Advisory Committee membership.

Sponsors: Parks and Recreation Department

L. RECESS FOR LUNCH

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

M. PUBLIC HEARINGS: (ITEM 16)

16. [18-1234](#) **Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 6641 Lipes Boulevard (Requires 2/3 Vote)**

Case No. 0918-01 Staples Development, LLC: Request for rezoning property at or near 6641 Lipes Boulevard from "FR" Farm Rural District to the "RM-1" Multifamily 1 District

Planning Commission and Staff Recommendation (September 5, 2018):
Approval of the change of zoning from the "FR" Farm Rural District to the

"RM-1" Multifamily 1 District.

Ordinance rezoning property at or near 6641 Lipps Boulevard from the "FR" Farm Rural District to the "RM-1" Multifamily 1 District.

Sponsors: Development Services

N. REGULAR AGENDA: (NONE)

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

O. FIRST READING ORDINANCES: (ITEMS 17 - 22)

17. [18-1245](#) **First Reading Ordinance - Accepting and appropriating the Violence Against Women Act (VAWA) grant within the Police Department (Requires 2/3 Vote)**

Ordinance authorizing acceptance of \$54,339.42 grant from State of Texas, Criminal Justice Division for Violence Against Women Program with cash match of \$14,000 and in-kind match of \$8,280; appropriating \$54,339.42 in Police Grants Fund; and authorizing transfer of \$14,000 from General Fund to Police Grants Fund.

Sponsors: Police Department

18. [18-1232](#) **First Reading Ordinance - Amending Chapter 38 of the Corpus Christi Code**

Ordinance amending Chapter 38 of the Corpus Christi Code to exempt flea markets and farmers markets from vendor permitting; and providing for penalty.

Sponsors: Development Services

19. [18-1231](#) **First Reading Ordinance - Closing of a utility easement located at 3945 Crosstown State Highway 286**

Ordinance abandoning and vacating a 0.0223 acre portion of a utility easement out of Roseland Place Lot 4, Block 4, located at 3945 Crosstown State Highway 286.

Sponsors: Development Services

20. [18-1257](#) **First Reading Ordinance - Amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district (Public Hearing 9/11/18) (Requires 2/3 Vote)**

Ordinance amending the Unified Development Code to add a definition for smoking lounges and the appropriate zoning district; and providing for penalties.

Sponsors: Development Services

21. [18-1095](#) **First Reading Ordinance - Approving Fourth Amendment to the TIRZ #3 Project & Financing Plan**

Ordinance approving the amendment to the Tax Increment Reinvestment Zone #3 Amended Project & Financing Plan approved by the Board of Directors of Reinvestment Zone Number Three, Corpus Christi, Texas.

Sponsors: Business Liaison

22. [18-1123](#) **First Reading Ordinance - Approving Amendments to the TIRZ #2 Project & Financing Plan**

Ordinance approving the amendments to the Tax Increment Reinvestment Zone #2 Amended Project & Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas.

Sponsors: Business Liaison

P. **FUTURE AGENDA ITEMS: (ITEMS 23 - 27)**

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

23. [18-1249](#) **Authorizing Use of Type B Arterial and Collector Funds for Three Streets (Requires 2/3 Vote)**

Motion authorizing the use of up to \$10,550,000 in Type B arterial and collector funds for three street projects: Slough Road from Amethyst Drive to Rodd Field Road, Everhart Road from Holly Road to South Padre Island Drive, and Holly Road from Ennis Joslin Road to Rodd Field Road.

Sponsors: Business Liaison

24. [18-1214](#) **Construction Contract for Flato Road from Agnes Street to Bates Road (Bond 2014, Proposition 2) (Requires 2/3 Vote)**

Motion to authorize execution of a construction contract with Reytec Construction Resources, Inc., of Houston, Texas in the amount of \$7,985,187.50 for Base Bid Part 3 (Portland Cement Concrete (PCC)) for Flato Road from Agnes Street to Bates Road project.

Sponsors: Street Department and Engineering Services

25. [18-1209](#) **Professional Services Contract Amendment No. 7 for the O.N. Stevens Water Treatment Plant High Service Building No. 3 (Capital Improvement Program) (Requires 2/3 Vote)**

Motion to authorize execution of Amendment No. 7 to a Professional Services Contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$242,065.00 for a total restated fee of \$2,762,567.91 for O.N. Stevens

Water Treatment Plant High Service Building No. 3 project.

Sponsors: Water Utilities Department and Engineering Services

26. [18-1125](#) **Service Agreement for Chemical Analysis Services for Utilities
(Requires 2/3 Vote)**

Motion authorizing a four-year service agreement with Analysys, Inc., of Austin, Texas for the chemical analysis at the Water Utilities Lab, Pretreatment, and Wastewater Division of Utilities Department for the total amount not to exceed \$269,776.

Sponsors: Water Utilities and Purchasing Division

27. [18-1211](#) **Real Estate Contract for land purchase at Corpus Christi
International Airport (Requires 2/3 Vote)**

Motion to authorize execution of a real estate sales contract with Patrick William Kelly, III and Carol Lynn Gillingham in the amount of \$235,200 plus \$2,700 in estimated closing costs for acquisition of 50.535 acres of land including mineral rights, located on Joe Mireur Road (FM763), south of Corpus Christi International Airport for airport land expansion and other purposes.

Sponsors: Aviation Department and Engineering Services

Q. 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. 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.

28. [18-1283](#) **INFOR Briefing**

Sponsors: Information Technology Services

29. [18-1219](#) **Merry Days By The Bay - Update**

Sponsors: Convention and Visitors Bureau

R. EXECUTIVE SESSION: (ITEMS 30 - 32)

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.

30. [18-1278](#) **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 purchase, exchange, lease, or value of real property rights owned by the City within the City of Corpus Christi at or adjacent to 7101 Edgebrook and/or 5205 Edinburg, and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property rights at or in the vicinity of the aforementioned location(s)) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
31. [18-1279](#) **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 negotiations and potential litigation with the U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Attorney General, and/or U.S. Department of Justice concerning the City's sanitary sewer system and/or water system, including consideration of fees for attorneys, engineers, and other expert witnesses assisting in defense of potential lawsuit(s).
32. [18-1287](#) **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 appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or contracting or utilization of search firm for City Manager **and pursuant to Texas Government Code § 551.074** (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

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