



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Agenda - Final

City Council

Tuesday, October 11, 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 Rick Barrera, Cornerstone Church.**
- C. Pledge of Allegiance to the Flag of the United States to be led by Miles Risley, City Attorney.**
- D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.**
- E. Proclamations / Commendations**
 - 1. [16-1202](#)** Proclamation declaring October 19, 2016, "HELP Hits the High Notes Day".
Proclamation declaring October 10-14, 2016, "Court Observance Week".
Swearing-In Ceremony for newly appointed Board, Commission and Committee members.

- 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. [16-1203](#) Regular Meeting of September 27, 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.

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. [16-1111](#) **Resolution for an Advance Funding Agreement for a Hike and Bike Trail in Dr. Hector P. Garcia Park (Requires 2/3 vote)**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for a Hike and Bike Trail located in Dr. Hector P. Garcia Park near Greenwood Drive and Horne Road with the City's local participation in the amount of \$4,620 for reimbursement of direct state costs associated with the project.

Sponsors: Engineering Services and Parks and Recreation Department

4. [16-1112](#) **Resolution for an Advance Funding Agreement for the next section of the Schanen Hike and Bike Trail (Requires 2/3 vote)**

Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the next section of the Schanen Hike and Bike Trail located along Shea Parkway from Saratoga Boulevard to Killarmet Drive with the City's local participation in the amount of \$8,904 for reimbursement of direct state costs associated with the project.

Sponsors: Engineering Services and Parks and Recreation Department

5. [16-0910](#) **Service Agreement for Street Sweeping Services (Requires 2/3 vote)**

Motion approving a service agreement with Coastal Maintenance Concepts, LLC, of Corpus Christi, TX for Street Sweeping Services in accordance with RFB No. 128, based on the lowest, responsive responsible bid. The annual agreement will be for \$466,297.50. 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 contractor and the City Manager, or designee. Funding will be budgeted in FY16-17.

Sponsors: Solid Waste Operations and Purchasing Division

6. [16-1043](#) **Second Reading Ordinance - Street Closure of Flynn Parkway, located at the southwest corner of Flynn Parkway and Holly Road. (1st Reading 9/27/16) (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to abandon and vacate an undeveloped and unsurfaced 0.173 portion of a 39-foot wide public right-of-way, as shown and dedicated by Schanen Estates Unit 2

Plat, a map of which is recorded in Volume 22, Page 63, Map Records of Nueces County, Texas, and requiring the owner, AEP Texas to comply with specified conditions.

Sponsors: Development Services

7. [16-1125](#) **Second Reading Ordinance - Accepting and appropriating a grant for Animal Care Operations (1st Reading 9/27/16) (Requires 2/3 vote)**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant from the Duffield Family Foundation, dba Maddie's Fund, in the amount of \$1,000 to support Animal Care operations; and appropriating the \$1,000 in the No. 1061 Police Grants Fund.

Sponsors: Police Department

8. [16-1100](#) **Second Reading Ordinance - Appropriating funds to reimburse developer for the construction of distribution water main line located on the southeast corner of Old Brownsville Road and South Padre Island Drive (1st Reading 9/27/16) (Requires 2/3 vote)**

Ordinance authorizing City Manager or designee to execute a distribution main extension and construction and reimbursement agreement ("Agreement") with Peterson Properties, Ltd., ("Developer"), for the construction of a water distribution main line and appropriating \$19,159.00 from the No. 4030 Distribution Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

L. **EXECUTIVE SESSION: (ITEMS 9 - 13)**

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. [16-1209](#) **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.**
10. [16-1123](#) **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 possible development agreements or other funding mechanisms related to the construction of Park Road 22.

11. [16-1185](#) **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).
12. [16-1210](#) **Executive Session pursuant to Section 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 TxDOT Harbor Bridge Project and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person, related to the TxDOT Harbor Bridge Project.
13. [16-1211](#) **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 economic development agreements, industrial district agreements, entities that are signatories to the City's industrial district agreements, annexation, and disannexation, and pursuant to **Texas Government Code § 551.087** to discuss or deliberate regarding commercial or financial information relating to some or all of the aforementioned matters and entities that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations and/or financial or other incentives involving said business prospect.

M. PUBLIC HEARINGS: (ITEMS 14 - 15)

14. [16-1173](#) **Public Hearing and First Reading Ordinance - Rezoning property located at 600 Elizabeth Street (Requires 2/3 vote)**

Case No. 0816-02 Christus Spohn Health System Corporation: A change of zoning from the "RM-3" Multifamily 3 District, "ON" Office District, "CR-1" Resort Commercial District, "CG-2" General Commercial District, "CG-2/SP" General Commercial District with a Special Permit for

a helipad to the "CI" Intensive Commercial District. The property is described as being a 22.46-acre tract of land encompassing Blocks I, IX, X, and XI, Ocean View Subdivision, Lot 4, Block IIA, Ocean View Addition, and Blocks A and B, Bay Front Terrace Addition, and portions of abutting rights-of-way on Ocean Drive, Ayers Street, Santa Fe Street, Second Street, Third Street, Elizabeth Street, and Morgan Avenue, located between Ocean Drive and Santa Fe Street and between Morgan Avenue and Ayers Street.

Planning Commission and Staff Recommendation (August 24, 2016):

Denial of the change of zoning from the "RM-3" Multifamily 3 District, "ON" Office District, "CR-1" Resort Commercial District, "CG-2" General Commercial District, "CG-2/SP" General Commercial District with a Special Permit for a helipad to the "CI" Intensive Commercial District, and, in lieu thereof, approval of the "CR-1/SP" Resort Commercial District with a Special Permit allowing a 10-foot minimum setback on Elizabeth Street and Ayers Street on Tract 1, and the "CG-2/SP" General Commercial District with a Special Permit allowing a 15-foot setback on Santa Fe Street, a 10-foot minimum setback on Elizabeth Street and Ayers Street, and a zero-foot setback on Third Street on Tract 2.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Christus Spohn Health System Corporation ("Owner"), by changing the UDC Zoning Map in reference to a 22.46-acre tract of land encompassing Blocks I, IX, X, and XI, Ocean View Subdivision, Lot 4, Block IIA, Ocean View Addition, and Blocks A and B, Bay Front Terrace Addition, and portions of abutting rights-of-way on Ocean Drive, Ayers Street, Santa Fe Street, Second Street, Third Street, Elizabeth Street, and Morgan Avenue, from the "RM-3" Multifamily 3 District, "ON" Office District, "CR-1" Resort Commercial District, "CG-2" General Commercial District, "CG-2/SP" General Commercial District with a Special Permit for a helipad to the "CR-1/SP" Resort Commercial District with a Special Permit allowing a 10-foot minimum setback on Elizabeth Street and Ayers Street on Tract 1, and the "CG-2/SP" General Commercial District with a Special Permit allowing a 15-foot setback on Santa Fe Street, a 10-foot minimum setback on Elizabeth Street and Ayers Street, and a zero-foot setback on Third Street on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Sponsors: Development Services

15. [16-1160](#)

Public Hearing and First Reading Ordinance - Street Closure of Harney Road, located between Violet Road and Callicoate Road, just north of IH 37 (Requires 2/3 vote)

Ordinance closing, vacating, and abandoning a developed and surfaced

0.687 acres' portion of approximately 60-foot wide public right-of-way, as shown and dedicated by a map of Lots 9A and 9B, Nuecestown, which is recorded in Volume 47, Page 246, Map Records of Nueces County, Texas, and requiring the owners, James & Beverly Holman and Michael & Kerry Berry to comply with specified conditions; and providing an effective date.

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 16 - 21)

- 16. [16-1129](#) First Reading ordinance - Accepting and appropriating State grant amendment for tuberculosis prevention and control services (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 Tuberculosis Prevention and Control-State (TB/PC-STATE) grant in the amount of \$61,645.00, increasing the total amount to \$123,290.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund with a City match of \$12,329.00, increasing the total match amount to \$24,658.00, to provide tuberculosis prevention and control services for the amended contract period September 1, 2015, through August 31, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant agreement to begin September 1, 2016.

Sponsors: Health Department

- 17. [16-1155](#) First Reading Ordinance - Accepting and appropriating State grant amendment for immunization program within the Health Department (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 Immunization Branch-Locals (IMM/LOCALS) grant in the amount of \$241,637.00, increasing the total amount to \$966,548.00, from the Texas Department of State Health Services in the No. 1066 Health Grants Fund to provide for personnel costs and other expenses to fund an immunization program for children, adolescents, and adults, with special emphasis on children three years of age or younger for the amended contract period September 1, 2013, through August 31, 2017; appropriating the increased grant amount; and ratifying acceptance of the amended grant agreement to begin September 1, 2016.

Sponsors: Health Department

18. [16-1159](#) **First Reading Ordinance - Appropriating Federal grant funds and executing construction contract for Corpus Christi International Airport (CCIA) Airport Operations Area Perimeter Fence Replacement (Requires 2/3 vote)**

Ordinance appropriating \$6,637,856 from the Federal Aviation Administration Grant No. 3-48-0051-054-2016 in the No. 3020 Airport Capital Improvement Fund for the CCIA Airport Operations Area Perimeter Fencing Project; amending the FY 2016-17 Capital Budget adopted by Ordinance No. 030936 by increasing revenues and expenditures \$6,637,856; and authorizing the City Manager, or designee, to execute a construction contract with B. E. Beecroft Co. Inc. of Corpus Christi, Texas in the amount of \$6,681,780.30 for the CCIA Airport Operations Area Perimeter Fence Replacement for the Base Bid plus Additive Alternates one through four.

Sponsors: Engineering Services and Aviation Department

19. [16-1175](#) **First Reading Ordinance - Approving agreement and appropriating funds to reimburse developer for the construction of arterial grid main water main line located along the south side of Agnes Street (State Highway 44), east of North Clarkwood Road and north of Buckholt Road (Requires 2/3 vote)**

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with JCL Properties, ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$44,147.00 from the No. 4030 Arterial Transmission and Grid Main Trust Fund to reimburse the Developer in accordance with the Agreement.

Sponsors: Development Services

20. [16-1206](#) **First Reading Ordinance - Amending the Fiscal Year 2016-2017 Capital Budget and Capital Improvement Planning Guide for Oso South Area Projects (Requires 2/3 vote)**

Ordinance amending the Fiscal Year 2017 Capital Budget and Capital Improvement Planning Guide Adopted by Ordinance No. 030936 to add Project No. E16330 Oso South Area Water Line and Project E16330 Oso South Area Wastewater Line; increasing revenues and expenditure in the amount of \$8,000,000 for Year 1 and \$6,000,000 for Year Two; transferring any remaining funds to be used for comparable utility line projects.

Sponsors: Water Utilities Department

21. [16-1096](#) **First Reading Ordinance - Type A Grant for Sitel, Inc. Located at**

330 Opportunity Drive (Requires 2/3 vote)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Sitel Inc ("Sitel") to provide a grant of up to \$500,000, for the creation of jobs and authorizing the City Manager, or designee, to execute a Business Incentive Project Service Agreement with the Type A Corporation regarding implementation and administration of the Sitel Business Incentive Agreement for the creation of jobs; and appropriating \$500,000 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Sitel; and changing the FY 2016-2017 operating budget, adopted by Ordinance No. 030965, by increasing proposed expenditures by \$500,000.

Sponsors: Economic Development

P. FUTURE AGENDA ITEMS: (ITEMS 22 - 27)

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

22. [16-1114](#) **Master Services Agreement for Subsurface Utility Engineering services (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a master service agreement with Cobb, Fendley & Associates, Inc. of Corpus Christi, Texas in the amount of \$200,000 for Subsurface Utility Engineering Services for a base year plus two (2) one-year options.

Sponsors: Engineering Services and Water Utilities Department

23. [16-1128](#) **Engineering Design Contract for Downtown Road and Streetscape Improvements (BOND 2014, Proposition 2) (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a contract for engineering design services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$115,067 for the Downtown Road and Streetscape Improvements. (BOND 2014 Proposition 2).

Sponsors: Engineering Services and Street Department

24. [16-1156](#) **Engineering Design Contract for the Downtown Street Traffic Signal and Area Improvements (BOND 2014, Proposition 2) (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a contract for engineering design services with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$334,275 for the Downtown Street Traffic Signal and Area Improvements. (BOND 2014 Proposition 2).

Sponsors: Engineering Services and Street Department

25. [16-1161](#) **Construction Contract for Alameda street from Lipan to Kinney (BOND 2014, Proposition 1) (Requires 2/3 vote)**

Motion authorizing the City Manager, or designee, to execute a construction contract with Bay, LTD of Corpus Christi, Texas in the amount of \$1,862,252.50 for Alameda Street from Lipan to Kinney for the total base bid. (BOND 2014, Proposition 1).

Sponsors: Engineering Services and Street Department

26. [16-1158](#) **Resolution supporting the Cole and Ropes Park (CARP) Implementation Plan (Requires 2/3 vote)**

Resolution by the City Council of the City of Corpus Christi supporting the Implementation Plan for improved water quality, to reduce bacteria, developed by the Cole and Ropes Parks' Coordination Committee (CARP) for Cole and Ropes Park Beaches located in Corpus Christi Bay and the Louisiana Parkway Watershed (Watershed) in Corpus Christi, Texas.

Sponsors: Environmental and Strategic Initiatives

27. [16-1148](#) **Resolution for Approval of a Developer Participation Agreement to reimburse developer for the City's cost to extend Lipes Boulevard (Requires 2/3 vote)**

Resolution authorizing the City Manager or designee to execute a developer participation agreement with Staples Development, LLC., ("Developer"), to reimburse the Developer up to \$143,661.75 for the City's share of the cost to extend Lipes Boulevard, in accordance with the Unified Development Code.

Sponsors: Development 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.

28. [16-1181](#) **Coastal Bend Mitigation Action Plan - Annual Update**

Sponsors: Development Services

29. [16-1182](#) **Preliminary Flood Insurance Rate Map - Appeal Update**

Sponsors: Development Services

R. ADJOURNMENT