Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

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.

A. Mayor Nelda Martinez to call the meeting to order.

Mayor Martinez called the meeting to order.

B. Invocation to be given by Pastor Rick Barrera, Cornerstone Church.

Pastor Rick Barrera gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Miles Risley, City Attorney.

City Attorney Miles K. Risley led the Pledge of Allegiance.

D. City Secretary Rebecca Huerta to call the roll of the required Charter Officers.

City Secretary Rebecca Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

Charter Officers:

City Manager Margie C. Rose, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

Present: 8 - Mayor Nelda Martinez,Council Member Rudy Garza,Council Member Michael Hunter,Council Member Chad Magill,Council Member Colleen McIntyre,Council Member Lucy Rubio,Council Member Brian Rosas, and Council Member Carolyn Vaughn

Absent: 1 - Council Member Mark Scott

E. Proclamations / Commendations

1. 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.

Mayor Martinez presented the proclamations and conducted the swearing-in ceremony for newly appointed board and committee members.

G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:

Mayor Martinez deviated from the agenda and referred to City Manager's Comments. City Manager Margie C. Rose reported on the following topics:

a. OTHER

1) The City has been awarded the 2015 Achievement and Excellence in Financial Reporting Award by the Government Finance Officers Association. This is the 33rd consecutive year that the City has received this award in relation to the City's Comprehensive Annual Financial Report (CAFR). 2) The dedication ceremony for Mary Rhodes Pipeline, Phase 2 will be held on Friday, October 14, 2016 at 11:00 a.m. at the O.N. Stevens Water Treatment Facility located at 13101 Leopard Street. Construction for Phase 2 was recently completed and will provide Corpus Christi and its water customers with another water source. 3) The Grand Opening of the Schanen Hike and Bike Trail will be held on Saturday, October 15, 2016 at 10:00 a.m. The event will begin at the trail location at Snead Park, 6737 Snead Drive. The trail runs from Yorktown and Saratoga Boulevard and connects Snead, Wells, Cedar Ridge and Breckenridge Parks.

H. MINUTES:

2. Regular Meeting of September 27, 2016.

Mayor Martinez deviated from the agenda and referred to approval of the minutes. A motion was made by Council Member Rudy Garza, seconded by Council Member Chad Magill to approve the minutes and passed unanimously.

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 3 - 8)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the Council or the public.

A motion was made by Council Member McIntyre, seconded by Council Member Garza, to approve the Consent Agenda. The consent agenda items were approved by one vote as follows:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

3. **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.

This Resolution was passed on the Consent Agenda.

Enactment No: 030979

4. **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.

This Resolution was passed on the Consent Agenda.

Enactment No: 030980

5. **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.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-134

6. **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.

This Ordinance was passed on second reading on the Consent Agenda.

Enactment No: 030981

7. 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.

This Ordinance was passed on second reading on the Consent Agenda.

Enactment No: 030982

8. 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.

This Ordinance was passed on second reading on the Consent Agenda.

Enactment No: 030983

FIRST READING ORDINANCES: (ITEM 21)

21. 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.

Mayor Martinez deviated from the agenda and referred to Item 21. Iain Vasey, Corpus Christi Regional Economic Development Corporation (EDC) stated that the purpose of this item is to approve a Type A business incentive agreement with Sitel Inc. Sitel plans to lease the First Data Building where they will operate their call center. The agreement is for five years with an incentive of up to $500,000. Sitel plans to create 500 full-time jobs with an annual payroll of approximately $10 million. Sitel will give preference to former First Data employees who were previously laid off by the company's closure. Dixie Pepper, Real Estate Attorney for Sitel, thanked the City Council for considerating this item.

There were no comments from the public. Council members thanked Sitel for coming to Corpus Christi.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Rosas. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

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.

Mayor Martinez deviated from the agenda and called for comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the City Council Chambers. Jack Gordy, 4118 Bray, spoke regarding the palm trees located on Airline Road. Shery Sells, 5041 Wingfoot spoke regarding the City finding a solution for residents to have their brush collected in trash bins similar to practices in other cities. John Kelley, 3621 Austin, expressed concerns that the proposed regional sports complex location would impact the mission of the Navy. David Owen, 214 Dolphin, stated that developers in the

Chapman Ranch annexed area would profit from the water and wastewater infrastructure to be added to the area at taxpayer expense. Kelly Sells, 5014 Wingfoot, spoke regarding the Corpus Christi Police Department not enforcing handicapped parking violations. Margareta Fratila, 3606 Tripoli, reminded the City Council that if a decision is not made by the City Council within three day regarding the initiative submitted by citizens to repeal Section 53-297 of the City's Code of Ordinances related to the removal of the civil penalty for red light camera violations, she will begin the petition process to have the issue placed on the ballot. City Secretary Huerta clarified that the 45th day from presentment of the initiative to the City Council is Friday, October 14, 2016. Lamont Taylor, 1702 Stillman, on behalf of the Citizens Alliance for Fairness and Progress, thanked the City Council for addressing the concerns raised regarding the industrial district agreement with Citgo Refining related to the planned improvements for the subject tracts. Mr. Taylor requested that before the City relinquishes all control over the property, they should extend limitations concerning the potential health and safety impacts to the citizens in that area. Abel Alonzo, 1701 Thames, spoke in support of the Type A incentive agreement with Sitel and encouraged the City Council to recuse themselves from votes, if they receive contributions from individuals that may benefit from an action taken by the City Council. Susie Luna Saldana, 4710 Hakel, disagreed with Mr. Alonzo's comments that contributions from individuals obligate Council Members to vote a particular way on issues and spoke in support of the regional sports complex. Johnny French, 4417 Carlton, requested that Item 10, an executive session regarding Park Road 22, be withdrawn because it did not meet the requirements of the Open Meetings Act.

M. PUBLIC HEARINGS: (ITEMS 14 - 15)

14. 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.

Mayor Martinez deviated from the agenda and referred to Item 14. Interim Director of Development Services Daniel McGinn stated that the purpose of this item is to rezone the subject property to simplifying the zoning for the property and reduce the setback requirements to bring the existing buildings into compliance. Mr. McGinn stated that the Planning Commission and staff recommend denial of 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 and Ayers Streets on Tract 1 and "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 for Tract 2.

Mayor Martinez opened the public hearing. Gloria Scott, 4422 S. Alameda, asked questions regarding the definition of the "CI" Intensive Commercial District; the impact to businesses in the area; and the notification process. Chip Urban, Urban Engineering and representative for the applicant, clarified that the only property impacted by the rezoning is the Christus Spohn System campus and the applicant did have outreach meetings with the neighborhood. Mayor Martinez closed the public hearing.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member McIntyre. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

15. **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.

Mayor Martinez referred to Item 15. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate a portion of approximately 60-foot wide public right-of-way located on Harney Road. Staff recommends that payment of the fair market value of approximately $16,000 be paid by the owner.

Mayor Martinez opened the public hearing. Doralee Dlabaja, Senior Officer with the Corpus Christi Police Department, informed the City Council that the area has been prone to multiple drug arrests, illegal dumping, parties, injuries and fire situations and spoke in support of the closure. Michael Berry, 4402 Harney, spoke in support of the closure. Mayor Martinez closed the public hearing.

Council members spoke in support of the closure and commended the Police Department for working with citizens.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

L. EXECUTIVE SESSION: (ITEMS 10 - 13)

Mayor Martinez referred to the day's executive sessions and announced that, in addition to Items 10-13, the Council would consider Item 20 in executive session. The Council went into executive session at 12:56 p.m. The Council returned from executive session at 3:45 p.m.

10. **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.

This E-Session Item was discussed in executive session.

11. **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).

This E-Session Item was discussed in executive session.

12. **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.

This E-Session Item was discussed in executive session.

13. **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.

This E-Session Item was discussed in executive session.

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 16 - 21)

20. **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.

This Item was discussed in the executive session above.

Mayor Martinez deviated from the agenda and referred to Item 20. Mayor Martinez announced that this Item was withdrawn from consideration by staff.

MOTION OF DIRECTION
Mayor Martinez made a motion directing the City Manager to revisit this item upon receiving the information that was requested, a study by Chief of Naval Air Training, Rear Admiral Dell Bull, regarding our pilot's flight mission training related to the wind farms, seconded by Council Member Vaughn and passed unanimously.

16. **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.

Mayor Martinez deviated from the agenda and referred to Item 16. Director of Public Health Annette Rodriguez stated that the purpose of this item is to accept and appropriate an amendment to a grant contract for tuberculosis prevention in the amount of $123,290 for the amended contract period

September 1, 2016 through August 31, 2017. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Rubio. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

17. **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.

Mayor Martinez referred to Item 17. Director of Public Health Annette Rodriguez stated that the purpose of this item is to accept and appropriate an amendment to a grant contract for the immunization program in the amount of $241,637 from the Texas Department of State Health Services for the contract period September 1, 2016 through August 31, 2017. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

18. **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.

Mayor Martinez referred to Item 18. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to appropriate $6,637,856 of proceeds from a Federal Aviation Administration (FAA) Grant and execute a construction contract with B. E. Beecroft Co. Inc. for the Corpus Christi International Airport Operations Area Perimeter Fence Replacement for the Base Bid and Alternates One through Four. Mr. Edwards stated that the projected included: replacement of approximately nine miles of chain-link fence and includes 3-strand barbed wire; eight electronically operated gates; driveways; and other miscellaneous upgrades. There were no comments from the public. Director of Aviation Fred Segundo responded to questions regarding the project's scope.

Council members and staff discussed the following topics: the age and condition of the existing fence; the existing fence not being in compliance with current FAA regulations; and the replacement fence improving security, erosion control, creating a wildlife barrier, and public safety's access and response time.

Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

19. **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.

Mayor Martinez referred to Item 19. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to execute a water arterial transmission and grid main construction and reimbursement agreement with the developer to install approximately 226 linear feet of 12-inch water line. There were no comments from the public.

Council members spoke regarding the following topics: an explanation on why staff is recommending the 12-inch water line when the water master plan calls for the construction of a 16-inch water line; and a clerical error in the ordinance.

Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Magill. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Hunter, Council Member Magill, Council Member McIntyre, Council Member Rubio, Council Member Rosas and Council Member Vaughn

Absent: 1 - Council Member Scott

Abstained: 0

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

Mayor Martinez referred to Future Agenda Items. City Manager Margie C. Rose stated that there were no planned presentations. A council member asked questions on Item 25.

22. 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 San Antonio, Texas in the amount of $200,000 for Subsurface Utility Engineering Services for a base year plus two (2) one-year options.

This Motion was recommended to the consent agenda.

23. 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).

This Motion was recommended to the consent agenda.

24. **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).

This Motion was recommended to the consent agenda.

25. **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).

This Motion was recommended to the consent agenda.

26. **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.

This Resolution was recommended to the consent agenda.

27. **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.

This Resolution was recommended to the consent agenda.

L. EXECUTIVE SESSION: (ITEM 9)

Mayor Martinez deviated from the agenda and referred to Item 9. The Council went into executive session at 4:10 p.m. The Council returned from executive

session at 5:34 p.m.

9. **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.

Mayor Martinez referred to Item 9 regarding an executive session to consult with attorneys concerning legal issues related to Article II of the Charter of the City of Corpus Christi.

Mayor Martinez stated that the City Council is waiting for clarification on one final item from their attorney. As soon as the information is provided in writing, it will be shared with the public. Mayor Martinez said this item is related to the questions raised regarding Mark Scott and the City Charter.

Q. BRIEFINGS: (ITEMS 28 - 29)

28. Coastal Bend Mitigation Action Plan - Annual Update

Mayor Martinez deviated from the agenda and referred to Item 28. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to provide an annual report on the Hazard Mitigation Action Plan. This plan was adopted with Nueces County and other municipalities in 2006 and is required to be updated every five years. Since the City is part of the Community Rating System (CRS), the City receives credits and is required to update the City's portion every year to maintain its certification. Mr. Dimas provided a history of the mitigation plan; an overview of the mitigation activities; the mitigation action plan project scope; and updates. Mr. Dimas explained that the new plan must now be comprised of jurisdictions within one County instead of multiple counties in a region. The City is working with Nueces County to have a new plan in place and adopted by September 1, 2017.

Council members spoke regarding the following topics: incorporating the elements of the Emergency Center Operations (EOC) into the mitigation action plan; actions that other communities are taking; sharing information through workshops; emergency response recovery best practices; mitigation activities related to retention/detention ponds; the potential cost and implications related to base flood elevation; the adoption of a new plan with Nueces County by September 1, 2017; and the criteria for identifying projects for the capital improvement program (CIP).

29. Preliminary Flood Insurance Rate Map - Appeal Update

Mayor Martinez referred to Item 29. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to provide an update on the appeals received regarding the Preliminary Flood Insurance Rate Maps. Mr. Dimas provided the following information: a brief history of the preliminary flood insurance rate maps; the appeal period was from June 16, 2016 and ended September 13, 2016; the two appeals submitted by the City regarding Oso Creek and La Volla Creek and Tributary 10; and the two appeals submitted by residents for properties located on Ocean Drive and Pharaoh Drive. Mr. Dimas stated that the final flood insurance rate maps will be provided once all of the Nueces County appeals have been resolved.

Council members spoke regarding the following topics: the estimated timeframe that Nueces County will complete their appeal process and the City can receive the final flood insurance rate maps; previous public comments on the drainage at Turtle Cove and other neighborhood associations prone to flooding; addressing sustainability and accountability of private detention ponds to prevent flooding issues; how long homeowners will have to adopt the new zones; whether there is any correlation between the City's appeals of Oso Creek, La Volla Creek and Tributary 10 and the outfall at the Greenwood Wastewater Treatment Plant; whether credits will be received for improvements to the Greenwood Wastewater Treatment Plant through the consolidation planning; researching what other municipalities are doing to maintain retention/detention ponds; drainage problems at La Volla Creek and Oso Creek; recommended improvements for the Colombia Drainage Ditch; and existing elevations of subdivisions.

R. ADJOURNMENT

The meeting was adjourned at 6:28 p.m.