



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 19, 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 at 11:32 a.m.

B. Invocation to be given by Pastor Jerry Ward, Lighthouse Tabernacle.

Pastor Jerry Ward gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Adria Schreiber-Garza, Business Manager, Office of Public Works Administration.

Business Manager for Public Works Adria Schreiber-Garza 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 Ron Olson, City Attorney Miles K. Risley, and City Secretary Rebecca Huerta.

Present: 9 - Mayor Nelda Martinez, Council Member Rudy Garza, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, Council Member Lucy Rubio, Council Member Brian Rosas, Council Member Mark Scott, and Council Member Carolyn Vaughn

E. Proclamations / Commendations

1. Proclamation declaring January 21, 2016, "YWCA Corpus Christi Turns Platinum - 70th Anniversary".
Proclamation declaring January 1, 2016 to March 31, 2016, "It's Time Texas - Community Health Challenge".
Swearing-in Ceremony for Newly Appointed Board, Commission, and Committee Members.

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

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

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

a. OTHER

1) City Manager Olson encouraged the community to review the Solid Waste Services Guide that is being distributed in the monthly utilities bills. The guide provides information on the guidelines, schedule, and proper disposal of brush and bulky waste items and the J.C. Elliott Collection Station. 2) Citizens interested in attending the 2016 Xeriscope Symposium are encouraged to register to attend by calling 361-826-1600. The admission is free, however, seating is limited. The symposium will cover the following topics: learning to make the most of your landscaping with the least amount of water, insect and weed control, soils in landscaping, and plant selection. 3) Beach Parking Permits are now available for purchase. The cost of the permit is \$12.00 and is valid through 2016. Permits are available for purchase at City Hall, Stripes stores, and local HEB stores.

H. MINUTES:

2. Regular Meeting of January 12, 2016

Mayor Martinez called for approval of the minutes. A motion was made by Council Member Garza, seconded by Council Member Magill that the Minutes be passed. The motion carried by a unanimous vote.

I. BOARD & COMMITTEE APPOINTMENTS:

**3. Corpus Christi Aquifer Storage and Recovery Conservation District
Human Relations Commission
Leadership Committee for Senior Services
Library Board**

Mayor Martinez referred to board and committee appointments. The following appointments were made:

Corpus Christi Aquifer Storage and Recovery Conservation District

Council Member Magill made a motion confirming the election of the following officers: Gustavo Gonzalez (Secretary), Dan McGinn (Vice-President), and Fred Segundo (President), seconded by Council Member McIntyre and passed unanimously.

Human Relations Commission

Mayor Martinez made a motion to realign Laura Commons from Regular Member to Selling of Dwellings, seconded by Council Member McIntyre and

passed unanimously.

Mayor Martinez made a motion appointing Linda A. Cantu (Regular Member), seconded by Council Member Garza and passed unanimously.

Leadership Committee for Senior Services

Council Member McIntyre made a motion to appoint Yvonne Solis Recio (Community Representative) and Rodney Buckwalter (Community Representative), seconded by Council Member Riojas and passed unanimously.

Library Board

Council Member Magill made a motion to reappoint Abigail Bair, Rachel Buck, Brian Solarek, and Julia Stafford, seconded by Council Member McIntyre and passed unanimously.

Council Member McIntyre made a motion to appoint Juanita Hernandez, Leanne Winkler Libby, and Harris M. Worchel, seconded by Council Member Rubio and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 23)

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 to approve the Consent Agenda, seconded by Council Member Vaughn. The consent agenda items were approved by one vote as follows:

Aye: 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

4. **Lease Agreement for Clara Driscoll Field for a youth baseball program**

Motion to authorize the City Manager or designee to execute a Five-year Surface Lease Agreement with the Robert and Julia Driscoll and Robert Driscoll Jr. Foundation to lease 4.23 acres of land known as Clara Driscoll Field located at 4235 Baldwin Blvd. to be used for a youth baseball program.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-006

5. Construction Contract for Corpus Christi International Airport (CCIA) Runway 18 Medium Approach Light System with Runway Alignment Indicator Lights (MALSR) Station numbers 12 and 14 for safety and site improvements

Motion authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$523,153 for the Corpus Christi International Airport (CCIA) Runway 18 Medium Approach Light System with Runway Alignment Indicator Lights (MALSR) Stations 12 & 14 Access Safety & Site Improvements for the Base Bid, with 90% of the contract funded by Federal Aviation Administration (FAA) grant.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-007

6. Testing Agreement Amendment No. 1 to prepare the annual groundwater monitoring report required by the Texas Commission on Environmental Quality (TCEQ) at Cefe Valenzuela Municipal Landfill for FY 2015-2016

Motion authorizing the City Manager, or designee, to extend the timeframe of the agreement by executing Amendment No. 1 to a testing agreement with Tolunay-Wong Engineers of Corpus Christi, Texas in the amount of \$100,400.00 for a restated fee not to exceed \$125,300 for the Groundwater Monitoring at Cefe Valenzuela Municipal Landfill for the fiscal year 2015-2016.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-008

7. Testing Agreement Amendment No. 1 to prepare the annual groundwater monitoring report required by the Texas Commission on Environmental Quality (TCEQ) at J.C. Elliott Municipal Landfill for fiscal year 2015-2016

Motion authorizing the City Manager, or designee, to extend the timeframe of an agreement by executing Amendment No. 1 to a testing agreement with Tolunay-Wong Engineers, Inc. of Corpus Christi, Texas in the amount of \$94,810.00 for a restated fee of \$117,900.00 for the Groundwater Monitoring at the J.C. Elliott Municipal Landfill for fiscal year 2015-2016.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-009

8. Renewal of a Construction Contract and a Professional Services Contract for the Wastewater Service Line Repair and Clean-out Installation and Manhole Ring and Cover Adjustment Program FY 2015-2016 with administrative renewal for Year Two Services

Motion authorizing the City Manager or designee to execute Year One Renewals of a construction contract with RCM Constructors, Inc. of Corpus Christi, Texas in the amount of \$657,391 and a professional services contract with Engineering & Construction Management Services, LLC of Corpus Christi, Texas in the amount of \$84,480 for the Wastewater Service Line Repair and Clean-out Installation and Manhole Ring and Cover Adjustment Program FY 2015-2016; authorizing administrative renewals for Year Two Services in accordance with contract terms.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-010

9. Professional Services Contract Amendment No. 1 for Wastewater Permit Assistance Project

Motion authorizing the City Manager, or designee, to continue permitting and regulatory assistance by executing Amendment No. 1 with Alan Plummer Associates, Inc. of Austin, Texas in the amount of \$178,000 for a total restated fee not to exceed \$207,000 for Wastewater Permit Assistance for the base year with four one-year renewal options; authorizing administrative renewal for future years in accordance with contract terms.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-011

10. Professional Services Contract for Corpus Christi Water Supply Model Updates as required by the Texas Commission on Environmental Quality (TCEQ)

Motion authorizing the City Manager or designee to execute a professional services contract with HDR Engineering, Inc. of Austin, Texas in the amount of \$100,000 for the Corpus Christi Water Supply Model Updates.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-012

11. Second Reading Ordinance - Rezoning property located at 6425 King Trail (3/4 Vote Required)(1st Reading 12/8/15)

Case No. 1015-02 Edward Gonzalez: A change of zoning from the "RE" Residential Estate District to the "RS-22" Single-Family 22 District, resulting in a change to the Future Land Use Map from estate residential uses to low density residential uses. The property is described as Lot 21, Block 2, The Coves at Lago Vista Unit 3, located approximately 1,200 feet east of King Ranch Drive and 600 feet south of the corner of Oso Parkway and Green Jay Court.

Planning Commission and Staff Recommendation (November 4, 2015):

Approval of the change of zoning from the "RE" Residential Estate District to the "RS-22" Single-Family 22 District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Edward Gonzalez ("Owner"), by changing the UDC Zoning Map in reference to Lot 21, Block 2, The Coves at Lago Vista Unit 3, from the "RE" Residential Estate District to the "RS-22" Single-Family 22 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030733

12. Second Reading Ordinance - Rezoning property located at 6201 and 6301 McArdle Road (1st Reading 1/12/16)

Case No. 1115-01 Charlie Thomas' Courtesy Ford, Inc.: A change of zoning from the "RM-1" Multifamily 1 District, "RM-AT" Multifamily AT District, "RM-3" Multifamily 3 District and the "CN-1" Neighborhood Commercial District to the "CN-1" Neighborhood District (Tract 1) and "CG-2" General Commercial District (Tract 2), resulting in a change to the Future Land Use Map from medium density residential to commercial uses. The property is described as a 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1, Dusty Hills, located along the south side of McArdle Road between Prince Drive and Clare Drive.

Planning Commission and Staff Recommendation (December 2, 2015):

Tract 1 - Denial of the change to "CN-1" Neighborhood Commercial District and, in lieu thereof, approval of the "RM-1/SP" Multifamily 1 District with a Special Permit for vehicle parking associated with automobile sales and service, subject to a site plan and specific

conditions.

Tract 2 - Approval of the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Charlie Thomas' Courtesy Ford, Inc. on behalf of Patrick and Amy Nolan ("Owners"), by changing the UDC Zoning Map in reference to a 100 foot wide tract being 2.2763 acres of land (Tract 1) and a 9.8511 acre tract of land (Tract 2) in a portion of Lots 5 and 6, Block 1, Dusty Hills, from the "RM-1" Multifamily 1 District, "RM-AT" Multifamily AT District, "RM-3" Multifamily 3 District and the "CN-1" Neighborhood Commercial District to the "RM-1/SP" Multifamily 1 District with a Special Permit (Tract 1) and to the "CG-2" General Commercial District (Tract 2); amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030734

13.

Second Reading Ordinance - Rezoning property located at 6122 Kostoryz Road (1st Reading 1/12/16)

Case No. 1215-01 Venamex, LLC: A change of zoning from the "ON" Office District to the "CN-1" Neighborhood Commercial District, not resulting in a change to the Future Land Use Map. The property is described as Lot 1, Block 1, Bridges Mill Village Unit 1, located on the northeast corner of Kostoryz Road and Masterson Drive.

Planning Commission and Staff Recommendation (December 2, 2015):

Approval of a change from the "ON" Office District to the "CN-1" Neighborhood Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by Venamex, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 1, Block 1, Bridges Mill Village Unit 1, from the "ON" Office District to the "CN-1" Neighborhood Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030735

14.

Second Reading Ordinance - Rezoning property located at 1010 Laredo Street (1st Reading 1/12/16)

Case No. 1215-02 LWW Enterprises, LLC: A change of zoning from the "RM-3" Multifamily 3 District to the "CI" Intensive Commercial District, resulting in a change to the Future Land Use Map from medium density residential to commercial uses. The property is described as Lot 14, Block 13, Central Wharf and Warehouse Company's Subdivision (commonly described as South Bluff), located on the north side of Laredo Street between South Staples Street and King Street.

Planning Commission and Staff Recommendation (December 16, 2015):

Approval of the change of zoning from the "RM-3" Multifamily 3 District to the "CI" Intensive Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by LWW Enterprises, LLC ("Owner"), by changing the UDC Zoning Map in reference to Lot 14, Block 13, Central Wharf and Warehouse Company's Subdivision (commonly described as South Bluff), from the "RM-3" Multifamily 3 District to the "CI" Intensive Commercial District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030736

15. Second Reading Ordinance - Rezoning property located at 1642 Clare Drive (3/4 vote required) (1st Reading 1/12/16)

Case No. 1215-03 Rogue Enriquez: A change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District, resulting in a change to the Future Land Use Map from low density residential to medium density residential uses. The property is described as being a 0.671 acre tract of land being the south 55.0 feet of Lot 23, and all of lot 24, Block 6, Woodlawn Estates, located on the northeast corner of Clare Drive and Williams Drive.

Staff Recommendation:

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District and, in lieu thereof, approval of a change to the "RS-TH" Townhouse District.

Planning Commission Recommendation (December 16, 2015):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District and denial of the staff recommendation of "RS-TH" Townhouse District.

Ordinance (Staff Recommendation):

Ordinance amending the Unified Development Code ("UDC"), upon application by Roque Enriquez ("Owner"), by changing the UDC Zoning Map in reference to a 0.671 acre tract of land being the south 55.0 feet of Lot 23, and all of lot 24, Block 6, Woodlawn Estates, from the "RS-6" Single-Family 6 District to the "RS-TH" Townhouse District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030737

16. Second Reading Ordinance - Rezoning property located at 5825 Up River Road (1st Reading 1/12/16)

Case No. 1215-04 John Dunn Walsh: A change of zoning from the "IH" Heavy Industrial District to the "RE" Residential Estate District, resulting in a change to the Future Land Use Map from heavy industrial uses to estate residential uses. The property is described as being a 2.00 acre tract of land, of the Rincon del Oso Grant to Enrique Villarreal, Abstract 1, Survey No. 142, out of a 17.75 acre tract described as Real Property 1, in an Inventory and Appraisal Document No. 262134-1 as recorded in Volume 703, Page 139 of the Court Records of Nueces County Texas, being a portion of a 29.67 acre tract called the Katie and Alice Dunn Home tract, in the said Document and being a portion of a 110 acre tract described in a deed from Jonas Pickles, et ux, Eliza Pickles to John Dunn as recorded in Volume H, Page 627 of the Deed Records of Nueces County, Texas, located approximately 850 feet south of Up River Road and east of County Road 52A and west of Lantana Street.

Planning Commission and Staff Recommendation (December 16, 2015):

Approval of the change of zoning from the "IH" Heavy Industrial District to "RE" Residential Estates District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by John Dunn Walsh ("Owner"), by changing the UDC Zoning Map in reference to a 2.00 acre tract of land, of the Rincon del Oso Grant to Enrique Villarreal, Abstract 1, Survey No. 142, out of a 17.75 acre tract described as Real Property 1, in an Inventory and Appraisal Document No. 262134-1 as recorded in Volume 703, Page 139 of the Court Records of Nueces County Texas, being a portion of a 29.67 acre tract called the Katie and Alice Dunn Home tract, in the said Document and being a portion of a 110 acre tract

described in a deed from Jonas Pickles, et ux, Eliza Pickles to John Dunn as recorded in Volume H, Page 627 of the Deed Records of Nueces County, Texas, from the "IH" Heavy Industrial District to the "RE" Residential Estate District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

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

Enactment No: 030738

17. Second Reading Ordinance - Accepting and appropriating grant funds for the Latchkey Afterschool Snack Program (1st Reading 1/12/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$153,645 from the Texas Department of Agriculture; appropriating grant in the No. 1067 Parks and Recreation Grants Fund for the Latchkey Afterschool Snack Program.

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

Enactment No: 030739

18. Second Reading Ordinance - Accepting and appropriating grant funds; transferring matching funds for the Retired Senior Volunteer Program (RSVP) (1st Reading 1/12/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$21,671 State grant awarded by the Corporation for National and Community Service for the Retired Senior Volunteer Program; appropriating the \$21,671 State grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$79,173 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grant Fund as City matching funds for the Retired Senior Volunteer Program and appropriating the \$79,173 in the No. 1067 Parks and Recreation Grant fund.

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

Enactment No: 030740

19. Second Reading Ordinance - Accepting and appropriating State grant funds; transferring and appropriating matching funds for the Senior Companion Program (1st Reading 1/12/16)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a \$5,756 State grant awarded by the Corporation for National and Community Service for the Senior

Companion Program; appropriating the \$5,756 State grant in the No. 1067 Parks and Recreation Grants Fund; transferring \$76,903 from the No. 1020 General Fund to the No. 1067 Parks and Recreation Grants Fund as City matching funds for the Senior Companion Program and appropriating the \$76,903 in the No. 1067 Parks and Recreation Grants fund.

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

Enactment No: 030741

20. Second Reading Ordinance - Lease Agreement Renewal with Gulf Coast Gem and Mineral Society (1st Reading 1/12/16)

Ordinance authorizing the City Manager, or designee, to execute three-year lease agreement with Gulf Coast Gem and Mineral Society for the use of City property at 3933 Timon.

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

Enactment No: 030742

21. Second Reading Ordinance - Closing a utility easement located south of Park Road 22 and north of Whitecap Boulevard (1st Reading 1/12/16)

Ordinance abandoning and vacating a 1,687.50-square foot portion of an existing 15-foot wide utility easement out of a part of Lot 39A, Block 72, Padre Island-Corpus Christi Subdivision, located south of Park Road 22 and north of Whitecap Boulevard; and requiring the owner, Valtex Investments, LLC to comply with the specified conditions.

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

Enactment No: 030743

22. Second Reading Ordinance - Approving Agreement and appropriating funds to reimburse developer for the construction of a water arterial transmission and grid main line located along the south side of Agnes Street (State Highway 44), east of North Clarkwood Road and north of Buckholt Road (1st Reading 1/12/16)

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 \$40,766.50 from the No. 4030 Arterial Transmission and Grid 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: 030744

23. Second Reading Ordinance - Appropriating funds for an Engineering Design Contract for McGee Beach Breakwater Improvements (1st Reading 1/12/16)

Ordinance amending the FY 2016 Capital Improvement Program budget adopted by Ordinance No. 030621 to add project No. E15219 McGee Beach Breakwater Improvements; increasing revenues and expenditures in the amount of \$21,900; and authorizing the City Manager, or designee, to execute a professional services contract with HDR Engineering, Inc. of Corpus Christi, Texas in the amount of \$19,900 to provide an updated concept assessment and opinion of probable construction cost for breakwater improvements at McGee Beach as recommended by the Corpus Christi Business and Job Development Corporation (Type A Board).

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

Enactment No: 030745

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 called for comments from the public. Rick Milby, 4412 High Ridge Drive, spoke regarding Item 30, Unlawful Solicitation, and expressed concern regarding the language in the ordinance that could prohibit individuals that are hungry and truly are in need. Linda Gibeaut, 410 Southern Street, spoke regarding Corpus Christi becoming a "No-Kill" city and the need for animals to receive heartworm testing and spay/neutering. Richard Throop, 3225 SPID, introduced himself as the new Governmental Affairs Director for the Corpus Christi Association of Realtors and provided statistics on Corpus Christi's housing market. Ben Molina, 1608 S. Brownlee Boulevard and President of the Westside Business Association, spoke regarding Item 30, Unlawful Solicitation, and expressed the concerns received from the Association's members that prohibiting solicitation in the Central Business District and North Beach will create an influx of panhandlers in the westside area. Thomas Holbeim, 134 Richards, asked the City Council for permission and a permit to hold the first annual "Fish Fest Family Event". Linda McKamie, 1279 Glenoak Drive, spoke regarding Item 30, Unlawful Solicitation, and suggested that the ordinance be modified to require that individuals with needs be provided with alternatives when approached by police officers. Tammy Bruce Romero, 15038 Santa Gertrudis, requested that the City Council

make Corpus Christi a "No-Kill" city.

M. PUBLIC HEARINGS: (NONE)

N. REGULAR AGENDA: (ITEMS 30 - 31)

30. Second Reading Ordinance - Amending City Code to prohibit solicitation in specific areas of the City (1st Reading 1/12/16)

Ordinance amending Article II Unlawful Solicitation of the Corpus Christi Code of Ordinance to prohibit solicitation in the Central Business District, North Beach and on private property without permission; prohibiting solicitation within 25 feet of an ATM, bank, public transportation stop or outdoor dining area; Providing for severance, publication, penalty; and an effective date.

Mayor Martinez deviated from the agenda and referred to Item 30, an ordinance amending Article II Unlawful Solicitation of the Corpus Christi Code of Ordinances. Assistant City Attorney Buck Brice requested that the ordinance be amended to change the language "Homeless Issues Partnership" to "homeless service providers".

Council Member Scott made a motion to amend the ordinance as stated by staff, seconded by Council Member McIntyre and passed unanimously.

Council member McIntyre made a motion directing the City Manager to bring back an outreach plan showing the work that has already been completed and a timeline for development and execution of a public education plan on the ordinance on February 9, 2016, seconded by Council Member Vaughn and passed unanimously.

Council members spoke regarding the following topics: the language in the ordinance referring to the City being dedicated to encouraging economic development opportunities to create jobs and meaningful work for those struggling to make ends meet; the program in the City of Albuquerque that offers day work instead of citations for panhandling; clarification that individuals requesting meals will not be violating the ordinance; the ordinance modifying changes in behavior; the public education plan and use of social media; concerns that the ordinance will shift the panhandling behavior to other areas; the reason the ordinance is not being enforced in the entire City; an explanation of the unconstitutional issues related to the ordinance; compassion for citizens and the best practices of the Police Department;

City Attorney Miles K. Risley stated for the record that in order to maintain the constitutionality of this ordinance, the City is declaring that this type of speech is "commercial speech". Commercial speech means speech by which an individual is collecting funds for one's self, not for a charity, collecting funds as a type of business to utilize the funds for your own purposes. In response to City Attorney Risley, Police Chief Mike Markle stated that in his experience, the individuals addressed in this ordinance are soliciting funds for their personal use.

Mayor Martinez called for comments from the public. Matt Lohmeier, 121

Naples, stated that the Clergy Alliance is not opposing the idea that panhandling is a problem and suggested that alternative opportunities need to be explored before enforcing an ordinance. Susie Luna Saldana, 4710 Hakel, recommended the development of a voucher program to change behavior and make it easy to assist individuals in need. Pastor Greg Hackett, 416 Delanie, stated that the current aggressive panhandling ordinance is very helpful and the proposed amendment is premature. Pastor Hackett recommended delaying the passage of this ordinance to have a more creative conversation to address panhandling.

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

Aye: 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

Enactment No: 030746

31. Resolution for the acquisition of real property rights by eminent domain for the Island Gate Plaza Center Alternative Access Project

Resolution of the City Council of the City of Corpus Christi, Texas (1) determining the public necessity and public use for the acquisition of a Right-of-Way and Temporary Construction Easement known as Parcel 3 for a street improvement project known as the Island Gate Plaza Center Alternative Access Project, Bond 2004; (2) authorizing the City Manager or his designee to negotiate and execute all documents necessary to acquire the property interests subject to availability of funds appropriated for such purposes; (3) authorizing the City Manager to institute condemnation by eminent domain proceedings to acquire the easement interests in the property owned by Kimco Corpus Christi L.P.; (4) authorizing payment pursuant to an award by Special Commissioners; (5) authorizing acceptance and recording of appropriate legal instruments; and (6) approving condemnation for all units of property to be acquired by condemnation the parcel of land described herein by a single record vote of the City Council.

Mayor Martinez referred to Item 31. Assistant City Manager Gus Gonzalez stated that the purpose of this item is to 1) determine that a public necessity and public use for the acquisition of a right-of-way and temporary construction easement for the Island Gate Plaza Center Alternative Access Project; 2) authorize the City Manager to negotiate and execute all documents necessary to acquire the property; 3) delegate the authority to use the power of eminent domain to the City Manager; and 4) authorize payment pursuant to an award by Special Commissioners. Assistant City Manager Gonzalez provided the following information: views of the project location; a background on the

project; the issues association with the location; and access benefits.

There were no comments from the public. A council member asked questions regarding conversations with the property owner of Parcel 3 and the negotiations.

Council Member McIntyre made a motion to approve the resolution, seconded by Council Member Garza. This Resolution was passed and approved with the following vote:

Aye: 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

Enactment No: 030747

O. FIRST READING ORDINANCES: (ITEM 32)

32. First Reading Ordinance - Lease Agreement for the 2016 Fiesta de la Flor event

Ordinance authorizing the City Manager or designee to execute a lease agreement with the Corpus Christi Convention and Visitors Bureau ("CCCVB") for 2016 Fiesta de la Flor event and related activities to be held on May 6, 2016 and May 7, 2016, and allow use of City property including the Bayfront Park located along Shoreline Blvd. between Resaca Street and Power Street.

Mayor Martinez referred to Item 32. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to execute a lease agreement with the Corpus Christi Convention and Visitors Bureau for the 2016 Fiesta de la Flor event. There were no comments from the public. In response to a council member, Mr. Ellington stated that the event will not conflict with the annual Buc Days Parade.

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

Aye: 9 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas, Council Member Scott and Council Member Vaughn

Abstained: 0

Enactment No:

P. FUTURE AGENDA ITEMS: (ITEMS 33 - 43)

Mayor Martinez referred to Future Agenda Items. City Manager Olson stated that staff had a planned presentation on Item 43.

33. Resolution authorizing the submission of the grant application for the FY2017 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department

Resolution authorizing the City Manager or designee to submit a grant application to the Texas Department of Transportation (TXDOT) in the amount of \$120,482.80 for the 2017 Comprehensive Selective Traffic Enforcement Project (STEP) within the Police Department, for Speed, Distracted Driving, and Driving While Intoxicated (DWI) overtime enforcement, with a city match of \$42,158.03, for a total project cost of \$162,640.83, and authorizing the City Manager or designee to accept, reject, alter, or terminate the grant.

The Resolution was recommended to the consent agenda.

34. Approving the purchase of custom-made consoles and components for police vehicles for the Police Department

Resolution authorizing the City Manager, or designee, to purchase custom-made consoles and components for police vehicles from Plastix Plus, LLC, of Houston, Texas, for a total cost of \$57,930.56. Funding is available in the Fleet Maintenance Services Funds FY 2015-2016.

The Resolution was recommended to the consent agenda.

35. Approving the Purchase of Emergency Equipment for Patrol Vehicles for the Police Department

Motion approving the purchase of emergency equipment for patrol vehicles from Cap Fleet Upfitters, Temple, Texas for a total amount of \$186,126.59. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative. Funding is available in the Fleet Maintenance Services Fund FY 2015-2016.

The Motion was recommended to the consent agenda.

36. Approving the lease-purchase of one rescue pumper for the Fire Department

Motion approving the lease-purchase of one rescue pumper from Siddons-Martin Emergency Group, Houston, Texas for a total \$669,253.20. The award is based on the Cooperative Purchasing Agreement with the Texas Local Government Cooperative. Financing for the lease-purchase will be provided through the City's lease-purchase financing contractor. \$22,308.44 for two months of payments will be encumbered through the end of FY 2015-2016. The

remaining \$646,994.76 for the fifty eight months of payments will be requested in future years during the normal budget process.

The Motion was recommended to the consent agenda.

37. Resolution authorizing a grant application for the Community Outdoor Outreach Program (CO-OP)

Resolution authorizing the City Manager or designee to apply for a Texas Parks & Wildlife Community Outdoor Outreach Program (CO-OP) for Observing Science Outdoors (OSO) Summer Youth Program in the amount of \$34,899.

The Resolution was recommended to the consent agenda.

38. Approving a service agreement for inspection, cleaning and repair of bunker gear for the Fire Department

Motion approving a service agreement with Gear Cleaning Solutions, Dallas, Texas for inspection, cleaning and repair of bunker gear, in accordance with Bid Event No. 76, based on an only bid for an amount up to \$127,676.00. The term of the service agreement will be for twelve (12) months with an option to extend for up to two (2) additional twelve (12) month periods, subject to the approval of the Contractor and the City Manager or designee. Funds are available in FY 2015-2016.

The Motion was recommended to the consent agenda.

39. Approving the purchase of 11 (eleven) pickup trucks and the lease-purchase of 7 (seven) pickup trucks for use in various departments

Motion approving the purchase of eleven pickup trucks and the lease-purchase of seven pickup trucks from Caldwell Country Ford-Chevrolet, Caldwell, Texas for a total amount of \$642,896.04. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). Funds in the amount of \$355,778.44 have been budgeted by the using departments in FY 2015-2016. The remaining \$287,117.60 for the fifty-six months of lease-purchase payments will be requested in future years during the normal budget process.

The Motion was recommended to the consent agenda.

40. Approving the lease-purchase of two trucks for the Street Department

Motion approving the lease-purchase of two Ford F-350 super duty trucks from Grande Truck Center, Houston, Texas for a total amount

of \$188,055.60. The award is based on the cooperative purchasing agreement with the Texas Local Government Purchasing Cooperative (TLGPC). \$12,537.04 is four months of payments that will be encumbered through the end of FY 2015-2016. The remaining \$175,518.56 for the fifty-six months of payments will be requested in future years during the normal budget process.

The Motion was recommended to the consent agenda.

41. Resolution for installation of television studio technology equipment

Resolution authorizing the City Manager, or designee, to execute all documents necessary with Media Rushworks, LLC, doing business as RUSHWORKS, for the purchase and installation of television studio equipment for a total of \$164,399.20. Funding is available in the Public, Education & Government Fund (PDG) FY 2015-2016.

The Resolution was recommended to the consent agenda.

42. Resolution approving the submission of two grant applications for the Transportation Alternatives Program (TAP) Grant for Fiscal Year 2017

Resolution approving the submission of two grant applications with the Corpus Christi Metropolitan Planning Organization for the Fiscal Year 2017 Transportation Alternatives Program (TAP) Grant for wayfinding signage along the City's Hike and Bike Trails and a High-intensity Activated Cross Walk (HAWK) signal for Cole Park to be located near Ocean Drive and Del Mar Boulevard.

The Resolution was recommended to the consent agenda.

43. Resolution directing staff to redesign the Bond 2012 Tuloso Road Project

Resolution directing staff to redesign the Bond 2012 Tuloso Road Project due to changes in cost and other factors.

The Resolution was recommended to regular agenda.

L. EXECUTIVE SESSION: (ITEMS 24 - 29)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session. Council Member Riojas recused herself from the discussion on Item 27.

24. Executive session pursuant to Texas Government Code § 551.074

(personnel matters) to deliberate employment issues concerning the City Manager.

City Secretary Huerta announced that Item 24 was not discussed.

- 25. Executive session pursuant to Texas Government Code § 551.071** for consultation with attorneys regarding collective bargaining matters and/or the collective bargaining agreements between the City of Corpus Christi and the Corpus Christi Firefighters Association.
- The E-Session Item was discussed in executive session.
- 26. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation and other legal matters related to Municipal Court, including *Nora Rodriguez v. City of Corpus Christi*
- The E-Session Item was discussed in executive session.
- 27. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning state law and City Charter provisions related to the appointment of members of City Council and pursuant to **Texas Government Code § 551.074** to discuss the appointment of a public officer, including, but not limited to, a member of the City Council.
- Mayor Martinez referred to item 27. City Secretary Rebecca Huerta stated that as a result of the City Council's executive session, the following questions will be added to the packet for the upcoming vacancy on the City Council:
1. Why do you want to be a City Council member, and what makes you the most qualified candidate?
 2. What do you believe should be Council priorities?
 3. What would your priorities be as an at-large Council-member?
 4. What is your understanding of the council-manager form of government?
- There will be a 250 word maximum per question and a criminal background check authorization will be added to the packet. City Secretary Huerta provided an overview of the following schedule to fill the upcoming vacant at-large city council position:
- Jan. 25 - Feb. 29, 2016 - Accepting applications
- Feb. 29, 2016 - Applications Due
- March 3, 2016 - The City Council will receive the application packets for individual review
- March 7, 2016 - A Special City Council Meeting will be held at 11:30 a.m. with an executive session item to narrow the candidate pool and select the finalists

March 8, 2016 - Public Interviews will be held with the selected finalists during the Regular Council meeting at approximately 3:00 p.m. After the public interviews, the City Council will go into executive session, and make a decision in open session.

City Secretary Huerta announced that application packet should be available tomorrow, January 20, 2016. City Secretary Huerta stated that Council Member Riojas abstained from the discussion on this item.

28. **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 agreement(s) involving entities involved in logistics, chemicals and/or manufacturing 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 matter(s) or entities with 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.**

City Secretary Huerta announced Item 28 was not discussed.

29. **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation and other legal matters related to the Equal Rights Amendment of the Texas Constitution, the First Amendment to the U.S. Constitution, and potential restrictions on public display of selected classes of persons.**

The E-Session Item was discussed in executive session.

Q. **BRIEFINGS: (ITEMS 44 - 45)**

44. **Update on Bond 2012 Street Improvement Projects**

Mayor Martinez referred to Item 44. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to provide an update on the Bond 2012 Street Improvement Projects. Ms. Gray provided an overview of a chart originally provided to the City Council on April 21, 2015 that summarized the projects and estimates to complete the projects that would overrun the appropriate funding of \$55 million by approximately 18 million. Ms. Gray stated that during the same meeting, a resolution was passed directing staff to proceed ahead with the remaining Bond 2012 projects and provided direction on specific projects. Ms. Gray presented a project status for Proposition 1 and Proposition 8 projects as of December 18, 2015 and the implementation plan. Ms. Gray reported that by the end of 2016, there will be 22 street projects under construction city-wide from Bond 2012 and Bond 2014. Ms. Gray stated that in order to move ahead on the implementation of the remaining Bond 2012 projects, staff is recommending and requesting authorization to sell certificates of obligations per resolution that was approved in April 2015.

Council members spoke regarding the following topics: concerns associated with the McArdle Road project including: utility cuts, the status on the project and anticipated completion, access issues, and project delays; the utilities that were originally not located in the design of the McArdle Road project and the need to re-design; ways to prevent utilities from not being located on future projects; communication to the residents near McArdle Road on the timeline, site management process, and access plan; whether additional funds are needed for the McArdle Road project; the process for issuing certificates of obligations; the last time 22 major arterial and collector streets were under construction at the same time; development of a policy on contingency amounts; the evaluation of Twigg Street to remove it from being deferred; consideration to use subsurface utility engineering work on future projects; the status on hiring in-house engineers and the associated challenges; the Engineering Department's staff augmentation; the evaluation of the Engineering Department; the amount of funding invested in streets for 2016; and the debt capacity.

45. Overview of the National Flood Insurance Program, administered by FEMA, and basics of a Flood Insurance Rate Map

Mayor Martinez referred to Item 45. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to provide an overview of the National Flood Insurance Program and flood maps. Mr. Dimas provided the following information: the key terminology used by FEMA; a background of the program; the flood zone designations; an explanation of the limit of moderate wave action, floodway, the flood insurance rate map and freeboard. Mr. Dimas provided a demonstration of the RiskMAP6 website, the new FEMA maps.

Council members spoke regarding the following topics: the number of communities participating in the Community Rating System; the link to the new FEMA maps available on the City's website; and the attendance at the FEMA meetings.

R. ADJOURNMENT

The meeting was adjourned at 5:57 p.m.