



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, May 27, 2014

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 Deacon Jesse Hinojosa, Diocese of Corpus Christi.

City Manager Ron Olson gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Peter Davidson, Marina Superintendent

Marina Superintendent Peter Davidson 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 stated that a quorum of the Council and the required Charter Officers were present to conduct the meeting. City Secretary Huerta announced that Council Member Leal has been granted a leave of absence.

(Note: Council Member Riojas arrived at 12:04 p.m.)

Charter Officers:

City Manager Ron Olson, Interim City Attorney Barney L. Knight, and City Secretary Rebecca Huerta.

Present: 8 - Mayor Nelda Martinez, Council Member Kelley Allen, Council Member Rudy Garza, Council Member David Loeb, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Mark Scott

Absent: 1 - Council Member Priscilla Leal

E. Proclamations / Commendations

1. Proclamation declaring May 28, 2014, as "Engineering Olympics Innovative Academy for Engineering, Environmental, & Marine Science at Moody High School"
Proclamation declaring June 9-19, 2014, as "149th Anniversary of the

Juneteenth Celebration, the Spirit of Emancipation Days"
Certificate of Commendation Presentation to Ryan Patrick Curtin,
Operation Homefront's 2014 Navy Military Child of the Year

Mayor Martinez presented the proclamations.

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

Mayor Martinez referred to City Manager's Comments.

a. City Performance Report - Fleet Maintenance

Director of Fleet Maintenance Jim Davis provided a briefing on the operations, mission and goals of the Fleet Maintenance Department.

b. Other

None.

I. MINUTES: (ITEM 4)

4 Regular Meeting of May 20, 2014

Mayor Martinez deviated from the agenda and called for approval of the minutes. Council Member Scott made a motion to approve the minutes, seconded by Council Member Magill and passed unanimously.

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 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. Susie Luna Saldana and Lucy Rubio requested that the Council reaffirm the vote from the Bond 2008 Election and support building Fire Station No. 18. Tim Dowling expressed his concerns with the development of the "Movies and More" project (Item No. 9) and competitive movie zones. Dr. Gloria Scott thanked the council members who came to St. Paul's Methodist Church to build the playground for the northside area. George Gray and Jason Teague spoke regarding Item No. 9, BCH Investment Group zoning case, and suggested that the screening fence included near the children's area of the church include bollards. Kyle Hoelscher, Richard Hinojosa, Robert Chapa, Linda McKamie, John Kelley and Chris Freeland spoke regarding the Homeless Solutions Vision and Strategies (Item No. 17).

J. BOARDS & COMMITTEE APPOINTMENTS: (ITEM 5)

5. Advisory Committee on Community Pride
 Animal Control Advisory Committee
 Building Standards Board
 Clean City Advisory Committee
 Coastal Bend Council of Governments
 Island Strategic Action Committee
 Sister City Committee
 Transportation Advisory Committee

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

Advisory Committee on Committee Pride - Kent A. Cooper, Lily Gonzalez, and Brittney Richerson (Appointed)
 Animal Control Advisory Committee - Harold Bennett (Reappointed); Cheryl Martinez (Realigned); and Mark Phillips (Appointed)
 Building Standards Board - Randal Salazar (Reappointed); Marco Crawford and Matthew Ezell (Appointed)
 Clean City Advisory Committee - Amanda Stephens and Sharlene V. Walker (Appointed)
 Coastal Bend Council of Governments - Assistant City Manager Gustavo Gonzalez and City Secretary Rebecca Huerta, Alternate (Appointed)
 Island Strategic Action Committee - Kathleen L. Pratt (Appointed)
 Sister City Committee - Misaki Berrios, Coretta Graham, John Maldonado, and Luci Walker (Appointed)
 Transportation Advisory Committee - William Strawn (Appointed)

K. **EXPLANATION OF COUNCIL ACTION:**

L. **CONSENT AGENDA: (NONE)**

N. **REGULAR AGENDA: (ITEM 9)**

9. **Second Reading Ordinance - Rezoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District, on property located at 7601 South Staples Street (FM 2444) (1st Reading 5/13/14)**

Case No. 0414-04 BCH Investment Group, LLC: A change of zoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District, resulting in a change to the Future Land Use Plan. The property to be rezoned is described as being an 8.080-acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, located along the west side of South Staples Street (FM 2444), approximately 400 feet south of Yorktown Boulevard.

Planning Commission and Staff Recommendation (April 9, 2014):
Approval of the rezoning from the "RM-2" Multifamily 2 District to the "CG-2" General Commercial District.

Ordinance:

Ordinance amending the Unified Development Code ("UDC"), upon application by BCH Investment Group, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 8.080-acre tract of land out of Lots 23 and 24, Section 6, Flour Bluff and Encinal Farm and Garden Tracts, from the "RM-2" Multifamily 2 District to the "CN-1/SP" Neighborhood Commercial District with a Special Permit Overlay; 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 9. Annika Gunning with Development Services stated that the item for consideration is a revised ordinance, in lieu of the "CG-2" General Commercial District, to grant "CN-1/SP" Neighborhood Commercial District with a Special Permit Overlay subject to two conditions. Ms. Gunning added that the two conditions include that the height of the building shall not exceed 60 feet and a minimum six-foot tall screening fence shall be constructed along the north boundary of the property adjacent to the church. Mayor Martinez called for comments from the public. Abel Alonzo spoke in support of the zoning change. There were no comments from the Council. City Secretary Huerta stated that the 20% rule is in effect and requires a super majority vote of the council. This Ordinance was passed on second reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 1 - Council Member Leal

Abstained: 0

Enactment No: 030186

M. PUBLIC HEARINGS: (ITEMS 6 - 8)

8. Public Hearing and First Reading Ordinance - Request for a Special Permit Time Extension, on property located at 8801 State Highway 44.

Case No. 0313-01 Thomas Petroleum, LLC: A request for a Special Permit time extension for an additional two years. The property requiring the Special Permit time extension is described as Lot 1, Block 1, Thomas Petroleum Subdivision, located on the south side of State Highway 44, approximately 670 feet east of South Clarkwood Road.

Planning Commission and Staff Recommendation (April 23, 2014):
Denial of the applicant's requested two-year time extension and

approval of a one-year time extension.

Ordinance

Ordinance amending Ordinance No. 029841, upon request by Thomas Petroleum, LLC ("Owner"), by adding a one-year time extension to the special permit time limit initially approved; 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 8. Annika Gunning with Development Services stated that the purpose of this item is to consider a request to extend the expiration date of a zoning Special Permit for an additional two years. Ms. Gunning stated that the Planning Commission and staff recommend approval of an additional year based on the fact that the applicant has already completed the platting process and the time limit does not require that construction of the facility be completed; it only requires that the building permit application be submitted for staff review. Council Member McIntyre made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the Council or the public. Council Member Garza made a motion to close the public hearing, seconded by Council Member McIntyre and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre and Council Member Riojas

Absent: 2 - Council Member Leal and Council Member Scott

Abstained: 0

6. Public Hearing and First Reading Ordinance - Rezoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, on property located at 7801 Slough Road

Case 0414-06 Grangefield Development, LLC: A change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District, not resulting in a change to the Future Land Use Plan. The property is described as being a 19.704-acre tract of land out of Lot 6, Section 25, Flour Bluff and Encinal Farm and Garden Tracts, located along the south side of Slough Road, approximately 350 feet east of Freds Folly Drive.

Planning Commission and Staff Recommendation (April 23, 2014): Approval of the change of zoning from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Grangefield Development, LLC ("Owner"), by changing the UDC Zoning Map in reference to a 19.704-acre tract of land out of Lot 6, Section 25, Flour Bluff and Encinal Farm and Garden Tracts,

from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause, penalties, and publication.

Mayor Martinez referred to Item 6. Annika Gunning with Development Services stated that the purpose of this item is rezone the subject property to allow for a residential subdivision. Ms. Gunning stated that the Planning Commission and staff were in favor of the zoning change. Mr. Garza made a motion to open the public hearing, seconded by Council Member Magill and passed. There were no comments from the Council or the public. Council Member Garza made a motion to close the public hearing, seconded by Council Member Allen and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre and Council Member Riojas

Absent: 2 - Council Member Leal and Council Member Scott

Abstained: 0

7. Public Hearing and First Reading Ordinance - Rezoning from the "CR-2" Resort Commercial District and "CR-2/IO" Resort Commercial District with an Island Overlay to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay on property located at 14313-14361 Nemo Court

Case No. 0414-05 Upper Padre Partners, LP: A change of zoning from the "CR-2" Resort Commercial District and "CR-2/IO" Resort Commercial District with an Island Overlay to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay. The property is described as being a 7.24-acre tract of land out of all of Lots 11 through 23, Block 46, Padre Island - Corpus Christi, Island Fairway Estates, and a portion of Lot 27D, Padre Island - Corpus Christi, Island Fairway Estates, located along the west side of Nemo Court, approximately 250 feet west of South Padre Island Drive (PR 22) and north of Whitecap Boulevard.

Planning Commission and Staff Recommendation (April 23, 2014): Approval of the change of zoning from the "CR-2" Resort Commercial District and "CR-2/IO" Resort Commercial District with an Island Overlay to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay.

Ordinance

Ordinance amending the Unified Development Code ("UDC"), upon application by Upper Padre Partners, LP, and Bryan R. Gulley ("Owners"), by changing the UDC Zoning Map in reference to a 7.24-acre tract of land out of all of Lots 11 through 23, Block 46, Padre

Island - Corpus Christi, Island Fairway Estates, and a portion of Lot 27D, Padre Island - Corpus Christi, Island Fairway Estates, from the "CR-2" Resort Commercial District and "CR-2/IO" Resort Commercial District with an Island Overlay to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item 7. Annika Gunning with Development Services stated that the purpose of this item is to rezone the subject property to allow a single family planned unit development consisting of 50 lots. Ms. Gunning stated that the Planning Commission and staff were in favor of the zoning change, subject to development conditions outlined in the ordinance. Council Member Garza made a motion to open the public hearing, seconded Council Member McIntyre and passed. There were no comments from the Council or the public. Council Member McIntyre made a motion to close the public hearing, seconded by Council Member Garza and passed. This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre and Council Member Riojas

Absent: 2 - Council Member Leal and Council Member Scott

Abstained: 0

FIRST READING ORDINANCES: (ITEM 12)

12. First Reading Ordinance - Type A Grant for the Del Mar College Process and Instrumentation

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Del Mar College Foundation ("Del Mar") to provide a grant of up to \$1,390,071, to expand Del Mar College's Process and Instrumentation Technology Program by purchasing a Process Technology Base Unit and Glycol Distillation Unit with ancillary equipment/software and a Process Control Learning System 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 Del Mar Business Incentive Agreement; and appropriating \$1,390,071 from the unreserved fund balance in the No. 1140 Business/Job Development Fund for said business incentive grant from the Type A Corporation to Del Mar and changing the FY 2013-2014 operating budget, adopted by Ordinance No. 029915, by increasing proposed expenditures by \$1,390,071.

Mayor Martinez deviated to the agenda and referred to Item 12. Mike Culbertson, Corpus Christi Regional Economic Development Corporation, stated that the purpose of this item is to approve a Type A grant to the Del Mar

College Foundation, in the amount of up to \$1,390,071, to purchase process and instrumentation technology equipment for expansion of the curriculum. Dr. Lenora Keas, Del Mar College, recognized the industry supporters in attendance at the meeting. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 1 - Council Member Leal

Abstained: 0

H. EXECUTIVE SESSION: (ITEMS 2 - 3)

Mayor Martinez deviated from the agenda and referred to the day's executive sessions. The Council went into executive session. The Council returned from executive session.

2. Executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, and Section 551.087, Deliberations regarding economic development negotiations with possible discussion and action in open session.

This E-Session Item was discussed in executive session

3. Executive session pursuant to Section 551.071 of the Texas Government Code for consultation with attorneys regarding fire collective bargaining negotiations with possible discussion and action in open session

This E-Session Item was discussed in executive session

O. FIRST READING ORDINANCES: (ITEMS 10 - 11)

10. **First Reading Ordinance - Accepting and appropriating grant funds for Stonegarden Grant Program**

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept a grant in the amount of \$262,595 from Nueces County for funding eligible under the FY2013 Department of Homeland Security Grant Program Operation Stonegarden to reimburse fuel, overtime, fringe benefits, and equipment expenditures for the Police Department's collaborative enforcement efforts with Nueces County along routes of ingress and egress to include (but not limited to) U. S. Highway 77 and State Highway 44; and appropriating the \$262,595 in the No. 1061 Police Grants Fund.

Mayor Martinez referred to Item 10. Police Chief Floyd Simpson stated that the purpose of this item is to accept and appropriate the Operation Stonegarden

Grant in the amount of \$262,595. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 1 - Council Member Leal

Abstained: 0

11. First Reading Ordinance - Approving an agreement and appropriating funds to reimburse developer for the construction of water arterial transmission and grid main line located north along Saratoga Boulevard (SH 357), east of Ayers Street

Ordinance authorizing city manager or designee to execute a water arterial transmission and grid main construction and reimbursement agreement ("Agreement") with Spear Consolidated, Ltd., ("Developer"), for the construction of a water arterial transmission and grid main line and appropriating \$84,536.35 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 11. Interim 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 Spear Consolidated, Ltd. for the construction of a water arterial transmission and grid main line in the amount of \$84,536.35. There were no comments from the Council or the public. This Ordinance was passed on first reading and approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Allen, Council Member Garza, Council Member Loeb, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Scott

Absent: 1 - Council Member Leal

Abstained: 0

P. FUTURE AGENDA ITEMS: (ITEMS 13 - 16)

Mayor Martinez referred to the Future Agenda. Assistant City Manager Gus Gonzalez stated that staff had a planned presentation for Item 14. Council members asked questions regarding Items 13 and 16.

13. Resolution approving submission of grant applications for the Highway Safety Improvement Program

Resolution supporting the submission of multiple grant applications with the Texas Department of Transportation (TxDOT) Highway Safety Improvement Program (HSIP) for projects to improve and interconnect traffic signals at selected locations throughout the City of Corpus

Christi.

This Resolution was recommended to consent agenda

14. Resolution supporting submission of a grant application for the Harbor Bridge Livable Community Plan

Resolution supporting submission of a grant application to the United States Department of Transportation for a "Transportation Investment Generating Economic Recovery" (TIGER) Discretionary Grant for the Harbor Bridge Livable Community Plan; in the amount of \$1,000,000.

This Resolution was recommended to consent agenda

15. Engineering design contract for Municipal Communication Studio facility renovation

Motion authorizing the City Manager, or designee, to execute a Design Services Contract with Russ Berger Design Group, Inc. from Addison, Texas in the amount of \$59,300 for the City of Corpus Christi Municipal Communication Studio Facility Renovation.

This Motion was recommended to consent agenda

16. Agreement for Bond Counsel Services

Motion authorizing the City Manager to enter into an agreement with Fulbright & Jaworski, LLP of San Antonio, Texas to perform bond counsel services for the City of Corpus Christi.

This Motion was recommended to consent agenda

Q. BRIEFINGS TO CITY COUNCIL: (ITEMS 17 - 19)

17. Homeless Solutions Vision and Strategies

Mayor Martinez referred to Item 17. Assistant City Manager Susan Thorpe stated that the purpose of this item is to present a draft proposal for Homeless Solutions Visions and Strategies. Ms. Thorpe was assisted by Police Chief Floyd Simpson. Ms. Thorpe referred to a powerpoint presentation including the overall vision and direction; statistics on the City's current homeless situation; the increase in homeless population; the City's three (3) tools and strategies to address the homeless situation: zoning, ordinances, and funding; expected outcomes; and next steps. Ms. Thorpe invited the Council to attend a "Summit on Homelessness, Housing and Workforce Development" on June 12, 2014 from 11:30 a.m. to 4:00 p.m. at the Mental Health/Mental Retardation (MHMR) building.

Council members spoke regarding the following topics: the amount of time police officers deal with the mentally ill, homeless individuals and public intoxication; the concept of the public intoxication drop off center (Sobriety Center); the homeless being victimized; providing a continuum of services;

updating zoning regulations for homeless shelters; holding shelters accountable; enacting quality of life ordinances; a strategy for identifying partners/stakeholders and creating a coalition; the relationship with Nueces County regarding the Sobriety Center; and the "Haven for Hope" in San Antonio model.

18. New Approach to Operation Proud Partnership

Mayor Martinez referred to Item 18. Assistant City Manager Susan Thorpe stated that the purpose of this item is to present a proposal for Operation Proud Partnership. Ms Thorpe was assisted by Police Chief Floyd Simpson and Captain David Blackmon. Ms. Thorpe presented information on the mission of Operation Proud Partnership; the three-pronged approach to fighting crime: 1) landlord education and accountability, 2) enhanced code enforcement, and 3) interdepartmental nuisance abatement team (INAT); and expected outcomes.

Council members spoke regarding the following topics: updating the 1974 Property Maintenance Code to the 2009 version; code enforcement cleanup efforts; education by citation; enhancing the quality of rental properties; the message to the Lindale neighborhood and how the neighborhood can embrace the changes; the point of contact for more neighborhoods to engage in these changes; and examples of poorly maintained property issues the INAT would address. Council members requested a copy of the 1974 and 2009 versions of the Property Maintenance Codes.

19. Consolidated Annual Action Plan FY2014

Mayor Martinez referred to Item 19. Director of Housing and Community Development Eddie Ortega stated that the purpose of this item is present the FY2014 Consolidated Annual Action Plan with staff recommendations. Mr. Ortega provided an overview of Attachment D, which includes the list of city departments and entities requesting funding and the requested amounts; and staff's recommendation for the CDBG, ESG, and HOME programs.

Council members spoke regarding the following topics: the reason that CDBG-Sunnybrook Road accessibility improvements are not being recommended by staff; consideration to add a block of funding next year from CDBG funds for homelessness and mental health; the difference between the ESG-staff recommendation Options 1 and 2; evaluation criteria for ESG program; additional funding for ESG-Corpus Christi Metro Ministries; including a scoring matrix with the recommendations; the number of people utilizing the CDBG-Single Family Home Rehabilitation Program; how the funding is supplemented for City-ESG Administrative costs; whether there are any ESG funding projects that are notable to match funds as required or at risk of not being able to match funds; communication with organizations addressing the changes that will occur with the ESG program from the outcomes of the Homeless Solutions Visions and Strategies; the decreased funding for the HOME program; information on the HOME-Homebuyer Assistance Program; whether HOME-Riverstone Apartments and HOME-TG 110, Inc. projects will receive funding if both receive housing tax credits; and consideration to recommend provide funding from the HOME-Nueces County Community Action Agency to the HOME-Homebuyer Assistance Program.

R. ADJOURNMENT

The meeting was adjourned at 5:45 p.m.