



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, January 12, 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 Reverend Gloria Lear, First United Methodist Church.

Reverend Gloria Lear gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Andy Leal, Jr., Assistant Director of Street Maintenance, Street Department.

Assistant Director of Street Maintenance Andy Leal, Jr. 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 15, 2016, "Dr. Hector P. Garcia's 102nd Birthday Celebration".
Proclamation declaring January 18, 2016, "Martin Luther King Holiday Celebration and Commemorative March".

Mayor Martinez presented the proclamations.

After the proclamations, City Attorney Miles K. Risley recited the Rules of Decorum for the City Council meeting.

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) The next Christmas Tree Recycling Event will take place Saturday, January 16, 2016 at the following locations: Walmart at Saratoga and in Flour Bluff; Flour Bluff High School parking lot; and the Padre Island Property Owners Association. Residents can also set-out christmas trees during their regular brush collection days. 2) City Manager Olson recognized Assistant City Manager Susan Thorpe for her service, dedication, and contribution to the City of Corpus Christi and presented her with a Certificate of Appreciation.

H. MINUTES:

2. Regular Meeting of December 15, 2015.

Mayor Martinez referred to approval of the minutes. Council Member Magill made a motion to approve the minutes, seconded by Council Member Garza and passed unanimously.

I. BOARD & COMMITTEE APPOINTMENTS:

3. Airport Board

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

Airport Board

Council Member McIntyre made a motion to appoint Luis F. Buentello, seconded by Council Member Magill and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 14)

Approval of the Consent Agenda

Mayor Martinez referred to the Consent Agenda. There were no comments from the public. Council members requested that Items 5 and 12 be pulled for individual consideration.

A motion was made by Council Member McIntyre, seconded by Council Member Magill, to approve the remaining Consent Agenda items. 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. Construction Contract for City-Wide Collection System
Pipebursting Indefinite Delivery/Indefinite Quantity (IDIQ)**

Motion authorizing the City Manager or designee to execute a construction contract with PM Construction & Rehab, LLC of Pasadena, Texas in the amount of \$3,750,000 for the City-Wide Collection System Pipebursting Indefinite Delivery/Indefinite Quantity for the total Base Bid with the option to extend the contract up to four (4) possible one-year renewals.

This Motion was passed on the Consent Agenda.

Enactment No: M2016-001

**6. Engineering Design Contract Amendment No.1 for Rodd Field
Road Expansion (BOND 2014, Proposition 2)**

Motion authorizing the City Manager, or designee, to proceed with design phase work by executing Amendment No. 1 to a contract for professional services with LJA Engineering, Inc. of Corpus Christi, Texas in the amount of \$1,128,307.78 for a restated fee of \$1,178,207.78 for the Rodd Field Road Expansion from Saratoga Boulevard to Yorktown Boulevard. (Bond 2014, Proposition 2)

This Motion was passed on the Consent Agenda.

Enactment No: M2016-003

**7. Resolution authorizing the City Manager or designee to proceed
with the design and construction of Fire Station 18**

Resolution authorizing the City Manager or designee to proceed with the design and construction of Fire Station 18 in the area of Holly/Saratoga and Ayers.

This Resolution was passed on the Consent Agenda.

Enactment No: 030724

**8. Second Reading Ordinance - License Agreement for Youth Sports
League at LyondellBasell Park (1st Reading 12/15/15)**

Ordinance authorizing the City Manager, or designee, to execute a

License Agreement with Nueces County for South Texas Elite Youth Football League use of LyondellBasell Park on Haven Drive for youth football program with option to extend for two additional years.

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

Enactment No: 030725

9. Second Reading Ordinance - Accepting and appropriating grant funds for Elderly Nutrition Program (ENP) (1st Reading 12/15/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$48,225 grant funding from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY2015 Senior Community Services, Elderly Nutrition Program.

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

Enactment No: 030726

10. Second Reading Ordinance - Accepting and appropriating grant funds for the Elderly Nutrition Program (ENP) (1st Reading 12/15/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate a \$635,079 grant from the Area Agency on Aging of the Coastal Bend in the No. 1067 Parks and Recreation grants fund for the FY2016 Senior Community Services, Elderly Nutrition Program.

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

Enactment No: 030727

11. Second Reading Ordinance - Accepting and appropriating reimbursement grant funds for Title XX Meals on Wheels Program (1st Reading 12/15/15)

Ordinance Authorizing the City Manager or designee to execute all documents necessary to accept a \$229,140 reimbursement grant awarded by the Texas Department of Aging and Disability Services, Title XX Meals on Wheels Program and appropriating it in the No. 1067 Parks and Recreation Grants Fund for the FY 2016 Senior Community Services, Title XX Meals on Wheels Program.

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

Enactment No: 030728

13. Second Reading Ordinance - Construction Contract and

Professional Service Agreement Amendment No. 1 for Traffic Signal and Street Lighting Improvements Indefinite Delivery/Indefinite Quantity (IDIQ) (1st Reading 12/15/15)

Ordinance appropriating \$400,725.04 from the Unreserved Fund Balance in No. 1041 Street Fund for the Traffic Signal and Street Lighting Improvements IDIQ project; changing the FY 2015-2016 Operating Budget adopted by Ordinance No. 030620 by increasing expenditures by \$400,725.04; authorizing the City Manager, or Designee, to execute a construction contract with Siemens Industry, Inc. of Austin, Texas in the amount of \$721,485.80 for the initial year with the option of four one-year extensions that may be administratively approved; and authorizing the City Manager to proceed with the design of IDIQ delivery orders for the base year by executing Amendment No. 1 to a Professional Service Agreement with Maldonado-Burkett Intelligent Transportation Systems, LLP in the amount of \$32,211.73 for a restated fee of \$71,725.04 for the Traffic Signal and Street Lighting Improvements IDIQ project.

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

Enactment No: 030730

14. Second Reading Ordinance - Construction Contract and Construction Materials Testing Agreement for Ocean Drive from Buford Street to Louisiana Avenue (BOND 2012) (1st Reading 12/15/15)

Ordinance amending the FY 2016 Capital Improvement Budget adopted by Ordinance No. 030621 by transferring \$3,500,000 to the Ocean Drive from Buford to Louisiana Avenue project; increasing expenditures in the amount of \$3,500,000; and authorizing the City Manager, or designee, to execute a construction contract with Bay, Ltd. of Corpus Christi, Texas in the amount of \$11,012,338.66 for the total base bid and to execute an agreement for construction material testing in the amount of \$68,292.00 with Rock Engineering Testing Laboratory, Inc. for the Ocean Drive from Buford Street to Louisiana Avenue BOND 2012 street project.

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

Enactment No: 030731

12. Second Reading Ordinance - Accepting and appropriating developer fees and interest earnings into the Community Enrichment fund for park improvements (1st Reading 12/15/15)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept and appropriate \$872,005.99 in

developer contributions and interest earnings in the 4720 Community Enrichment Fund for park improvements and other related projects.

Mayor Martinez referred to Item 12. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to utilize the Community Enrichment Fund the develop and enhance the park system. Council members spoke regarding the following topics:This Ordinance was passed on second reading and approved with the following vote: the process to respond to residents that request funding for specific projects; the repairs for St. Denis Park; and requesting that staff provide the information requested by a resident.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Rubio. This ordinance was passed on second reading 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: 030729

5.

Professional Services Contract Extension for Mary Rhodes Pipeline Phase 2

Motion authorizing the City Manager or designee to extend construction management services by executing Amendment No. 14 to the professional services contract with Freese and Nichols, Inc. of Corpus Christi, Texas in the amount of \$513,767 for a total restated fee not to exceed \$15,949,042 for Mary Rhodes Pipeline Phase 2.

Mayor Martinez referred to Item 5. In response to a council member, Director of Engineering Services Jeff Edmonds stated the purpose of the amendment is to extend the oversite services from Freese and Nichols, to take the project to the completion date. Mr. Edmonds said the contractor is behind schedule on the project and the reasons will be provided at the end of the contract. Mr. Edmonds stated that the City fully expects to recover the amount of this amendment from liquidated damage penalties.

Council Member Rubio made a motion to approve the motion, seconded by Council Member Garza. This Motion 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: M2016-002

- 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 referred to comments from the public. Greg Smith, 1746 Glenoak, provided an update on the Island Strategic Action Committee's January meeting: public comment on the new beach crews; and the election of new officers, Chair Libby Edwards and Vice-Chair William Goldston. Carolyn Moon, 4902 Calvin, spoke regarding the following topics: a request for the City Council to consider replacing the upcoming council member vacancy with a representative of the Hillcrest area and opposition to the new security system and parking at City Hall. Jack Gordy, 4118 Bray, spoke regarding the palm trees located on the sidewalk on Airline Road. Barbara Gennaway, 7022 Mona Lisa, and Stacy Palacios, 7313 Candy Ridge, addressed the needs to improve animal welfare in the City and requested consideration for additional funding for Animal Care Services. Brian Franklin, 3034 Cedar Springs Road, spoke regarding safety issues with the off-ramp on Rodd Field Road and the need for a yield sign. Colin Sykes, 309 Aberdeen, requested that the City Council support a resolution to change the decision by the U.S. Supreme Court on Citizens United. Gloria Randall Scott, 4422 S. Alameda, requested that the City Council consider racially diversifying the composition of the Council when making the appointment to the upcoming council member vacancy and provided the recommendation of Guy Nicholson. Sir Fredrick von USA King 7th, 1142 Arlington Drive, thanked City Manager Olson for cleaning improvements at City Hall and requested that an Asian American be considered to fill the future vacancy on the City Council. Susie Luna Saldana, 4710 Hakel, thanked City Manager Olson for his selection of Mike Markle as Police Chief. Jewel Wilson, 6102 Allencrest Circle, thanked City Manager Olson for his selection of Mike Markle as Police Chief and asked the City Council to consider selecting a member of the black community to the upcoming vacancy in the office of council member. Abel Alonzo, 1701 Thames, thanked City Manager Olson for his selection of Mike Markle as Police Chief. Mr. Alonzo also thanked Assistant City Manager Susan Thorpe for her work during her time with the City and Council Member Riojas for her service to the community. Dan Stiefel, 6773 Wood Iron; Larry Bray, 1825 Airline Road; Mark Tandy, 1330 Peterson; and Julie Tandy, 1330 Peterson, spoke regarding the impacts being made to taxi cab companies and independent drivers caused by transportation network companies, Uber and Lyft, operating illegally in the City. Coretta Graham, 5617 Bonner, spoke regarding the following topics: Item 36 regarding prohibiting solicitation and transportation network companies. Ms. Graham stated that the amendment to the ordinance will not address the homelessness issue and encouraged the City to address the homelessness issue as a community. Ms. Graham also recommended looking at other cities that have Uber operating in their community.

The following individuals spoke in support of Item 36, amending the City Code to prohibit solicitation in specific areas of the City: Bob Catalano, 209 Surfside; Barbara Welder, 202 Reef Avenue; Terry Sweeney, Executive Director of the Downtown Management District, 223 N. Chaparral Street; Carrie Robertson Meyer, 4401 Gulfbreeze Boulevard; Jennifer Ramos, resident of North Beach; Barbara Cowling, 202 Reef; Darlene Gregory, 3237 Bimini; David Cowling, 4522

Gulfbreeze Boulevard; Michael Kennedy, 202 Reef Avenue; and Rocco Montesano, 221 Riatta, and on behalf of U.S.S. Lexington and Texas State Aquarium. John Kelley, 3621 Austin, spoke regarding Item 36, and stated that the ordinance is not going to solve the homelessness problem until there is a comprehensive plan to address the issue of homelessness. Matt Lohmeier, 121 Naples, spoke on behalf of the Emerging Clergy Alliance, and requested that Item 36 be delayed until there is a comprehensive way to address homelessness and panhandling.

REGULAR AGENDA: (ITEM 25)

25. Appointment of Police Chief

Motion confirming the City Manager's appointment of Mike Markle as Police Chief.

Mayor Martinez referred to Item 25, confirmation of the Mike Markle as Chief of Police. Mayor Martinez called for comments from the public. Sir Frederick von King 7th, asked the City Council to consider a five-year no-fault clause in the Police Chief's employment contract. City Manager Olson provided a summary of the selection process for the position of Police Chief and stated that Mike Markle rose to the top and clearly was the most qualified candidate for the position. City Manager Olson stated that it is his honor to present Mike Markle as his selection for the next Police Chief and requested confirmation from the City Council.

Council Member Riojas made a motion to approve the motion, seconded by Council Member McIntyre. This Motion 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: M2016-004

L. RECESS FOR CORPORATION MEETING: (ITEM 15)

Mayor Martinez recessed the regular Council meeting to hold a meeting of the Corpus Christi Housing Finance Corporation.

15. Special Board Meeting of the Corpus Christi Housing Finance Corporation

The Corporation Meeting was held.

M. RECONVENE COUNCIL MEETING

Mayor Martinez reconvened the regular Council meeting.

N. EXECUTIVE SESSIONS: (ITEMS 16 - 18)

Mayor Martinez referred to the day's executive sessions. The Council went into executive session.

- 16. 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.
This E-Session Item was discussed in executive session.
- 17. Executive Session pursuant to Texas Government Code § 551.076**
concerning deployment or implementation of security personnel and/or devices related to City Hall and other City structures.
This E-Session Item was discussed in executive session.
- 18. Executive Session pursuant to Texas Government Code § 551.071**
and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning employment law related claims, City Charter provisions, potential discovery in personnel litigation, and other matters that impact the City position in ongoing or potential litigation, and pursuant to Texas Government Code § 551.074 (Personnel Matters) to discuss the appointment, employment, and duties of, and complaints concerning, public officers or employees, including, but not limited to, members of the City Council.
This E-Session Item was discussed in executive session.

O. PUBLIC HEARINGS: (ITEMS 19 - 24)

- 19. Public Hearing and First Reading Ordinance - Rezoning property located at 6425 King Trail (3/4 Vote Required) (Tabled on 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.

Mayor Martinez referred to Item 19. Interim Director of Development Services Dan McGinn stated that the purpose of this item is to rezone the subject property to allow replatting of four (4) lots. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change. Mr. McGinn reported that there is significant opposition which will require a majority vote of the City Council. The opposition dropped from 56% to 22%.

Mayor Martinez opened the public hearing. Victor Medina, 2460 Cricket Hollow, representative for the property owner, explained that the property was purchased in 2011 and the rezoning request is to allow the subject property to be consistent with the subdivision. Mr. Medina said abutting property owners were not aware of the plans for the property and have since changed their position. Mr. Medina added that the property owner is willing to comply with the abutting property owners and participate in the development of the streets. Mayor Martinez closed the public hearing.

A council member spoke regarding the following topics: the condition of King Trail; the drop in opposition by the abutting property owners; and the participation in the development of the streets.

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: 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

20. Public Hearing and First Reading Ordinance - Rezoning property located at 6201 and 6301 McArdle Road

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 ten 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.

Mayor Martinez referred to Item 20. Interim Director of Development Services, Dan McGinn, stated that the purpose of this item is to rezone the subject property on Tracts 1 and 2 to allow for the expansion of the existing auto dealership and vehicle storage. Mr. McGinn stated that the Planning Commission and staff are in favor of the following: Tract 2 - approval of the "CG-2" General Commercial District on Tract 2; and 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 subject to 11 conditions.

Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Vaughn. This Ordinance was passed on first reading 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

21. Public Hearing and First Reading Ordinance - Rezoning property located at 6122 Kostoryz Road

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.

Mayor Martinez referred to Item 21. Interim Director of Development Services Dan McGinn stated that the purpose of this item is to rezone the subject property to develop a commercial retail center. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Martinez opened the public hearing. There were no comments from the public. Mayor Martinez closed the public hearing.

In response to a council member, Assistant Director of Development Services Julio Dimas stated that the work that is taking place on the subject property is allowed under the current zoning. The applicant requested the change of zoning for another tenant at the subject property.

Council Member Rubio made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on first reading 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

22. Public Hearing and First Reading Ordinance - Rezoning property located at 1010 Laredo Street

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.

Mayor Martinez referred to Item 22. Interim Director of Development Services Dan McGinn stated that the purpose of this item is to rezone the subject property to allow the construction of a showroom space and expand the existing business. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Martinez opened the public hearing. There were no comments from the Council or the public. Mayor Martinez closed the public hearing.

Council Member Garza 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: 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

23. Public Hearing and First Reading Ordinance - Rezoning property located at 1642 Clare Drive (3/4 vote required)

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.

Mayor Martinez referred to Item 23. Interim Director of Development Services Dan McGinn stated that the purpose of this item is to rezone the subject property to allow for the construction of multifamily. Mr. McGinn stated that staff recommended denial of the change of zoning to the "RM-1" Multifamily District, and in lieu thereof, approval of a change to the "RS-TH" Townhouse District. Mr. McGinn stated that the Planning Commission recommended denial of the change of zoning to the "RM-1" Multifamily District and denial of the staff's recommendation of the "RS-TH" Townhouse District. Mr. McGinn said the opposition is over 60% and requires a 3/4 majority vote of the City Council.

Mayor Martinez opened the public hearing. Victor Medina, 2460 Cricket Hollow, representative of the applicant, explained that the opposition to the zoning change is because of concern that three-story apartments would be built. After the recommendation from staff for the "RS-TH" zoning, the applicant is in agreement to develop townhomes on the subject property. Mr. Medina stated that the subject property has been vacant for 17 years and is not feasible for residential lots. Tara Schultz, 1625 Clare Drive, spoke in opposition to the zoning change and expressed concern with traffic flow and parking. Abel Alonzo, 1701 Thames, expressed concern on the housing shortage and spoke in support of the rezoning.

Council members spoke regarding the following topics: the applicant's acceptance of staff's recommendation; location of the entrance and exit to the subject property; the opportunity for additional affordable housing; the number of townhome units proposed; the distinction between multifamily and townhome zoning; the reason the Planning Commission recommended denial of staff's recommendation; the number of years the property was vacant under the current zoning; inclusion of the Planning Commission's vote on future zoning cases; the "RS-TH" zoning creating a barrier to Williams Drive; the area transitioning to commercial; the last time there was new residential construction in the area; whether there is a process to ensure that heavy trucks will not be able to access Clare Drive; and the timeline for development. Mayor Martinez closed the public hearing.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on first reading 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

24. Public Hearing and First Reading Ordinance - Rezoning property located at 5825 Up River Road

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 Appraisalment 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 Appraisalment 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.

Mayor Martinez referred to Item 24. Interim Director of Development Services

Dan McGinn stated that the purpose of this item is to rezone the subject property to allow for the reconstruction of a single-family home. Mr. McGinn stated that the Planning Commission and staff are in favor of the zoning change.

Mayor Martinez opened the public hearing. There were no comments from the public. Mayor Martinez closed the public hearing. Council members acknowledged staff's work on the zoning cases today and the residential development in the subject property area.

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: 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

P. REGULAR AGENDA: (ITEMS 26 - 27)

26. Resolution approving the Affordable Housing - Type A Pilot Program

Resolution approving the Affordable Housing - Type A Pilot Program which uses Type A funds for up front/interim construction costs for a qualified builder to construct a new affordable home for an income-qualified homebuyer.

Mayor Martinez referred to Item 26. Assistant City Manager Susan Thorpe stated that the purpose of this item is to request approval for the updated proposed Affordable Housing - Type A Pilot Program. Assistant City Manager Thorpe provided a brief overview of the changes incorporated to the program guidelines. Mayor Martinez called for comments from the public. Abel Alonzo, 1701 Thames, spoke in support of the program. John Kelley, 3621 Austin, spoke regarding a proposal provided to the City by the Bay Area Smart Growth Initiative on how to redevelop entire neighborhoods.

Council members spoke regarding the following topics: the review of homebuilders interested in working with the project; that there is at least more than one builder interested in the project; referring to affordable housing as housing that is affordable; the process for submitting proposals to become a builder; the next steps for affordable housing; urging the City to be more comprehensive in approaches to affordable housing; the use of incentives by right; communication to the public; the estimated maximum price for the home; the cost of other homes in the area; targeting neighborhoods with other existing programs, such as Code Enforcement or Model Block Programs; domino effect revitalization; code violations in the area; a future presentation on all the programs that can be incorporated; concern with gentrification.

Council Member Rubio made a motion to approve the resolution, seconded by Council Member McIntyre. 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: 030732

27.

Discussion and consideration of the process to fill a vacancy in the office of council member.

Motion that the City Council accept applications for the vacant at-large city council positions (effective February 24, 2016), and require that all applications be filed in the Office of the City Secretary which shall include: 1. Application for Appointment to the City Council, 2. City's Report of Financial Information, 3. Questionnaire; and adopting the following schedule:

Schedule

Jan. 19, 2016 - Executive session to consider and develop three to five questions for the questionnaire

Jan. 25 - Feb. 29, 2016 - Accept applications

March 3 - 7, 2016 - Individual council member review of applications

March 8, 2016 - Executive session to consider applications/appoint in open session/or determine if interviews are necessary

Mayor Martinez referred to Item 27. City Secretary Rebecca Huerta stated that the purpose of this item is to discuss the process to filling the vacancy created by Council Member Lillian Riojas' resignation. Council Member Riojas' resignation is effective February 24, 2016. City Secretary Huerta presented the following information: research on the process used by prior City Councils from the 1990s to present; the common practices; and a suggested timeline to fill the upcoming vacancy.

Mayor Martinez called for comments from the public. Larry White recommended that prior to receiving applications, the City Council consider the following: diversity, difference in experience; cultural backgrounds for the betterment of the community; the needs of the City; and an individual who understands the organization. Dr. Maurice Portis spoke regarding the tremendous opportunity the City Council has to select an individual that has the experience, qualifications and meets the needs of the community. Abel Alonzo, 1701 Thames, stated that the selection of a council members should not be based on race, ethnicity, or gender and encouraged the Council to focus on an individual that can lead Corpus Christi into the future and community at the local, state, and federal levels. Reverend Claude Axel commended the City

Council for their work and requested that the Council consider a representative from the black community. Susie Luna Saldana, 4710 Hakel, asked the Council to consider appointing a representative for the entire community to bring positive change. Barbara Williams, 4023-A Oak Bay Drive, stated that there has not been black representation on the City Council in last 30 years and expressed the need for representation from the black community. John Kelley, 3621 Austin, recommended that the fair way to fill the upcoming vacancy is to take the person who received the next most votes at large from the November 2014 election. Jeremy Coleman spoke regarding the opportunity for visible, adequate representation from the African-American community. Margareta Fratila, 3606 Tripoli Drive, requested to be considered for the upcoming vacancy.

Council members spoke regarding the following topics: the timeline for accepting applications; the sample application; whether a campaign treasurer report is requested; an explanation of the individual council review of applications; support for the prior practices that have been used; the importance of appointing an applicant that can communicate with the people and knowledge of the City Council's major topics; including a process in open session; and development of a questionnaire to include with application packet.

Council Member Garza made a motion to accepted the suggested timeline, seconded by Council Member Magill and passed unanimously.

Council Member Magill made a motion directing the City Secretary to include in the timeline an executive session on the January 19, 2016 City Council agenda to determine three to five questions that all of the applicants will have the opportunity to answer, seconded by Council Member Garza and passed unanimously.

This Motion 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: M2016-005

Q. FIRST READING ORDINANCES: (ITEMS 28 - 36)

28. First Reading Ordinance - Accepting and appropriating grant funds for the Latchkey Afterschool Snack Program

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.

Mayor Martinez referred to Item 28. Director of Parks and Recreation Jay Ellington stated that Items 28, 29, and 31 are related to grants awarded to the

Parks and Recreation Department. The purpose of Item 28 is to accept and appropriate a grant from the Texas Department of Agriculture for the Latchkey Afterschool Snack Program. The purpose of Item 29 is to accept and appropriate a grant from the Corporation for National and Community Service for the Retired Senior Volunteer Program (RSVP). The purpose of Item 31 is to accept and appropriate a grant from the Corporation for National and Community Service for the Senior Companion Program (SCP). There were no comments from the Council or the public on Items 28, 29, and 31.

Council Member Garza made a motion to approve Items 28, 29, and 31, seconded by Council Member Rosas. The Ordinance was passed on first reading 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

29. First Reading Ordinance - Accepting and appropriating grant funds; transferring matching funds for the Retired Senior Volunteer Program (RSVP)

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 item was discussed during Item 28. This Ordinance was passed on first reading 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

31. First Reading Ordinance - Accepting and appropriating State grant funds; transferring and appropriating matching funds for the Senior Companion Program

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 item was discussed during Item 28. This Ordinance was passed on first reading 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

30. First Reading Ordinance - Lease Agreement Renewal with Gulf Coast Gem and Mineral Society

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.

Mayor Martinez referred to Item 30. Director of Parks and Recreation Jay Ellington stated that the purpose of this item is to renew a lease with the Gulf Coast Gem and Mineral Society for the use of City property on North Beach. There were no comments from the Council or the public.

Council Member Riojas 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 Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rosas

Abstained: 0

32. First Reading Ordinance - Closing a utility easement located south of Park Road 22 and north of Whitecap Boulevard

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.

Mayor Martinez referred to Item 32. Assistant Director of Development Services Julio Dimas stated that the purpose of this item is to abandon and vacate an existing utility easement to allow for the construction of a new residential home. There were no comments from the Council or the public.

Council Member McIntyre made a motion to approve the ordinance, seconded by Council Member Scott. The Ordinance was passed on first reading and

approved with the following vote:

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas and Council Member Scott

Absent: 1 - Council Member Vaughn

Abstained: 0

33.

First 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

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.

Mayor Martinez referred to Item 33. 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 JCL Properties in the amount of \$40,766.50 for the construction of a water arterial transmission and grid main. There were no comments from the Council or the public.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Scott. This Ordinance was passed on first reading 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

34.

First Reading Ordinance - Commercial Land Lease Renewal Agreement

Ordinance authorizing the City Manager, or designee, to execute a Commercial Land Lease Renewal Agreement with BBC Capital, Ltd., for a 1.068-acre tract of land and a 0.20-acre tract of City owned land for use in their recreational vehicle park called Puerto del Sol RV Park, located at the northern end of North Beach at 5100 Timon Boulevard, for the monthly fee of \$572.00 per month for a second five year term beginning January 1, 2016 and ending December 31, 2020.

Mayor Martinez referred to Item 34. Executive Director of Public Works Valerie

Gray stated that the purpose of this item is to execute a Commercial Land Lease Renewal Agreement with BBC Capital, Ltd. for the use of City-owned property located on North Beach at 5100 Timon Boulevard. The lease agreement is for twenty (20) years compromised of four consecutive five-year terms. The initial five-year lease agreement was approved by the City Council in 2011, and each renewal of a new five-year term requires City Council approval. There were no comments from the public. Mayor Martinez recused herself from the discussion on this item.

Council members spoke regarding the following topics: the monthly fee for the second five-year term; the opportunity to receive current market values; and consideration to table this item.

Council Member Garza made a motion to table Item 34, seconded by Council Member Rubio and passed unanimously.

35. First Reading Ordinance - Appropriating funds for an Engineering Design Contract for McGee Beach Breakwater Improvements

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).

Mayor Martinez referred to Item 35. Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to execute a professional services contract with HDR Engineering, Inc. to begin a preliminary study for the breakwater improvements at McGee Beach. Mr. Edmonds stated that this item was recommended by the Corpus Christi Business and Job Development Corporation (Type A Board). There were no comments from the Council or the public.

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

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rosas, Council Member Scott and Council Member Vaughn

Absent: 1 - Council Member Rubio

Abstained: 0

36. First Reading Ordinance - Amending City Code to prohibit solicitation in specific areas of the City

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 referred to Item 36. Assistant City Manager Susan Thorpe stated that the purpose of this item is to consider amending Article II, Unlawful Solicitation, of the City of Corpus Christi's Code of Ordinances to prohibit solicitation in the Central Business District, North Beach and on private property without permission; and prohibiting solicitation within 25 feet of an ATM, bank, public transportation stop or outdoor dining area. Assistant City Manager Thorpe explained that numerous businesses and tourist facilities in the Central Business District and North Beach reached out to the City requesting that the City be more assertive in regards to safety and nuisance activities in their areas by taking stronger action against increasing levels of panhandling and aggressive behavior. Assistant City Manager Thorpe explained that staff sought input from numerous groups regarding these proposed changes. In addition, staff has been actively working on several positive alternatives to panhandling including: the installation of specially-marked parking meters to donate to homeless shelters; a food voucher program; installing "Keep the Change: signs; public service announcements; and working with the homeless providers to create a assistance support handout.

Council Member McIntyre made a motion directing the City Manager to come back with information regarding the viability or survivability of a time-of-day panhandling ordinance city-wide, seconded by Council Member Scott and passed unanimously.

Council members spoke regarding the following topics: this action being a small portion of the solution to homelessness; the alternatives to providing funds to the homeless; outreach to panhandlers regarding the change to this ordinance; the reason that businesses located at Airline/Staples/SPID are not addressed; the selection of the small-geographical area to make the ordinance as constitutional as possible; consideration to develop a system similar to the City of Albuquerque to offer day work instead of citations for panhandling; the ability to set time constraints for panhandling to occur city-wide; enforcement of the ordinance; the cost to have the specially-marked meters installed; current ordinances addressing loitering; changing the behavior of citizens; concern that the ordinance will shift the panhandling behavior to other areas of town; examples of the unconstitutional issues related to this ordinance; panhandlers being victimized; whether this ordinance provides the capability for police to see if the panhandlers have warrants; and delaying the effective date of the ordinance.

Mayor Martinez called for comments from the public. The following individuals spoke in opposition to the ordinance: Father Sean Maloney, 622 Airline; Linda McKamie, 1279 Glenoak Drive; and Betty Barry. Reverend Carol Murphy, 6306 Wimbledon Circle, spoke in support of the ordinance. Jesse Elizondo, Chair of the Homeless Issues Partnership, spoke in support of the alternatives to panhandling and continuing outreach to address homelessness.

Mayor Martinez made a motion to amend the ordinance to be effective upon 60

days after passage on second reading, seconded by Council Member Scott and passed unanimously; Vaughn abstained.

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

Aye: 8 - Mayor Martinez, Council Member Garza, Council Member Magill, Council Member McIntyre, Council Member Riojas, Council Member Rubio, Council Member Rosas and Council Member Scott

Absent: 1 - Council Member Vaughn

Abstained: 0

R. FUTURE AGENDA ITEMS: (ITEMS 37 - 44)

Mayor Martinez referred to Future Agenda Items. City Manager Olson stated that staff had a planned presentation on Item 38.

37. 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 recommended to the consent agenda.

38. 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.

This Resolution was recommended to the consent agenda.

39. 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 recommended to the consent agenda.

40. 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 recommended to the consent agenda.

41. 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 recommended to the consent agenda.

42. 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 recommended to the consent agenda.

43. 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 recommended to the consent agenda.

44. 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 recommended to the consent agenda.

S. BRIEFINGS: (ITEM 45)

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

This Presentation was postponed.

T. LEGISLATIVE UPDATE:

None.

U. ADJOURNMENT

The meeting was adjourned at 8:09 p.m.