



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, February 19, 2019

11:30 AM

Council Chambers

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**Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.**

**MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. 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. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.**

**A. Mayor Joe McComb to call the meeting to order.**

Mayor McComb called the meeting to order at 11:33 a.m.

**B. Invocation to be given by Pastor Rick Barerra, Believe Church.**

Pastor Rick Barrera gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States to be led by Tracey Cantu, Assistant Director of Communication.**

Assistant Director of Communication Tracey Cantu led the Pledge of Allegiance.

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

City Secretary Rebecca L. 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:

Interim City Manager Keith Selman, City Attorney Miles K. Risley, and City Secretary Rebecca L. Huerta.

**Present:** 9 - Mayor Joe McComb, Council Member Roland Barrera, Council Member Rudy Garza, Council Member Paulette Guajardo, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Ben Molina, Council Member Everett Roy, and Council Member Greg Smith

**E. Proclamations / Commendations**

1. Commendation for Con Mims, Executive Director, Nueces River Authority.  
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

Mayor McComb presented a commendation and conducted the swearing-in ceremony for newly appointed board and committee members.

**F. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

Mayor McComb referred to City Manager's Comments. Interim City Manager Keith Selman reported on the following topics:

**b. OTHER**

1) The Solid Waste Department is prepositioned with contract workers in the event of an emergency, such as Hurricane Harvey, to instantly begin cleanup after the event. The contract was fully reimbursable by the Federal Emergency Management Agency (FEMA) and the City has collected 90% reimbursement. The City collected 638,000 tons of refuse with an accumulated value of \$10,625,000. 2) The Police Department is hosting a community meeting on Thursday, February 21, 2019 at Rose Shaw Elementary School located at 2920 Soledad Street from 6:00 p.m. to 8:00 p.m.

**a. UTILITY BILLING UPDATE**

Interim City Manager Selman introduced Interim IT Director Peter Collins who provided the following information regarding the City's Infor Software and the utility billing system: an update on the external audit process; the Development Services portal; the Hanson and Lawson software systems; a future agenda item regarding the meter transmission units (MTU) and Automated Meter Reading (AMR) system; and the progress of the missed utility bills.

Mayor McComb announced that Item 31 was pulled.

**G. MINUTES:**

2. Regular Meeting of February 12, 2019.

Mayor McComb referred to approval of the minutes. Council Member Hernandez made a motion to amend the minutes regarding Item 40, Corpus Christi Regional Transportation Authority (RTA) 2018 Year in Review, to include the the question if the RTA is going to request fare increases from the City Council and the reply that the RTA is looking into the option which may be a

future City Council item, seconded by Council Member Smith and passed unanimously.

Council Member Smith made a motion to approve the minutes as amended, seconded by Council Member Hernandez and passed unanimously.

**S. BRIEFINGS: (ITEM 44)**

**44. Corpus Christi Museum of Science and History Update**

Mayor McComb deviated from the agenda and referred to Item 44. Carol Rehtmeyer, President/CEO of the Friends of the Museum of Science and History, stated that the purpose of this item is to provided an update on the Museum of Science and History (Museum). Ms. Rehtmeyer and Dr. Mary Jane Garza presented the following information: that the Friends of the Museum is 135 days into the contract since being awarded management of the Museum; quotes from patrons of the Museum; an income comparison; a revenue comparison from 2013 to 2019; current membership; education programs; events from October 2018 to February 2019; upcoming events and camps; improvements to the exhibits and general maintenance; the number of employees; grants and sponsorships; Rebuild Texas/One Star funded projects; a major project to completely revise the website; billboard advertising; partnerships and associations; and feedback from Museum guests.

Council members and the presentation team spoke regarding the following topics: the removal of mulch from the outdoor playground area; continuous reporting to Assistant to the City Manager Esther Velazquez and the progress at the Museum; and advertising.

**J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. 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. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate. All items on this agenda are considered public hearings.**

Mayor McComb deviated from the agenda and referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council Chambers. City Secretary Rebecca L. Huerta conducted the public comment period. Brian Watson, 5813 Hugo, spoke regarding efforts to establish a tennis facility on the south side of the City and in support of the jail diversion program. Ramiro Gamboa, 2630 Cloyde, spoke regarding issue related to gas meter reading and maintenance of the meters. Susie Luna Saldana, 4710 Hakel, thanked the City Council for moving forward with the regional sports

complex.

#### **H. BOARD & COMMITTEE APPOINTMENTS:**

3. Committee for Persons with Disabilities  
Electrical Advisory Board  
Leadership Committee for Senior Services  
Mechanical/Plumbing Advisory Board  
Pipeline Review Panel  
Regional Health Awareness Board  
Sister City Committee

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

##### **Committee for Persons with Disabilities**

**Council Member Garza made a motion reappointing Richard Balli, Mary C. Bustos, Sabrina Ramirez, and Anthony Zoccolillo, seconded by Council Member Hunter and passed unanimously.**

**Council Member Molina made a motion to appoint James (T.C.) Chadden and Vanessa P. Nisbet, seconded by Council Member Hunter and passed unanimously.**

##### **Electrical Advisory Board**

**Council Member Garza made a motion to reappoint William R. Ashcraft, Jr. (Utility Power Distribution), Robert Sandate (Electrical Supply Business), and Lyndon E. Smiling (Not Connected to Electrical Industry) and reinstate David A. Carranco (Journeyman Electrician), seconded by Council Member Guajardo and passed unanimously.**

**Council Member Garza made a motion to appoint James Hernandez (Master Electrician), seconded by Council Member Barrera and passed unanimously.**

##### **Leadership Committee for Senior Services**

**Council Member Garza made a motion to reappoint Ginger Bryant (Senior Center), Teresa Garcia (Agency), Monica Hansen (Community Representative), Denise Villagran (Community Representative), and Meng Zhao (Community Representative), seconded by Council Member Barrera and passed (Council Member Smith voting "No").**

**Council Member Guajardo made a motion to appoint Pamela Greene (Community Representative), Melanie M. Munoz (Community Representative), and Sarita Salvide (Community Representative), seconded by Council Member Molina and passed unanimously.**

##### **Mechanical/Plumbing Advisory Board - postponed**

**Pipeline Review Panel**

Council Member Hunter made a motion to appoint Ricardo Ramos (Community Representative), seconded by Council Member Hernandez and passed unanimously.

Council Member Molina made a motion to appoint Richard D. Stracener (Technical Expertise), Christopher J. Rabe (Technical Expertise), Hector D. Gonzalez (Technical Expertise), and Joe Almaraz (Emergency Management Experience/Technical Expertise), seconded by Council Member Hernandez and passed unanimously.

**Regional Health Awareness Board**

Council Member Hernandez made a motion to appoint James C. Miller PhD (City Community Representative), seconded by Council Member Smith and passed unanimously.

**Sister City Committee**

Council Member Hunter made a motion to appoint Abu N. M. Waheeduzzaman (Advertising/Public Relations), seconded by Council Member Hernandez and passed unanimously.

Council Member Hernandez made a motion to appoint Fernando Fernandez, Jr. (At-Large), seconded by Council Member Barrera and passed unanimously.

**I. EXPLANATION OF COUNCIL ACTION:**

**K. CONSENT AGENDA: (ITEMS 4 - 29)**

**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. Council members requested that Items 6, 7 and 10 be pulled for individual consideration. There were no comments from the public.

Council Member Guajardo made a motion to approve the Consent Agenda, seconded by Council Member Garza. The consent agenda items were passed and approved by one vote as follows:

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

**4. Lease Purchase of Vehicles for Police Department**

Motion authorizing the lease purchase of four Ford F-150 crew cab trucks from Silsbee Ford Inc. of Silsbee, Texas, plus two Nissan Rogue SUVs and three Altima sedans from Gunn Chevrolet Ltd of Selma, Texas for the Police Department for a total amount not to exceed \$219,991.30.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-021

**5. Service Agreement for Battery Replacements for Corpus Christi Fire Department**

Motion authorizing a one-year service agreement for battery replacements with Noyesmen, Inc., dba Interstate Batteries of South Texas, of Corpus Christi, Texas, for an amount not to exceed \$27,618.70, with two one-year options for a total potential multi-year amount of \$82,856.10.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-022

**8. Service Agreement Amendment for Subscription and Maintenance of Customer Engagement Software for Utilities Department**

Motion authorizing an amendment for a one-year service agreement for subscription and maintenance of customer engagement software with WaterSmart Software, Inc of San Francisco, California for an amount not to exceed \$112,500.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-025

**9. Service Agreement for Generator Preventive Maintenance and Repair Services**

Motion authorizing a one-year service agreement for generator preventive maintenance and repair services, including rentals with Holt Texas Ltd, of San Antonio, TX for an amount not to exceed \$100,875, with two one-year options for a total potential multi-year amount not to exceed \$302,625.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-026

**11. Service Agreement for Offsite Repairs of Ford Vehicles for Asset Management**

Motion authorizing a one-year service agreement for offsite repairs of Ford vehicles with Crosstown Partners Inc., dba Sames Ford of Corpus Christi, Texas for an amount not to exceed \$478,500, with a one-year option for a total potential multi-year amount of \$957,000.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-028

**12. Resolution identifying Avanti at South Bluff as a development which will contribute to revitalization efforts**

Resolution of the City Council of the City of Corpus Christi, Texas identifying the project known as Avanti at South Bluff as a development that will contribute most significantly to the concerted revitalization efforts of the City in the Downtown Area Development Plan; and providing for an effective date.

**This Resolution was passed on the consent agenda.**

Enactment No: 031669

**13. Appointing Board Members to the Corpus Christi Housing Finance Corporation and the Corpus Christi Industrial Development Corporation**

Motion appointing Council Members Joe McComb, Roland Barrera, Rudy Garza, Paulette Guajardo, Gil Hernandez, Michael Hunter, Ben Molina, Everett Roy and Greg Smith as Board Members to the Corpus Christi Housing Finance Corporation and the Corpus Christi Industrial Development Corporation.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-029

**14. Appointing Board Members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation**

Motion appointing Council Members Joe McComb, Roland Barrera, Rudy Garza, Paulette Guajardo, Gil Hernandez, Michael Hunter, Ben Molina, Everett Roy and Greg Smith as Board Members to the Coastal Bend Health Facilities Development Corporation and the Coastal Bend Cultural Education Facilities Finance Corporation.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-030

**15. Service Agreement for InCode Software for Municipal Court**

Resolution authorizing a five-year service agreement for InCode software maintenance and support with Tyler Technologies of Plano, Texas for an amount not to exceed \$864,818.

**This Resolution was passed on the consent agenda.**

Enactment No: 031670

**16. Second Reading Ordinance - Rezoning for a Property located at or near 6001 Crosstown Expressway (State Highway 286) (1st Reading 2/12/19)**

Case No. 1118-02 Charles L. Kosarek, Jr and Dane Casey Holdings, LLC: Request for rezoning a property at or near 6001 Crosstown Expressway (State Highway 286) from the "RS-6" Single-Family 6 District and "ON" Neighborhood Office District to the "ON" Neighborhood Office District, the "CN-1" Neighborhood Commercial District, and the "CC" Commercial Compatible District.

Planning Commission and Staff Recommendation (January 9, 2019): Approval of the change of zoning from the "RS-6" Single-Family 6 District and "ON" Neighborhood Office District to the "ON" Neighborhood Office District, the "CN-1" Neighborhood Commercial District, and the "CC" Commercial Compatible District.

Ordinance rezoning property at or near 6001 Crosstown Expressway (State Highway 286) from the "RS-6" Single-Family 6 District and "ON" Neighborhood Office District to the "ON" Neighborhood Office District, the "CN-1" Neighborhood Commercial District, and the "CC" Commercial Compatible District.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031671

**17. Second Reading Ordinance - Rezoning for a Property located at or near 0 Enterprize Parkway (1st Reading 2/12/19)**

Case No. 0119-01 Devary Durrill Foundation: Request for rezoning a property at or near 0 Enterprize Parkway from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Planning Commission and Staff Recommendation (January 9, 2019): Approval of the change of zoning from the "IL" Light Industrial District to the "CG-2" General Commercial District.

Ordinance rezoning property at or near 0 Enterprize Parkway from the "IL" Light Industrial District to the "CG-2" General Commercial District.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031672

**18. Second Reading Ordinance - Rezoning for a Property located at or near 1752 Rand Morgan Road (1st Reading 2/12/19)**

Case No. 0119-02 NP Homes, LLC: Request for rezoning a property at or near 1752 Rand Morgan Road from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Planning Commission Recommendation (January 9, 2019): Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Staff Recommendation: Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

Ordinance rezoning property at or near 1752 Rand Morgan Road from the "RS-6" Single-Family 6 District to the "RS-4.5" Single-Family 4.5 District.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031673

**19. Second Reading Ordinance - Accepting and appropriating Victims of Crime Act (VOCA) Outreach Program Grant (1st Reading 2/12/19)**

Ordinance authorizing execution of all documents necessary to accept \$216,469.70 grant from State of Texas, Criminal Justice Division for Victims of Crime Act Outreach Program with City match of \$13,637.43 and in-kind match of \$40,480 from Police Grant Fund; appropriating the \$216,469.70 in Police Grants Fund for the VOCA Outreach program; and authorizing transfer of \$13,637.43 from the General Fund to the Police Grants Fund and appropriating the same for total project cost of \$270,587.13.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031674

**20. Second Reading Ordinance - Accepting and appropriating funds from the Hurricane Public Health Crisis Response Cooperative Services grant (1st Reading 2/12/19)**

Ordinance accepting and appropriating grant from the Texas Department of State Health Services for the 2017 Hurricane Public Health Crisis Response Cooperative Agreement Grant in the amount of \$420,842.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031675

**21. Second Reading Ordinance - Type A Grant for the Del Mar College Small Business Development Center (SBDC) (1st Reading 2/12/19)**

Ordinance approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College to provide grant up to \$300,000 for their Small Business Development Center program over two years; appropriating \$300,000 from the unreserved fund balance in the Business/Job Development Fund; and amending the budget.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031676

**22. Second Reading Ordinance - Type A Grant for the Del Mar College Contract Resource Center (CRC) (1st Reading 2/12/19)**

Ordinance approving a Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College to provide grant up to \$133,000 for their Contractor Resource Center program; appropriating \$133,000 from the unreserved fund balance in the Business/Job Development Fund; and amending the budget.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031677

**23. Second Reading Ordinance - Partial Easement Closure located at 13982 Binnacle Street (1st Reading 2/12/19)**

Ordinance abandoning and vacating 62.9 square feet of an existing utility easement on Lot 1, Block 712, Padre Island-Corpus Christi, Barataria Bay Unit 3, located at 13982 Binnacle Street.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031678

**24. Second Reading Ordinance - Easement Closure for property located at 1649 Amber Drive (1st Reading 2/12/19)**

Ordinance abandoning and vacating a 0.02-acre (780 sq. ft.) existing utility easement on, Lot 3, Block 2, Perry's Estates, located at 1649 Amber Dr.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031679

**25. Second Reading Ordinance - Exempting Heines Substation from Wastewater Lot Acreage Fee (1st Reading 2/12/19)**

Ordinance exempting Heines Substation located at the Northwest corner of Holly Road and Ennis Joslin alignment from the payment of wastewater acreage fees under Section 8.5.2.G.1 of the Unified Development Code; requiring a sanitary sewer connection agreement.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031680

**26. Second Reading Ordinance - Exempting Swan Village Unit 1 from Wastewater Lot Acreage Fee (1st Reading 2/12/19)**

Ordinance exempting Swan Village Unit 1 located on FM 2444, between CR 41 and CR 43, from the payment of wastewater acreage fees under Section 8.5.2.G.1 of the Unified Development Code; requiring a sanitary sewer connection agreement.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031681

**27. Second Reading Ordinance - Approving Amendments to the Tax Increment Reinvestment Zone #2 amended Project & Financing Plans (1st Reading 2/12/19)**

Ordinance approving the amendment to the Tax Increment Reinvestment Zone #2 amended Project & Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031682

**28. Second Reading Ordinance - Approving the Resale of 13 Foreclosed Properties (1st Reading 2/12/19)**

Ordinance authorizing the resale of 13 properties for \$183,553.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$32,475.02 plus \$38,933.42 for partial payment of City

paving and demolition liens.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031683

**29. Second Reading Ordinance - Appointments of Municipal Court Judges (First Reading - 02/12/19)**

Ordinance appointing Mike James Alaniz, Young Min Burkett, Jacqueline Del Llano Chapa, Gail Loeb, and Patrick O' Hare as full-time Municipal Judges of the Municipal Court of Record in the City of Corpus Christi, Texas; appointing Gail Loeb as the presiding judge; appointing Jerry L. Batek, Christopher E. Matt, Michael McCaig, Todd A. Robinson, and David Walsh as part-time judges of the Municipal Court of Record in the City Of Corpus Christi; determining salary; providing a term of office; and declaring an effective date.

**This Ordinance was passed on second reading on the consent agenda.**

Enactment No: 031684

**6. Service Agreement for HEB Tennis Center Management and Program Services for Parks and Recreation**

Motion authorizing a five-year service agreement for HEB Tennis Center Management and Program Services with Sweet Spot Tennis, LLC of Corpus Christi, Texas for a management fee of \$4,250 per month for a not to exceed five-year total amount of \$255,000, plus the Contractor keeps 100% of all revenue earned in return for the management and operation of the tennis center.

**Mayor McComb referred to Item 6, a five-year service agreement for HEB Tennis Center management and program services. Interim Director of Parks and Recreation Becky Perrin, Assistant Director of Financial Services Kim Baker, Parks and Recreation Finance and Resource Manager Kathleen Ramos and council members discussed the following topics: if the City has other contracts where the vendor receives 100% of revenue; concerns from council members regarding the five-year term of the agreement; a council member suggested changing the term of the agreement to one-year to determine performance of the contract, with extensions based on City Council input; that the vendor would have to agree to changing the terms of the agreement; that the City is subsidizing the tennis program and paying for maintenance of the facility; a council member discussed the approach regarding operating tennis centers similar to the golf courses in order for the tennis centers to become self-sustaining; that staff's goal was to prove to the vendors that the tennis centers can generate revenue and eventually be self-sustaining; auditing and monitoring of the contract; the termination clause in the agreement; a council member suggested a three-year agreement with the option to bring back to City Council for two, one-year renewals; complaints regarding the management at HEB Tennis Center; if there is a mechanism in place to tier down the funding provided by the City; the market that the City is trying to**

attract to these facilities; that the HEB Tennis Center is a tournament/league facility; the revenue generated from tournaments; the results of the audit of the tennis centers; the City's portion of the revenue from the current contract; the terms of the current agreement, including revenue sharing; the funding invested for the recent upgrades to the HEB Tennis Center; the overall revenue potential; the overall budget for the HEB Tennis Center; that this contract is a savings of \$50,000 in the budget; that the golf facilities are leased and not under a management agreement; an option to lease out the tennis facilities; that the proposed contract is with the current operator of the facility; a long-term goal for the tennis facilities; staff's recommendation to move forward with a service agreement and look into options for a lease-option in the next phase; that a contracts/fund administrator will be reviewing the contract; and the number of tournaments at the HEB Tennis Center.

There were no comments from the public.

Council Member Hunter made a motion to amend the motion to authorize a three-year service agreement and direct the Interim City Manager to look into a lease-option similar to the golf courses, seconded by Council Member Hernandez. The Motion to amend was passed and approved with the following vote: Mayor McComb, Council Members Roy, Hernandez, Hunter, and Molina voting "Aye"; Council Members Smith, Barrera, Garza, and Guajardo voting "No".

Council Member Hunter made a motion to approve the motion as amended seconded by Council Member Hernandez. This Motion was passed as amended and approved with the following vote:

**Aye:** 5 - Mayor McComb, Council Member Hernandez, Council Member Hunter, Council Member Molina and Council Member Roy

**Nay:** 4 - Council Member Barrera, Council Member Garza, Council Member Guajardo and Council Member Smith

**Abstained:** 0

Enactment No: M2019-023

## 7. **Service Agreement for Al Kruse Tennis Center Management Services for Parks and Recreation**

Motion authorizing a five-year service agreement for Al Kruse Tennis Center Management and Program Services with Love Tennis & Education of Corpus Christi, Texas for a management fee of \$1,900 per month for a not to exceed five-year total amount of \$114,000, plus the Contractor keeps 100% of all revenue earned in return for the management and operation of the tennis center.

Mayor McComb referred to Item 7, a five-year service agreement for Al Kruse Tennis Center management and program services. Interim Director of Parks and Recreation Becky Perrin, Assistant Director of Financial Services Kim Baker, Parks and Recreation Finance and Resource Manager Kathleen Ramos responded to council members questions. There were no comments from the public.

Council Member Molina made a motion to amend the motion to a three-year service agreement and direct the Interim City Manager to look into a lease-option similar to the golf courses, seconded by Council Member Hunter.

Council members discussed the following topics: a council member expressed concern regarding the length of the agreement; that programming at the Al Kruse Tennis Center is not as detailed as programming at the HEB Tennis Center; that the Al Kruse Tennis Center is a neighborhood-type facility and the HEB Tennis Center is more tournament oriented; staff's opinion regarding if the terms should be amended; and that staff expressed support for a three-year service agreement should the City Council desires to move forward with a lease-option in the future

Council Member Molina rescinded his motion; Council Member Hunter rescinded his second.

Council Member Smith made a motion to approve the motion, seconded by Council Member Guajardo. This Motion was passed and approved with the following vote:

**Aye:** 6 - Mayor McComb, Council Member Barrera, Council Member Guajardo, Council Member Molina, Council Member Roy and Council Member Smith

**Nay:** 3 - Council Member Garza, Council Member Hernandez and Council Member Hunter

**Abstained:** 0

Enactment No: M2019-024

## 10. **Supply Agreement for Emulsified Polymerized Asphalt (HFRS-2P) for Street Operations**

Motion authorizing a three-year supply agreement for the purchase of emulsified polymerized asphalt with Ergon Asphalt & Emulsions, Inc. of Austin, Texas for the not to exceed amount of \$2,250,000.

Mayor McComb referred to Item 10. Interim Director of Street Operations Charlie Cardenas stated that the purpose of this item is to authorize a three-year supply agreement for the purchase of emulsified polymerized asphalt with Ergon Asphalt & Emulsions, Inc. There were no comments from the public.

Council members and staff discussed the following topics: that there were no other bidders to the Request for Bid (RFB); if there are other vendors that provide this product; that there are no other sources in Texas that provide this product; if there has been a determination that Ergon Asphalt & Emulsions is responsible for the last citywide water ban issue; if there are other compatible products that can be used; background regarding the Street Department's use of the current product; safety concerns regarding alternative products and the impact those products have on City equipment; how having one vendor for this product impacts pricing; if the City has the equipment to use other products; the number of street crews the City has for seal coating; the Street Preventative Maintenance Program (SPMP); that the street work is supplemented with the SPMP contract; a cost analysis between contract versus

in-house crews; and evaluating alternate methods and materials.

**Council Member Barrera made a motion to approve the motion, seconded by Council Member Smith. This Motion was passed and approved with the following vote:**

**Aye:** 6 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Hernandez, Council Member Roy and Council Member Smith

**Nay:** 2 - Council Member Guajardo and Council Member Molina

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: M2019-027

**U. EXECUTIVE SESSION: (ITEMS 46 - 47)**

Mayor McComb deviated from the agenda and referred to Executive Session Items 46 and 47. The Council went into executive session at 1:50 p.m. The Council returned from executive session at 2:38 p.m.

- 46. 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 the purchase, exchange, lease, or value of real property rights at or in the vicinity of the Frost Bank Building and/or 2400 Block of Leopard Street, and pursuant to Texas Government Code § 551.072 to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property rights at or in the vicinity of the aforementioned locations) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

**This E-Session Item was discussed in executive session.**

- 47. 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 negotiations and potential litigation with the U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Attorney General, and/or U.S. Department of Justice concerning the City's sanitary sewer system and/or water system, dissolved oxygen standards in Oso Bay, sanitary sewer overflows, and other regulatory matters related to the City's wastewater treatment plants**

**This E-Session Item was discussed in executive session.**

**M. RECESS FOR LUNCH**

**The recess for lunch was held during Executive Session Items 46 and 47.**

**L. FUTURE AGENDA ITEMS: (ITEMS 30 - 34)**

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman stated that staff had no planned presentations.

**30. Service Agreement for Psychological Services for Police, Fire, Airport and Municipal Court**

Motion authorizing a three-year service agreement for psychological services with Kathryn W. Soward, Ph.D., of Corpus Christi, Texas, for an amount not to exceed \$78,750.00, with two one-year options for a potential total amount not to exceed \$131,250.00.

**This Motion was recommended to the consent agenda.**

**31. Approval of Five (5) Master Agreements for Facilities Multiple Award Contract (FMAC) Program**

Motion authorizing the City Manager or designee to execute a Master Agreement for the Facilities Multiple Award Contract (FMAC) program for a two-year term with the option to administratively renew annually for not more than three additional years, with no guaranteed minimum and a maximum aggregate of \$2,500,000 per agreement in any one year with the following:

Barcom Construction, Inc. of Corpus Christi, Texas  
Davila Construction, Inc. of Corpus Christi, Texas  
Gourley Contracting, LLC of Corpus Christi, Texas  
Teal Construction Company, Inc. of Corpus Christi, Texas  
Abba Construction, LLC of Laredo, Texas (Alternate Contractor)

**This Motion was withdrawn.**

**32. Supply Agreement for Asphalt Patch Bags for Street Operations**

Motion authorizing a three-year supply agreement with Asphalt Patch Enterprises, Inc. of New Braunfels, Texas, for the purchase of asphalt patch bags for a total amount not to exceed \$371,347.20.

**This Motion was recommended to the consent agenda.**

**33. Resolution for an Interlocal Agreement with Texas A&M Agrilife Extension Service for soil analysis**

Resolution authorizing an Interlocal Agreement with Texas A&M AgriLife Extension Service for a soil testing program.

This Resolution was recommended to the consent agenda.

**34. Supply Agreement for Sludge Dewatering Polymer for Wastewater Plants**

Motion authorizing a one-year supply agreement for sludge dewatering polymer with Polydyne, Inc. from Riceboro, Georgia for a total amount not to exceed \$308,992.00.

This Motion was recommended to the consent agenda.

**N. PUBLIC HEARINGS: (NONE)**

**O. REGULAR AGENDA: (ITEMS 35 - 36)**

**35. Resolution for approval to submit a grant application for funding available under the Violence against Women Act (VAWA) Fund**

Resolution authorizing submission of grant application for \$54,338.83 to the State of Texas under the Violence Against Women Act with city cash match of \$14,000 and \$8,280 in-kind services.

**Mayor McComb referred to Item 35. Police Management Services Director Pat Eldridge stated that the purpose of this item is to authorize submission of a grant application in the amount of \$54,338.83 with a city cash match of \$14,000 and \$8,280 in-kind services for the Violence Against Women Act (VAWA). There were no comments from the Council or the public.**

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

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: 031685

**36. Resolution for approval to submit a grant application for funding available under the Victims of Crime Act Fund**

Resolution authorizing submission of grant application in the amount of \$282,848.10 to the State of Texas under the Victims of Crime Act with city cash match of \$61,112.02 and \$9,600 in-kind services.

**Mayor McComb referred to Item 36. Police Management Services Director Pat Eldridge stated that the purpose of this item is to authorize submission of a grant application in the amount of \$282,848.10 with a city cash match of**

**\$61,112.02 and \$9,600 in-kind services to the State of Texas for the Victims of Crime Act. There were no comments from the Council or the public.**

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

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: 031686

**P. FIRST READING ORDINANCES: (ITEMS 38 - 39)**

**38. First Reading Ordinance - Appropriating funds from the Recovery on damage claim**

Ordinance appropriating \$5,682.32 from damage claim into General Fund to pay damage claim on a leased vehicle; and changing Operating Budget by increasing revenue and expenditures in the General Fund by \$5,682.32.

**Mayor McComb deviated from the agenda and referred to Item 38. Police Management Services Director Pat Eldridge stated that the purpose of this item is to appropriate \$5,682.32 to pay damage claim on a leased vehicle. There were no comments from the Council or the public.**

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

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

**39. First Reading Ordinance - Amending Chapter 23 of the City Code prohibiting operating of retail tobacco stores, hookah lounges, vaping lounges and cigar bars from 2:00 am to 7:00 am**

Ordinance amending Chapter 23 of the Corpus Christi Code to prohibit operating and using retail tobacco stores, hookah lounges, vaping lounges and cigar bars from 2:00 am to 7:00 am; and providing for penalty.

**Mayor McComb referred to Item 39. Deputy Police Chief Billy Breedlove stated**

that the purpose of this item is to amend the City's Code of Ordinances, Smoking Ordinance, by updating definitions to include electronic smoking devices, vaping and hookah; to include vaping and hookah lounges into the definition of a smoking lounge; and to limit operation of tobacco and smoking lounges to 7:00 a.m. to 2:00 a.m. There were no comments from the public.

In response to a council member, Police Chief Mike Markle stated that there are quality of life concerns regarding smoking lounges operating after 2:00 a.m. The smoking lounges, which currently operate after 2:00 a.m., are impacting residents that live adjacent to those establishments and increasing the number of police calls for services.

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

**Aye:** 9 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Abstained:** 0

**O. REGULAR AGENDA: (ITEM 37)**

**37. Resolution of the Corpus Christi City Council to express opposition to legislation that would expand the statutory membership of the Port Commission of the Port of Corpus Christi Authority**

Mayor McComb referred to Item 37. Director of Intergovernmental Relations Tammy Embrey stated that the purpose of this item is to approve a resolution expressing opposition to legislation that would expand the statutory membership of the Port Commission of the Port of Corpus Christi Authority. A legal notice of intent to introduce a bill to the State legislature was published on January 26, 2019. There were no comments from the public.

Council members discussed the following topics: a brief overview regarding San Patricio County's consideration to increase membership of the Port Commission; and discussions regarding electing the Port Commission members.

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

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

**Absent:** 1 - Council Member Hunter

**Abstained:** 0

Enactment No: 031687

**U. EXECUTIVE SESSION: (ITEM 48)**

Mayor McComb deviated from the agenda and referred to Executive Session Item 48. The Council went into executive session at 2:51 p.m. The Council returned from executive session at 4:47 p.m.

**48. Executive session pursuant to Texas Government Code § 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager**

Mayor McComb referred to Item 48 and stated that the City Council met in executive session with Slavin Management Consultants regarding the search for a new City Manager. The City Council discussed the candidates and requested additional information on several candidates. Slavin Management Consultants will work to gather the additional information by March 4, 2019, to be presented to City Council at the March 19, 2019 Council meeting.

**P. FIRST READING ORDINANCES: (ITEMS 40 - 42)****40. First Reading Ordinance - Easement closure for property located at 16001 El Socorro Loop**

Ordinance abandoning and vacating a 7.5-foot wide by approximately 60-feet in length (449.73 sq. ft.) portion of an existing utility easement out of Lot 7, Block 26, Padre Island-Corpus Christi, Coquina Bay Subdivision, located at 16001 El Socorro Loop.

Mayor McComb referred to Item 40. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to abandon and vacate a 7.5-foot wide by approximately 600-feet in length portion of an existing utility easement for property located at 16001 El Socorro Loop to facilitate the potential future sale of the home. A fiberglass swimming pool encroaches into the easement. There were no comments from the Council or the public.

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

**Aye:** 9 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Abstained:** 0

**41. First Reading Ordinance - Appropriating reimbursement funds for the Coastal Bend Fertilizer and Pesticides Monitoring Program**

Ordinance to appropriate \$37,048 in reimbursement funds received through the Reimbursement Contract with Coastal Bend Bays and Estuaries Program, Inc. for the Coastal Bend Fertilizer and Pesticides

Monitoring Program in the No. 4300 Stormwater Treatment Fund.

Mayor McComb referred to Item 41. Director of Water Utilities Kevin Norton stated that the purpose of this item is to appropriate \$37,048 in reimbursement funds received through a grant from the Coastal Bend Bays and Estuaries Program for the Coastal Bend Fertilizer and Pesticides Monitoring program. This item is related to Future Agenda Item 33, an interlocal agreement with Texas A&M AgriLife Extension Services for a soil testing program. The City's Stormwater team has been partnering with the Coastal Bend Bays and Estuaries Program and Texas A&M AgriLife Extension Services to improve stormwater management and protect the City's bays. The Stormwater team conducts public outreach to promote proper disposal of pesticides and fertilizer to educate citizens regarding the negative impacts to the environment and stormwater system which drains into the bays. Residential soil testing will be conducted throughout the City to determine fertilizer use and the data will contribute to future actions to protect the City's bays. Mr. Norton presented the three primary goals of the project. There were no comments from the public.

Council members and staff discussed the following topics: use of the data to apply for RESTORE Act funding; and the integrity of the samples.

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

**Aye:** 9 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Abstained:** 0

**42. First Reading Ordinance - Amending the Capital Improvement Budget for replacement of the current gas-powered chillers**

Ordinance amending the FY 2019 Capital Improvement Budget to add project E15135 Gas Department Chiller Replacement in the amount of \$410,000 for replacement of the current gas powered-chillers.

Mayor McComb referred to Item 42. Capital Improvement Program Manager Kamil Taras stated that the purpose of this item is to amend the FY2019 Capital Improvement Budget to add the Gas Department Chiller Replacement project. The current chillers at the Gas Department Building are non-operational. There were no comments from the public.

Council members and staff discussed the following topics: that the chillers are for air conditioning and heating of the Gas Department building; if the old unit was a gas unit; that the new unit being installed is an air-cooled gas absorption chiller; the reason the item is not being presented by the Asset Management Department; the total cost of the project; a breakdown of the costs; the reason an architect/engineer design is need to replace the chiller; the company that is installing the chiller; the value of the Gas Department Building; and a cost analysis of the project.

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

approved with the following vote:

**Aye:** 8 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Abstained:** 0

**Q. RECESS FOR CORPORATION MEETING: (ITEM 43)**

Mayor McComb recessed the regular Council meeting at 5:12 p.m. to hold a Special Meeting of the North Padre Island Development Corporation.

**43. Special Meeting of the North Padre Island Development Corporation**

This Corporation Meeting was held.

**R. RECONVENE COUNCIL MEETING**

Mayor McComb reconvened the regular Council meeting at 5:16 p.m.

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

**45. Port of Corpus Christi Ship Channel 16" Waterline Removal and Replacement**

Mayor McComb referred to Item 45. Executive Director of Water Utilities Dan Grimsbo stated that the purpose of this item is to discuss the removal and replacement of the Port of Corpus Christi Ship Channel 16" waterline. Mr. Grimsbo presented the following information: the U.S. Army Corps of Engineers phasing plan for expansion of the Port of Corpus Christi Ship Channel; the project timeline; an overview of the City's proposed plans to replace and remove the water lines; the order of alignment of the 29 pipelines and their owners; the new crossing of the replacement line; and the estimated cost for removal and construction of the waterline. Utilities Major Project Engineering Gabriel Hinojosa was available to respond to council members.

Council members and staff discussed the following topics: consideration for a larger water line to accommodate future growth; the proposed new alignment of the waterline; funding for the project; the net savings related to the cost for flushing the line and monitoring water quality; that the new line will loop into the City's water system; and if it is mandatory to replace the waterline.

**T. LEGISLATIVE UPDATE**

Mayor McComb referred to Legislative Update. Director of Intergovernmental Relations Tammy Embrey reported on the following: SB 2 and HB 2 regarding property tax reform; school finance reform; Hurricane Harvey and disaster response issues; restoration of funding from the Texas Commission on Environment Quality (TCEQ) for air quality monitoring and emissions reduction activity; an informational hearing regarding the City's desalination project;

sales tax exemptions; sunset commission bills regarding the Nueces River Authority (NRA) and the Texas Windstorm Insurance Association (TWIA); clarifying the rules to promote oyster mariculture; and Coastal Bend to Austin Day.

**V. IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items. The following item was identified: a budget policy workshop.

**W. ADJOURNMENT**

The meeting was adjourned at 5:56 p.m.