



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 11, 2020

11:30 AM

Council Chambers

Addendums may be added on Friday.

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

Mayor McComb called the meeting to order at 11:31 a.m.

B. Invocation to be given by Mayor Joe McComb.

Mayor McComb gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag.

Mayor McComb led the Pledge of Allegiance to the flag of the United States and the Texas Flag.

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: City Manager Peter Zanoni, City Attorney Miles K. Risley and City Secretary Rebecca L. Huerta.

Note: Council Members Rudy Garza, Roland Barrera and Greg Smith participated by video conference. Council Member Michael Hunter participated telephonically.

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. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL. To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Council. This meeting will be broadcast at cctexas.com/services/council-meeting-agendas-minutes-video. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Council should be provided in written format and presented to the City Secretary and/or designee no later than five minutes after the start of each meeting of the City Council. Testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's door and on the City website, and allow for electronic submission. The written public testimony shall be provided to members of City Council prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This testimony shall serve as the required public testimony pursuant to Texas Government Code 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference. The public may participate remotely by following the instructions of the City Secretary at cctexas.com/departments/city-secretary.

Mayor McComb referred to comments from the public.

The following citizens submitted written public comments which are attached to the minutes:

Richard David Williams; Christopher Pedersen; D. Flores; Keith Kurth; Gregory Vitola, 1725 Amber Dr.; Mark Crider; James Klein, 3501 Monterrey St.; Sylvia Campos, 4410 Fir St.; Julie Rogers, 710 Furman Ave.; Tom Krepel, 2618 Windhollow Dr.; Margaret Soucy, 4513 Lamont St.; and Chrissy Torres.

The following citizens called in:

Nueces County Judge Barbara Canales, 901 Leopard St.; Tom Krepel, 2618 Windhollow Dr.; Isabel Araiza, 326 Poenisch; Brittany Garcia, 3214 Brawner Pkwy.; Eli McKay, 1008 Marguerite St.; James Klein, 3501 Monterrey St.; Sylvia Campos; Robin Carstensen, 449 Claremore St.; Melissa Zamora, 3917 Brawner Pkwy.; Eduardo Canales, 7021 Bevington Dr.; Errol Summerlin, 1017 Diomedea Dr., Portland, TX; and Barney Farley, 410 East White Ave.

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

Mayor McComb referred to City Manager's Comments. City Manager Peter Zaroni reported on the following topics: increased street sweeping throughout the City; the sweeping schedule will be posted on the City's website; street closure on Leopard St. due to an interchange; the City crew helped clean up the U.S.S. Lexington after Hurricane Hanna; budget committee input meetings

schedule; budget workshops; and the City is working with Nueces County Judge Barbara Canales to identify CARES Act funding.

a. GOVERNMENT ACTIONS RELATED TO CORONA VIRUS

Director of Public Health District Annette Rodriguez presented an update on COVID 19 and flu season: Flu and COVID-19 similar symptoms; Nueces County surveillance; testing for COVID-19 and flu; overview of COVID-19 statistics; Nueces County vital records July 2020; U.S. deaths from coronavirus by age group; COVID-19 deaths report at state level; steps to stay healthy; back to school immunization drive thru clinics; and public health future COVID-19 plans: tiered approach.

Council Members and Director Rodriguez discussed the following topics: a Council Member requested a copy of the presentation; and advanced age is a comorbidity.

G. MINUTES:

1. Regular Meeting of July 28, 2020

A motion was made by Council Member Guajardo, seconded by Council Member Molina that the Minutes be approved. The motion carried by a unanimous 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

H. BOARD & COMMITTEE APPOINTMENTS:

2. Construction Trade Advisory & Appeals Board

Mayor McComb referred to Item 2.

Construction Trade Advisory & Appeals Board

HVAC Contractor

Council Member Molina made a motion to appoint Mike L. Wanzer, seconded by Council Member Barrera and passed unanimously.

Master Electrician

Council Member Guajardo made a motion to appoint Paul S. Cervantes, seconded by Council Member Barrera and passed unanimously.

HVAC Technician

Council Member Roy made a motion to appoint Jared Merdes, seconded by Council Member Molina and passed unanimously.

General Contractor

Council Member Hernandez nominated Garry Camp. Council Member Molina

made a motion to appoint Garry Camp, seconded by Council Member Roy and passed unanimously.

Engineer

Council Member Hernandez made a motion to appoint Ramiro Munoz III, seconded by Council Member Guajardo and passed unanimously.

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 3 - 15)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 6, 11 and 15 be pulled for individual consideration.

There were no comments from the Council.

A motion was made by Council Member Guajardo, seconded by Council Member Hernandez to approve the Consent Agenda with the exception of Items 6, 11 and 15. The consent agenda was 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

- 3.** One-Reading Ordinance calling for a special election for Infrastructure Bond 2020 Program to be on November 3, 2020 in the City of Corpus Christi for the authorization of bond issuances for the City by ad valorem taxes totaling \$75 million without a property tax rate increase to fund 42 projects under the following propositions: Streets (\$61 million), Parks (\$12 million), and Public Safety (\$2 million).

This Ordinance was passed.

Enactment No: 032175

Consent - Second Reading Ordinances

- 4.** Ordinance ordering a general election to be held on November 3, 2020, in the City of Corpus Christi for the election of Mayor and Eight Council Members; providing for procedures for holding such election; providing for notice of election and publication thereof; providing for establishment of branch early voting polling places; designating polling place locations; authorizing a joint election with Nueces County, and a runoff election, if one is necessary, on December 15, 2020; authorizing execution of a Joint Election Agreement with Nueces County; and enacting provisions incident and relating to the subject and purpose of this ordinance.

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

Enactment No: 032176

5. Ordinance authorizing acceptance and appropriation of a grant for \$7,234,755 in Community Development Block Grant Disaster Recovery ("CDBG-DR") funding from the Texas General Land Office to construct the Airport Tributary Detention Pond project; authorizing acceptance and appropriation of a sub-grant award of \$163,244 from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program for the La Volla Creek Drainage Improvement Phase I project; appropriating an additional \$8,636,006 as City matching funds from the Stormwater Capital Improvements Program (\$7,600,000 for the CDBG-DR grant and \$1,036,006 for the TDEM sub-grant); amending the budget; and designating authorized signatories for contractual and financial documents pertaining to the CDBG-DR Grant Contract No. 20-065-133-C445.

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

Enactment No: 032177

Consent - Contracts and Procurement

6. Motion authorizing a six-month service agreement with PlayCore Wisconsin, Inc. dba GameTime for a total amount not to exceed \$247,145.94 for the purchase and installation of 14 shade structures at various parks located throughout the City, with funding in an amount of \$247,145.94 available through the FY 2020 Community Enrichment Fund.

Mayor McComb referred to Item 6.

Council Members, Interim Director of Parks and Recreation Tracey Cantu, Assistant Director of Operations Joe Johnson and City Manager Peter Zanoni discussed the following topics: the shade structures are made of canvas; the shade structures are being installed at the 14 parks that were approved by Council; the amount of utilization at the parks needs to be considered; a Council Member's concern of having the shade structures taken down during high winds to prevent damage; if there is no playground equipment, then there is no usage of the park; and a Council Member's request to get input from the neighborhood and the community to make sure that the higher usage parks are being chosen for upgrades.

Council Member Molina made a motion to approve the motion, seconded by Council Member Guajardo. This motion was passed 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

Enactment No: M2020-131

7. Motion authorizing a three-year service agreement for fire extinguisher inspection, annual maintenance services, and the purchase of replacement fire extinguishers and parts with IFS Fire and Safety Inc., for a total amount of \$58,807.90, for field use by Gas Operations' employees, effective upon issuance of notice to proceed with FY 2020 funding available through the Gas Fund in the amount of \$3,267.11.

This Motion was passed on the consent agenda.

Enactment No: M2020-132

8. Motion authorizing the lease-purchase of three replacement freightliner vehicles: one 2021 Freightliner M2-112 TRA heavy crew truck and two 2020 Freightliners M2-106 SRA 6-8 cubic yard dump trucks from Houston Freightliner, Inc., in an amount of \$370,161.05, for Gas Operations, effective upon issuance of letter of acceptance with FY 2020 funding available through the Gas Fund in the amount of \$12,338.70.

This Motion was passed on the consent agenda.

Enactment No: M2020-133

9. Motion authorizing the lease-purchase of two F550 crew cab trucks from Silsbee Ford, Inc., in an amount of \$141,642.79, one truck will be an addition to the fleet and the other truck will be a replacement for Gas Operations, effective upon issuance of letter of acceptance with FY 2020 funding available through the Gas Fund in the amount of \$4,721.43.

This Motion was passed on the consent agenda.

Enactment No: M2020-134

10. Motion authorizing the lease-purchase of one 2021 Western Star 4700SF dump truck from Lonestar Freightliner Group, LLC, in an amount of \$175,918.42, for Gas Operations as a replacement unit, effective upon issuance of letter of acceptance with FY 2020 funding available through the Gas Fund in the amount of \$5,863.95.

This Motion was passed on the consent agenda.

Enactment No: M2020-135

11. Motion authorizing a three-year service agreement with Synergy Sweeping Services, LLC of Corpus Christi, Texas in an amount not to exceed \$2,307,576.00 to perform street sweeping services throughout the City with funding in an amount of \$128,198.67 available through the FY 2020 Storm Water Fund.

Mayor McComb referred to Item 11.

A Council Member, Director of Public Works/Street Operations Richard Martinez and City Manager Peter Zanoni discussed the following topics: the contractor will meet the requirements for scraping at the unit price; team members monitor the contractor to be sure they are doing their job; and if the contractor does not comply with the contract then the City will terminate the contract.

Council Member Molina made a motion to approve the motion, seconded by Council Member Guajardo. This Motion was passed 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

Enactment No: M2020-136

12. Motion authorizing a purchase of one 2020 Hyster H90FT lift truck forklift from Briggs Equipment, in an amount of \$60,053.12, as a replacement unit for in-house use by the Asset Management Department, effective upon issuance of letter of acceptance with funding available through the FY 2020 Fleet Maintenance Fund.

This Motion was passed on the consent agenda.

Enactment No: M2020-137

General Consent Items

13. Resolution authorizing the submission of a grant application for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$157,601; and authorizing an Interlocal Agreement with Nueces County for the distribution of JAG Program funds in an amount of \$78,800 to Nueces County should the grant be awarded and the remaining \$78,801 to be used by the City.

This Resolution was passed on the consent agenda.

Enactment No: 032178

14. Resolution authorizing an Interlocal Cooperation Agreement with Nueces County for reconstruction and annexation of County Road 33.

This Resolution was passed on the consent agenda.

Enactment No: 032179

15. Resolution to create and enter the Harbor Bridge Right-of-Way Coalition

to be made up of three representatives of the City of Corpus Christi, three representatives of Nueces County, three representatives of the Port of Corpus Christi Authority, one representative of the Downtown Management District, and one representative of the Metropolitan Planning Organization.

Mayor McComb referred to Item 15.

Council Members and City Manager Peter Zanoni discussed the following topics: three City staff members will be appointed; Planning Director Dan McGinn is being considered for appointment; and a Council Member recommended that Public Works Richard Martinez be appointed.

Council Member Molina made a motion to approve the resolution, seconded by Council Member Guajardo. This Resolution was passed 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

Enactment No: 032180

K. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Items 21 and 22.

L. PUBLIC HEARINGS: (ITEMS 16 - 17)

- 16.** Zoning Case No. 0620-01, Camacho Resources, LLC (District 1). Ordinance rezoning property at or near 7585 Leopard Street from the "IL" Light Industrial District and "RMH" Manufactured Home District to the "IH" Heavy Industrial District. Planning Commission and Staff recommend Denial of the change of zoning from the "IL" Light Industrial District and "RMH" Manufactured Home District to the "IH" Heavy Industrial District, in lieu thereof, approval of the "IL/SP" Light Industrial District with a Special Permit (SP) with conditions. (3/4 vote required to overrule the recommendation of the Planning Commission).

Mayor McComb referred to Item 16.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern; and planning commission and staff recommend denial of "IH" Heavy Industrial District in lieu thereof, approval of "IL/SP" Light Industrial District with a Special Permit.

Council Members and Director Raymond discussed the following topics: the property owner is in agreement with the Special Permit; and a Council Member concurs with staff's recommendation.

Mayor McComb opened the public hearing. There were no written comments

submitted from the public.

Mayor McComb closed the public hearing.

Council Member Roy made a motion to approve the ordinance, seconded by Council Member Barrera. 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 Hunter, Council Member Molina and Council Member Roy

Abstained: 1 - Council Member Smith

17.

Ordinance designating 258.9 acres within the jurisdiction of the City of Corpus Christi as a Tax Increment Financing District to be known as "Reinvestment Zone Number Five, City Of Corpus Christi, Texas" pursuant to petition by owners of Crosstown Commons subdivision; setting a maximum City financial participation of 75% over 20 years and a maximum contribution of \$9,000,000; and establishing a Board of Directors for the Reinvestment Zone.

Mayor McComb referred to Item 17.

Director of Finance and Business Analysis Heather Hurlbert presented information on the following topics: tax increment zone; TIRZ mechanism; proposed TIRZ boundary; project overview; project aerial view; project master plan; TIRZ parameters; TIRZ details; project cost and timeline; TIRZ buildout; TIRZ estimated value; and next steps.

Council Members, City Manager Peter Zanoni, Director Hurlbert, Director of Engineering Services Jeff Edmonds, and Director of Planning/ESI Dan McGinn discussed the following topics: if the developer and the City cannot come to an agreement, then the TIRZ can be dissolved; a Council Member's concern regarding the commercial development and the City's risk; the base value is with the agricultural exemption value; the contribution of tax increment would be about \$60,000 into the TIRZ; the maintenance dollars for the park will come out of the TIRZ; this TIRZ will not go towards improvement on Holly Road; if the contractor does not proceed with the work, then the City is protected in that the project will not be eligible for reimbursement until it is completed and accepted by the City; the dollar amount is capped at \$9 million; this would be one of the largest projects that the City has done in terms of density; townhomes are scarce in the community and so are a bonus for this project; public density is the best way to enhance this area; the idea behind the park is to create public density; a Council Member's personal experience with living in a townhome; the money generated by the TIRZ goes to reimbursement for the infrastructure; the importance for construction to begin within the first 24 months; a Council Member's concern that the commercial piece is critical to the City; and the developer has an agreement with IBC Bank to provide financing.

Mayor McComb opened the public hearing. There were no comments from the public.

Mayor McComb closed the public hearing.

Council Member Barrera 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

Abstained: 1 - Council Member Hernandez

M. REGULAR AGENDA: (ITEM 18)

18. Resolution determining that the proposed citizen-initiated "Petition for Charter Amendment related to the Prohibition of the Use, Acquisition and Sale of Desalinated Water" failed to comply with Texas Local Government Code § 9.004 because it was not signed by at least 5% of the qualified voters of the City of Corpus Christi, Texas.

Mayor McComb referred to Item 18.

City Secretary Rebecca Huerta read the Texas Local Government Code requirements for the proposed citizen-initiated petition; and stated the petition did not meet the requirements.

A Council Member, City Secretary Huerta and City Attorney Miles Risley discussed the following topics: citizens submitted public comments about getting more signatures on the petition; this petition cannot be supplemented and there is no deadline to file; the signatures have not been verified due to the lack of signatures submitted on the petition; the minimum signature is 7,625, so the verification process did not proceed; and the governing body drafts the ballot language, but the charter amendment language has to be provided by the petitioner.

Council Member Roy made a motion to approve the ordinance, seconded by Council Member Hunter. This Resolution was passed 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

Enactment No: 032181

N. FIRST READING ORDINANCES: (ITEMS 19 - 20)

19. Ordinance authorizing an Interlocal Cooperation Agreement with Nueces County to reimburse \$200,000 to the City related to the engineering design cost associated with the extension of Junior Beck Drive from Dead End to Old Brownsville Road and accepting and appropriating a

Financial Assistance Award in an amount of \$3,000,000 from the United States Department of Commerce-Economic Development Administration for the design and construction of Junior Beck Drive located in City Council District 3, with a City match of \$750,000 with funding available through the 2018 Bond Program and amending the Capital Improvement Program Budget and appropriating grant Funds in the Street CIP Fund.

Mayor McComb referred to Item 19.

Director of Engineering Services Jeff Edmonds gave an update on the status of this 2018 bond project to rebuild the existing portion of Junior Beck Drive.

Council Members and Director Edmonds discussed the following topics: this project is still in the early design phase and will be bundled into a single construction package; this project should be under construction by next year; the department has not decided yet whether this road will be asphalt or concrete; and a Council Member thanked the staff for their work on this project.

Council Member Barrera 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

20.

Ordinance authorizing execution of all documents necessary to enter into a Consent Decree with the United States of America and State of Texas regarding improvements, operation and maintenance of the City wastewater system and appropriating \$1,187,000 for civil penalty for the United States, attorney fees for the State of Texas, and City legal and consultant services related to finalizing and obtaining court approval of said decree.

Mayor McComb referred to Item 20.

Director of Water Utilities Kevin Norton presented information on the following topics: summary; consent decree key takeaways; estimated wastewater rate increase chart; and staff's recommendation.

Council Members, City Attorney Miles Risley and Director Norton discussed the following topics: the residential wastewater rates will increase about \$11 per month; a Council Member's request for a copy of the numbers from the rate model; the victory of this is that the City does not have to replace one of the water treatment facilities; and the main victory is having 15 years to do these improvements versus 10 years.

Council Member Roy made a motion to approve the ordinance, seconded by Council Member Molina. 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. BRIEFINGS: NONE

P. EXECUTIVE SESSION: (ITEMS 21 - 22)

- 21. 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 sanitary sewer overflows and the City's sanitary sewer system, water system, and/or drainage system and/or potential future litigation involving the U.S. Environmental Protection Agency, State of Texas, and/or U.S. Department of Justice and the potential approval of attorney's fees, expert fees, and expenses for negotiations and/or litigation with the aforesaid entities.**

This E-Session Item was discussed in executive session.

- 22. 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 matters in collective bargaining agreement(s) with the Corpus Christi Professional Firefighters' Association, pension matters involving City employees, other potential collective bargaining matters, and potential approval in open session of a collective bargaining agreement with the Corpus Christi Professional Firefighters' Association.**

This E-Session Item was discussed in executive session.

Q. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Future Agenda Items.

City Manager Peter Zaroni announced that the Virtual Public Input Sessions for District 2 will be held on August 12, 2020 and the next budget workshop will be held on August 13, 2020.

R. ADJOURNMENT

This meeting was adjourned at 3:32 p.m.