



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, October 29, 2019

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 11:32 a.m.

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

Pastor Rick Barrera gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Jim Davis, Director of Asset Management.

Mr. Jim Davis 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 Zaroni, 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. Proclamation declaring October 10, 2019, "Real Men Wear Pink Day".
Proclamation declaring October 28-November 1, 2019, "Red Ribbon Week".
Proclamation declaring November 2, 2019, "Face to Face Walk for Memory Day".
Proclamation declaring November 2019, "50th Anniversary Month of Freddie Records".
Commendation for K-Space Contemporary.

The Proclamations and Commendation were presented.

- F. PUBLIC COMMENT - APPROXIMATELY 12:00 P.M.** 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 Communication department at 361-826-3211 to coordinate. This is a public hearing for all items on this agenda.

Mayor McComb 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.

C. J. Johnson, 509 S. Carancahua St., spoke regarding shootings related to mental health. John Powell, 4634 Barnard Dr., thanked a Council member and certain City staff for their assistance resolving a concern relating to high water bills; discussed an experience he had with political corruption; spoke in favor of the Park Road 22 bridge and development of North Beach. The following individuals spoke in support of creating a Tax Increment Reinvestment Zone Number 4 (TIRZ#4) on North Beach: Chris Kuehn, 7038 Pharaoh; Robert Ferguson, 1334 Sandpiper Dr.; Ron Graven, 202 Surfside Blvd.; Gordon Landreth, 1309 Sealane Dr.; Dee Dee Williams, 325 Cape Cod; Ann Foote, 4217 Gulfbreeze Blvd.; Steve Gomez, 6630 Clarion Dr.; Barbara Sico, 19 Hewit Dr.; Carrie Robertson Meyer, 4401 Gulfbreeze Blvd.; Barbara Welder, 202 Reef Ave.; Nueces County Commissioner Carolyn Vaughn; Juan Cantu, 3302 Surfside Blvd.; Taylor Oldroid, 4825 Everhart Rd., on behalf of the Corpus Christi Association of Realtors; and Jerry Bass, 6722 Pharaoh. Margareta Fratila, 3606 Tripoli Dr., spoke regarding development and infrastructure on North Beach. Peter Davidson, 1525 N. Shoreline Blvd., thanked the City and City Departments for maintaining the City of Corpus Christi. Chad Magill, 641 Texas Ave., spoke regarding drainage and the canal option on North Beach; Susie Luna Saldana, 4710 Hakel, spoke regarding funding sources for the development of North Beach; Ray Madrigal de Pancho Villa, 4253 Dody St.; spoke regarding the homeless at Leopard and N. Staples Streets; transporting the homeless to other cities; concerns regarding the use of Lamar Elementary to house the homeless; using Memorial Hospital to house the homeless; and the lateness with which the police unit assigned to respond to individuals who have mental illness responds. Gloria Scott, 4422 S. Alameda St., thanked Council for their recent work on Blucher Park; and using Memorial Hospital to house the homeless. Rolando Garza, 8225 Leopard St., spoke in opposition to re-purposing Lamar Elementary to house the homeless.

G. 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:

a. OTHER

1) Provided an update on FY19/20 budget initiatives. 2) Discussed the status and timeline to hire a new Chief Executive Officer at the Corpus Christi Convention and Visitors Bureau. 3) Announced that the First Friday celebration in the Marina Arts District will take place from 5:30 p.m. - 9:00 p.m. this Friday.

2. North Beach Drainage Analysis

Mayor McComb referred to Item 2.

City Manager Zaroni discussed the following topics: possible North Beach drainage solutions; a more robust drainage system; that funding is a key component; the cost of a navigable channel and the cost of and need to raise city streets and possible funding sources; if developers have the monies necessary to commit; improving North Beach while meeting the rest of the City's needs; testing Urban Engineering's report via other engineers and by public input; developing a comprehensive calendar for North Beach improvements in order to minimize disruption to residents and businesses; which developers may want to build on the canal; and a long-term plan to address drainage solutions.

Assistant City Manager Mark Van Vleck presented information on the following topics: overview; tidal flooding; observed tidal flooding at 10/18/2019; elevations 2.5 feet and below; elevation profiles; Sandbar Ave., Beach Ave., Gulfspay Ave., Surfside Park, Bridgeport Ave., and Breakwater Ave. elevations; street improvements needed and estimated cost; North Beach projects from 2007 - 2019; decrease in sanitary sewer overflows on North Beach; stormwater infrastructure and related funding sources; the total number of buildings on North Beach and the total number of those that are elevated; and the flood insurance rate map.

Chip Urban, Urban Engineering, presented information on the following topics: introduction; study area; existing conditions; relative sea level rise; tidal inundation at the north and south end of North Beach; existing drainage; two-part solution (provide better way for stormwater to get out and raise property); Options 1 and 2 layout; Option 3 navigable channel; Option 3 layout; utilities; cost estimates for each of the three options; conclusions; and recommendations.

Council members, City Manager Zaroni, Assistant City Manager Van Vleck and Mr. Urban discussed the following topics: elevating residential and commercial buildings on North Beach; extending drainage to properties that cannot be elevated; that there are a large number of properties that can be elevated; phasing in North Beach improvements; installing a better drainage system before elevating properties; long term elimination of flooding on North Beach; the quantity of soil needed to elevate North Beach; using fill dirt, from other projects in the area, on North Beach; if beach erosion was part of Urban Engineering's study; the effect of beach erosion and the City commissioning a study to get information on this; tidal flooding on North Beach; how Charleston, South Carolina's drainage system works; the use of check valves on stormwater outfalls on North Beach; installation of monitoring wells to determine water table levels in relation to tides; flooding coming through the stormwater system and over land; the potential effectiveness of check valves on North Beach; paving over manhole covers; transitioning from contractors to

City staff to monitor and inspect paving projects; acquiring fill dirt generated from the new Harbor Bridge project for use on North Beach; using soil excavated from the construction of the navigable channel on North Beach; differences in soils; the costs of drainage and elevation on North Beach as set out in Urban Engineering's study; the return on investment for North Beach projects; the percentage of flooding to be resolved on North Beach with construction of the navigable channel; the City's responsibility to resolve North Beach drainage issues; a history of platting of North Beach; sea level increases over the years; wastewater work to date and recently on North Beach; reducing infiltration; increasing the volume of drainage on North Beach; the City providing fill material for private property owners to elevate their properties; costs, funding and who is paying for what; how Option 2, consisting of an open ditch, would function and its cost; the cost of cutting a navigable channel to the bay; inclusion of a breakwater; total cost to the City of North Beach improvements; the Council viewed a brief video from the North Beach Community Association related to flooding on North Beach at high tide at Seagull and Gulf Spray; permitting; functionality of the existing stormwater system on North Beach; whether the TIRZ#4 addresses drainage; and a request from a council member to explore check valves on stormwater drainage outfalls on North Beach.

H. MINUTES:

3. Regular Meetings of September 24, 2019 and October 15, 2019 and Special Meeting of October 1, 2019.

Mayor McComb referred to Item 3.

A motion was made by Council Member Paulette Guajardo, seconded by Council Member Greg Smith, that the Minutes be passed. The motion carried by a unanimous vote.

I. BOARD & COMMITTEE APPOINTMENTS:

4. ~~Sister City Committee (3 vacancies)~~

This item will not be considered.

Board and Committee Appointments were withdrawn.

Q. EXECUTIVE SESSION: (ITEM 33)

Mayor McComb deviated from the agenda and referred to Executive Session Item 33. The Council went into executive session at 2:33 p.m. The Council returned from executive session at 3:11 p.m.

33. **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation including, but not limited to, the case of *Graham Construction Services, Inc. et al v. City of Corpus Christi et al*, including potential consideration of settlement offers and/or fees for attorneys, engineers, and other expert witnesses assisting in**

defense of action(s) and updates on litigation in other cases.

The Council considered the following motion:

Motion to authorize the execution of amendments, agreements and encumbrance of funds for legal, engineering, and other professional consulting and expert witness services and associated court reporter, copy, travel, data, and other costs for the lawsuit of Graham Construction Services, Inc. v. City of Corpus Christi, Xylem Water Solutions and Atlas Copco Compressors v. Carollo Engineers, PC, Travelers Casualty and Surety Company, Control Panels USA, Inc. and Fluid Components International LLC in a total added amount not to exceed \$1,250,000 with the law firms of Kilpatrick Townsend & Stockton, LLP, Hartline Barger, LLP, and the consulting/engineering/expert firms of Ankura Consulting Group, Enprotec, WJE and FTI and authorize carry-over of unexpended funds into the following fiscal years.

Council Member Molina 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 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: M2019-184

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 33.

PUBLIC HEARINGS: (ITEM 21)

21. Ordinance pertaining to North Beach designating a 1,423 acre area within the jurisdiction of the City of Corpus Christi Tax Increment Reinvestment Zone (TIRZ) Number 4; setting a maximum City financial participation of \$20,000,000 via a scaled contribution for a period not to exceed 20 years; establishing a Board of Directors for the TIRZ; and, establishing a preliminary Project and Financing Plan.

Mayor McComb deviated from the agenda and referred to Item 21.

City Manager Peter Zanoni discussed the following topics: that \$32 million is estimated to be generated through a Tax Increment Reinvestment Zone Number 4 (TIRZ#4) over a 20-year period; Del Mar College's participation in TIRZ#4; and the composition and number of individuals on the TIRZ#4's board of directors.

Business Liaison Arlene Medrano presented information on the following topics: the process for creation of a TIRZ; proposed TIRZ#4 boundary; details of the proposed TIRZ#4 on North Beach; revenue projections; city participation; TIRZ#4 and General Fund revenue; summary of projects #1 - #6; summary of projects #7 - #12; revisions since City/County Joint Workshop Session; #6 North Beach parking structure initiative alternative; details of #6 North Beach parking

structure initiative; #7 project-specific development agreement; TIRZ board composition; staff recommendation; and timeline.

Mayor McComb opened the public hearing. The following individuals spoke in support of TIRZ#4: Ted Mandel, 15036 Key Largo Court; Peter Davidson, 1525 N. Shoreline Blvd.; Irma Caballero, 4966 Oakmont Dr.; Chad Magill, 641 Texas Ave.; Jeff Blackard, 401 Adriatic Parkway, McKinney, Texas; and Steve Goody, 6638 Sahara. Margareta Fratila, 3606 Tripoli Dr., spoke regarding repairing infrastructure first on North Beach. Mayor McComb closed the public hearing.

Council members, City Manager Zanoni and Business Liaison Medrano discussed the following topics: a timeline; investing 100% versus 75% in the last ten years of the TIRZ#4 and a policy addressing the percentage of City participation for all TIRZs; encouraging Del Mar College to participate in the TIRZ#4; Council support for the TIRZ#4; who has ownership of the parking spaces in project #6; the cost per parking space; closing off parking spaces; subsidy elements in the financing plan; the effect on the value of properties if streets are raised; the need for public improvements on North Beach; limitations of the current financing plan; not specifying dollars for each project in the financing plan; ensuring there is an emphasis on public improvements on North Beach; and flexibility allowed in the financing plan to fund projects.

Council Member Roy made a motion to approve the ordinance, seconded by Council Member Guajardo.

A council member, City Manager Zanoni and Business Liaison Medrano discussed the following topics: approving a TIRZ with a change in the financing plan; the restrictiveness of too much money being dedicated to infrastructure; making changes to the ordinance before second reading; consolidating the 12 project areas into 3 categories; not locking money in today for five years down the road; that any developer can apply for reimbursement through the TIRZ; and projects that are and are not pay as you go.

Council Member Roy made a motion to amend the motion to approve the ordinance to consolidate the 12 project areas into 3 categories, as follows, Incentives at \$12 million, Maintenance at \$1.5 million and Infrastructure at \$17.5 million, seconded by Council Member Guajardo.

Council members, City Manager Zanoni and Business Liaison Medrano discussed the following topics: that drainage and elevation are included in infrastructure in the incentives category; and 100% versus 75% participation in the last 10 years to the TIRZ.

The motion to amend the ordinance was passed with the following vote: Mayor McComb and Council Members Guajardo, Hunter, Molina, Roy, Smith, Barrera and Garza voting Aye and Council Member Hernandez voting No.

A council member, City Manager Zanoni and Business Liaison Medrano discussed the following topics: figures presented at the City/County Joint Workshop Session versus those presented today; that revenues should match expenditures in the TIRZ; and that reimbursements to developers are based on what the developer has paid in taxes.

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

Mayor McComb called for a recess. The Council went into recess at 4:30 p.m. The Council returned from recess at 4:44 p.m.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 5 - 20)

Second Reading Ordinances - Consent

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda.

Council Member Smith stated that he was abstaining on Item 20. Council members requested that Items 16 and 17 be pulled for individual consideration.

A motion was made by Council Member Garza, seconded by Council Member Molina, to approve Consent Agenda Items 5 -15 and 18 - 19. The motion carried by 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

- 5. Case No. 0819-04, Mirabal Development Group, LC (District 5). Ordinance rezoning property at or near 6805 Sandra Lane from the "RS-6" Single-Family 6 District to the "RM-1" Multifamily 1 District.

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

Enactment No: 031906

- 6. Ordinance authorizing acceptance of a grant in the amount of \$48,889.40 grant from the State of Texas, Criminal Justice Division for Violence Against Women (VAWA) Program with a cash match of \$17,808.91 and in-kind match of \$2,160;

appropriating \$48,889.40 in the Police Grants Fund; and authorizing a transfer of \$17,808.91 from the General Fund to the Police Grants Fund.

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

Enactment No: 031907

7. Ordinance authorizing the acceptance of a grant in the amount of \$40,000 from the Office of the Governor's Homeland Security Grants Division for FY2020 Local Border Security Program; and appropriating \$40,000 in Police Grants Fund.

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

Enactment No: 031908

8. Ordinance approving the purchase of ten replacement trailers not to exceed \$153,963.00 to be used daily by the Utilities Department to transport heavy equipment to worksites from H & V Equipment Service, Inc. via the Buy Board Cooperative; appropriating \$59,180.20 from the unreserved fund balance in the Water Fund, \$70,969.00 from the unreserved fund balance in the Wastewater Fund and \$23,813.80 from the unreserved fund balance in the Storm Water Fund; and amending the FY 2019-2020 operating budget to increase expenditures.

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

Enactment No: 031909

9. Ordinance approving the purchase of four 2019 Ford F-150 regular cab pick-up trucks in an amount not to exceed \$110,837.00 to be used by Construction Inspectors in Engineering Services from Silsbee Ford of Silsbee, Texas via the GoodBuy Purchasing Cooperative; appropriating \$110,837.00 from the unreserved fund balance in the Engineering Services; and amending the FY 2019-2020 operating budget to increase expenditures.

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

Enactment No: 031910

Contracts and Procurement - Consent

10. Resolution authorizing execution of an Interlocal Cooperation Agreement with the Corpus Christi Downtown Management District for the maintenance of 104 planters in the downtown area for an initial period of four years.

This Resolution was passed on the consent agenda.

Enactment No: 031911

11. Motion authorizing a three year Office Lease Extension Agreement with Corpus WCEC, LLC of Dallas, Texas for lease of North Suite No 113 A in Wilson Plaza (5,503 square feet) for the operation of the City Detention Center for an amount not to exceed \$275,865.48, with first-year funding in the amount of \$91,955.16 available in the General Fund, beginning in Fiscal Year 2020.

This Motion was passed on the consent agenda.

Enactment No: M2019-175

12. Motion authorizing Amendment No. 1 to Supply Agreement No. 1261 with Chemtrade Chemicals US, LLC, of Parsippany, New Jersey, for an amount not to exceed \$97,500.00 for the 24-month term, increasing the 24-month contract amount from \$701,882.00 to \$799,382.00, allowing a price increase to the contract for the purchase of liquid ammonium sulfate solution used as a source of ammonia in the formation of chloramines to disinfect the treated water at O. N. Stevens Water Treatment Plant. Funding is available through the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-176

Capital Projects - Consent

13. Motion awarding a contract to Bath Engineering for design and preparation of construction documents to implement Mechanical, Electrical and Plumbing (MEP) upgrades for the Police Headquarters building in the amount of \$143,115, located in City Council District 1, effective upon issuance of notice to proceed, with funding approved and available from Bond 2018, Proposition E, Public Health & Safety.

This Motion was passed on the consent agenda.

Enactment No: M2019-177

14. Motion awarding a contract to Clark Pipeline Services, LLC for reconstruction of Frio, Hacala, and Dorado Street Corridor from Greenwood Drive to Martin Street with new asphalt pavement and underground utility improvements in the amount of \$4,476,609.27. This project is located in City Council District 3, the contract will be effective upon issuance of notice to proceed, and funding is available from Bond 2018 Proposition A, Bond 2016 Streets, and the Utility Capital Improvement Program.

This Motion was passed on the consent agenda.

Enactment No: M2019-178

15. Motion awarding a contract to Hanson Professional Services Inc., for preparation of bid documents, street rebuild design, and delivery orders for the \$32.55 Million Residential Street Rebuild Program in the amount of \$3,389,252.89, located in all City Council districts, effective upon issuance of notice to proceed, with funding available from Bond 2018, Proposition A, Residential Street Construction Fund, and Utility Capital Program.

This Motion was passed on the consent agenda.

Enactment No: M2019-179

18. Motion awarding a contract to SCS Engineers of Bedford, Texas for design of Cefé Valenzuela Gas Collection Control System (GCCS) expansion of Cells 1B, 1C and 3C in the amount of \$163,500, effective upon issuance of notice to proceed, with funding approved and available from budgeted Solid Waste Capital Improvement Funds.

This Motion was passed on the consent agenda.

Enactment No: M2019-182

General Consent Items

19. Motion approving the 2019 Property Tax Levy of \$135,974,569.95 based on the adopted property tax rate of \$0.646264 per \$100 valuation, in accordance with Section 26.09 (e) of the Texas Tax Code.

This Motion was passed on the consent agenda.

Enactment No: M2019-183

16. Motion awarding a contract to CPC Interests, LLC d/b/a Clark Pipeline Services, LLP, for construction improvements under the Citywide Water Distribution System Indefinite Delivery/Indefinite Quantity (IDIQ) Program, in the amount up to \$5,000,000 plus two (2) optional administrative renewals for a total contract price up to \$15,000,000 for Citywide improvements, and is effective upon issuance of notice to proceed, with funding available from the Water Capital Improvement Program.

Mayor McComb referred to Item 16.

Council members and Capital Budget Manager Kamil Taras discussed the following topics: project numbers; referencing project numbers in the Capital Improvement Program; that funding is from the Indefinite Delivery Indefinite Quantity (IDIQ) program; and a request for regular updates regarding the progress of projects.

Council Member Garza made a motion to approve the motion, seconded by Council Member Smith. This Motion 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 Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: M2019-180

- 17.** Motion authorizing a contract with J.S. Haren Company of Athens, Tennessee for the Whitecap Wastewater Treatment Plant (WWTP) Emissions/Odor Control and Bulkhead Rehabilitation project in the amount of \$1,916,000, to rehabilitate the emission/odor control system and repair the bulkhead. The project is located in City Council District No. 4. The contract will proceed upon the issuance of a notice to proceed and funding is approved and available through the Wastewater Capital Improvement Program (CIP) Budget.

Mayor McComb referred to Item 17.

A council member, City Manager Peter Zaroni and Director of Contracts and Procurement Kim Baker discussed the following topics: the project number; and the reason the Contracts and Procurement Department was left off the agenda memo.

Council Member Smith made a motion to approve the motion, seconded by Council Member Garza. This Motion 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 Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: M2019-181

- 20.** Resolution nominating Valero Refining - Texas, L.P. to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an enterprise project pursuant to the Texas Enterprise Zone Act to encourage and to allow a rebate of State sales tax.

Mayor McComb referred to Item 20.

There were no comments from the Council or the public.

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

Aye: 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter and Council Member Roy

Absent: 1 - Council Member Molina

Abstained: 1 - Council Member Smith

Enactment No: 031912

M. PUBLIC HEARINGS: (ITEM 22)

- 22.** Ordinance closing, abandoning and vacating a 16,500 square foot portion of 6th Street, a portion of public street lying between Buford Avenue and Hancock Avenue, conditioned upon payment of \$28,000 for fair market value of the improved street and execution of an agreement to relocate stormwater infrastructure. (District 1)

Mayor McComb referred to Item 22.

Assistant Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to allow for the development of an affordable apartment complex for senior citizens.

Assistant Director Nixon-Mendez presented information on the following items: vicinity map; aerial overview; staff recommendation to approve with a floor amendment; area to which notices were mailed; and an explanation of the floor amendment being recommended.

A council member and Assistant Director Nixon-Mendez discussed the following topics: additional on site parking to be provided and its location; and the cost per parking space.

In response to a question from a council member, David Fournier, Fish Pond Development, stated that he does not have available a breakdown of the cost associated with parking spaces.

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

Council Member Hernandez made a motion to amend Section 2, b of the ordinance to read, "Execution of a Deferment Agreement with the City of Corpus Christi to relocate stormwater and water infrastructure within the public right of way to be abandoned and the posting of fiscal security to ensure relocation of said stormwater and water infrastructure.", seconded by Mayor McComb.

A council member and Assistant Director Nixon-Mendez discussed deferment of construction of utilities until the site development phase.

The motion to amend was passed unanimously (Council Member Garza - abstained).

Council Member Hernandez made a motion to approve the ordinance as

amended, seconded by Council Member Molina. This Ordinance was passed on first reading as amended and approved with the following vote:

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

Abstained: 1 - Council Member Garza

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 23 - 32)

- 23.** Zoning Case No. 0719-02 B&A Terra Firma Development, LLC: (District 4) Ordinance rezoning property at or near 2110 Laguna Shores Road from the "RE" Residential Estate District to the "RS-6" Single Family 6 District. Planning Commission and Staff recommend Approval. Requires 3/4 Vote for zoning change.

Mayor McComb referred to Item 23.

Mayor McComb asked if the applicant and residents in the area of the subject property are agreeable.

In response to a council member's questions, Assistant Director Nixon-Mendez explained the difference between and RS-6 and RS-15 zoning designations; Council's ability to change the zoning designation; the number of dwellings per acre allowed in the RS-6 and RS-15 zoning designations; and that Flour Bluff Independent School District (FBISD) submitted a letter in support of RS-15.

Mayor McComb called for comments from the public. Rebecca Root, 325 Lola Johnson Rd, stated that she did not receive notification that this item would be on today's agenda; and provided a history of the attempted changes of zoning on the subject property. Darson Aelvoet, 281 Lola Johnson Rd., stated that the property is wetlands; that the proposed development does not comply with the published goals and objectives of the area development plan; and that the developer has not reached out to residents of the area.

Council members discussed the following topics: the reason this item is again before the Council; FBISD's reasons for initially opposing the change in zoning; that the area development plan calls for low density and RS-15 is considered low density; the potential for flooding due to RS-15; and the number of votes required to pass the ordinance.

Council Member Barrera made a motion to approve the ordinance rezoning the property to the "RS-15" Single Family 15 District, seconded by Council Member Hunter.

In response to a council members' questions, Assistant Director Nixon-Mendez discussed the number of homes allowed per acre in the RS-15 versus RS-6 zoning districts.

In response to a question from Jenny Ashmore, Lola Johnson Rd., Assistant

Director Nixon-Mendez discussed the following topics: minimum acreage necessary for a septic system; and connecting to City sewer. Miguel Saldana, Saldana Consulting, stated that the developer will extend public sewer to the development and to the lift station at the end of Lola Johnson Rd.; and discussed the status of the lift station. In response to a question from Rebecca Root, 325 Lola Johnson Rd, Juan Perales, J. Perales Civil Engineering, said the wastewater line will be laid along the east boundary of Lola Johnson Rd. and down Laguna Shores Rd. or at the northern edge of the property and across an easement.

This Ordinance was passed on first reading and approved with the following vote:

Aye: 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Hernandez, Council Member Hunter, Council Member Molina and Council Member Roy

Nay: 2 - Council Member Guajardo and Council Member Smith

Abstained: 0

24.

Ordinance authorizing acceptance of grant from U. S. Department of Justice, Bureau of Justice Assistance, in amount of \$175,175 for FY 2019 Edward Byrne Memorial Justice Assistance Grant Program; and appropriating \$175,175 in Police Grants Fund with \$80,917 of funds distributed to Nueces County and \$13,340 of funds distributed to City of Robstown. The remaining funds of \$80,918 will be used by the City for enhancement of law enforcement efforts.

Mayor McComb referred to Item 24.

There were no comments from the Council or the public.

Council Member Hunter 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: 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

25.

Ordinance approving the purchase of Harris Public Safety communication radios in an amount not to exceed \$3,567,032.20 to be used by the Corpus Christi Police Department from Dailey and Wells Communications, Inc; appropriating \$1,189,010.73, from the unreserved fund balance of the General Fund initially budgeted in FY 2019 for this purpose but not encumbered; and amending the FY 2019-2020 operating budget to increase expenditures.

Mayor McComb referred to Item 25 - 32. City Secretary Rebecca L. Huerta announced that Council Member Barrera was abstaining on Item 32. A council member asked that Item 27 be pulled for individual consideration. City

Manager Peter Zanoni announced that Item 29 was being withdrawn.

Council Member Smith made a motion to approve Items 25, 26, 28, 30 and 31, seconded by Council Member Molina. These Ordinances were passed on first reading and approved by one 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

- 26.** Ordinance authorizing an agreement with Texas Food and Wine Festival, LLC to allow use of Heritage Park and portions of Fitzgerald Street and Hughes Street for the Corpus Christi Food and Wine Festival Event and related activities on November 23, 2019.

This Ordinance was passed on first reading and approved by one vote (see Item 25).

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

- 28.** Ordinance accepting \$31,105.92 from Epic Y Grade Pipeline, LP and authorizing an amendment to the existing Revocable Easement to allow construction of an additional 12-inch pipeline.

This Ordinance was passed on first reading and approved by one vote (see Item 25).

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

- 29.** Ordinance accepting \$103,770 from Dean Pipeline Company, LLC and authorizing conveyance of three Revocable Easements with Temporary Construction Easements on City-owned properties, to allow construction of one 8-inch pipeline.

This Item was withdrawn by staff.

- 30.** Ordinance approving the purchase of twenty-six pickup trucks for a total amount not to exceed \$951,159.04 from Silsbee Ford of Silsbee, Texas via the GoodBuy Purchasing Cooperative to be used by the Utilities Department's staff for daily operations; appropriating \$951,159.04 from the unreserved fund balance in the Water Fund, the Wastewater Fund, and the Storm Water Fund that was previously budgeted in FY 2019 for this purpose but not encumbered; and amending the FY 2019-2020 operating budget to increase expenditures.

This Ordinance was passed on first reading and approved by one vote (see Item 25).

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

- 31.** Ordinance appropriating anticipated revenues from the Texas Department of Transportation (TxDOT) in the amount of \$635,549 and awarding a contract to Mako Contracting, LLC. for construction of sidewalk and lighting improvements for the S.E.A. District Pedestrian Improvement project in the amount of \$794,436.22. The project is located in City Council District 1 and the contract will begin upon issuance of notice to proceed. Funding is approved and available from an 80% TxDOT grant and a 20% match from Street Bond 2016 CIP.

This Ordinance was passed on first reading and approved by one vote (see Item 25).

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

- 32.** Ordinance authorizing the execution of the Second Addendum to the Water Supply Agreement with the Beeville Water Supply District, subject to release of all claims by Beeville Water Supply District and City of Beeville against the City of Corpus Christi and subject to withdrawal of all administrative proceedings filed by Beeville Water Supply District and City of Beeville against the City of Corpus Christi in the Public Utility Commission of Texas and subject to payment of all amounts determined by the City Manager to be owed pursuant to the existing contract between the parties after waiver of \$162,809.85 of Future Water Resources Reserve Fund charges that were contested and withheld by said District and authorizing the City Manager to make the aforesaid waiver.

Mayor McComb deviated from the agenda and referred to Item 32.

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: 8 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Abstained: 1 - Council Member Barrera

27. Ordinance authorizing a 20-year Lease Agreement with Art Community Center of Corpus Christi, Inc. a Texas nonprofit corporation, for continued use and operation of the Art Community Center at no charge, located at 100 N. Shoreline Blvd. for use by local and visiting artists, to provide meeting rooms, art exhibits, an information center, a gift shop, a restaurant, display areas for the arts, and art classes.

Mayor McComb deviated from the agenda and referred to Item 27.

Assistant to the Director of Parks and Recreation Esther Velazquez stated that the purpose of this Item is to authorize a 20-year lease with the Art Community Center of Corpus Christi, Inc. for the use of the Arts Center at 100 N. Shoreline Blvd.

Council members, Assistant to the Director of Parks and Recreation Velazquez and City Attorney Miles K. Risley discussed the following topics: sub-lease provisions in the lease addressing use of a portion of the facility as a restaurant; concern regarding sub-leasing of space; and thanks to the Art Community Center of Corpus Christi, Inc. for the work they do.

Council Member Guajardo 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

P. BRIEFINGS: (NONE)

Q. EXECUTIVE SESSION: (ITEM 34)

Mayor McComb referred to Executive Session Item 34. The Council went into executive session at 5:29 p.m. The Council returned from executive session at 5:57 p.m.

34. **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.**

This E-Session Item was discussed in executive session.

R. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. No items

were discussed or identified.

S. **ADJOURNMENT**

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