



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, October 1, 2019

11:30 AM

Council Chambers

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#### **SPECIAL CITY COUNCIL MEETING** Addendums may be added on Friday.

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

Mayor McComb called the meeting to order at 11:34 a.m.

**B. Invocation to be given by Pastor Claude Axel, Mount Pilgrim Baptist Church.**

Dr. Gloria Scott gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Jeffrey Edmonds, Director of Engineering Services.**

Mr. Jeffrey Edmonds 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:** 8 - 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, and Council Member Greg Smith

**Absent:** 1 - Council Member Everett Roy

**E. Proclamations / Commendations**

1. Proclamation declaring October 1, 2019, "Charlie's Place Recovery Center's 1-Year Anniversary as Cenikor Foundation".  
Proclamation declaring October 6-12, 2019, "National Fire Prevention Week".  
Proclamation declaring October 7-11, 2019, "Court Observance Week".  
**Mayor McComb presented the Proclamations.**

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

Mayor McComb deviated from the agenda and referred to City Manager's Comments. City Manager Peter Zanoni reported on the following topics:

**a. OTHER**

1) Today is the first day of the FY2019/2020 fiscal year. 2) City Manager Zanoni is implementing implementation plans for initiatives in the FY2019/2020 budget and will provide quarterly briefings to Council. 3) The City's water system continues to maintain its "superior" rating from the Texas Commission on Environmental Quality. 4) Animal Care Services will be hosting an "Empty the Shelters Day" event on Saturday, October 12, 2019 at 2626 Holly Rd., from 11:00 a.m. - 6:00 p.m.; pet adoption fees will be reduced and free microchipping of animals will be available. 5) "National Night Out" will be observed tonight at Academy Sports and Outdoors at 5001 South Padre Island Drive from 4:00 p.m. - 6:00 p.m. 6) City Manager Zanoni reported that he recently met with the mayor, mayor pro tem and the city manager of Port Aransas, Texas and the city manager of Ingleside, Texas in an effort to develop strong and beneficial working relationships with those neighboring communities. 7) Council Member Roy recently hosted an industrial partners meeting, during which the following topics were discussed: air quality; industrial district agreements; and emergency response provided by the Refinery Terminal Fire Company. The next quarterly industrial partners meeting has been scheduled by Council Member Roy for February 2020.

**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.

Roland Chaisson, 5901 Lucille Dr., spoke regarding a fine and municipal court case related to a set out violation. Richard Balli, Chairman of the Committee for Persons with Disabilities, spoke in support of Item 23 creating a fee waiver for residential building permits to construct an accessibility ramp and to reduce permit fees for moving structures. Gloria Scott, 4422 S. Alameda St., spoke regarding reconsideration of Item 5 on the September 24, 2019 city council agenda relating to the passage of an ordinance enacting certain prohibitions at Blucher Park; the use of the park for birding; requested the installation of two temporary restrooms at Blucher Park; and suggested that the Spohn Memorial Hospital facility be used as a place for homeless individuals to live. Margareta Fratila, 3606 Tripoli Dr., thanked the City Secretary's Office for

providing information to her; and spoke regarding the need for an ordinance mandating that addressees be displayed on buildings and residences in Corpus Christi, including fining individuals who do not comply. James T. C. Chadden, 1718 Arlington Dr., thanked council members for attending the recent Veterans' Suicide Prevention Summit; and spoke in support of Item 23 creating a fee waiver for residential building permits to construct an accessibility ramp and to reduce permit fees for moving structures. Mimosa Thomas, 710 Ponder St., displayed a Facebook post from The Audubon Outdoor Club relating to Item 5 on the September 24, 2019 city council agenda relating to the passage of an ordinance enacting certain prohibitions at Blucher Park; about Council indicating, during its consideration of the ordinance, that the ordinance was about deed restrictions, not about homeless individuals; and that a council member is a member of The Audubon Outdoor Club and should have recused himself from voting on the ordinance.

A council member clarified that he is not a member of The Audubon Outdoor Club.

H. **MINUTES: (NONE)**

I. **BOARD & COMMITTEE APPOINTMENTS:**

2. Corpus Christi Convention & Visitors Bureau (7 Vacancies)  
Ethics Commission (3 vacancies)  
Nueces County Tax Appraisal District (2 vacancies)  
Senior Companion Program Advisory Committee (1 vacancy)

Mayor McComb referred to Item 2.

Corpus Christi Convention & Visitors Bureau  
Council Member Smith made a motion to reappoint Raju G. Bhagat (Hotel Industry), Melody Nixon-Bice (Hotel Industry), Lynn Frazier (At-Large); Kendra Kinnison (Hotel Industry), Johnny Philipello (Attraction Industry) and Fred F. Soward III (Restaurant Industry), seconded by Council Member Barrera and passed unanimously (Council Member Hunter - abstained; Council Member Roy - absent).

Council Member Smith nominated Wes Weigle (Attraction Industry). Council Member Hernandez nominated Michael Womack (Attraction Industry). Wes Weigle (Attraction Industry) was appointed, with Mayor McComb and Council Members Guajardo, Barrera, Smith and Molina voting for Wes Weigle and Council Members Garza and Hernandez voting for Michael Womack (Council Member Hunter - abstained; Council Member Roy - absent).

Ethics Commission

Council Member Smith made a motion to reappoint Rob Bailey, Richard G. Hood and Craig Rogers, seconded by Council Member Garza and passed unanimously (Council Member Roy - absent).

Nueces County Tax Appraisal District

Council Member Garza made a motion to reappoint Robert Adler and Gerardo

"Jerry" Garcia, seconded by Council Member Smith and passed unanimously (Council Member Roy - absent).

Senior Companion Program Advisory Committee  
Council Member Molina made a motion to appoint Stephanie M. Brown, seconded by Council Member Barrera and passed unanimously (Council Member Roy - absent).

**J. EXPLANATION OF COUNCIL ACTION:**

**K. CONSENT AGENDA: (ITEMS 3 - 19 and 27)**

**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. A council member announced he would abstain on Item 10. Mayor McComb announced that Item 27 was to be included in the Consent Agenda. Staff withdrew Item 18. Council members requested that Items 4, 6, 12, 13 and 27 be pulled for individual consideration.

A motion was made by Council Member Garza, seconded by Council Member Hunter, to approve the Consent Agenda, with the exception of Items 4, 6, 12, 13 and 27. 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 Hunter, Council Member Molina and Council Member Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

- 3.** Ordinance authorizing a Water Arterial Transmission and Grid Main Construction Reimbursement Agreement, a Water Distribution Main Line Construction Reimbursement Agreement, and a Wastewater Collection Line Extension Construction Reimbursement Agreement with Dorsal Development LLC to extend a grid main line along Yorktown Boulevard, extend a wastewater collection line from lift station number 13 located near Master Channel 31 and Slough Road, and install offsite water distribution and wastewater collection lines for a planned residential subdivision with completion dates of October 30, 2020; appropriating \$147,999.99 from the Water Arterial Transmission & Grid Main Trust Fund, \$43,010.00 from the Water Distribution Main Trust Fund, and \$139,341.76 from the Sanitary Sewer Collection Line Trust Fund to reimburse developer per agreements. (District 5)

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

Enactment No: 031886

- 5.** Ordinance accepting a donation from NuStar Energy L.P. to be used for

the purchase of smoke detectors in the amount of \$1,400; and appropriating the funds into the Fire Grant Fund.

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

Enactment No: 031888

7. Ordinance to amend City Code of Ethics regarding Financial Disclosure forms as recommended by the Ethics Commission to allow electronic filing in lieu of paper filing, to include statement regarding conflict of interests, to shorten candidate deadline for filing financial disclosure report from 5 days to 3 days within filing for office, to allow for unsworn declaration, to allow for shortened report if no changes since last complete report, and to change filing date from last Friday in April to last Friday in March.

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

Enactment No: 031890

8. Ordinance authorizing the acceptance of a grant from the Texas Automobile Burglary Theft Prevention Authority (ABTPA) in the amount of \$410,973 to continue the motor vehicle theft enforcement grant within the Police Department, with a City cash match of \$717,396 available in the FY2020 Police General Fund, in-kind match of \$62,046 for a total project cost of \$1,128,369; designating the Chief of Police as Program Director and Director of Finance as financial officer for this grant; and appropriating \$410,973 in the Police Grants Fund; and declaring an emergency.

**This Ordinance was passed on emergency on the consent agenda.**

Enactment No: 031891

9. Resolution authorizing a five-year service agreement with HLP, Inc., for Chameleon Software, an Animal Care Services Shelter Case Management System, for a total not to exceed amount of \$57,600.00, effective upon issuance of notice to proceed, with fiscal-year funding in the amount of \$11,520.00 through the FY 2020 General Fund.

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

Enactment No: 031892

11. Resolution authorizing the purchase up to \$400,000 in food supplies for the senior and summer youth nutrition programs through the participation in the TEXAS 20 Purchasing Cooperative Beginning October 1, 2019 and ending September 30, 2020.

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

Enactment No: 031894

14. Resolution authorizing a three-year service agreement with PCI, LLC, for maintenance and support services of myRevenueCollector, a cashiering software used with Infor Billing and Financial systems, in an amount not to exceed \$62,132.67, with the first-year funding in the amount of \$20,101.81 available in the Info Tech Fund.

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

Enactment No: 031895

15. Motion authorizing a five-year service agreement with Paradigm Traffic Systems, Inc, for the purchase of a School Zone Flasher System, including the hardware, cloud-based software, Cellular communication and support, for Street Operations in an amount not to exceed \$313,500.00, effective upon issuance of notice to proceed, with funding available in the Streets Fund.

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

Enactment No: M2019-157

16. Motion approving Amendment No. 1 to a contract with Urban Engineering for design, bid and construction phase services for the reconstruction of Strasbourg Drive from Riom Street to Grenoble Drive in the amount of \$111,625 for a total restated fee of \$134,800, located in City Council District 5, effective upon the notice to proceed, with funding approved and available in Street Bond 2018, Proposition A, Part 1 and Utility Capital Improvement Budgets.

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

Enactment No: M2019-158

17. Motion awarding a contract to LJA Engineering, Inc. for design, bid, and construction phase services for Laguna Shores Road - Graham Road to South Padre Island Drive in the amount of \$304,710 and Laguna Shores Road - Mediterranean Drive to Wyndale Street in the amount of \$466,540 for a total fee of \$771,250, located in City Council District 4, effective upon issuance of notice to proceed, with funding available from Bond 2018, Propositions A & B and the Utility Capital Program.

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

Enactment No: M2019-159

18. Motion authorizing a two-year service agreement with Advance Paving and Construction to provide on-call moving and relocation services for a total amount not to exceed \$150,000.00, with options to extend for up to three additional one-year periods at \$75,000.00 per option year, for a total amount not to exceed \$375,000.00, upon issuance of notice to

proceed, with funding available in the Facility and Property Management Fund.

**This Motion was withdrawn.**

Enactment No: M2019-166

- 19.** Resolution authorizing a three-year service agreement with Kronos Incorporated, for Kronos software license renewal for payroll timekeeping, in an amount not to exceed \$658,825.07, effective upon issuance of a notice to proceed, with Fiscal Year 2019-2020 funding in the amount of \$210,825.96 available in the Info Tech Fund.

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

Enactment No: 031896

- 10.** Resolution authorizing payment of \$639,187.92 for the annual renewal of Excess Liability and Worker's Compensation through Broker of Record, Carlisle Insurance Agency for upcoming policy year October 1, 2019-September 30, 2020.

**Mayor McComb referred to Item 10.**

**There were no comments from the Council or the public.**

**Council Member Barrera made a motion to approve the resolution, seconded by Council Member Guajardo. 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 Molina and Council Member Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 1 - Council Member Hunter

Enactment No: 031893

- 4.** Ordinance amending the Urban Transportation Plan map of MobilityCC, a transportation element of the City's Comprehensive Plan, to remove the extension of Carroll Lane from Wickersham Drive to Kostoryz Road on the south/east side of the Kostoryz/Carroll Drainage Ditch as requested by Corpus Christi Independent School District and related to the development of a new high school campus. (Council District 3)

**Mayor McComb referred to Item 4.**

**Council members, Director of Planning and ESI Daniel McGinn and Senior Planner Annika Yankee discussed the following topics: traffic mitigation measures on Kostoryz Rd. and related solutions not yet funded or engineered out; that such solutions will be figured out while the campus is constructed over the next 2 years; additional traffic from growth surrounding the campus; accounting for vacant land in the area around the campus; the City asking the**

Corpus Christi Independent School District (CCISD) to build out a portion of Carroll Lane; the cost of building out Carroll Lane; that, by building out Carroll Lane, CCISD would lose 206 parking spaces; concerns regarding traffic congestion in the area; the irrevocability of the City giving up its right-of-way, as requested by CCISD; CCISD needing to properly manage traffic queueing at pick up and dropoff locations/times; staff having worked with CCISD regarding traffic mitigation measures; traffic-related challenges in relation to the close proximity of signalized intersections; the use of medians in relation to traffic queueing; current traffic congestion in the area; public safety; and the City having worked with CCISD and the Texas Department of Transportation on this project.

Council Member Barrera made a motion to amend the ordinance to eliminate Carroll Lane from the south/east side of the Kostoryz/Carroll Ditch, within the proposed high school site, seconded by Council Member Smith and passed unanimously (Council Member Roy - absent).

Council members and Director of Planning and ESI Daniel McGinn discussed the following topics: that the proposed amendment allows for future road options on the north side of the proposed campus; CCISD not having any responsibility for road building in relation to the proposed amendment; the City negotiating with CCISD to build out Wickersham Dr., across the ditch, to Masterson Dr./Carroll Lane; the need to address upgrades to Masterson Dr.; and adding a bridge across the ditch from Wickersham Dr. to Masterson Dr./Carroll Lane.

Mayor McComb called for comments from the public. Margareta Fratila, 3606 Tripoli Dr., spoke in support of the motion to amend.

The motion to amend passed unanimously (Council Member Roy - absent).

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

**Aye:** 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Absent:** 1 - Council Member Roy

**Abstained:** 0

Enactment No: 031887

6. Ordinance to adopt modified franchise ordinance with AEP Texas, Inc. to fix administrative errors in ordinance adopted on August 13, 2019.

Mayor McComb referred to Item 6.

A council member and City Attorney Miles K. Risley discussed the following topics: not wanting to raise rates on customers; the rate increase for an average customer; the current rate for an average customer; that this is a franchise fee that has not been adjusted since 1997; and the purpose and use



of franchise fee monies collected.

There were no comments from the public.

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

**Aye:** 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Absent:** 1 - Council Member Roy

**Abstained:** 0

Enactment No: 031889

**12.**

Motion authorizing a three-year service agreement with Dorame General Repair & Lawn, LLC, of Corpus Christi, Texas, for mowing and grounds maintenance services of street rights-of-way, circles and medians for Downtown Group 4: South Bluff Park on Tanchua to Cabra Park on Broadway and Upper Broadway by Caller Times to City Hall, for a total amount not to exceed \$385,184.97, effective upon issuance of notice to proceed, with funding in the amount of \$128,394.99 for the first-year funded through the General Fund.

**Mayor McComb referred to Item 12.**

**Council members and City Attorney Miles K. Risley discussed the following topics: if there is a need for this and all City contracts to specifically address the requirement that contractors comply with specific law relating to the use of illegal labor; the number of times this topic has been addressed by City staff and discussed by Council to date; prohibitions on the use of illegal labor as provided in existing law; the City's liability in relation to contractors' knowingly using illegal labor, in this context; subcontractors' responsibilities under the primary contract; the City verifying contractors' employees are U. S. citizens; and the extent to which the City should go to verify that contractors' employees are legal.**

There were no comments from the public.

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

**Aye:** 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hunter, Council Member Molina and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Absent:** 1 - Council Member Roy

Abstained: 0

Enactment No: M2019-156

13. Motion authorizing a Management Services Agreement with the Corpus Christi Area Convention and Visitors Bureau for a period ending September 30, 2024 in an amount totaling 44% of the City's 7% portion of Hotel Occupancy Tax revenue and approving the bylaws.

Mayor McComb referred to Item 13.

Council members, Interim Executive Director of the Corpus Christi Convention & Visitors Bureau (CVB) Alyssa Barrera Mason, Business Liaison Arlene Medrano, City Manager Peter Zanoni, Assistant City Attorney Aimee Alcorn-Reed and the CVB's Legal Counsel John Bell discussed the following topics: that the CVB should perform a return on investment analysis of its activities; contract management by the CVB; that the CVB is currently hiring a Finance & Compliance Manager; the duration of time the CVB and others have been addressing the CVB's finance-related issues; the creation of the CVB's Finance Subcommittee; recommendations from the City's Internal Auditor and City Council Audit Committee related to financial deficiencies in relation to the contract between the CVB and City; if a council member serving on the CVB's Board of Directors should abstain from votes taken by the City Council in relation to the CVB; a request from a council member that the CVB submit to Council a profit and loss report for future CVB events and a YTD expenditure and income summary; a suggestion that the CVB's soon-to-be-hired Finance & Compliance Manager should report directly to the CVB's Board of Directors; a council member's service on the CVB board of directors versus on the Corpus Christi B Corporation's board of directors; if a council member to be appointed to the CVB's board of directors could vote on this item and future CVB-related items and related provisions in the City's Code of Ethics; the financial benefit to a council member, personally versus to the City, of that council member serving on the CVB's board of directors; the implications of a council member serving as a voting versus non-voting member of the CVB's board of directors; problems related to the mayor, or his designee, serving as a voting member of the CVB's board of directors and on the Executive Committee, in light of the fact that the Council appoints all other members of the CVB's board of directors; the importance of having the mayor and city manager, or designees, serve as voting members of the CVB's board of directors with respect to the interests of the City in relation to the funding provided by the City to the CVB; that the council member who is appointed to the CVB's board of directors would abstain from Council votes on CVB-related matters; and amending the City's Code of Ethics to allow the council member appointed to the CVB's board of directors to be able to vote on CVB-related matters that come before the Council.

Council Member Smith made motion to approve the motion, seconded by Council Member Barrera.

Mayor McComb called for comments from the public. James Hooper, 4810 Kerrville Dr., spoke regarding various recommendations related the agreement between the CVB and the City.

Council members and City Manager Zanoni discussed the impact of delaying a

vote on this item until the next City Council meeting.

Council Member Smith withdrew his motion to approve the motion and Council Member Barrera withdrew his second.

Council Member Guajardo made a motion to table the Item to the Council meeting of October 15, 2019, seconded by Council Member Hernandez. This Motion was tabled 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 Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

Enactment No: M2019-173

**R. ADDENDUM: (ITEM 27)**

- 27.** Resolution amending the City Council Policies to add Policy 29 - Charitable Care Policy for City EMS specifying guidelines for waiving EMS charges for qualifying low-income patients.

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

Fire Chief Robert Rocha stated that the purpose of the item is to amend the City Council Policies to add policy number 29, charitable care policy for EMS, specifying guidelines for waiving EMS charges for qualifying low-income patients; due to the Center for Medicare and Medicaid Services' requirement that EMS providers establish a charitable care policy in order to maintain eligibility for future Texas Ambulance Supplemental Payment Program (TASPP) reimbursements; the policy must be in writing and approved by the governing body overseeing the EMS provider for eligibility; the proposed charitable care policy will set criteria for receiving financial assistance for patients who meet certain socioeconomic thresholds; there will be little to no financial impact, if approved, on normal collections as the City traditionally collects less than 1% of the billed services from the population which this policy targets; and that, if not approved, the City will be ineligible for uncompensated care reimbursement through the TASPP for the reporting period beginning October 1, 2019, resulting in a potential loss of more than \$1 million in FY2020/2021.

Council members, Fire Chief Rocha and Assistant Fire Chief Kenneth Urban discussed the following topics: uncompensated care now being called charitable care; what gets written off as charitable care; how self-pay patients qualify for the charitable care designation; bad debt versus charitable care; and that the last change in billing companies has been positive with respect to actual revenue collections versus forecasts.

There were no comments from the public.

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 Hunter, Council Member Molina and Council Member Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

Enactment No: 031897

**M. PUBLIC HEARINGS: (ITEMS 20 - 21)**

- 20.** 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 deviated from the agenda and referred to Item 20.

Assistant Director of Development Services Nina Nixon-Mendez stated that, on September 30, 2019, the developer submitted a written request asking that this item be tabled.

In response to a council member's question, City Attorney Miles K. Risley stated that the public hearing should be held prior to taking action or tabling the item.

Assistant Director of Development Services Nina Nixon-Mendez presented information on the following topics: that the purpose is to allow for the construction of single-family homes; a history of the rezoning requests associated with this property; aerial overview; previous and current zoning requests related to the subject property at 2110 Laguna Shores Rd.; future land use; zoning pattern, effective Flood Insurance Rate Maps (FIRMs) and freeboard requirements; Planning Commission's and staff's recommendation to approve; and public notifications sent by and received by the City.

A council member and Assistant Director Nixon-Mendez discussed the required three-fourths vote.

Mayor McComb opened the public hearing. Reynaldo Figueroa, 221 Lola Johnson Rd.; Rebecca Root, 325 Lola Johnson Rd.; Darson Aelvoet, 281 Lola Jonson Rd.; and Jerry Hartung, 2101 Laguna Shores Rd., spoke in opposition to Item 20. Miguel Saldana, 4553 Moonlake Ridge, representing the developer and Juan Perales, 5866 S. Staples, J. Perales Engineering and Design Services, spoke in support of Item 20. Maggie Hartung, 2101 Laguna Shores Rd., questioned the reason for the developer's request to table Item 20.

In response to a question from a council member, Mr. Perales stated that while a U. S. Fish and Wildlife Service initial evaluation has been completed, a wetland determination has not been completed

Mayor McComb closed the public hearing.

Council members and Assistant Director Nixon-Mendez discussed the following topics: the topography of the area in relation to the subject property; the original zoning designation of RS-6 when Flour Bluff was first annexed; that the subject property should be developed using a low-density zoning designation; that the subject property is in the flood hazard zone and its proximity to the velocity zone; tidal wetlands; wetlands; the number of houses proposed by the developer for the subject property; that there are not sidewalks on Laguna Shores Rd.; that the Flour Bluff Independent School District opposes Item 20; the cost to construct sidewalks along Laguna Shores Rd.; the developer's last-minute request to table Item 20; that fill is required to ensure homes are at or above 11 feet, in order to make homes safe; the need for a detailed engineering report identifying water detention/retention features; when a Conditional Letter of Map Revision (CLOMR) is required; existing drainage issues; the proposed development's effect on traffic on Hustlin' Hornet; that the proposed development is not the best use of the property and that it does not conform with the area development plan; if homes to be built on the subject property would be on slabs or piers; the size of the proposed homes; that J. Perales Engineering and Design Services and the developer have discussed building some structures, on at least a portion of the project, on pile foundations; that a formal traffic study has not been completed; if traffic associated with this proposed development meets the threshold in the Unified Development Code (UDC) for a traffic study; City staff's opinion that traffic associated with this potential development can be accommodated; the current zoning designation of the property; the potential for flooding in the area due to the proposed development; the Council's options related to this Item; and tabling this item.

Council Member Garza made a motion to table this Item to the City Council meeting of October 15, 2019, seconded by Council Member Molina.

Council members discussed the reasons for tabling the Item.

The motion to table failed, with Mayor McComb and Council Members Smith, Guajardo and Hunter voting No; and Council Members Barrera, Garza, Hernandez and Molina voting Aye (Council Member Roy - absent).

Council Member Barrera made a motion to approve the ordinance, seconded by Council Member Smith. This Ordinance was not passed on first reading and failed with the following vote:

**Aye:** 3 - Council Member Barrera, Council Member Garza and Council Member Hernandez

**Nay:** 5 - Mayor McComb, Council Member Guajardo, Council Member Hunter, Council Member Molina and Council Member Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

## **O. FIRST READING ORDINANCES: (ITEMS 22 - 25)**

- 25.** Ordinance approving the sale of lot of approximately 0.391 acres at or near 6099 Ennis Joslin Road for the highest cash offer received by real

estate broker of \$75,000 to Corpus Christi Pregnancy Center, Inc., a Texas Nonprofit Corporation

**Mayor McComb deviated from the agenda and referred to Item 25.**

**City Attorney Miles K. Risley stated that this Item is one step in the sale process; that related zoning issues will be separate from this action authorizing the sale of the property; and that this is a contingency sale based on a future zoning change, which is separate.**

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

**Mayor McComb called for comments from the public. Paul Laudadio, 449 Louisiana Parkway, spoke in support of the Item; and regarding a defect in title associated with the property.**

**Council members and City Attorney Risley discussed the following topics: that the subject property is both a park and a street; that the sale of park property is subject to an election; sale of a street may be effected via an ordinance; lack of case law regarding sale of property that is dedicated as both a park and a street; a title defect versus a title decision; and that the subject property is being sold as a street.**

**Jana Penson, 3301 Floyd, Pregnancy Center of the Coastal Bend, spoke in support of the sale of the property.**

**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 Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

**22.**

Ordinance amending Corpus Christi Code to adopt the 2018 International Swimming Pool and Spa Code, to amend swimming pool standards, to amend the definition of industrialized housing, and to modify affirmative defense for lemonade stand permitting; and providing for penalty.

**Mayor McComb deviated from the agenda and referred to Item 22.**

**There were no comments from the Council or the public.**

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

**Absent:** 1 - Council Member Roy

**Abstained:** 0

- 23.** Ordinance amending Chapter 14 of Corpus Christi Code to create a fee waiver for residential building permits to construct an accessibility ramp and to reduce permit fees for moving structures.

**Mayor McComb deviated from the agenda and referred to item 23.**

**Mayor McComb called for comments from the public. William Bell, 7711 Weber Rd., spoke in support of the Item.**

**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 Hunter, Council Member Molina and Council Member Smith

**Absent:** 1 - Council Member Roy

**Abstained:** 0

- 24.** Ordinance approving the continued receipt of bingo prize fees; authorizing notification of the Texas Lottery Commission of such approval; and amending the Corpus Christi Code to add Section Sec. 17-43 Bingo Prize Fee.

**Mayor McComb referred to Item 24.**

**There were no comments from the public.**

**A council member, Interim Director of Financial Services Alma Casas and City Attorney Miles K. Risley discussed the following topics: an ordinance addressing fees related to sweepstakes that take place in Corpus Christi; annual fees collected related to bingo; that fees are not applicable to illegal gambling; the legality of sweepstakes that take place in Corpus Christi.**

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

**Absent:** 1 - Council Member Roy

**Abstained:** 0

**L. RECESS FOR LUNCH**

The City Council recessed for lunch at 2:59 p.m. The City Council reconvened at 3:19 p.m.

**PUBLIC HEARINGS: (ITEM 21)**

- 21.** Ordinance amending the Unified Development Code pursuant to the annual review process to only require a Certificate of Appropriateness if modifications are occurring to the exterior of a building that is designated a historic landmark; and providing for penalty.

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

**Assistant Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to update the Unified Development Code (UDC) to only require a Certificate of Appropriateness (C of A) if the exterior of an historic building is being modified.**

**Assistant Director Nixon-Mendez presented information on the following topics: overview; C of A applicability; and that the Landmark Commission, Planning Commission and Staff recommend approval.**

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

**A council member and Assistant Director Nixon-Mendez discussed the applicability of this Item to City-owned homes in Heritage Park.**

**Mayor McComb closed the public hearing.**

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

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

**Absent:** 1 - Council Member Roy

**Abstained:** 0

**N. REGULAR AGENDA: (NONE)**



**P. RECESS TO CORPORATION MEETING: (ITEM 26)**

Mayor McComb recessed the special council meeting at 3:23 p.m. to hold the annual board meeting of the Corpus Christi Housing Finance Corporation.

**26. Annual Board Meeting of the Corpus Christi Housing Finance Corporation**

This Corporation Meeting was held.

**Q. RECONVENE COUNCIL MEETING:**

Mayor McComb reconvened the special city council meeting at 3:32 p.m.

**S. BRIEFINGS: (NONE)**

**T. EXECUTIVE SESSION: (NONE)**

**U. IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items. The following items were discussed: evaluating individuals being assessed fines for early brush set out by both the Solid Waste Department and Municipal Court; the City possibly assessing fees related to sweepstakes that take place in Corpus Christi; the City not picking up brush that is set out in compliance with the City's published brush pickup schedule; citizens' continuing concerns related to high water bills.

**M. ADJOURNMENT**

The meeting was adjourned at 3:40 p.m.