



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, April 9, 2019

11:30 AM

Council Chambers

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

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 12:00 P.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Public Communications department at 361-826-3211 to coordinate.

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

Mayor McComb called the meeting to order at 11:30 a.m.

B. Invocation to be given by Deacon Fred Castillo, Our Lady of Perpetual Help Catholic Church.

Deacon Fred Castillo gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Norma Duran, Management Assistant, City Secretary's Office.

Ms. Norma Duran led the Pledge of Allegiance.

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

City Secretary Rebecca L. Huerta called the roll and verified that a quorum of the City Council and the required Charter Officers were present to conduct the meeting.

(Council Member Molina arrived at 12:48 p.m.)

Charter Officers:

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

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

E. Proclamations / Commendations

1. Proclamation declaring April 7-13, 2019, "National Crime Victims' Rights Week".
Proclamation declaring April 8-13, 2019, " Week of the Young Child".
Proclamation declaring April 12-13, 2019, "Fiesta de la Flor Days" and CITGO Presentation.
Proclamation declaring April 14-20, 2019, "National Public Safety Telecommunicators Week".
Proclamation declaring April 2019, "Corpus Christi Safe Digging Month".
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

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

- ## **J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate. All items on this agenda are considered public hearings.**

Mayor McComb deviated from the agenda and referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum for the Council Chambers. City Secretary Rebecca L. Huerta conducted the swearing-in ceremony. Ernie Salinas, 6066 S. Alameda, presented a petition in opposition to the changes made to Carson Street. Juan Cantu, 1029 E. Fulton; Michael Kennedy, 202 Reef; Bob Catalano, 201 Surfside; Ron Graban, 202 Surfside; Dennis Patel, 213 Kleberg; Shannon Bussell, 4000 Surfside; Kathleen Higgins, 709 Naples; Tom Schmid, 13510 Bullion; Carrie Meyer, 4401 Gulfbreeze; Marion Elder, 4242 Gulfbreeze; Sonny Paredes, 201 Reef; Jill Paredes, 201 Reef; Barbara Cowling, 202 Reef; David Cowling, 202 Reef; Diane Gardener, 307 Palmero; and Steve Gomez, 6630 Clarion, spoke in support of Agenda item 23, North Beach Infrastructure improvements.

Adela Padron, 202 Reef; Sandy Murch, 4000 Surfside; and Roger Murch, 4000 Surfside, spoke in opposition to Agenda Item 23, North Beach Infrastructure

improvements. Margaret Fratila, 3606 Tripoli, spoke regarding compliance with requirements for street signage and street numbers on buildings. Julie Rogers, 710 Furman, spoke regarding the City's public libraries including: recognizing National Library Week and April 9th is National Library Workers' Day; appreciation for library workers; the activities occurring at libraries; the Library Board's Annual Report; hours of operation; and the lack of funding. Garrett Dorsey, 2037 Sunnycrest, and Victor Ibarra, 13669 Teague, spoke in opposition to Item 19, amending City Code to revise regulatory standards related to freeboard, limit of moderate-wave action, and non-conversion agreement.

Norma Rivera, 7526 Exeter Court; Fela Rivera, 2534 Fleece, Manager of Statewide Wrecker Service; and Irma Rivera, 3449 Morgan Ave, Texas Wrecker Service, spoke regarding an autowrecker service dispatch system being tested on behalf of the Corpus Christi Police Department including: before purchasing the software, that all wrecker companies have an opportunity to test the software; and alleged conflict of interest involving Mike Staff, and requested a special counsel to investigate. Lori Cole, 506 Dixon Drive, Amy's Wrecker and Sanford's Wrecker Service, requested that prior to the Corpus Christi Police Department purchasing a new autowrecker service dispatch system that all wrecker companies have an opportunity to test the software. David Diaz, 4626 Oso Parkway, requested that the City Council consider a City Manager candidate that is familiar with the City's oil and gas industry, shipping industry, military installations, and universities. Brian Watson, 5813 Hugo, spoke regarding: the City of Abilene's program to locate and reserve suitable housing for homeless veterans; the City of Houston being insolvent due to financial commitments; and the Port of Corpus Christi Authority's contract with The Carlyle Group. Ray Madrigal de Pancho Villa, 4253 Dody, spoke regarding transparency in hiring the new City Manager. Colin Sykes, 309 Aberdeen, spoke regarding climate changes and global warming. Bart Braselton, 5337 Yorktown, spoke regarding Agenda Item 24, Biennial Trust Fund, and stated that the Coastal Bend Homebuilders Association and the Developer Study Group support staff's recommendation. John Medina, 4930 Mokry, requested that the City release the footage from body camera and police car cameras related to a recent shooting involving Corpus Christi police officers.

Q. BRIEFINGS: (ITEM 23)

23. North Beach Infrastructure Task Force

Mayor McComb deviated from the agenda and referred to Item 23, North Beach Infrastructure Task Force. Mayor McComb stated that the purpose of the North Beach Task Force (Task Force) was to present options to solve the drainage issues on North Beach. Nueces County Commissioner and Chairperson of the North Beach Task Force Carolyn Vaughn presented the following information: the creation of the Task Force; the members of the Task Force; the objectives including: review the North Beach Master Plan, identify an implementation plan and provide a report to the City Council; a list of organizations and individuals that assisted the Task Force; and findings including: a topographical map of the area was provided by Urban Engineering; that repeated flooding and drainage issues on North Beach have shut down multiple business and impact public safety, that the new Harbor Bridge will cause additional impact to response times from first responders; that it is imperative that the drainage issues be solved before the new Harbor Bridge is opened; that having studied the values of over 400 parcels of land, less than

half of the value of North Beach is taxable; that it is necessary to have a tax increment financing zone (TIRZ) in place before major investment occurs; if a canal would solve drainage issues on North Beach; and cost estimates of the canal.

County Commissioner Vaughn presented the following recommendations: 1) direct the City Manager to hire Urban Engineering through a small contract, not to exceed \$50,000, which is within the authorized amount your City Manager can already approve, Urban Engineering shall present these cost estimates on the canal to the City Council no later than May 2019 in order to achieve the stormwater drainage canal improvements by 2023; 2) direct staff from the Legal Department to pursue the creation of TIRZ #4 on North Beach; the Task Force will provide the TIRZ, TIF and Feasibility documents that have been prepared at no cost to the City so that the Legal Department may review, verify, and present to the City Council for approval in May 2019; and 3) direct staff to immediately provide a copy (email or printed) of the City Employee Ethics Policy and the Fraud Awareness and Prevention Policy enacted on May 10, 2012; these include access to the Fraud Hotline as well as Whistleblower protection for those employees coming forward with knowledge about issues within the city and even top-level employees; this effort is to encourage alignment of all staff with all ethics policies, fraud awareness and prevention policies, as directed by City Council.

Mayor McComb discussed the cost estimates for the canal and the creation of a TIRZ for North Beach.

MOTION OF DIRECTION

Council Member Roy made a motion directing the City Manager to continue to move forward to direct City Manager to hire engineering through a small contract, direct staff for the Legal Department to pursue the creation of the TIRZ #4, and to provide a copy of the City Employee Ethics Policy, seconded by Council Member Garza and approved unanimously.

Council members and Interim City Manager Keith Selman discussed the following topics: following procurement rules and regulations; clarification on the motion of direction; clarification regarding if the motion of direction included moving forward with a contract not to exceed \$50,000; and that the direction is to move forward and bring back a recommendation regarding a TIRZ.

AMENDED MOTION OF DIRECTION

Council Member Roy made a motion directing the City Manager to follow all procurement procedures to get an engineer and a contract to take a look at this and to bring back the presentation on the TIRZ and begin the process for the creation of the TIRZ, seconded by Council Member Garza and approved unanimously.

Mayor McComb called for a brief recess at 1:58 p.m. Mayor McComb reconvened the Council meeting at 2:10 p.m.

Q. BRIEFINGS: (ITEM 22)

22. Port of Corpus Christi Update

Mayor McComb deviated from the agenda and referred to Item 22, Port of Corpus Christi (Port) Update. Port Commissioner David Engel provided a brief overview of the roles and responsibilities of Port Commissioners. Port Commissioner Wayne Squires provided an update on the deepening and widening of the Ship Channel. Port Commissioner Richard Valls presented the following information regarding environmental leadership and community reinvestment: that the Port's fundamental directive is to facilitate maritime commerce that protects the public interest; economic impact; the environmental policy's five key precepts; environmental improvement efforts; job generation in 2017; and reinvestment in the community. Charlie Zahn, Chairman of the Port Commission, stated that the purpose of deepening and widening the Ship Channel is to improve safety and accommodate larger vessels.

Council members discussed the following topics: the water depth of the Ship Channel; extending aids-to-navigation; the Port's relationship at the federal government; appreciation to the Port Commission; how the deepening and widening of the Ship Channel will impact Port operations; the Port's economic impact and job creation; and the deadline for the Voluntary Buyout Program for the Washington Coles/Hillcrest Neighborhood.

S. EXECUTIVE SESSION: (ITEMS 25 - 26)

Mayor McComb deviated from the agenda and referred to Executive Session Items 25 and 26. The Council went into executive session at 2:40 p.m. The Council returned from executive session at 4:34 p.m.

25. **Executive Session pursuant to Section Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the TxDOT Harbor Bridge Project, Park Mitigation Issues, the Agreement for the Adjustment of City of Corpus Christi Municipal Utilities in Connection with the U.S. 181 Harbor Bridge Replacement Project, and other agreements, commitments, or other obligations related to the Harbor Bridge Project and pursuant to **Texas Government Code § 551.072** to deliberate the purchase, exchange, lease, or value of real property (including, but not limited to, property for parks, recreation facilities, or other mitigation for the Harbor Bridge Project in the vicinity of existing or proposed Harbor Bridge) because deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

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

Mayor McComb referred to Item 26. Mayor McComb announced that a tentative schedule was discussed to begin the interview process with the City Manager

finalists. The tentative dates will be Sunday, April 14, 2019; Monday, April 15, 2019 and Tuesday, April 16, 2019. The consultants are working to confirm the finalists' availability and the City Council will announce that final schedule to the public.

M. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Items 25 and 26.

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

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

a. UTILITY BILLING UPDATE

None.

c. OTHER

1) The La Retama Central Library is celebrating "Week of the Young Child, Soaring with Dinosaurs" on Saturday, April 13, 2019 from 10:00 a.m. to 2:00 p.m. 2) Corpus Christi Animal Care Services is sponsoring a new program, Woof Readers, on Thursdays from 4:00 p.m. to 5:00 p.m. at 2626 Holly Road. The program allows children to read to animals in the shelter. 3) A public meeting will be held regarding the Residential Street Rebuild Program on Monday, April 15, 2019 from 5:30 p.m. to 7:00 p.m. at the Garden Senior Center, 5325 Greely.

**b. TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
PRESENTATION**

Interim Assistant City Manager Constance Sanchez introduced Texas Municipal Retirement System Senior Regional Manager Anthony Mills who presented an update on the Texas Municipal Retirement System (TMRS) consisting of the following topics: TMRS history and membership; Corpus Christi and TMRS; Corpus Christi's TMRS plan design; Corpus Christi's plan changes; the amortization schedule; ad hoc benefit adoptions; Corpus Christi's recent rate history; a comparison of Corpus Christi to peer cities and their TMRS plans; and TMRS plan design.

Council members and Mr. Mills discussed the following topics: the cost associated with the increase in the deposit rate to 7%; the 70% annuity increase auto-readopt costs; the City's options to change the plan design; the life expectancy tables used by TMRS; the City's contribution rate and vesting requirements; the impact of closing the plan to new employees; a defined contribution plan versus a defined benefit plan; how the 70% annuity increase relates to a cost of living adjustment; that the City is funding 24.61% on a monthly basis; that the rate the City pays for the current benefit design costs more than the old plan design; that TMRS anticipates the City's rate to remain steady; that the City is prepaying for cost of living increases to have a lower percentage moving forward; the City's total contribution rate on an annual basis; the retirement rate contributions; that the City will budget 24.61% in next

year's budget; that the City has a closed plan, and at the end of 25 years the City's plan should be fully-funded; the cost of living increases that are expected; the 5% guarantee interest rate; that TMRS regularly provides an update on the performance of the fund and investment allocations; the City's 2 to 1 match; potential legislation that would cap cities' ability to increase property taxes at 2.5% per year; the total liability amortized over 25 years; the annual costs for retirement; that it requires a two-thirds vote by City employees to reduce the deposit rate; plan changes that do not require employee input; private versus public retirement plans; that since 1948, TMRS has not missed paying out one retirement check; that a future council would have the option to change provisions in the City's plan; that currently a tiered benefit option is not allowed per existing state statute; and contractual obligations related to the Police collective bargaining agreement.

G. MINUTES:

2. Regular Meeting of March 26, 2019, Workshop Meeting of March 28, 2019 and Special Meeting of April 2, 2019.

Mayor McComb referred to approval of the minutes. Council Member Guajardo made a motion to approve the minutes, seconded by Council Member Molina and passed unanimously.

H. BOARD & COMMITTEE APPOINTMENTS:

3. Airport Board
Board of Adjustment
Corpus Christi Downtown Management District
Senior Companion Program Advisory Committee

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

Airport Board

Council Member Smith made a motion to reappoint Karl Tomlinson and Donald M. Feferman (Advisory, non-voting), seconded by Council Member Garza and passed unanimously.

Council Member Guajardo made a motion to appoint Ted J. Mandel and Kusumakar Sooda, seconded by Council Member Hernandez and passed unanimously.

Board of Adjustment

Council Member Molina made a motion to appoint Vida Alvarez Mason (Alternate), seconded by Council Member Garza and passed unanimously.

Corpus Christi Downtown Management District

Council Member Smith made a motion to appoint Cheryl A. Votzmeyer (Property Owner), seconded by Council Member Roy and passed unanimously.

Senior Companion Program Advisory Committee

Council Member Garza made a motion to reappoint Christine Head (SCP Volunteer), reinstate Jeannine M. Leal (At-Large) and appoint Lidia Lopez (At-Large), seconded by Council Member Barrera and passed unanimously.

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 11)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. A council member requested that Item 10 be pulled for individual consideration. There were no comments from the public.

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

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

4. Purchase of two Ford F-150 crew cab trucks for the Police Department

Motion authorizing the purchase of two Ford F-150 crew cab trucks from Silsbee Ford Inc. of Silsbee, Texas for a total amount not to exceed \$62,736.10.

This Motion was passed on the consent agenda.

Enactment No: M2019-056

5. Resolution authorizing a service agreement for maintenance and inspection of fire extinguishers

Resolution rejecting the apparent low bid of Cintas Corporation and the apparent second low bid of Draco Fire and Safety, LLC as non-responsive and authorizing a five-year service agreement for fire extinguishers annual maintenance and inspection with IFS Fire and Safety Inc., of Corpus Christi, Texas, as the lowest responsive bidder, for an amount not to exceed \$153,175.50.

This Resolution was passed on the consent agenda.

Enactment No: 031730

6. Motion appointing Council Member Everett Roy to the American Bank Center's Advisory Council.

This Motion was passed on the consent agenda.

Enactment No: M2019-057

7. Second Reading Ordinance - Rezoning for a Property located at or near 3502 County Road 7B. (1st Reading 3/26/19)

Case No. 0219-03 Mostaghasi Investment Trust: Request for rezoning property at or near 3502 County Road 7B from the "FR" Farm Rural District and the "CG-2" General Commercial District to the "RS-6" Single-Family 6 District.

Planning Commission and Staff Recommendation (February 20, 2019): Approval of the change of zoning from the "FR" Farm Rural District and the "CG-2" General Commercial District to the "RS-6" Single-Family 6 District.

Ordinance rezoning property at or near 3502 County Road 7B from the "FR" Farm Rural District and the "CG-2" General Commercial District to the "RS-6" Single-Family 6 District.

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

Enactment No: 031731

8. Second Reading Ordinance - Rezoning for a Property located at or near 213 Kleberg Place. (1st Reading 3/26/19)

Case No. 0219-04 SCCBH, LLC: Request for rezoning property at or near 213 Kleberg Place from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District.

Planning Commission and Staff Recommendation (February 20, 2019): Approval of the change of zoning from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District.

Ordinance rezoning property at or near 213 Kleberg Place from the "RM-AT" Multifamily AT District to the "CR-1" Resort Commercial District.

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

Enactment No: 031732

9. Second Reading Ordinance - Amending the Unified Development

Code regarding bars, taverns or pubs (1st Reading 3/26/19)

Ordinance amending the Unified Development Code regarding specific standards relating to bars, taverns or pubs.

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

Enactment No: 031733

11. Second Reading Ordinance - Accepting and appropriating grant funds for Local Emergency Planning Committee (LEPC) for Fire Department (1st Reading 3/26/19)

Ordinance authorizing execution of all documents necessary to accept a grant to the City of Corpus Christi/Nueces County Local Emergency Planning Committee in the amount of \$5,000 from Texas Commission on Environmental Quality; and appropriating \$5,000 in No. 1062 LEPC Fund.

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

Enactment No: 031735

10. Second Reading Ordinance - Urban Transportation Plan map amendment for a segment of Bronx Avenue (1st Reading 3/26/19)

Ordinance amending Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by removing a segment of Bronx Avenue.

Mayor McComb referred to Item 10, amending the Urban Transportation Plan by removing a segment of Bronx Avenue. Director of Planning and ESI Daniel McGinn and a council member discussed the following topics: the location of the hike-and-bike trail within a residential neighborhood in front of residential houses; other hike-and-bike trails connecting between lots; that Del Mar College has agreed to pay for the pedestrian bridge and bicycle path; if there are additional setback requirements; and the impact the removal of Bronx Avenue will have on emergency response times. There were no comments from the public.

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

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

Nay: 1 - Council Member Hernandez

Abstained: 0

Enactment No: 031734

L. FUTURE AGENDA ITEMS: (ITEMS 12 - 17)

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman did not have any planned presentations. Council members requested information on Items 14, 15, 16, and 17.

12. Emergency Medical and Police Priority Dispatch Call Center System Software

Resolution authorizing a six-year service agreement for the purchase of emergency medical and police priority dispatch call center system software from Priority Dispatch Corp., of Salt Lake City, Utah for a total amount not to exceed \$396,260.

This Resolution was recommended to the consent agenda.

13. Eventide Recorder Maintenance for MetroCom

Resolution authorizing a five-year maintenance agreement for Eventide Recorder Maintenance with DigitalMarkets, Inc., dba Vista Com of Houston, Texas for a total amount not to exceed \$49,901.

This Resolution was recommended to the consent agenda.

14. Plumbing Services for the Corpus Christi Fire Department

Motion authorizing a one-year service agreement for plumbing services with Smart Plumbing Inc., of Corpus Christi, Texas for an amount not to exceed \$48,367.50 with two one-year options for a total potential multi-year amount of \$145,102.50.

This Motion was recommended to the consent agenda.

15. Light Vehicle Repair & Services for the Corpus Christi Fire Department

Motion authorizing a one-year service agreement for light vehicle repair & services for the Corpus Christi Fire Department with Sylvia Ann Barton, dba Leroy and Richards Automotive of Corpus Christi, Texas for an amount not to exceed \$70,785.90 with two one-year options for a total potential multi-year amount of \$212,357.70.

This Motion was recommended to the consent agenda.

16. Professional Services Contract for O.N. Stevens Water Treatment Plant (ONSWTP) Clearwell No.3 (Capital Improvement Program)

Motion to authorize execution of a professional services contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$1,803,753 for design of O.N. Stevens Water Treatment Plant Clearwell No. 3.

This Motion was recommended to the consent agenda.

17. **Resolution in recognition of David G. Noyola, honoring his many years of service to Corpus Christi.**

This Resolution was recommended to the consent agenda.

N. **PUBLIC HEARINGS: (ITEMS 18 - 20)**

18. **Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 5813 and 6001 Old Brownsville Road.**

Case No. 0319-01 Greer Evans and Halaj Trust: Request for rezoning property at or near 5813 and 6001 Old Brownsville Road from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IL" Light Industrial District.

Planning Commission and Staff Recommendation (March 6, 2019):

Tract 1: Denial of the change of zoning from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IL" Light Industrial District, in lieu thereof, approval of the "IC" Industrial Compatible District.

Tract 2: Approval of the change of zoning from the "RS-6" Single-Family District to the "IL" Light Industrial District.

Ordinance rezoning property at or near 5813 and 6001 Old Brownsville Road from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IC" Industrial Compatible District ON Tract 1 and from the "RS-6" Single-Family District to the "IL" Light Industrial District on Tract 2.

Mayor McComb referred to Item 18. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for the construction of an industrial park. Ms. Nixon-Mendez stated that the Planning Commission and staff recommend denial of the change of zoning from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IL" Light Industrial District, and in lieu thereof, approval of the "IC" Industrial Compatible District for Tract 1 and approval of the "IL" Light Industrial District for Tract 2.

Council members spoke regarding the following topics: that the Planning Commission and staff's recommendation meet the applicant's needs; and the difference between the allowable uses in the "IC" and "IL" zoning districts.

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

Council Member Garza 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

19. Public Hearing and First Reading Ordinance amending amending City Code to revise regulatory standards related to freeboard, limit of moderate-wave action, and non-conversion agreement

Ordinance amending the Code of Ordinances, Chapter 14, Article V, Flood Hazard Prevention adopting higher standards, and providing for penalties'.

Mayor McComb referred to Item 19. Floodplain Manager Yvette Dodd-Wallace stated that the purpose of this item is to amend the City's Code of Ordinances, Chapter 14, to adopt higher standards for Flood Hazard Prevention. City Council tabled this item on September 11, 2018 pending further information regarding the cost of developing with freeboard. The City is a voluntary participant in the National Flood Insurance Program's Community Rating System. This program provides points for going above and beyond the minimum standards of a participating community. The points offer different class ratings which result in premium discounts for flood insurance policies in a special flood hazard area. Adopting higher standards promotes public health, safety, and general welfare by minimizing public and private losses due to flood conditions in areas with a special flood hazard and allows the City to generate additional points that result in further premium discounts for residents. The City is currently a Class 7 community with a total of 1,689 which results in a 15% discount in premiums in a special flood hazard area.

Ms. Dodd-Wallace presented the following information: the Community Rating System (CRS) discount; the proposed higher standards including: LiMWA (limit of moderate wave action), freeboard, and non-conversion agreement; coastal zones/LiMWA; the LiMWA map; the debris line from Hurricane Harvey in comparison to the proposed LiMWA; photos of erosion and scour at Punta Vista Condominiums located on the island after Hurricane Harvey; freeboard; freeboard insurance savings; cost of structural fill; foundation types and alternatives; the non-conversion agreement; and outreach.

Mayor McComb opened the public hearing. Wendy Herman, Coastal Bend Homebuilders Association (Association), thanked staff for their outreach and coming to a compromise with the Association. Ms. Herman said the Association is in support of the freeboard, however, Association members expressed concern regarding infill, runoff and cost and requested consideration to exempt areas that are 75% built. In response to a council member, Ms. Herman spoke regarding how adding 2 feet of freeboard would burden low-to-moderate areas and affordability of homes.

Council members and staff discussed the following topics: that the City is close to receiving the 20% CRS discount; that insurance numbers are based on the

Federal Emergency Management Agency's (FEMA) insurance savings costs; actual insurance quotes for building 1 foot and 2 feet of freeboard; how affordable housing and low-to-moderate areas would be impacted by the higher standards; that the garage level be at base floor elevation (BFE); a council member spoke in support of 2 feet of freeboard, removal of the LiMWA, and adopting of the non-conversion agreement; the advantages of LiMWA; how increasing freeboard to 2 feet on new construction would affect existing homes; that homebuilders would be responsible for retaining walls to address drainage; the cost associated with 2 feet of freeboard; that the Padre Island Homeowners Association only allows builders to build slab on grade structures; that most homes on the island are at 1 foot of freeboard; that the higher standards only impact special flood hazard areas; that the Building Code Board of Appeals can grant a variance to building at higher standards; insurance costs for flood insurance; flood insurance policies in Zones A and V; if the Pharaoh Valley area is in the flood zone; the number of points associated with LiMWA; if there is an insurance discount for having LiMWA; staff's recommendation regarding LiMWA; a provision requiring that new subdivisions, established after July 1, 2019, would have the same requirements; identifying areas for 2 feet of freeboard and the non-conversion agreement.

Council Member Guajardo made a motion to adopt 1 foot of freeboard in the special flood hazard areas and direct the Interim City Manager to come back within 6 months with a recommendation on identified areas in new subdivisions to build at 2 feet of freeboard, seconded by Council Member Smith and passed unanimously (Council Member Garza - absent).

Mayor McComb closed the public hearing.

Council Member Smith made a motion to not adopt LiMWA standards, seconded by Council Member Council Member Guajardo.

In response to a council member, Ms. Dodd-Wallace stated that by not supporting LiMWA standards, the City loses the opportunity for discounts.

The motion to amend was passed and approved with the following vote; Mayor McComb and Council Members Barrera, Guajardo, Hunter, Molina, Roy, and Smith, voting "Aye"; Council Member Hernandez voting "No" (Council Member Garza - absent).

Council Member Smith made a motion to adopt the non-conversion agreement, seconded by Council Member Guajardo and passed unanimously (Council Member Garza - absent).

Council Member Smith made a motion to approve the ordinance as amended, seconded by Council Member Hunter. 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

Absent: 1 - Council Member Garza

Abstained: 0

20. Public Hearing and First Reading Ordinance - Urban Transportation Plan Amendment for Oso Parkway and Brezina Road

Ordinance amending Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by removing a segment of Oso Parkway and Brezina Road.

Mayor McComb referred to Item 20. Director of Planning and ESI Daniel McGinn stated that the purpose of this item is to amend the Urban Transportation Plan map of Mobility CC by removing a segment of Oso Parkway and Brezina Road. Mr. McGinn presented the following information: the current Urban Transportation Plan; the proposed amendment; proposed flood zones; U.S. Navy clear zones; future land use plan; wetlands; and recommendation. 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 Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Garza

Abstained: 0

O. REGULAR AGENDA: (ITEM 21)

21. Second Reading Ordinance - Interlocal Agreement with the Port of Corpus Christi Authority for a permitting program (1st Reading 3/19/19)

Ordinance authorizing execution of an Interlocal Agreement between City of Corpus Christi and Port of Corpus Christi Authority for a permitting program; and waiving building permit requirements for Port of Corpus Christi Authority property.

Mayor McComb referred to Item 21, an interlocal agreement with the Port of Corpus Christi Authority (Port) for a permitting program. Director of Development Services Nina Nixon-Mendez stated that this item was tabled by City Council on March 26, 2019 to allow staff time to work with the Port to consider excluding properties acquired by the Port through the Harbor Bridge replacement project. The Port is in agreement with excluding these properties from the Interlocal Agreement. Ms. Nixon-Mendez stated that she received communication from Errol Summerlin, Citizens Alliance for Fairness and Progress, supporting the amended interlocal agreement. There were no comments from the public.

Council members discussed the following topics: the loss in revenue as a result

of the Port permitting their new facility; appreciation to staff and the Port for listening to the community's concerns; and if the Port is assuming responsibility for their property.

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

Aye: 7 - Mayor McComb, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 1 - Council Member Barrera

Absent: 1 - Council Member Garza

Abstained: 0

Enactment No: 031736

P. FIRST READING ORDINANCES: (NONE)

Q. BRIEFINGS: (ITEMS 22 - 24)

24. Biennial Trust Fund

Mayor McComb referred to Item 24, a presentation on the Utilities Trust Funds. Director of Development Services Nina Nixon-Mendez introduced the presentation team including: Interim Director of Finance Alma Casas; Chief Accountant Martha Messer; and Contracts Administrator Michael Johnston. Ms. Nixon-Mendez presented the following information: an overview of the utility trust funds; the Utility Trust Fund balances from FY2007-2018; the Utility Trust Fund balances, with a breakdown of individual funds from FY2007-2018; deposits to and payments from the Utility Trust Fund; active contracts with the Utility Trust Fund; Utility Trust Fund liabilities and balance; individual fund activity; trust fund fees collected; a map of the wastewater fee exemptions from 2013-2018; steps taken to improve the fiscal health and management of the utility trust fund; trust fund fees and charges; recommendations from the Coastal Bend Homebuilders Association; a comparison of fee increases; trust fund deposits with construction cost index (CCI) adjustments; and fee options.

Council members and staff discussed the following topics: alternative sources of funding areas in the City's extraterritorial jurisdiction (ETJ); a policy for addressing new development in the ETJ; if recommendations could be phased-in; the impact of adopting all of the fee options; and eliminating the wastewater fee exemption.

R. LEGISLATIVE UPDATE:

S. EXECUTIVE SESSION: (ITEM 26)

26. Executive session pursuant to Texas Government Code § 551.074 (Personnel Matters) to deliberate the appointment, employment,

evaluation, reassignment, duties, discipline, or dismissal of the City Manager.

Mayor McComb returned to discussion on Item 26. Mayor McComb presented a schedule of events related to the interview process for the City Manager finalists. Beginning Sunday April 14, 2019, City Manager finalist would arrive in Corpus Christi and take a bus tour of the City, with council members representing different districts throughout the community; Monday, April 15, 2019, an opportunity for the media to meet the finalists, a formal interview process by City Council in executive session, and a public meet and greet open to the community; Tuesday, April 16, 2019, an additional opportunity for the media to meet the candidates; a public question and answer process for the finalists during the City Council meeting, with a possible executive session.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

U. ADJOURNMENT

The meeting was adjourned at 8:02 p.m.