



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 27, 2019

11:30 AM

Council Chambers

Addendums may be added on Friday.

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 Communication 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 11:32 a.m.

B. Invocation to be given by Pastor Kevin Jennings, Mt. Olive Lutheran Church.

Pastor Kevin Jennings gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Kamil Taras, Capital Improvement Program Manager, Budget Department.

Kamil Taras 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 Everett Roy, and Council Member Greg Smith

Absent: 1 - Council Member Ben Molina

E. Proclamations / Commendations

1. Commendations for 2019 National Senior Games Participants.

Mayor McComb presented the commendations.

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

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

a. OTHER

1) City Manager Zanoni thanked Fire Chief Robert Rocha and Emergency Operations Coordinator Billy Delgado for coordinating with the City's departments, as well as outside agencies, to ensure hurricane preparedness by presenting over 30 workshops; reminded the public of the importance of hurricane preparedness by preparing emergency plans for evacuation, disaster supply kits, and securing important documents; and invited the public to visit the City's website for additional tips and recommendations. 2) Paulette Kluge has resigned as Chief Executive Officer (CEO) of the Convention and Visitors Bureau (CVB) and City Manager Zanoni has asked the Chair of the CVB Board Melody Nixon-Bice to allow him to be part of the selection process for an Interim and permanent CEO. City Manager Zanoni spoke about the City's financial contribution to the CVB and the importance of being part of the selection process; thanked Chair Nixon-Bice for initiating the selection process. 3) Informed the Council and the public of the City's departments' closure in observance of Labor Day, and noted that the curbside collection for garbage and recycled items would run as regularly scheduled, Animal Care Services would be opened from 1:00 p.m. to 5:00 p.m. for pet adoptions, and life guards would be on duty from 11:00 a.m. to 6:00 p.m. 4) The final budget workshop session is scheduled for Thursday, August 29; thanked the Executive team and the Budget Office for leading the five (5) community workshops in City Council districts with about 150 residents attending those sessions; the great success in community engagement through verbal and written comments, follow-up emails, and Facebook posts; and that the City will follow the same format on other city matters and will continue the public budget work sessions next year; informed the Council and the public of two (2) public hearings on the FY2020 Ad Valorem Tax Rate and one (1) public hearing on the proposed budget as required by State Law, both to be held in the City Council Chambers; that the first public hearing on the property tax rate was on the agenda today and that the second public hearing, along with the first reading of the proposed budget, would take place during the Friday, September 6 Special City Council meeting; the final approval and adoption of the budget on September 17; and the budget becoming effective October 1, 2019.

G. MINUTES:

2. Regular Meeting of August 20, 2019 and Workshop Session of August 15, 2019.

A motion was made by Council Member Rudy Garza, seconded by Council Member Michael Hunter, that the Minutes be passed. The motion carried by a unanimous vote (Council Member Molina - absent).

H. BOARD & COMMITTEE APPOINTMENTS:

3. Arts & Cultural Commission (3 vacancies)
Community Youth Development (78415) Program Steering Committee (4 Vacancies)
Senior Companion Program Advisory Committee (2 vacancies)
Sister City Committee (3 vacancies)

Arts & Cultural Commission

Mayor McComb made a motion to reappoint Jody Perkes Hughes (Public Art/Public Space), James Moore (Performing Arts) and reinstate Sharon Sedwick (Business Development Group/Corporate Representative), seconded by Council Member Hunter and passed unanimously (Council Member Molina - absent).

Community Youth Development (78415) Program Steering Committee

Council Member Garza made a motion to reappoint Lisa Torres (78415 Resident), Job Gonzalez (Regular Member), Chris Mitchell (Regular Member) and Verna Yanez (Regular Member), seconded by Council Member Hunter and passed unanimously (Council Member Molina - absent).

Senior Companion Program Advisory Committee

Council Member Garza made a motion to appoint Sandra Perez (At-Large) and Betsy Miller (SCP Volunteer Station), seconded by Council Member Roy and passed unanimously (Council Member Molina - absent).

Sister City Committee

Council Member Garza made a motion to reappoint Gargi Bhowal (United Corpus Christi Chamber of Commerce), Luis F. Cabrera (Port Industries of Corpus Christi) and Susane "Westi" Horn (Advertising/Public Relations), seconded by Greg Smith and passed unanimously (Council Member Molina - absent).

I. EXPLANATION OF COUNCIL ACTION:

- 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 Communication department at 361-826-3211 to coordinate. All items on this agenda are considered public hearings.

Mayor McComb referred to comments from the public. City Attorney Miles K. Risley read the Rules of Decorum. City Secretary Rebecca L. Huerta conducted the public comment period.

Sirfrederickvon USA King vii, P.O. Box 1181, spoke on behalf of the silent majority and the importance of listening. Tony C. Hartwell, P.O. Box 18785, stated that the City of San Antonio's budget includes funds for dealing with homelessness and suggested council members form a committee to address homelessness; thanked the police department for their recent efforts to address homeless individuals violating traffic laws; and asked Animal Care Services to make sure homeless individuals register their dogs with the City. Corinna Winkler, 7217 Kress Circle, Apt. D-1, spoke about her exorbitant water bill and questioned solid waste, wastewater and miscellaneous fees for a single person. Margareta Fratila, 3606 Tripoli Dr., asked the City to look into a high water bill for an elderly person living alone, and spoke about property owners versus tenants being responsible for unpaid water bills when tenants break their lease and leave without paying the water bill.

- K. CONSENT AGENDA: (ITEMS 4 - 7, 13, 15 - 20)**

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 8, 9, 10, 11, 12, and 14 be pulled for individual consideration. There were no comments from the Council or the public.

A motion was made by Council Member Garza, seconded by Council Member Hunter, to approve the Consent Agenda. 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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

4. Zoning Case No: 0619-02 Texas State Roofing Company, LLC (District 2). Ordinance rezoning property at or near 916 South Alameda from the "CG-2" General Commercial District to the CG-2/SP" General Commercial District with a Special Permit. Planning Commission and Staff recommend Approval.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031847
5. Zoning Case No. 0519-03 Sergio and Magali Martinez (District 1) Ordinance rezoning property at or near 2934 Highland Avenue from the "CN-1" Neighborhood Commercial District to the "RS-6" Single-Family 6 District. Planning Commission and Staff recommend Approval.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031848
6. Ordinance authorizing acceptance of \$171,000 grant from Texas Department of Transportation for the 2020 Comprehensive Selective Traffic Enforcement Project to increase traffic enforcement with a City match of \$49,553.37 from the FY 2020 General Fund.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031849
7. Ordinance authorizing the purchase of 180 Police vehicle video recording systems and a five-year service agreement for installation and maintenance from Turn-Key Mobile, Inc. of Jefferson City, Missouri, via Texas Department of Information Resources Cooperative for a total amount not to exceed \$1,541,113.15; appropriating \$1,541,113.15 from the unreserved fund balance of the Liability and Employee Benefits - General Liability Fund; transferring to the IT Fund; and amending the FY 2018-2019 operating budget adopted by Ordinance No. 031548; funded through the Liability and Employee Benefits - General Liability Fund.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031850
13. Resolution authorizing the City Manager, or designee, to execute an Advance Funding Agreement with the Texas Department of Transportation (TXDOT) with the City's local participation in the amount of \$48,700.80 for water valve adjustments associated with the SH 358 Nueces Ramp Reversal PH II-A with funds available from the Water Capital Improvement Program.
- This Resolution was passed on the consent agenda.**
- Enactment No: 031851

15. Motion authorizing a three-year service agreement with Texas Land Reclamation LLC, dba UTW Tire Collection Services, for tire collection and recycling/disposal services for a total amount not to exceed \$356,400.00, effective upon issuance of a notice to proceed, with the first-year funding in the amount of \$118,800.00 through the General Fund and Fleet Maintenance Services Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-137

16. Motion awarding a contract to Burns & McDonnell for services associated with a Solid Waste Operational Assessment including engineering analysis and business operations assessment in the amount of \$144,800 effective upon issuance of notice to proceed, with funding available from Solid Waste 2019 Operations Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-138

17. Motion authorizing a lease-purchase with Vermeer Texas-Louisiana to purchase one directional boring machine for an amount not to exceed \$428,244.34, effective upon issuance of a letter of acceptance, with first-year in the amount of \$85,448.88 funding available through the Gas Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-139

18. Motion authorizing a lease-purchase with EKA Government Sales Experts to purchase two trenchers; a Ditch Witch RT45A compact trencher and a Ditch Witch RT850T4 heavy duty trencher, in an amount not to exceed \$200,573.05, effective upon issuance of a letter of acceptance, with first-year funding in the amount of \$39,914.64 available in the Gas Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-140

19. Motion authorizing a three-year supply agreement with Champion Industrial Sales, LLC for the purchase of welding equipment and supplies, for a total amount not exceed \$100,739.94, effective upon issuance of a notice to proceed, with first-year funding in the amount of \$33,579.80 through the Stores Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-141

20. Motion authorizing a two-year service agreement with Patterson Capital Management, L.P., dba Patterson & Associates, for investment advisor services in an amount not to exceed \$60,000.00, with two additional two-year renewal options with escalation cost for a potential total amount not to exceed \$184,000.00, effective upon issuance of a notice to proceed, with funding available in the General Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-142

K. CONSENT AGENDA: (ITEMS 8 - 10)

Mayor McComb referred to Items 8, 9 and 10. Interim Director of Financial Services Alma Casas stated that the purpose of Items 8, 9 and 10 are to authorize the issuance of refunding bonds which will result in a total net present value savings estimated at \$4.5 million dollars. There were no comments from the Council or the public.

Council Member Smith made a motion to approve Items 8, 9, and 10, seconded by Council Member Guajardo. These items were passed on second reading and approved with one vote.

8. Ordinance authorizing the issuance of "City of Corpus Christi, Texas Utility System Junior Lien Revenue Improvement and Refunding Bonds, Series 2019" for Water and Wastewater Utility improvements in an amount not to exceed \$113,000,000 and authorizing other matters incident and related thereto.

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 Hernandez, Council Member Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031851

9. Ordinance authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2019" related to Parks and Recreation improvements in an amount not to exceed \$9,000,000 and authorizing other matters incident and related thereto.

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 Hernandez, Council Member Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031852

10. Ordinance authorizing the issuance of “City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2019” related to Airport improvements in an amount not to exceed \$4,000,000 and authorizing other matters incident and related thereto.

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 Hernandez, Council Member Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031853

K. CONSENT AGENDA: (ITEMS 11, 12 and 14)

11. Motion authorizing a three-year service agreement with Richard E. Cruz, dba Rick’s Detail and Body Shop, for vehicle paint and body repairs of fleet units assigned to the Fire Department in an amount not to exceed \$254,700.00, effective upon issuance of a notice to proceed, with funding available in the General Fund.

Mayor McComb referred to Item 11.

Council Member Hernandez, Director of Contracts and Procurement Kim Baker and City Manager Peter Zanoni discussed the following topics: reason for only one bid; bidder already providing services under a different agreement; the Fire Department was comfortable with the pricing from bidder; the process of evaluating the bid by doing a price comparison for similar services; whether there is a policy in place requiring multiple bids; no control over whether the private sector submits bids; continue to work on good business process to incentivize more bidders for similar service; and continuing to secure as many bids as possible. There were no comments from the public.

Council Member Hunter 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: M2019-135

- 12.** Motion awarding a contract to Berry Contracting LP dba Bay, Ltd. for reconstruction of Holly Road from Rodd Field Road to Ennis Joslin Road using asphalt pavement and providing required utility improvements in the amount of \$8,345,032.20, effective upon issuance of notice to proceed, with funding approved and available in Type B and Utility Capital Improvement Budgets. (Council District 4)

Mayor McComb referred to Item 12.

Council members and Director of Engineering Services Jeff Edmonds discussed the following topics: receiving progress updates; what is being done so projects are completed on time; looking at increasing the liquidated damage amounts to incentivize more overtime; what the process is for change orders if unexpected events occur; request to compare what the Texas Department of Transportation (TXDOT) does with what the City does in incentivizing companies like Bay, Ltd. to complete projects on time; how to get companies, like Bay, Ltd., to provide similar performances on the City's projects as they do for TXDOT; reiteration that Council and staff will implement all measures, discussed today and previously.

City Manager Peter Zanoni announced the recruitment of Assistant Director of Construction Management Brett Van Hazel who will begin on Tuesday, September 3, as well as a Project Manager; that the problems and delays with the construction projects were due to lack of oversight and appropriate staffing, but that these recruitments would allow for more dedicated time to each project; staff would be more engaged on projects under construction; and able to manage timelines and quality of work. There were no comments from the public.

Council Member Garza made a motion to approve the motion, seconded by Council Member Barrera. 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: M2019-136

- 14.** Motion awarding Amendment 1 to a contract with Mott MacDonald, LLC in the amount of \$224,862 for a total restated fee of \$247,362 to provide engineering and design services for assistance with the North Beach Coastal Protection project, effective upon issuance of Notice to Proceed, with funding available in Bond 2018, Proposition A. (Council District 1)

Mayor McComb referred to Item 14.

Council members, City Manager Peter Zanoni, Director of Engineering Services

Jeff Edmonds and Director of Planning Dan McGinn discussed the following topics: whether the project is a result of the realignment of the Harbor Bridge and associated freeway system; should the project be a mitigation project for the Port of Corpus Christi rather than the City; discussion of the letter from Mott MacDonald, LLC regarding scope of work; whether the project is a Texas Department of Transportation (TXDOT) project because of the bridge or a canal project; the purpose of 20018 Bond Proposition A was for the design and construction of new break water barriers to mitigate beach erosion and coastal flooding, which was approved by the North Beach Area Plan and adopted by Council in March 2018; whether the two studies are accomplishing the same purpose and overlapping each other; a private entity spending \$300,000 for the same study so why double spend; each study is exclusive with no significant overlap; same geographical area, but each studying different aspects, one drainage and the other breakwater impact; waiting for results from Urban Engineering related to drainage before moving forward; North Beach Infrastructure Task Force being unaware of a written pledge of \$300,000; the need for clarification and shared communication with the public; what is the City's obligation to the voters; that the public authorized funding, but did not mandate the project be completed; requesting both firms present specifics on each study to the Council; and that the studies will not be delayed if the item is tabled. There were no comments from the public.

Mayor McComb made a motion to table Item 14, seconded by Council Member Barrera. Discussion ensued about specifying a specific date to bring back the item, but the consensus of the Council was to omit.

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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: M2019-148

M. PUBLIC HEARINGS: (ITEMS 21 - 25)

21. First Public Hearing on Fiscal Year 2020 Ad Valorem Tax Rate

Mayor McComb referred to Item 21. Interim Director of Financial Services Alma Casas stated that the purpose of this item is to hold the first public hearing on the proposed Fiscal Year 2020 Ad Valorem Tax Rate of \$0.646264 per \$100 valuation, which includes an increase of two cents from the prior year's property tax rate to be used for residential streets as approved by the citizens on November 8, 2016, and that the Property Tax Code requires two public hearings be held on the proposed Ad Valorem Tax Rate if the proposed tax rate exceeds either the rollback rate or the effective tax rate, whichever is lower. Interim Director Casas added that since the City's proposed tax rate exceeds the effective tax rate, two public hearings are required with today's public hearing being the first public hearing and the second public hearing to be held on September 6, 2019.

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

Council Members, Interim Director Casas, and Chief Financial Officer Constance Sanchez discussed the following topics: whether action was needed today; declaring the proposed ad valorem tax rate an emergency in the past; and that the reason for declaring it an emergency this year is due to time constraints.

Mayor McComb read the following statement, "During the September 17, 2019 City Council meeting beginning at 11:30 a.m. at City Hall, the City Council will vote on the proposed property tax rate."

Mayor McComb closed the public hearing.

22.

Zoning Case No. 0719-01 Corpus Christi Limousines Unlimited, Inc. (District 1) Ordinance amending Zoning Ordinance 031465 on a property at or near 4001 Leopard Street by adding a 12-month time extension to the special permit time initially approved. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 22. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is a time extension request to extend the time limit of the special permit for an additional 12 months to provide sufficient time for the construction and installation of the crematorium initially approved.

Director Nixon-Mendez presented information on the following topics: aerial overview; subject property at 4001 Leopard Street; zoning pattern; Planning Commission and staff recommendation; public notification; special permit conditions; Unified Development Code (UDC) requirements; and site plan.

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

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

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031855

23.

This item has been rescheduled for October 1, 2019.

~~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.~~

Mayor McComb referred to Item 23 and stated that the item has been rescheduled for the October 1, 2019 City Council meeting.

24. Zoning Case No: 0719-04 Guillermo Munoz. (District 1) Ordinance rezoning property at or near 121 Pueblo Avenue from the "IL" Light Industrial District to the "RM-3" Multifamily Residential District. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 24. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone a property from an "IL" Light Industrial District to the "RM-3" Multi-Family Residential District to allow for the construction of a new single-family home built as part of a grant from the Housing and Community Development Department's HOME Investment Partnership (HOME) Program.

Director Nixon-Mendez presented information on the following topics: aerial overview; subject property at 121 Pueblo Avenue; zoning pattern; Planning Commission and staff recommendation; public notification; Unified Development Code (UDC) requirements; and utilities.

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

A council member, Director of Development Services Nixon-Mendez and Director of Housing and Community Development Rudy Bentancourt discussed the following topics: whether the demolition and reconstruction program is for multi-family developments or only single-family developments; why the rezoning request is for a "RM-3" multi-family development; the advantage of an increased buffer requirement; consistency with adjacent zoning districts; existence of non-conforming zoning use of surrounding properties; the subject property is compliant with a single-family development "RM-3"; the need to be consistent with zoning designation in the area; and a plan proposed to look at rezoning the area.

Mayor McComb closed the public hearing.

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

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

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031856

25. Zoning Case No: 0719-03, Cloudcroft Land Ventures, Inc. (District 5) Ordinance rezoning property at or near 6202 Yorktown Boulevard from the "RM-1" Multifamily District to the "CN-1" Neighborhood Commercial District. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 25. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone a property from the "RM-1" Multifamily District to the "CN-1" Neighborhood Commercial District and allow for the construction of a business center.

Director Nixon-Mendez presented information on the following topics: aerial overview; subject property at 6202 Yorktown Blvd.; zoning pattern; Planning Commission and staff recommendation; public notification; and Unified Development Code (UDC) requirements.

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

Council Member Hernandez 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: 6 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez and Council Member Roy

Absent: 3 - Council Member Hunter, Council Member Molina and Council Member Smith

Abstained: 0

Enactment No: 031857

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 26 - 28)

Mayor McComb referred to First Reading Ordinances, Items 26 - 28.

Council Members, Director of Development Services Nina Nixon-Mendez and City Manager Peter Zaroni discussed the following topics: whether the previous council direction on the water distribution main trust fund regarding Items 26 and 27 impacted these projects; and the balance of the water distribution main trust fund.

Council Member Barrera made a motion to approve Items 26-28, seconded by Council Member Hunter. These ordinances were passed on first reading and approved with one vote.

- 26.** Ordinance authorizing a Water Distribution Main Line Extension Construction and Reimbursement Agreement with Esther Ybarra to extend a line to a planned residential property located at 7541 Weber Road for a term not to exceed 12 months; appropriating \$101,950.24 from the Water Distribution Main Trust Fund to reimburse developer. (District 3)

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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

27. Ordinance authorizing a Water Distribution Main Extension Construction and Reimbursement Agreement with NP Homes LLC to extend lines from Rand Morgan Road and McNorton Road for a planned residential subdivision, for a term not to exceed six months from the execution of the agreement; appropriating \$40,537.20 from the Water Distribution Main Trust Fund to reimburse developer. (District 1)

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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

28. Ordinance authorizing an agreement with Corpus Christi PATCH, Inc. to allow use of portions of Taylor, Mesquite, Starr and Chaparral Streets for the Que Bueno Taco Festival and related activities scheduled for September 14, 2019.

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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 031858

R. BRIEFINGS: (ITEM 30)

30. Water Supply Trigger Point Factors and Recommendations

Mayor McComb deviated from the agenda and referred to Item 30. City Manager Peter Zaroni stated that the presentation and Council dialogue will provide basic policy direction and will help staff move forward with land acquisition permitting. Assistant City Manager Mark Van Vleck stated that the purpose of this item was to present the ongoing effect, factors and recommendations regarding a future water supply and trigger points needed to meet water demands.

Assistant City Manager Van Vleck presented information on the following topics: bottom line for presentation; important questions regarding the need for a new drought-proof water supply; timeline for trigger point development; supply assumptions; supply-demand history; supply takeaways; demand assumptions; supply-demand projection; demand takeaways; financial assumptions; financial assessments; financial takeaways; recommendation; and alternative water supply options.

Council members and Assistant City Manager Van Vleck discussed the following topics: idea of having permits ready and in hand; trigger point levels and comfort factors; current and future desalination permits the City is working on; comparison of different percentages with firm yield; dollars in capital at the different trigger percentages; additional rate impact on users; recommendation of using a 75% trigger point; the financial perspective of using other options, design-build versus a long-term contract to purchase water; when debt service monies become available related to the Mary Rhodes pipeline; and keeping the impact to the rate payer as the number one target.

MOTION OF DIRECTION

Council Member Smith made a motion directing the City Manager to pursue the water development as outlined by staff, which includes financing, land acquisition, pursuit of the permit, and the use of a 75% trigger point in construction calculations, seconded by Council Member Garza.

Council Members and Assistant City Manager Van Vleck discussed the following additional topics: did the motion of direction include looking at other financial options, or having dialogue with other companies regarding long-term purchases of water; and clarification of the initial process, which is to secure the land, secure the permit, secure the funding, then the negotiation process would begin with discussion of all alternative options.

The motion of direction passed with the following vote:

Mayor McComb and Council Members Guajardo, Hernandez, Hunter, Roy, Smith, Barrera and Garza voting "Aye" (Council Member Molina - absent).

S. EXECUTIVE SESSIONS: (ITEMS 31 - 32)

Mayor McComb referred to Executive Session Items 31 and 32. The Council went into executive session at 2:05 p.m. The Council returned from executive session at 3:15 p.m.

31. **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 contractual obligations pursuant to the lease of property to SQH Sports & Entertainment, Inc. near the intersection of State Highway 286 and Weber Road and areas adjacent thereto and use of said property for matters related to a sports complex and related uses, and pursuant to Texas Government Code § 551.072 to discuss and deliberate the lease and value of the aforementioned real property owned by the City in the**

aforesaid locations when deliberation in 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.

- 32. 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 U.S. Environmental Protection Agency and Texas Commission on Environmental Quality regulations regarding minimum dissolved oxygen standards for the Oso Bay and/or parts thereof and related areas, discharge permits for the City's wastewater treatment plants, the regulation of the City's wastewater treatment system and potential litigation and/or consent decree(s) related thereto, and other state and federal regulatory matters related to the discharge and treatment of water and/or wastewater and requests for modification of standards related thereto.**

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Items 31 and 32.

P. RECESS FOR CORPORATION MEETINGS: (ITEM 29)

- 29. Annual Meeting of the North Padre Island Development Corporation**

Mayor McComb recessed the regular Council meeting at 3:16 p.m. to hold a Meeting of the North Padre Island Development Corporation.

Q. RECONVENE COUNCIL MEETING:

Mayor McComb reconvened the regular Council meeting at 3:23 p.m.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

U. ADJOURNMENT

The meeting was adjourned at 3:24 p.m.