



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, June 23, 2020

11:30 AM

Council Chambers

Addendums may be added on Friday.

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

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

B. Invocation to be given by Mayor Joe McComb.

Mayor McComb gave the invocation.

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

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

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

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

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

Note: Council Members Paulette Guajardo, Everett Roy, Roland Barrera and Greg Smith participated by video conference. Council Member Michael Hunter participated telephonically.

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

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

Mayor McComb referred to comments from the public.

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

Oscar Dodier, 130 Watson St.; Sandra Garcia; Sandra Sanchez; Lisa Donica; Zachary Lawson; Melissa Rollins, 3833 S. Staples St.; Kirk Cammarata, 7602 Impala Dr.; and Gary Jaskier, 325 Doddridge St.

The following citizen called in regarding the Big Bang Fireworks Show on July 4, 2020:

Oscar Dodier, 130 Watson St.

The following citizens submitted written testimony in opposition to Item 5:

Darlene Gregory, 1024 Leopard St.; and David Loeb, 425 Del Mar Blvd.

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

Mayor McComb referred to City Manager's Comments. City Manager Peter Zaroni reported on the following topics: 4th of July event task force to manage traffic on the island; sanitation team doubled; additional trashcans; and additional lifeguards.

Director of Public Works Richard Martinez presented information on the

following topics: Park Road 22 traffic plan; traffic plan overview; Park Road 22 at Aquarius traffic plan; traffic volumes; and daily traffic volumes.

Chief of Police Mike Markle presented information on the following topics: supply public safety, enforcement and special operations on the beach; DPS to help out with DWI's; Downtown Big Bang festival plan to clear out traffic quickly; North Beach traffic control; and fireworks enforcement plan.

a. GOVERNMENT ACTIONS RELATED TO CORONA VIRUS

Director of Public Health District Annette Rodriguez presented an update on COVID 19: COVID-19 positive results; COVID-19 testing-lab numbers; drive thru testing; total cases; recovered and deaths; COVID-19 weeks with highest number of cases; new signs and symptoms of COVID-19; I'm positive for COVID-19-now what?; quarantine 14 days to keep spread down; Nueces County-widespread transmission; strategies that work; change behavior to lower risk; no exposure, no risk; and 330,000 deaths globally.

Council Members, City Manager Peter Zanoni and Director of Public Health District Annette Rodriguez discussed the following topics: a Council Member's concern to get test results back quicker; majority of positive cases are community spread; if the patients who are testing positive for COVID-19 are being asked what precautions they are taking; a public outreach website is available; most of the patients who are hospitalized are due to COVID-19; the availability of testing supplies; is Nueces County getting more attention from state and federal due to our positive numbers rising; how soon did the exposure to COVID-19 occur; 150 City employees are self-quarantining; and if someone tests positive for COVID-19 and then recovers, can that person get it again.

G. MINUTES:

1. Regular Meeting of June 16, 2020

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

Aye: 9 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Abstained: 0

H. BOARD & COMMITTEE APPOINTMENTS:

**2. Corpus Christi Downtown Management District (1 vacancy)
Corpus Christi Regional Transportation Authority (5 vacancies)**

Mayor McComb referred to Item 2.

**Corpus Christi Downtown Management District
Council Member Garza made a motion to appoint Krystof Kucewicz, seconded by Council Member Hunter and passed unanimously.**

Corpus Christi Regional Transportation Authority
 Council Member Molina made a motion to reappoint Anne Bauman, Patricia Dominguez, Philip Skrobarczyk, and Matthew Woolbright, seconded by Council Member Hunter. Council Member Barrera abstained. Council Member Hernandez voted no.

Council Member Hunter nominated Eloy Salazar. Council Member Smith nominated Jacob Dryden. Eloy Salazar was appointed with Council Members Garza, Guajardo, Hernandez, Hunter and Molina voting for Eloy Salazar, Mayor McComb and Council Members Roy and Smith voting for Jacob Dryden. Council Member Barrera abstained.

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 3 - 12)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 5, 11 and 12 be pulled for individual consideration.

There were no comments from the Council.

A motion was made by Council Member Garza, seconded by Council Member Molina to approve the Consent Agenda with the exception of Items 5, 11 and 12. The consent agenda was approved with the following vote:

Aye: 9 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Abstained: 0

Consent - Second Reading Ordinances

- 3.** Zoning Case No. 0420-03, Covenant Baptist Church (District 5). Ordinance rezoning property at or near 7001 Williams Drive from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District. Planning Commission and Staff recommend Approval.
This Ordinance was passed on second reading on the consent agenda.
 Enactment No: 032144
- 4.** Ordinance authorizing Developer Participation Agreement with MPM Development, LP, to reimburse developer up to \$874,000 for oversizing required for a master planned water grid main; authorizing Water Grid Main, Water Distribution Main, Wastewater Trunk Main, and Wastewater Collection Line Extension Construction Reimbursement Agreements with MPM Development, LP to install grid mains, water distribution mains, wastewater trunk main, and wastewater collection lines for a planned

residential subdivision with completion within 18 months; appropriating \$154,126.23 from the Water Arterial Transmission & Grid Main Trust Fund, \$16,673.25 from the Water Distribution Main Trust Fund, \$75,706.88 from the Sanitary Sewer Trunk System Main Trust Fund, and \$45,607.42 from the Sanitary Sewer Collection Line Trust Fund to reimburse the developer per the agreements. (District 3)

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

Enactment No: 032145

5. Ordinance authorizing a Professional Services Agreement for design services with Lockwood, Andrews & Newman, Inc. for the North Beach Navigable Canal project in an amount not to exceed \$508,988 for Phase I services which include a determination of the project scope and limits and whether or not the canal will function as a major drainage facility and be navigable, located in City Council District 1, with funding available from financial reserves within the Storm Water Capital Funds.

Mayor McComb referred to Item 5.

Council Members, City Manager Peter Zanoni and Director of Public Works Richard Martinez discussed the following topics: a Council Member's request to postpone this item to revisit finances; a Council Member's concern about utility rates increasing and the unknown impact of COVID-19 on the City's budget; this project will not increase utility rates; a Council Member's concern of how citizens will pay for storm water; storm water is unrelated to the amount of water citizens consume; the City has a budget set aside for this project; and the \$500,000 is not going to cause an increase in taxpayer dollars.

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

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

Nay: 2 - Mayor McComb and Council Member Smith

Abstained: 0

Enactment No: 032146

6. Ordinance amending the Corpus Christi Code to codify the Municipal Court Committee

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

Enactment No: 032147

Consent - Contracts and Procurement

7. Resolution authorizing a three-year service agreement with HACH

Company for the Water Information Management System (WIMS), for a total amount not to exceed \$68,764.60; and the purchase and one-year service agreement for a BioTector Analyzer not to exceed \$124,212.52, for the Water Division of the Utilities Department, effective upon issuance of notice to proceed, with funding in the amount of \$192,977.12 available in the Water Fund.

This Resolution was passed on the consent agenda.

Enactment No: 032148

8. Motion authorizing a three-year license agreement with SHI Government Solutions in an amount of \$197,149.42, to purchase Splunk Security Software for Information Technology Department, effective upon issuance of a notice to proceed, with FY 2020 funding in an amount of \$82,133.14 available in the Information Technology Fund.

This Motion was passed on the consent agenda.

Enactment No: M2020-106

9. Motion authorizing a six-month service agreement with Blastco Texas, Inc. in the amount of \$85,000.00 for the fabrication and installation of a lifting beam used by the Utilities Department at Choke Canyon Dam for crane operations, effective upon issuance of notice to proceed, with FY 2020 funding in the amount of \$85,000.00 available in the Water Fund.

This Motion was passed on the consent agenda.

Enactment No: M2020-107

Consent - Capital Projects

10. Motion authorizing Amendment No. 1 to the professional services contract with Jacobs Engineering Group, Inc., to provide additional professional services to furnish the design, permitting, bid documents and construction phase services for the Cole Park Pier project, located in City Council District 2, in the amount of \$613,055.00 for a total revised contract value not to exceed \$713,055.00, effective upon notice to proceed, with funding approved and available from Bond 2018.

This Motion was passed on the consent agenda.

Enactment No: M2020-108

General Consent Items

11. Resolution amending Financial Budgetary Policies adopted by Resolution 031821 and providing financial policy direction on preparation

of the annual budgets.

Mayor McComb referred to Item 11.

Director of Management & Budget Eddie Houlihan presented information on the following sections of the proposed financial policies: Section 3-General Fund/Working Capital; Section 7-Funding Level from General Fund for Street Maintenance; Section 8-Funding Level from General Fund for Residential Street Reconstruction Fund; Section 10-Funding for Corpus Christi Fire Fighter's Retirement System; Section 18-Capital Improvement Plans/Funding; and Section 23-Budget Controls.

Council Members, Director Houlihan, City Manager Peter Zanoni and Chief Financial Officer Constance Sanchez discussed the following topics: a Council Member's request for clarification of Section 3-General Fund/Working Capital; firefighters do not receive social security; operating dollars are needed for repair and maintenance; the operating budget can be used for capital projects and the capital budget will be customized to the individual project; a Council Member's request for the budget to include the maintenance for projects; a Council Member's request to edit Section 10 to read "fully funded"; the City Manager established a task force to make the firefighters' retirement fund more sound; a Council Member's concern of the verbiage in Section 18 Capital Improvement Plans/Funding; staff's recommendation to increase firefighters retirement to 2-1 matching ratio; the ongoing maintenance type projects should be done through pay as you go to the extent possible; and Council's desire to table the resolution until July 14 to allow staff to prepare amendments to Sections 10 and 18.

Council Member Molina made a motion to table this Item until July 14, 2020, seconded by Council Member Garza. This Item was tabled 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

Q. BRIEFING: (ITEM 18)

18. 2020 Charter Review Ad Hoc Committee - Final Report presented by Chairperson Toby Futrell

Mayor McComb deviated from the agenda and referred to Item 18.

Charter Review Ad Hoc Committee Chairperson Toby Futrell presented information on the following topics: 2020 Charter Review Ad Hoc Committee Report; introduction; methodology; timeline; Proposition #1-Longer staggered council terms combined with single member districts; longer council terms are considered almost every two years, but not brought forward: why?; Recommendation #1: Removing barriers to longer terms; Fast forward to separate, later discussion of single member districts; Proposition #1: single member districts with staggered 4 year council terms; Proposition #3: term limits; interrelated elements of term length, staggered terms, term limits and definition of a term; Proposition #2: Mayor and council compensation;

Proposition #4: Initiative/Referendum signature requirement; Proposition #5: consistent zoning approval; Proposition #6: removing a council member from office; Recommendations; recommendation #1: removing barriers to longer terms; recommendation #2: financial transparency with intra-departmental; budget transfers-recommendation #3: financial transparency with city contracts; and recommendation #4: council staff support.

Council Members, City Attorney Miles Risley, City Manager Peter Zanoni and Chairperson Futrell discussed the following topics: a Council Member's request for more public feedback; Council Members commended Ms. Futrell and staff for the time, energy and effort they put into this research; the language has not been changed in the charter referendum with the police and fire department contracts; a Council Member's concern with the verbiage in Proposition #2 related to compensation on the ballot; if there is a way to tell if the citizens have downloaded the document and read the full report or just read the headline; a Council Member's concern of recommendation #3 regarding purchase order thresholds; the final deadline for ballot language is August 11, 2020; and a Council Member's request for a workshop to finalize the language.

12. Motion approving an incentive agreement in the amount of \$154,227.00 between the Corpus Christi Business and Job Development Corporation and the Community Development Corporation of Brownsville, dba come dream. come build., regarding a potential owner occupancy affordable housing project at 4017 Capitol Drive.

Mayor McComb referred to Items 12, 13 and 14.

Council Members, Assistant City Manager Keith Selman discussed the following topics: what the \$154,227 will fund; what is the definition of affordable housing; and what is the cost per square foot.

Director of Housing/Community Development Rudy Bentancourt presented information on the following topics: Congress Park Affordable Housing Development; background; aerial view; south of subject property; north of subject property; east of subject property; west of subject property; Type A Agreement; potential design; critical path forward; and next steps.

Council Members, City Manager Peter Zanoni, Assistant City Manager Keith Selman and Director of Community Development Corporation of Brownsville Nick Mitchell-Bennett discussed the following topics: if the project costs \$150 per square foot, how much is the developer going to subtract from the selling price to the buyer; the entire amount of money including the land will be used as subsidy; on average each buyer will get about \$46,000 and no buyer will get more than they need; looking at the most affordable mortgage and every dollar that the City is investing will be turned over to subsidize the buyers; a Council Member's concern of using an out of town developer so the bid needs to be better than a local builder; there are no deed restrictions on this particular lot; a Council Member's concern of why this area was picked for affordable housing; and a Council Member's request for the community input before voting on this project.

Council Member Barrera made a motion to table Items 12, 13 and 14 until July 14, 2020, seconded by Council Member Garza. These Items were tabled 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

K. RECESS TO CORPORATION MEETINGS: (ITEMS 13 - 14)

13. Special Board Meeting of the Corpus Christi Community Improvement Corporation regarding a potential owner occupancy affordable housing project at 4017 Capitol Drive.

Refer to Item 12-Tabled until July 14, 2020.

14. Special Board Meeting of the Corpus Christi Housing Finance Corporation regarding a potential owner occupancy affordable housing project at 4017 Capitol Drive and other matters.

Refer to Item 12-Tabled until July 14, 2020.

L. RECONVENE CITY COUNCIL MEETING:

M. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Items 20 and 21.

N. PUBLIC HEARINGS: (NONE)

O. REGULAR AGENDA:

P. FIRST READING ORDINANCES: (ITEMS 15 - 16)

15. Ordinance accepting a \$50,000 grant from the Office of the Governor's Homeland Security Grants Division for FY2021 Local Border Security Program; and appropriating \$50,000 in Police Grants Fund.

Mayor McComb referred to Items 15 and 16.

There were no comments from the Council or the public.

Council Member Molina made a motion to approve Items 15 and 16, seconded by Council Member Garza. 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

16. Ordinance accepting a \$25,000 grant from the Texas Historical Commission Certified Local Government program for the Historic Preservation Plan Update project with a City match of \$25,000; appropriating \$25,000 for City matching funds; and amending the Operating Budget by increasing expenditures by \$25,000.

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

BRIEFINGS: (ITEMS 17 and 19)

17. Proposed Consent Decree with the United States of America and State of Texas providing for the City to take measures to comply with the U.S. Clean Water Act, Texas Water Code, and other environmental laws.

Mayor McComb referred to Item 17.

Director of Water Utilities Kevin Norton presented the information on the following topics: EPA proposed wastewater system consent decree; proposed consent decree; consent decree key takeaways; estimated wastewater rate increase based on 5,000 gallon monthly usage; 15 year estimated expenditures; and annual projected expenditures.

Council Members, City Manager Peter Zanoni and Director Norton discussed the following topics: there is about a 93% reduction in overflows; some of the debt is from prior revenue bonds; the money is coming from a liability account set up from the wastewater fund; there has not been a lot of preventative maintenance in the past; approximately \$100,000 is set aside annually to pay the fines in the consent decree; the increases don't just reflect wastewater, it also includes water, storm water and gas; the storm water rate impact is not readily available; and City Manager Zanoni acknowledged City Attorney Miles Riskey and the legal team for their hard work on this project.

19. Flatiron/Dragados Briefing on the Harbor Bridge Replacement Project

Mayor McComb referred to Item 19.

Public Information Manager with Flatiron/Dragados Lynn Allison and Darrel Chamber presented information on the following topics: US 181 Harbor Bridge Project; agenda; frequently asked questions; safety training and COVID-19 impacts; environmental impacts; environmental quality assurance; quality assurance plan; construction update; operations and maintenance; north and south drainage improvements; project sections; Robstown pre-cast yard; north beach roadworks-US 181 traffic switch; north approach; cable stay bridge footings and towers; south approach column foundation footing; south approach; roadworks; 21 total roadway bridges; Nueces Bay bridge reconstruction; traffic impacts; future traffic patterns; Martin Luther King Drive

opening; project communications; online traffic information; community involvement; and contact us.

Council Members, City Manager Peter Zaroni, Public Information Manager Lynn Allison, Darrel Chamber, Director of Public Works Richard Martinez and Assistant Director of Street Planning Sarah Munoz discussed the following topics: Council Member's request regarding dredging materials; there is no scheduled timeline for the project until the new engineer of record is on board; a Council Member's request for the timeline for when the engineer of record will be on board and concern of the additional cost related to utility relocation; the cap was \$21 million; a Council Member's request for a briefing on traffic study of the off-ramp on the northbound side going into North Beach after the project is complete; it is the City's responsibility to remove the stop sign near "sweeping curve"; and a Council Member's concern of the elevation issue on North Beach.

R. EXECUTIVE SESSION: (ITEMS 20 - 21)

Mayor McComb referred to Executive Session Items 20 and 21. The Council went into executive session at 2:12 p.m. The Council returned from executive session at 3:06 p.m.

- 20. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to sanitary sewer overflows and the City's sanitary sewer system, water system, and/or drainage system and/or potential future litigation involving the U.S. Environmental Protection Agency, State of Texas, and/or U.S. Department of Justice and the potential approval of attorney's fees, expert fees, and expenses for negotiations and/or litigation with the aforesaid entities.

This E-Session Item was discussed in executive session.

- 21. Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the City Charter and potential changes thereto, including, but not limited to questions related to past and/or potential litigation related to the U.S. Voting Rights Act, *Abel Alonzo, et al. v. Luther Jones, et al.*, and other lawsuits and reported appellate cases concerning elections, candidate eligibility, term limits, compensation, initiative, referendum, and other municipal charter related legal issues.

This E-Session Item was discussed in executive session.

S. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. No Items were discussed or identified.

T. ADJOURNMENT

The meeting was adjourned at 6:01 p.m.