



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, October 13, 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 11:32 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 Roland Barrera and Everett Roy 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. 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.

Errol Summerlin, Portland, TX called in regarding Item 20.

F. COUNCIL MEMBER RESIGNATION: (ITEM 1)

1. Motion to accept the resignation of At-Large Council Member Rudy D. Garza, Jr. effective October 13, 2020.

Mayor McComb referred to Item 1.

Council Members, City Manager Peter Zanoni and City Secretary Rebecca Huerta thanked Council Member Garza for his dedicated service to the community.

Council Member Smith made a motion to approve the motion, seconded by Council Member Molina. This Motion was passed and approved with the following vote: (NOTE: Upon passage of the motion accepting Council Member Rudy Garza's resignation, he left the meeting. A vacancy was then created on the City Council. For the rest of the meeting, Council Member Garza will be shown as "Excused" on any votes.)

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

Abstained: 0

Enactment No: M2020-206

G. 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: 1) The purpose of the desalination town hall meetings is to provide the community with more awareness and understanding of desalination. 2) School backpacks were provided by the Police Department and the Housing Authority. 3) A bull riding event fundraiser for military families will be held at the USS Lexington on December 5th. 4) The construction of Staples Street and Kostoryz Road was completed by August 2020.

a. GOVERNMENT ACTIONS RELATED TO CORONA VIRUS

Director of Public Health District Annette Rodriguez presented an update on COVID-19: update of cases in Texas and Nueces County; Health Department daily COVID-19 cases; Nueces County COVID-19 cases by age; COVID-19 reported deaths by day; percent of COVID-19 cases and deaths according to zip codes; school district COVID-19 cases; operation WARP speed vaccine distribution plan; COVID-19 vaccine providers needed; notable updates; possible impact on COVID-19 cases; flu season begun October 2020; get your flu shot today; and re-think Halloween.

H. MINUTES: (ITEM 2)

2. Regular Meeting of September 29, 2020

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

I. BOARD & COMMITTEE APPOINTMENTS: (ITEMS 3 - 5)

3. Resolution waiving City Council Policies 10.2.1(C) and 10.2.1(K) to allow for the appointment of members of the Board of Directors of the Tax Increment Reinvestment Zone Number Five, City of Corpus Christi, Texas.

Mayor McComb referred to Item 3.

Director of Finance Heather Hurlbert presented information on the following topics: staff is requesting to waive City Council policy 10.2.1(K) which will allow for the appointment of the Board for the Tax Increment Reinvestment Zone Number Five (TIRZ #5) within 30 days of an election. In addition, staff is requesting that City Council policy 10.2.1(C) be waived to allow appointments to the board of applicants whose applications were not received 14 days prior to the appointment date.

Council Members, City Manager Peter Zanoni and Director of Finance Heather Hurlbert discussed the following topics: this TIRZ is different from the other TIRZ's in that it was created solely to reimburse the developer with costs for

public infrastructure; the City is requesting to waive the rules in Council policies to allow the developer to start his project before the end of the year; the policies were put in place for specific reasons; if the board is not in place, then the project and financing plan, along with the developer agreement, could not be approved; the developer agreement is the City's commitment to the developer for reimbursable items; every slot on the board will be filled with the exception of the state representative and state senator; this is a developer initiated TIRZ; and the City's tax dollars get reinvested in public infrastructure.

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

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

Nay: 1 - Council Member Hernandez

Excused: 1 - Council Member Garza

Abstained: 0

Enactment No: 032236

4. Appointment of Members to the Tax Increment Reinvestment Zone Number Five Board (5 vacancies)

Mayor McComb referred to Item 4.

Reinvestment Zone No. 5 Board

Council Member Roy made a motion to appoint Council Member Roland Barrera (Agent), Nueces County Commissioner Joe A. Gonzalez (Agent), Planning Director Daniel McGinn (Agent), Finance Director Heather Hurlbert (Agent), and Roberto Santos Williams (Landowner), seconded by Council Member Barrera. The motion passed 7-1 (Garza excused; Hernandez voting no).

Council Member Smith nominated Roland Barrera (Agent) as chairman to serve for the remainder of 2020 and for a one-year term beginning January 1, 2021, seconded by Council Member Molina. The motion carried 7-1 (Garza-excused; Hernandez voting no).

5. Resolution authorizing execution of two Interlocal Cooperation Agreements, one with Nueces County and one with Del Mar College, for participation in the Tax Increment Reinvestment Zone Number Five. (Requires 2/3 vote)

Mayor McComb referred to Item 5.

Director of Finance Heather Hurlbert presented information on the following topics: the participation of Nueces County and Del Mar College in the Tax Increment Reinvestment Zone 5.

There were no comments from the Council.

Council Member Barrera made a motion to approve the resolution, seconded by Council Member Molina. This Resolution was passed 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

Excused: 1 - Council Member Garza

Abstained: 0

Enactment No: 032237

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 6 - 14)

Consent - Second Reading Ordinances

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda.

There were no comments from the Council.

A motion was made by Council Member Guajardo, seconded by Council Member Hernandez to approve the Consent Agenda. The motion carried by 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

Excused: 1 - Council Member Garza

Abstained: 0

- 6. Ordinance to adopt the City of Corpus Christi Water Conservation Plan revised 2020 edition and revising City Code of Ordinances Section 55-150 (a) regarding adoption of revised plan with the addition of an explanation of the Model Industrial Water Conservation Plan and other adjustments updating information.

Mayor McComb referred to Item 6.

A Council Member and Water Resource Manger Steve Ramos discussed the following topics: minor changes were made to the water conservation plan with legal clarification in section 288.7; with regard to questions about leaks, the department will continue to use the best equipment; and the importance of preventative maintenance.

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

Enactment No: 032238

Consent - Contracts and Procurement

7. Motion authorizing the purchase of equipment and two-year service agreement with FarrWest Environmental Supply, Inc., Schertz, Texas, for a total amount not to exceed \$126,371.00, for one Hazmat Detection Portable Device and Onsite Training services for the Corpus Christi Fire Department with FY 2021 funding available from the Fire Grants Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-207

8. Motion authorizing a three-year service agreement with Southern Tire Mart, LLC, of Columbia, Mississippi, in an amount not to exceed \$299,693.10, for tire repair and replacement, and wheel alignment services for fire trucks, ambulances, and other emergency response vehicles for the Corpus Christi Fire Department, with FY 2021 funding available from the General Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-208

9. Motion authorizing a three-year service agreement with CaptionSource, LLC of Boerne, Texas, for a total amount not to exceed \$64,350.00 to provide closed captioning services for City Council meetings and press conferences for citywide emergency situations for the Communication Department, with funding in an amount not to exceed \$21,450.00 available in the FY 2021 General Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-209

10. Motion authorizing a three-year supply agreement with Custom-Crete, LLC, dba Mobile-Crete from Euless, Texas, in an amount not to exceed \$780,600.00 for the purchase of concrete mix for curb and gutter repairs for the Public Works Department Curb & Gutter Replacement Program, with FY 2021 funding available from the Storm Water Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-210

11. Motion authorizing the lease-purchase of 11 replacement trucks

consisting of nine F-550 extended cab with welding body, one F-550 crew cab with canopy service body and one F-450 crew cab with bi-fuel CNG and a canopy body for the Gas Department from Silsbee Ford, Inc., in an amount of \$756,314.00, for Gas Operations, with FY 2021 funding available in an amount of \$75,631.40 in the Gas Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-211

Consent - Capital Projects

12. Motion awarding a construction contract to Grace Paving & Construction, Inc., of Corpus Christi, Texas for the reconstruction of Strasbourg Drive from Riom Street to Grenoble Drive, located in Council District 5, with new asphalt pavement and minor utility improvements for an amount of \$771,644.25 with funding available from Street Bond 2018 Program and FY 2021 Storm Water, Water, and Wastewater Funds. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-212

13. Motion authorizing a professional service agreement with Bath Engineering Corporation of Corpus Christi, Texas for site analysis and investigation and to provide design, bid and construction administration phase services for lighting improvements in the Downtown area in an amount of \$58,393.00, located in City Council District 1, with funding available from the Bond 2018 Street Fund. (Requires 2/3 vote)

This Motion was passed on the consent agenda.

Enactment No: M2020-213

General Consent Items

14. Resolution authorizing a radio tower license agreement with American Towers, LLC, for public safety communications with a 14-year term and three five-year optional renewals at an annual cost of \$76,080.00 plus a share of pro rata site expenses, a payment escalator of 3% annually, and a one-time co-location fee of \$3,000.00. (Requires 2/3 vote)

This Resolution was passed on the consent agenda.

Enactment No: 032239

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session.

M. PUBLIC HEARINGS: (ITEMS 15 - 16)

- 15.** Zoning Case No. 0820-02, JAR Development (District 5). Ordinance rezoning property at or near 7872 Yorktown Boulevard from the “FR” Farm Rural District to the “RS-4.5” Single-Family 4.5 District. (Planning Commission and Staff recommend Approval) (Requires 2/3 vote)

Mayor McComb referred to Item 15.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern; and staff and planning's recommendation.

Council Members, Director Raymond, and Senior City Planner of Development Services Andrew Dimas discussed the following topics: the ingress and egress of this property are off of Yorktown Blvd.; the property to the west is currently going through the platting process and the property to the east has not been submitted yet; Council Members' concern of having only one-way in and one-way out of the property; approximately 200 lots can be developed; Council Members want surety that what happened off of Slough Road does not happen here; and Rancho Vista has three different access roads onto Yorktown Blvd.

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

Mayor McComb closed the public hearing.

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

Excused: 1 - Council Member Garza

Abstained: 0

- 16.** Ordinance authorizing Wastewater Collection Line Construction Reimbursement Agreement with Grangefield Development, LLC for a planned residential subdivision named Grange Park Unit 3 with completion within 18 months; transferring \$140,000 from the Water Arterial Transmission and Grid Main Trust Fund to the Sanitary Sewer Collection Line Trust Fund; and appropriating \$160,164.94 from the Sanitary Sewer Collection Line Trust Fund, to reimburse the developer per the agreement. (District 5) (Requires 2/3 vote)

Mayor McComb referred to Item 16.

Director of Development Services Al Raymond presented information on the following topics: reimbursement agreement; location map; project map; trust

fund balance; and staff's recommendation.

Council Members, Director Raymond and City Manager Peter Zaroni discussed the following topics: this property plat is adjacent to the west of the previous property that was approved; the developer needs to submit how they want to service their property in order to know whether or not the City will get any credit or reimbursement; the current wastewater acreage fee is uncertain; a Council Member's request for the fees to be improved; there is currently not a plat for this property; a Council Member's request for a plat to be provided going forward; the funds are interchangeable among the four trust funds; and there is \$1.9 million available in the 2020 bond program for the Yorktown design.

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

Mayor McComb closed the public hearing.

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

Excused: 1 - Council Member Garza

Abstained: 0

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 17 - 20)

17. Ordinance authorizing acceptance of a grant from the State of Texas, Department of Transportation for the FY 2021 Click It or Ticket Program for the Police Department in an amount of \$15,000.00 with a City cash match of \$4,266.85 for overtime and fringe benefits with funding available from the General Fund; and appropriating \$15,000.00 in the Police Grants Fund. (Requires 2/3 vote)

Mayor McComb referred to Item 17.

Police Chief Mike Markle presented information on the following topic: this grant is in the amount of \$15,000 with a \$4,200 match for overtime and fringe benefits.

There were no comments from the Council.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Hernandez. 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

Excused: 1 - Council Member Garza

Abstained: 0

- 18.** Ordinance authorizing a three-year service agreement for wrecker services for City-owned heavy vehicles and equipment with, DRR & RS Inc., dba Apollo Towing Service, which is determined to be the lowest responsible bidder, for an amount not to exceed \$165,000.00, to be used for towing services, effective upon issuance of notice to proceed, with funding available in the FY 2021 Fleet Maintenance Fund. (Requires 2/3 vote)

Mayor McComb referred to Item 18.

A Council Member, Director of Asset Management Jim Davis and City Manager Peter Zanoni discussed the following topics: this contract is for City-owned vehicles above 19,000 pounds.

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

Excused: 1 - Council Member Garza

Abstained: 0

- 19.** Ordinance amending the Wastewater Collection System Master Plan for the Greenwood Wastewater Treatment Plant, Service Area 5, to phase construction of an 8" force main from a proposed West Point Lift Station; and amending the Comprehensive Plan.

Mayor McComb referred to Item 19.

Assistant Director of Public Works Gabriel Hinojosa presented information on the following topics: aerial overview; master plan overview; master plan detail; master plan amendment; and staff's recommendation.

Council Members, Assistant Director Hinojosa and City Manager Peter Zanoni discussed the following topics: currently this Lift Station is solely servicing the Stripes store at Old Brownsville Road; a Council Member's concern regarding the timing of the Lift Station; the Lift Station will be eligible for reimbursement; and the Greenwood Wastewater Treatment Plant will be the treatment plant for TIRZ #5.

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

Excused: 1 - Council Member Garza

Abstained: 0

20.

Ordinance authorizing the issuance of Utility System Junior Lien Revenue Improvement Bonds, New Series 2020C in an amount not to exceed \$11,425,000; providing for payment and security, by a junior and inferior lien on and pledge of the net revenues of the City's utility system; stipulating terms and conditions for additional revenue bonds; and complying with Texas Water Development Board regulations; for a potential future seawater desalination plant. (Requires 2/3 vote)

Mayor McComb referred to Item 20.

Director of Finance Heather Hurlbert presented information on the following topics: timeline of TWDB loan-SWIFT 2; how the TWDB loan works; and project due diligence.

Council Members, Director Hurlbert, City Manager Peter Zanoni, City Attorney Miles Risley, Director of Water Utilities Kevin Norton and Water Resource Manager Steve Ramos discussed the following topics: if the City didn't have to borrow money from the state, the City would still have to carry some kind of liability depending on how the agreement is arranged; if Council does not approve the \$11.4 million in bonds today, then the City will incur a \$500,000 penalty, along with the cost that the Texas Water Development Board has already incurred; a Council Member's concern that the City is not clear on what the Port is doing and vice versa; the \$11.4 million is for the City to pursue permits; the City and Port meet bi-weekly to discuss the desalination plant; approving this bond today does not obligate the City to move forward with the desalination plant; using groundwater does not make sense financially; a Council Member's request to meet with Director Norton to discuss the groundwater information; a Council Member's concern of the City spending \$14 million without a decision of moving forward on the desalination plant; if the state and other entities don't give the City the permit, then the City cannot move forward with the desalination plant; the City is not legally obligated by receiving a Request for Proposal (RFP), but issuing an RFP is making a good faith statement that they wish to enter into a contract; there has not been a unanimous decision to go forward with the desalination plant; there is no penalty on the \$200 million if the City does not go forward with the desalination plant; there will be about 30 Million Gallons per Day (MGD) of potable water at the Inner Harbor and about 40 MGD at La Quinta; the entire region consumes about 103 to 104 MGD; the \$11.4 million is for the due diligence; and the permits are site specific.

Mayor McComb referred to public comment.

Errol Summerlin, Portland, TX called in and spoke in opposition to Item 20.

Council Members and Director Norton discussed the following topics: this water is potable and available for everyone in the City, it is not industrial water; not one company said they would provide free water; according to the Texas Commission on Environmental Quality (TCEQ), the City of Corpus Christi has had a superior public water system for over three years; and only about 10% of the public water systems in the State of Texas achieve a superior water rating.

Council Member Smith 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: 6 - Mayor McComb, Council Member Barrera, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 1 - Council Member Guajardo

Excused: 1 - Council Member Garza

Abstained: 1 - Council Member Hernandez

P. BRIEFINGS: (NONE)

Q. EXECUTIVE SESSION: (ITEM 21)

Mayor McComb referred to Executive Session Item 21. The Council went into Executive Session at 2:03 p.m. The Council returned from Executive Session at 3:06 p.m.

- 21. 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 a potential lease, license, interlocal agreement, and other legal documents related to the potential placement of the police academy at or near Rodd Field Road and Yorktown Blvd, and pursuant to Texas Government Code § 551.072 to discuss and deliberate the potential lease and/or value of real property to be leased, licensed, or otherwise acquired at or near the aforementioned locations.**

This E-Session Item was discussed in executive session.

R. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Future Agenda Items.

No items were discussed or identified.

S. ADJOURNMENT

This meeting was adjourned at 3:06 p.m.