



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, October 11, 2022

11:30 AM

Council Chambers

Addendums may be added on Friday.

A. Mayor Paulette Guajardo to call the meeting to order.

Mayor Guajardo called the meeting to order at 11:40 a.m.

B. Invocation to be given by Pastor Rob Bailey, Southside Community Church.

Pastor Rob Bailey, Southside Community Church, gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Isabel Martinez, Senior at Foy H. Moody High School.

Isabel Martinez, Senior at Foy H. Moody High School, led the Pledge of Allegiance to the Flag of the United States of America and to the Texas Flag.

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

City Secretary Rebecca 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 Huerta

Note: Council Member Hernandez attended by video conference. Council Member Hunter left at 1:30 p.m. and returned at 2:06 p.m.

Present: 9 - Mayor Paulette Guajardo, Council Member Roland Barrera, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Billy A. Lerma, Council Member John Martinez, Council Member Ben Molina, Council Member Mike Pusley, and Council Member Greg Smith

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

Mayor Guajardo referred to City Manager's comments.

1. [22-1743](#) Stage 1 Drought Restrictions Update

City Manager Peter Zanoni stated that the City is still in stage 1 drought restrictions and enforcements are still in place. The two reservoirs have not reached 50% capacity. There is no significant rainfall expected for the next three months.

Council Members, City Manager Zanoni, and Chief Operations Officer of Corpus Christi Water Michael Murphy discussed the following topics: per city ordinance, water restrictions can be exempted for landscaping and tree planting in new developments; the Corpus Christi Water and Parks and Recreation departments are collaborating on a plan to allow residents to purchase effluent at \$1 per 1000 gallons; in response to a Council Member's concern about the water usage at car washes, staff reported most car washes recycle their water; car washes use less water than washing cars at home; an update on the Mary Rhodes pipeline, including capacity and how the city is managing water; the City will be evaluating the Mary Rhodes Pipeline this year in terms of system integrity and maintenance needs; the City's desalination water rights permit was recently approved by the Texas Commission on Environmental Quality (TCEQ); the City's desalination discharge permit was submitted over two years ago, so staff is hopeful that the permit will be considered by TCEQ in early 2023; in the meantime, staff is still pursuing additional water sources such as aquifer storage and recovery (ASR), effluent and water conservation; and staff thanked the local state delegation for their efforts in placing the city's discharge permit on the TCEQ's docket.

2. [22-1744](#) Recognition of Process Improvement Team - Six Sigma Yellow Belt Certification

City Manager Peter Zanoni recognized City staff who completed the Six Sigma Yellow Belt Certification, a professional development training.

Organizational Development Manager with Human Resources Department Scott Greene recognized the Process Improvement Team who worked extra hours and accomplished goals. He presented information on the following topics: cohort-1; next steps-move to green belt certification; and cohort-2.

3. [22-1745](#) 61st Annual Texas Jazz Festival

City Manager Peter Zanoni announced the 61st annual Texas Jazz Festival would be held on October 14-16, 2022 at Heritage Park. This is the largest jazz festival in the country with free admission. The itinerary can be found on the website at www.texasjazz-fest.org.

4. [22-1746](#) Recognition of Breast Cancer Awareness Month

In recognition of Breast Cancer Awareness Month, City Manager Zanoni highlighted two programs as follows: onsite mobile mammogram screenings will be provided to participants in city's health plan October 18 - 20 at various city facilities; and the Real Men Wear Pink initiative.

F. PUBLIC COMMENT

Mayor Guajardo opened the public comment period at 12 p.m.

Ted Mandel, 15306 Key Largo Court, thanked Council Member Smith for his service, spoke regarding a second bridge to the Island, and promoted the Corpus Christi

Airport's Fly Local initiative, which could result in new air service opportunities for the city if more citizens participate.

Shirin Delsooz, 6030 Tapestry Dr., spoke regarding protected bike paths in Corpus Christi.

G. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. CONSENT AGENDA: (ITEMS 5 - 18)

Approval of the Consent Agenda

Mayor Guajardo referred to the Consent Agenda. Council Members pulled items 11 and 17 for individual consideration.

A motion was made by Council Member Molina, seconded by Council Member Barrera to approve the Consent Agenda with the exception of Items 11 and 17. The motion carried by the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

5. [22-1736](#) Approval of the September 20, 2022 Regular Meeting Minutes

The Minutes were approved on the consent agenda.

Consent - Second Reading Ordinances

6. [22-1490](#) Case No. 0822-02 Corpus Christi Capital Group, LLC (District 1): Ordinance rezoning property at or near 6255 Interstate Highway 37, located along the east side of Corn Products Road, south of Interstate Highway 37, and north of Leopard Street from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit. (Planning Commission and Staff recommended approval of the zoning change from the "CG-2" General Commercial District to the "CG-2/SP" General Commercial District with a Special Permit)(Requires 2/3 Vote)

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

Enactment No: 032878

7. [22-1436](#) Ordinance authorizing a Wastewater Line License Agreement with NVA Doddridge Veterinary Management, Inc, ("Licensee") to install a private wastewater force main system through City property and easements for development of proposed Veterinary Clinic (Requires 2/3 Vote)

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

Enactment No: 032879

8. [22-1387](#) Ordinance authorizing a Wastewater Line License Agreement with VLM Greenwood, LLC, ("Permittee") to install a private wastewater collection system through a public drainage easement for development of proposed office/warehouse project.(Requires 2/3 Vote)

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

Enactment No: 032880

9. [22-1477](#) Ordinance authorizing the acceptance of a grant from the Coastal Bend Regional Advisory Council in the amount of \$6,011.00 to purchase Emergency Medical Services supplies and equipment for the Corpus Christi Fire Departments' Emergency Medical Services operations; and appropriating \$6,011.00 into the Ambulance Grant Fund. (Requires 2/3 Vote)

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

Enactment No: 032881

10. [22-1519](#) Ordinance authorizing acceptance of a grant from the State Farm Good Neighbor Program in the amount of \$5,000.00 for the purchase of educational and preventative safety supplies for the Corpus Christi Fire Department's Fire Prevention Education Program; and appropriating \$5,000.00 in the Fire Grants Fund. (Requires 2/3 Vote)

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

Enactment No: 032882

11. [22-1572](#) Ordinance authorizing execution of all documents necessary to accept, amend, and appropriate an Emergency Connectivity Fund Grant from the Federal Communications Commission for FY2022-FY2023; appropriating \$2,450,000 into the Library Grant Fund to provide hot spot devices for qualifying persons in the City of Corpus Christi; authorizing the City Manager or his designee to execute a contract with T-Mobile USA, Inc. to provide the wireless service plans and hot spot devices.(Requires 2/3 Vote)

Mayor Guajardo referred to Item 11.

Council Member Smith said he pulled the item because it is good news.

Assistant Director of Library Technology Alan Carlos said the 5,000 hot spots will be distributed to the community for educational purposes and opportunities for the workforce.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Barrera. This Ordinance was passed on second reading and approved with the

following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032883

12. [22-1582](#) Ordinance appropriating \$125,000 from an increase in the Infectious Disease Prevention and Control Unit-COVID (IDCU-COVID) Grant Program administered by the Department of State Health Services (DSHS) for the period September 1, 2022, through August 31, 2024 for activities to provide COVID-19 epidemiologic and surveillance response activities and laboratory response network activities; and amending the operating budget.(Requires 2/3 Vote)

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

Enactment No: 032884

13. [22-1596](#) Ordinance appropriating \$24,100 from an increase in the Women, Infant and Children's Nutrition Program (WIC) grant for the period of October 1, 2021, through September 30, 2022; and amending the operating budget.(Requires 2/3 Vote)

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

Enactment No: 032885

Consent - Contracts and Procurement

14. [22-1435](#) Resolution authorizing a five-year service agreement with Rotork Controls, Inc., of Houston, for the purchase of six replacement actuators, preventative maintenance, repairs, and parts for various wastewater treatment plants, in an amount not to exceed \$221,468.96, with FY 2023 funding of \$89,291.10 from the Wastewater Fund.(Requires 2/3 Vote)

This Resolution was passed on the consent agenda.

Enactment No: 032886

15. [22-1563](#) Motion authorizing the purchase of one mobile Turbo Blower with Controls Assembly from Lone Star Blower of Houston, for an amount not to exceed \$84,900.00, for Corpus Christi Water, with FY 2023 funding from the Wastewater Fund. (Requires 2/3 Vote)

This Motion was passed on the consent agenda.

Enactment No: M2022-152

Consent - Capital Projects

16. [22-1653](#) Motion awarding a construction contract to JE Construction Services, LLC., Corpus Christi, Texas, for reconstruction of Wooldridge Road from Everhart Road to Cascade Drive with new asphalt pavement and utility improvements, a Bond 2018 project located in Council District 5, in an amount of \$2,532,046.00 with FY 2023 funding available from the Bond 2018 Proposition A, Storm Water, and Water Capital Funds.(Requires 2/3 Vote)

This Motion was passed on the consent agenda.

Enactment No: M2022-153

17. [22-0541](#) Motion awarding a construction contract to South Texas Building Partners (STBP) Inc., Corpus Christi, Texas, for the Art Center of Corpus Christi repairs and improvements, in an amount of \$2,268,872.00 with funding available from the Type A/B Sales Tax Fund.(Requires 2/3 Vote)

Mayor Guajardo referred to Item 17.

Council Members, Director of Engineering Services Jeff Edmonds, and City Manager Peter Zaroni discussed the following topics: the scope of the project was to evaluate the building for structural deficiencies; Council Members reported additional concerns such as the lack of electrical plug-ins for food trucks and a malfunctioning speaker system, and the lack of a tenant for the onsite restaurant; the leadership team is developing a Master Plan for the Art Center and could incorporate improvements into the next bond program; in response to a Council Member's concern about spending \$2M on this project, staff stated the city owns the building and needs to protect its asset, the improvements are being funded out of the seawall sales tax; portions of the roof will be replaced as well; and Council requested an update on the Art Center from the executive director/board.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: M2022-154

General Consent Items

18. [22-1729](#) Resolution authorizing the submission of a grant application for planning services through the use of funding under the U.S. Department of Transportation Reconnecting Communities Pilot (RCP) Grant Program in an amount of up to \$2,000,000 and a City cash match of up to \$400,000.

This Resolution was passed on the consent agenda.

Enactment No: 032887

J. RECESS FOR LUNCH

Mayor Guajardo recessed the Council meeting for lunch at 1:34 p.m. Executive Session Items 26 and 27 were held during the lunch recess. Mayor Guajardo reconvened the meeting at 2:27 p.m.

K. PUBLIC HEARINGS: (ITEMS 19 - 20)

19. [22-1489](#) Case No. 0622-02, Diamond Beach Holdings (District 4): Ordinance rezoning property at or near 14353 Commodores Drive, located along the south side of Commodores Drive, north of Whitecap Boulevard, and west of South Padre Island Drive from the "RS-4.5 Single-Family 4.5 District, "RS-6" Single-Family 6 District, "CR-2" Resort Commercial District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development Overlay; Providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommended approval)(Requires 2/3 Vote)

Mayor Guajardo referred to Item 19.

Assistant Director of Development Services Nina Nixon-Mendez presented information on the following topics: zoning and land use; master site plan; proposed development overview; parks and open space plan; phasing plan; short-term rentals map; PUD sectors; sector plan; Sector 1 PUD deviations; Sector 2 PUD deviations; Sector 3 PUD deviations; roadway plan overview; roadway type 1; roadway type 2; roadway type 3; roadway type 4; public notifications; and analysis and recommendation.

Council Members, Assistant Director Nixon-Mendez, and Vice President of LJA Engineering Jeff Coym (representing the applicant) discussed the following topics: approximately 632 single-family lots will be added; the traffic study was comparable to the Schliterbahn traffic study; the developer is requesting that "define noise and visual separation from proposed short-term rentals" be removed from the ordinance; there has been public outreach with respect to this project; and the importance of providing alternate routes off the Island; and the Metropolitan Planning Organization (MPO) is planning projects to add two lanes to SH 361 and add an alternative bridge system.

Mayor Guajardo opened the public hearing.

Developer with Ashlar Development Company Steve Yetts stated that he is honored to be a part of this project.

Mayor Guajardo closed the public hearing.

A Council Member and Mr. Yetts discussed the following topics: the amount of dirt that will be moved is about one million yards for the canal construction, which is more than halfway complete.

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

Council Member Pusley made a motion to amend the ordinance to remove "define noise and visual separation from proposed short-term rentals" from Section 2, Subsection 1 of the ordinance, seconded by Council Member Smith and passed unanimously.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

20. [22-1624](#) Case No. 0622-03 Amidon Holdings (District 4): Ordinance rezoning a property at or near 2101 Laguna Shores Road, located along the east side of Laguna Shores Road, and south of Lola Johnson Road from the "RS-6" Single-Family 6 District to the "CR-1" Resort Commercial District; Providing for a penalty not to exceed \$2,000 and publication. (Planning Commission and Staff recommend approval)(Requires 2/3 Vote)

Mayor Guajardo referred to Item 20.

Assistant Director of Development Services Nina Nixon-Mendez presented information on the following topics: site image; zoning and land use; public notification; analysis and recommendation; and planning commission and staff recommend approval.

Mayor Guajardo opened the public hearing.

There were no comments from the Council or the public.

Mayor Guajardo closed the public hearing.

Council Member Smith 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: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

L. INDIVIDUAL CONSIDERATION ITEMS: (ITEMS 21 - 22)

21. [22-1679](#) One-Reading Ordinance amending Chapter 14, Article V of the Code of

Ordinances to adopt the following three items, the updated minimum National Flood Insurance Program (NFIP) requirements; the new Flood Insurance Study (FIS); and the new effective Flood Insurance Rate Maps (FIRMs).

Mayor Guajardo referred to Item 21.

Interim Director of Public Works Gabriel Hinojosa presented information on the following topics: what is National Flood Insurance Program (NFIP); NFIP regulations; Corpus Christi ordinance updates; FEMA Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS) adoption; Community Rating System (CRS); flood insurance policies; benefits of higher standards; garages; and staff recommends approval.

Council Members, Interim Director Hinojosa, Floodplain & Coastal Protection Manager of Public Works Kathleen Chapa discussed the following topics: about 80% of the community will be paying higher flood premiums; individuals who are under a federally backed mortgage will now be mandated to purchase flood insurance; and approximately 688 citizens in Corpus Christi will be affected by this change.

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

Aye: 7 - Mayor Guajardo, Council Member Barrera, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 1 - Council Member Hernandez

Enactment No: 032888

- 22.** [22-0957](#) Resolution awarding a construction contract to Clark Pipeline Services, LLC for the reconstruction of Leopard Street from Crosstown Expressway to Palm Drive, a Bond 2012 project located in Council District 1, with a 4-lane roadway and a partial continuous left turn lane with new asphalt pavement and utility improvements in an amount of \$7,829,874.22 with funding available from the Street Bond 2012 and FY2023 Storm Water, Wastewater, Water and Gas, and remaining amount to be budgeted in FY2023. (Requires 2/3 Vote)

Mayor Guajardo referred to Item 22.

Director of Engineering Services Jeff Edmonds stated that this item is awarding a construction contract for one of the last remaining Bond 2012 projects. This project is on hold due to the delay of the Harbor Bridge project. The City is partially certifying the funds for this project with \$1M shortfall. This project will take about 18 months or more to complete.

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

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: 032889

M. FIRST READING ORDINANCE: (ITEM 23)

23. [22-1717](#) Ordinance appointing Douglas K. DeFratus, William Holt Feemster, Mariana Garza, and Mario A. Olivarez as part-time judges of the Municipal Court of Record in the City of Corpus Christi; determining salary; providing a term of office; and declaring an effective date, as recommended by the Municipal Court Committee.

Mayor Guajardo referred to Item 23.

Mayor Guajardo opened public comment.

There were no comments from the Council or the public.

Mayor Guajardo closed public comment.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

N. BRIEFINGS: (ITEMS 24 - 25)

24. [22-1685](#) Council Update from Port Commissioner Appointees at approximately 1:00 PM.

Mayor Guajardo referred to Item 24.

Port Commissioner David Engel responded to Council Member's questions as follows: the Port approves their budget in December; the Port budgeted just over \$1M last year for state and federal lobbyist; the Port will adopt a legislative agenda for 2023 at the next commission meeting; the Port has a Memorandum of Understanding (MOU) with Howard Energy; the Port's budget for land acquisitions last year was \$80M; and the total number of Port related jobs provided by Nueces County and San Patricio County is approximately 90,000 to 100,000.

Port Commissioner Gabe Guerra presented information on the following topics: Harbor Island Desalination-permit status; La Quinta Desalination-permit status; and Corpus Christi Ship Channel Improvement Project.

Council Members, Port Commissioners Engel and Guerra discussed the following topics: the Port is working to address concerns raised by the Environmental Protection Agency (EPA) regarding the Texas Commission on Environmental Quality (TCEQ) process; and the Port currently has not done anything to work out the cost for the desalination plant on Harbor Island.

25. [22-1730](#) Update on the Municipal Court Case Load Progress as presented to the City Council Municipal Court Committee on September 29, 2022

Mayor Guajardo referred to Item 25.

Municipal Court Judge Jackie Del Llano Chapa and Director of Municipal Court Gilbert Hernandez presented information on the following topics: briefing on status and accomplishments; changes to ordinance violations; case scheduling; August case action; September case action; filed cases vs. cases closed; changed to payment plans; warrant resolution month; annual gross revenues; and annual net revenues.

Council Members, Judge Del Llano Chapa, and Director Hernandez discussed the following topics: Council Members commended Judge Chapa and Director Hernandez for their great work and successful changes; statistical information regarding violations by corporations will be provided to Council; and the net revenue budget was exceeded by over \$2M.

O. **EXECUTIVE SESSION: (ITEMS 26 - 27)**

Mayor Guajardo referred to Executive Session Items 26 and 27. The Council went into Executive Session at 1:34 p.m. The Council returned from Executive Session at 2:27 p.m.

26. [22-1727](#) **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 Leopard Street and rules, provisions, requirements, and programs of the Texas Department of Transportation relating to the potential transfer of land and rights-of-way under and adjacent said street to the City and **Texas Government Code § 551.072** to discuss and deliberate the potential purchase, exchange, and/or value of the aforementioned areas of real property 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. See Item 22 for related action.

27. [22-1728](#) **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 Municipal Court Judges and **Texas Government Code § 551.074** (personnel matters) to deliberate the appointment, employment, evaluation, reassignment, or duties of a public officer or employee (part-time Municipal Court Judges).

This E-Session Item was discussed in executive session. See Item 23 for related action.

P. ADJOURNMENT

There being no further business, Mayor Guajardo adjourned this meeting at 3:19 p.m.