



# City of Corpus Christi

1201 Leopard Street  
Corpus Christi, TX 78401  
cctexas.com

## Meeting Minutes

### City Council

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Tuesday, September 24, 2019

11:30 AM

Council Chambers

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**Addendums may be added on Friday.**

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

Mayor McComb called the meeting to order at 11:33 a.m.

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

Deacon Fred Castillo gave the invocation.

**C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by David Lehfeldt, Interim Director, Solid Waste Services.**

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

**E. Proclamations / Commendations**

1. Proclamation declaring September 28, 2019, "Coastal Bend Walk 'n Roll Celebration for Disability Awareness Day".  
Proclamation declaring October 1, 2019, "National Night Out".  
Proclamation declaring October 18, 2019, "Coastal Bend Day of Pink".  
Proclamation declaring October 2019, "National Childhood Cancer Awareness, 'Heroes in Disguise' Month".  
Commendation for Astros, International Westside (IWS) Shetland Baseball, Corpus Christi, Texas.

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Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

Mayor McComb presented the proclamations, the commendation and conducted the swearing-in ceremony.

- F. PUBLIC COMMENT - APPROXIMATELY 12:00 P.M.** 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. This is a public hearing for all items on this agenda.

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

Malachy McGreevy, 210 S. Alameda St., spoke regarding intervention related to homelessness in relation to Item 5. Tony Reyes, Director/Founder of Mission 911, spoke regarding services offered by his organization in relation to homelessness and in support of Item 5. Kristy Jackson, 14937 Dasmarrinas, spoke regarding the Veterans' Suicide Prevention Summit on October 1, 2019 from 8:30 a.m. - 11:00 a.m. at Del Mar's Economic Development Center, Room 106. Victor Pfan, 920 Park Ave.; Bibi Dalrymple, 2925 Denver Ave.; Judith Reader, 213 Graham Rd.; Larry Jordan, 213 Graham Rd.; Susie Luna Saldana, 4710 Hakel; and Carrie Robertson Meyer, 4401 Gulfbreeze Blvd., spoke in support of Item 5. Angela Leach, 5014 Lethaby Dr.; Sylvia Campos, 4410 Fir St.; Julie Rogers, 710 Furman Ave.; Mimosa Thomas, 710 Ponder; Ray Madrigal de Pancho Villa, 4253 Dody St.; Ryan Hanisch, 334 Southern St.; Rozan Garcia; and Sister Rosa Maria Ortiz of the Incarnate Word and Blessed Sacrament spoke in opposition to Item 5. Patty Clark, 6714 Sahara, Chief Executive Officer of Metro Ministries, spoke regarding free services available through Metro Ministries. Rob Bailey, 4602 Jarvis St., Ethics Commission Member, thanked Senior Assistant City Attorney Lisa Aguilar for her work on Ethics Commission related matters. Margareta Fratila, 3606 Tripoli Dr., spoke regarding investment in and the economic impact of North Beach. Jenny Cantu, 1546 S. Brownlee Blvd., with the Nueces Center for Mental Health and Intellectual Disabilities (NCMHID), spoke regarding services offered by NCMHID to individuals who are homeless.

**G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:**

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

**a. OTHER**

- 1) The City will soon have a three-person homelessness and affordable

housing team; Mr. Zanoni introduced graduate student Emily Schaffer who will be on the team; and that the City is collecting responses from Mayor McComb's recent letter to agencies who serve individuals who are homeless regarding the services each of those agencies offers. 2) The City recently received an upgraded bond rating which results in a lower cost of debt and has resulted in substantial savings on recently issued Utility System Junior Lien Debt. 3) The Airport recently received a grant from the United States Department of Transportation / Federal Aviation Administration to upgrade asphalt aprons to concrete. 4) City Manager Zanoni provided an update on the construction of Everhart, between South Padre Island Drive and Holly Road; wastewater improvements; the relocation of related bus stops; and that the City will send affected businesses regular e-mail updates during construction. 5) Update sessions between the City Council and City-appointed Port Commissioners will continue, on a quarterly basis, with the next one scheduled for November 2019; and that a Port Commissioner's term is expiring December 31, 2019. 6) City Manager Zanoni will be meeting with the mayor, mayor pro tem and city manager of Port Aransas to develop a strong and beneficial working relationship. 6) Director of Communication Kim Womack was recognized as having completed the Master of Public Information Officer certification program through the Federal Emergency Management Agency / United States Department of Homeland Security.

H. **MINUTES:**

2. Regular Meeting of September 17, 2019 and Special Meeting of September 6, 2019.

Mayor McComb referred to approval of the minutes. A motion was made by Council Member Garza, seconded by Council Member Guajardo, that the Minutes be passed. The motion carried by a unanimous vote.

I. **BOARD & COMMITTEE APPOINTMENTS: (NONE)**

J. **EXPLANATION OF COUNCIL ACTION:**

K. **CONSENT AGENDA: (ITEMS 3 - 4, 6 - 7, 9 - 15 and 17)**

**Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. Council members requested that Items 5, 8, and 16 be pulled for individual consideration.

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

3. Ordinance amending the Unified Development Code pursuant to the annual review process to allow automated carwashes in Neighborhood Commercial zones with limitations, allow heavy vehicles service as accessory use for vehicle sales with limitations, allow aggregate storage at plant retail with limitations, allow crematorium at funeral homes with limitations, apply above ground fuel storage maximum for water-oriented accessory use to all commercial districts except neighborhood commercial and office neighborhood zones, require a minimum side yard of not less than 10 feet, or less than adjacent lot's front or rear yard for corner lots, allow townhomes in Multifamily 3 Districts, remove minimum site area requirement for townhome district, clarify accessory building structures total square footage limitation of 50% of the main principal structure total square footage, and allow administrative adjustment for minimum setback under certain conditions; and providing for penalty.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031877
4. Ordinance amending the Unified Development Code in response to Texas Legislative changes to modify definition of industrial housing, modify historic landmark or Historic Overlay District designation regulations including consent and notice requirements, modify zoning board of adjustment regulations including reducing the time to appeal, and eliminate building material requirements for cottage housing, facades, roofs, and island overlay; and providing for penalty.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031878
6. Ordinance authorizing five-year concession and lease agreements for on-airport rental car services with Coastal Bend Rent-A-Car, Inc. dba Avis Rent A Car and South Texas Auto Rental Services, LLC dba Budget Rent A Car; EAN Holdings, LLC, dba Enterprise Rent-A-Car; EAN Holdings LLC, dba, Alamo Rent-A-Car and National Car Rental; Hertz Corporation dba Hertz; and DTG Operations, Inc., dba Dollar Rent a Car and Thrifty Car Rental in consideration for the greater amount of a concession fee equal to 11% of each concessionaire's annual gross revenues or the minimum annual guarantee amount defined in the agreement.
- This Ordinance was passed on second reading on the consent agenda.**
- Enactment No: 031880
7. Ordinance amending and increasing Fiscal Year 2019 revenue and expenditure appropriations in the Stores Fund by \$1,200,000.00 each - from \$2,800,000 to \$4,000,000 - for increased purchases of merchandise in the City's Warehouse.

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

Enactment No: 031881

9. 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 second reading on the consent agenda.**

Enactment No: 031883

10. Motion authorizing a one-year service agreement for an amount not to exceed \$2,500,000.00, with stHealth Benefit Solutions, LLC, dba Stealth Partner Group and Sun Life Assurance Company of Canada, to provide stop loss coverage for the City's self-funded employee health benefits, beginning October 1, 2019 to September 30, 2020, with funding available in the FY 2020 Fire, Police and Citicare Employee Health Funds.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-149

11. Motion authorizing a purchase from Caldwell Country Chevrolet for three 2020 Chevrolet Sparks to be used for Solid Waste Code Compliance inspectors, in an amount not to exceed \$57,085.15, effective upon issuance of a letter of acceptance, with funding available in the Fleet Maintenance Service Fund.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-150

12. Motion authorizing a purchase from Rush Truck Centers of Texas, L.P. of two Peterbilt 520 chassis with New Way side loading refuse trucks, for Recycling and Refuse Collection Division of Solid Waste Services for vehicle replacement in an amount not to exceed \$681,394.00, effective upon issuance of a letter of acceptance, with funding available in the General Fund FY 2019 Solid Waste Services Operating Budget.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-151

13. Motion authorizing a lease-purchase from Rush Truck Centers of Texas, L.P., for the purchase of six Peterbilt 520 chassis with New Way side loading refuse trucks for Recycling and Refuse Collection Division of

Solid Waste Services for vehicle replacement in an amount not to exceed \$2,270,890.11, effective upon issuance of a letter of acceptance, with the first-year funding in the amount of \$453,978.00 available in the General Fund, beginning in Fiscal Year 2020.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-152

14. Resolution authorizing a three-year service agreement with Franklin Energy Services, LLC for the WaterWise™ Education Program, a water and energy efficiency education program for 5th grade students in the Corpus Christi Independent School District beginning in the academic school year of 2019-2020, for an amount not to exceed \$26,400.00 for the first year, and \$21,900.00 each year for the following two years for a grand total not to exceed \$70,200.00, effective upon issuance of notice to proceed, with the first-year funded through the Water Fund.

**This Resolution was passed on the consent agenda.**

Enactment No: 031884

15. Motion awarding a construction contract to Terrapure Environmental (Environmental Solutions) of Tonawanda, New York for dredging, dewatering, and disposal of residuals from O.N. Stevens Water Treatment Plant (ONSWTP) Lagoons 5 and 6, in City Council District 1, in the amount of \$1,799,550, effective upon issuance of notice to proceed, with funding approved and available in Water Operating Budget.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-153

17. Motion awarding a contract to Grace Paving and Construction, Inc. for the Minor Street Improvement Indefinite Delivery/Indefinite Quantity (IDIQ) program for an amount up to \$4,600,000 for the base year with two (2) optional one-year administrative renewals for a total contract value up to \$13,800,000, upon issuance of notice to proceed with funding approved and available from the Street Operating budget and Capital Improvement Program budget.

**This Motion was passed on the consent agenda.**

Enactment No: M2019-155

5. Ordinance amending Chapter 36 of the City Code to add section 36-14 to prohibit lying down, smoking, vaping, eating, and possessing blankets, pillows, mattresses, cardboard, tarps, sleeping bags, bedding, stoves, cooking devices, shopping carts, wagons, within Blucher Park; changing closing time from 10:00pm to 8:00pm for said park; and providing for

finer.

Mayor McComb referred to Item 5.

Council members discussed the following topics: the length of time Item 5 has been worked on; deed restrictions from the original grantor; the reversion clause in the deed; the history of the conveyance of the Memorial Hospital property; a contractual / legal obligation to protect Blucher Park; that the proposed ordinance bans behavior, not people; having compassion for individuals who are homeless; homeless individuals' access to safe living conditions; and the creation of a homeless initiative within the City.

Council Member Molina made a motion to table the ordinance, which died for lack of a second.

Council members discussed the following additional topics: a council member having been homeless during his lifetime; the shame of homelessness; that the proposed ordinance is specific to Blucher Park; encouraging donation of time and money to homeless organizations; that Blucher Park is more a nature preserve than a park; the need to make progress on homeless issues; mental health issues related to homelessness; requests made to council members by the public to table this item; the need for a road map on homeless issues moving forward; past discussion regarding the location of agencies that serve the homeless and regarding panhandling; current outreach efforts by agencies who serve homeless individuals; the upkeep of Blucher Park and its use as a bird sanctuary; and low-cost housing.

Mayor McComb called for comments from the public. Karen Smith, President of the Audubon Outdoor Club, complimented the City's Parks and Recreation Department for their work at Blucher Park; and spoke regarding the expiration of the original deed and how Blucher Park is different from other City parks. Mimosa Thomas, 710 Ponder, spoke regarding postponing a vote on this ordinance; questioned the urgency to pass this ordinance now; homeless individuals not having a safe place to go; requested time to work on a solution so no person is endangered by this ordinance; and the very limited outreach made by the City during the development of this proposed ordinance.

Council Member Roy made a motion to approve the ordinance, seconded by Council Member Smith. This Ordinance was passed on second 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

Enactment No: 031879

## **L. RECESS FOR LUNCH**

Mayor McComb deviated from the agenda and referred to Recess for Lunch. The Council recessed for lunch at 1:46 p.m. The Council returned from its recess for lunch at 2:20 p.m.

**K. CONSENT AGENDA: (ITEMS 8 & 16)**

8. 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)

Mayor McComb referred to Item 8.

Council members, Utilities Department Engineer V Gabriel Hinojosa, Development Services Department Contract / Funds Administrator Michael Johnston, City Attorney Miles K. Risley and Director of Development Services Al Raymond discussed the following topics: a previous exemption from wastewater request for this property; that the subject property is not in any master planned area nor is an extension of wastewater to the area currently planned; requirements to petition for a waiver of wastewater fees; proximity of the nearest wastewater lift station; that the proposed water distribution main line extension will encourage development in the area of the subject property; availability of wastewater in the area of the subject property; the distance, within which, the Unified Development Code (UDC) requires connection to City water and wastewater; offsite reimbursement as specified in the UDC; encouraging development in a crash zone adjacent to an airfield runway; Air Installation Compatible Use Zones (AICUZ) in relation to zoning of the subject property; how the water reimbursement is collected for this particular type of scenario and changes related to interpretation; what a purpose clause is and its purpose in relation to an ordinance; Council's discretionary authority to enter into the proposed agreement; the need to address the fairness, equitableness and consistency of managing requests for reimbursement from Trust Funds; fire service protection for the subject property; industrial sites near the subject property; development of residential property near the nearby airfield; and buying out lands near the airfield.

Mayor McComb called for comments from the public. Chip Urban, 2725 Swantner, with Urban Engineering, spoke regarding the criteria to meet when requesting reimbursement from the Trust Fund and that the subject request for reimbursement for the water line does not meet the intent of the ordinance. Murray Bass, 3054 S. Alameda, with Bass-Welsh Engineering, spoke regarding fees paid related to small- and large-tract subdivisions; what some property owners receive / do not receive in exchange for paying fees; that approval of this item will make City water available for future development of the area; the definition of a "developer" in the UDC and developers' ability to access Trust Fund monies; and achieving consistency and accountability related to the accessing of monies in the Trust Fund.

A council member discussed whether this Item meets the criteria for reimbursement from the City's Trust Funds and meeting with the local builders' association in relation to developing a plan for accessing Trust Fund monies.

Council Member Barrera made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on second 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

Enactment No: 031882

- 16.** Motion awarding a contract to A. Ortiz Construction & Paving, Inc. for reconstruction of seven (7) residential streets with asphalt pavement and underground utility improvements in the amount of \$5,883,387.45, effective upon issuance of notice to proceed, with funding available from the Residential Street Reconstruction Fund. The Residential Street Reconstruction Project (RSRP) will impact City Council Districts 1, 4 and 5.

**Mayor McComb referred to Item 16.**

**Council members and Director of Engineering Services Jeff Edmonds discussed the following topics: timeline and how work will be undertaken; the impact on residents; a plan for construction packages so that small contractors have an opportunity to bid; a council member's request that certain streets in City Council District 5 be included; and the linear distance of work to be completed.**

**Council Member Hernandez made a motion to approve the motion, seconded by Council Member Hunter. This Motion was passed 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

Enactment No: M2019-154

**M. PUBLIC HEARINGS: (ITEM 19)**

**Mayor McComb referred to Public Hearings. City Secretary Rebecca L. Huerta announced that Item 18 would be considered under First Reading Ordinances.**

- 19.** Ordinance amending the Urban Transportation Plan map of MobilityCC, a transportation element of the City's Comprehensive Plan, to remove the extension of Carroll Lane from Wickersham Drive to Kostoryz Road on the south/east side of the Kostoryz/Carroll Drainage Ditch as requested by Corpus Christi Independent School District and related to the development of a new high school campus. (Council District 3)

**Mayor McComb deviated from the agenda and referred to Item 19.**

**Director of ESI and Planning Daniel McGinn stated that the purpose of this item to to amend the Urban Transportation Plan by removing a portion of the proposed Carroll Lane collector street on the site of a proposed new high**

school.

Director McGinn presented information on the following topics: subject area; current transportation plan, proposed amendment; strategic plan for active mobility; site development plan; traffic signal spacing issues; and recommendation.

Mayor McComb opened the public hearing. Rolando Garza, 8200 Leopard St., spoke regarding proper planning for development of the area; and the City independently evaluating potential traffic congestion issues.

A council member stated that the Planning Commission and the Transportation Advisory Commission recommend approval.

Mayor McComb closed the public hearing.

Council members and Director McGinn discussed the following topics: the validity and accuracy of Corpus Christi Independent School District's (CCISD) past traffic analyses; access to the proposed campus from two streets versus from three streets, including from Kostoryz; the irrevocability of the City giving up its right-of-way, as requested by CCISD; keeping the right-of-way; not having confidence in CCISD's traffic analysis; the timeline to build out Wickersham and Norchester; coordination between CCISD and the City; the current time associated with traffic delays versus time associated with traffic delays once the new high school is built; traffic congestion associated with Most Precious Blood Catholic Church; the effect signalization of an intersection has on traffic; the importance of communication between CCISD and the City; CCISD properly staging traffic for school drop offs and pick ups; the City cooperatively and jointly addressing, with CCISD, unanticipated problems related to their proposed new campus; the use of traffic demand models; prioritization of roads; the timeline and funding for installation of the traffic signals at the Kostoryz - Masterson intersection; traffic and safety issues encountered during the recent construction of another CCISD school; the City working with CCISD and the Texas Department of Transportation regarding traffic flow in the subject area; continued development along Saratoga Blvd.; that traffic lights along Saratoga Blvd. need to be properly synchronized; the impact of the City giving up property from the planned high school's property line to Wickersham and that the addition of an additional point of ingress / egress, via a private drive, in that area is not desired or planned by CCISD; access to the high school's sports fields; traffic calming strategies; pedestrian friendliness in and around the high school campus; safety concerns; reviewing traffic mitigation strategies with an eye toward safety; that security is cited as the reason for a limited number of ingress and egress points to the high school; that access to sports fields from Kostoryz is proposed to be eliminated; the size of the proposed hike-and-bike trail, its accessibility to the high school and the proposed access points to the hike-and-bike trail from the high school; the proposed extension of Carroll Lane and the location of a traffic signal thereon; the location of the proposed fence in relation to the ditch; access to Masterson from the proposed high school; the number of driveways into the high school campus from Saratoga Blvd. and Kostoryz Rd.; current traffic problems related to Galvan Elementary; the plan regarding emergency service access to the rear of the campus; and the high school's planned perimeter fencing.

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

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by Council Member Hunter. 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 Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Abstained:** 0

**N. REGULAR AGENDA: (NONE)**

**O. FIRST READING ORDINANCES: (ITEMS 18, 20 & 22)**

- 18.** Ordinance authorizing a Water Arterial Transmission and Grid Main Construction Reimbursement Agreement, a Water Distribution Main Line Construction Reimbursement Agreement, and a Wastewater Collection Line Extension Construction Reimbursement Agreement with Dorsal Development LLC to extend a grid main line along Yorktown Boulevard, extend a wastewater collection line from lift station number 13 located near Master Channel 31 and Slough Road, and install offsite water distribution and wastewater collection lines for a planned residential subdivision with completion dates of October 30, 2020; appropriating \$147,999.99 from the Water Arterial Transmission & Grid Main Trust Fund, \$43,010.00 from the Water Distribution Main Trust Fund, and \$139,341.76 from the Sanitary Sewer Collection Line Trust Fund to reimburse developer per agreements. (District 5)

**Mayor McComb referred to Items 18 and 20 - 22. A council member requested that Item 21 be pulled for individual consideration.**

**Mayor McComb referred to Item 21. A council member and City Attorney Miles K. Risley discussed the following topics: that negotiations on this item, with AEP, have spanned more than a year; that, because this is an amendment to a franchise agreement, the agreement, itself, is the ordinance; and that this amendment is necessary to correct administrative errors in the previously approved agreement.**

**A council member announced his intent to vote "No" on Item 21.**

**Council Member Barrera made a motion to approve Items 18, 20 and 22, seconded by Council Member Hunter. These ordinances were passed on first reading and approved by one 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

- 20.** Ordinance accepting a donation from NuStar Energy L.P. to be used for the purchase of smoke detectors in the amount of \$1,400; and appropriating the funds into the Fire Grant Fund.

**This Ordinance was passed on first reading and approved by one vote (see Item 18).**

**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

- 22.** Ordinance to amend City Code of Ethics regarding Financial Disclosure forms as recommended by the Ethics Commission to allow electronic filing in lieu of paper filing, to include statement regarding conflict of interests, to shorten candidate deadline for filing financial disclosure report from 5 days to 3 days within filing for office, to allow for unsworn declaration, to allow for shortened report if no changes since last complete report, and to change filing date from last Friday in April to last Friday in March.

**This Ordinance was passed on first reading and approved by one vote (see Item 18).**

**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

- 21.** Ordinance to adopt modified franchise ordinance with AEP Texas, Inc. to fix administrative errors in ordinance adopted on August 13, 2019.

**Mayor McComb referred to Item 21 (see Item 18).**

**Council Member Garza 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 Hunter, Council Member Molina, Council Member Roy and Council Member Smith

**Nay:** 1 - Council Member Hernandez

**Abstained:** 0

P. **BRIEFINGS: (NONE)**

Q. **RECESS TO BUILDING STANDARDS BOARD APPEAL: (ITEM 23)**

Mayor McComb recessed the city council meeting to the Building Standards Board Appeal at 3:53 p.m.

**The Appeal will proceed using the following format:**

23. Consideration of an appeal filed by Ms. Alma Leticia Suazo of the Building Standards Board's Decision to require demolition of the substandard structure on property located at 5029 Williams Drive in City Council District 3.

City Secretary Rebecca L. Huerta announced that the city council will now serve as a quasi-judicial body to consider an appeal of a Building Standards Board's decision.

a. **Statement of Facts:** Code Compliance Officer Diana Garza presented the Statement of Facts for 5029 Williams Drive: photographs of violations during the initial inspection on July 10, 2018; the building was deemed substandard; that a notice of violation was sent to the owner providing for 30 days to bring the property into compliance; the owner's failure to meet the August 26, 2018 compliance deadline; Code Enforcement filed a complaint with the Building Standards Board (BSB) on September 13, 2018; the case was presented to the BSB on September 27, 2018; the BSB gave the owner 30 days to submit a full set of construction plans to the City for approval; the owner did not submit any plans; on November 28, 2018, due to the substandard and dilapidated condition of this residential accessory structure, the BSB declared it to be a hazard to the health, safety and welfare of the public and the BSB ordered the structure to be removed or demolished by the owner, lienholder or mortgagee within 30 days and, if demolition was not started and completed as required, then the City would be authorized to demolish the structure; as per Section 13-24 of the City's Code of Ordinances, an owner or occupant may appeal a decision of the BSB to City Council; Alma Leticia Suazo submitted a notice of appeal, in writing, on December 12, 2018, within 30 days of the BSB's decision; the property's history, including having been brought before the BSB on two separate occasions; the structure was first inspected by Code Enforcement on October 1, 2014 in response to a complaint received by Code Enforcement regarding a substandard building; two structures were observed on the property at that time; Ms. Suazo hired a contractor to renovate the structure, but the contractor did not complete the work; on March 21, 2011, Ms. Suazo was issued a permit to build a new residence on the property; on May 5, 2011, Ms. Suazo obtained a demolition permit for full demolition of the substandard structure, however, Ms. Suazo did not demolish the structure; on November 17, 2014 a notice of violation was mailed to and received by the owner providing 30 days to comply by December 21, 2014; due to noncompliance, a complaint was filed with the BSB on July 10, 2015; on August 20, 2014, the case was presented to the BSB and the owner was granted an extension to meet with the Development Services Department staff and the case was tabled to the next meeting; on September 24, 2018, the case was presented to the BSB and the owner was granted a second extension to meet with Development Services

Department staff and return with detailed plans to repair, at the next BSB meeting; on November 19, 2015 the case was presented to the BSB, the owner did not return with detailed plans for repairs or cost of repairs; the BSB ordered as follows, 1) the structure was to be repaired within 90 days and be in compliance with City Ordinance Section 13-22 (g), 2) the City would demolish the building if the action ordered is not taken within the allotted time and 3) the owner was to provide a progress report at the next hearing; on January 28, 2016, Ms. Suazo appeared before the BSB and reported no progress on repairs; the BSB announced that the order would not be amended and the owner was still required to comply with the original order to repair the structure by February 17, 2016; on March 8, 2016, a general residential repair permit was pulled for the property at 5029 Williams Drive; on May 6, 2016, Ms. Suazo informed Code Enforcement that she was almost done with foundation repairs to the substandard structure; on August 10, 2016, a letter was sent to Ms. Suazo informing her the City would proceed with demolition due to non-compliance with the BSB's order to repair within 90 days, however, demolition was not completed due to instructions from a Code Enforcement supervisor to not proceed with the demolition; as time passed no further repairs were made to the substandard structure and a BSB member questioned the status of the demolition of the substandard structure; due to the amount of time that had passed from the original BSB order and verbal instructions that conflicted with the original BSB order, a new case was started on the substandard structure to allow time for the owner to get the property in compliance.

b. Appellant's Oral Presentation of Written Notice of Appeal: Gregorio Esparza, on behalf of Alma Leticia Suazo, presented the Appellant's Oral Presentation of Written Notice of Appeal: a contractor was secured to remodel the subject structure; the contractor stole \$22,000 from Ms. Suazo after gutting the property; Ms. Suazo had to, therefore, find another place to live; Ms. Suazo obtained permission to build a house on the property, behind the subject structure; initially, the structure was to be demolished; in 2013, Ms. Suazo obtained an certificate of occupancy on the new residence constructed behind the subject structure; in 2015 Ms. Suazo met with Development Services Department staff, obtaining permission to reverse the BSB's first ruling; being allowed to proceed with remodeling the subject structure; Ms. Suazo is employed by the Corpus Christi Independent School District; Ms. Suazo has paid off her home and no property taxes are owed; Ms. Suazo's dream was to convert the subject structure into a rental property; the foundation has been completed; Ms. Suazo received a letter from a Code Enforcement official informing her that she could proceed with repairs on the subject structure; Ms. Suazo received a letter from the City in 2018 informing her that her case had been opened again; in 2017, progress on repairs to the subject structure was slowed down due to Ms. Suazo having to invest funds into repairing the home she is living in, on the property, due to damage it sustained from Hurricane Harvey; in 2018, Ms. Suazo was notified she had to tear down the subject structure; that the subject property is secured and well maintained; permission was previously granted by the City to remodel the subject property and the contradiction between that permission and later instructions from the City that the subject property was to be demolished; and efforts to date to pull permits for the subject structure.

c. Public Hearing: Rolando Garza spoke regarding the value of the property; that property taxes are paid up on the property; maintenance of the property; and the City's denial of a request for a permit for the property. Joe Ortiz, 3178

Mendenhall Dr., spoke regarding the City having denied a request for a permit to continue performing repairs on the structure, including that the City denied a request for a re-roofing permit.

A council member, Assistant City Attorney Yvette Aguilar, and Building Official Gene Delauro discussed the following topics: if permits can be pulled for repairs after an order to demolish has been issued by the BSB; details regarding the case timeline and zoning restrictions applicable to the property; efforts the Development Services Department made toward allowing both structures to remain on the property; the amount of time the BSB can grant, per state statute, to repair a structure; the number of times this structure has been before the BSB; when Mr. Ortiz applied for a permit; the timing of permits; a previous authorization to make repairs issued by the Development Services Department; the Appellant's previous financing issues; the square feet of the residence in which Ms. Suazo currently lives; providing Ms. Suazo an additional 90 days to complete repairs; and that the subject of this appeal is solely based on whether or not the BSB made an error in their decisions.

**d. City Staff Response:** Assistant City Attorney Aguilar presented the City Staff Response: relevant laws; application of facts / information to relevant laws: error, undue hardship, and manifest injustice; and final action.

**e. Council Action:** council members, Assistant City Attorney Aguilar, Mr. Ortiz, and Building Official Delauro discussed the following topics: what does and does not constitute "undue hardship" and related case law; what type of financing is in place to fund needed repairs to the structure; the estimated cost of repairs; if the needed monies are on-hand; current zoning requirements with respect to possible uses for the subject structure; possible changes to the property's zoning designation; the spirit of the City Code; a timeline for replatting and rezoning the property; whether or not the subject structure poses a threat to public safety; the economics of rehabing a building; the capacity of the Appellant to get the needed work done; that this appeal is to be decided based on whether or not the BSB made an error; the BSB having afforded the Appellant the time allowed by law; the Appellant's ability to meet timelines; whether or not the BSB was aware that the Appellant does not communicate well in English; that communications from the City, sent to the Appellant, were in English; that the City issued a permit for the foundation of the subject structure on March 8, 2016; if Hurricane Harvey constituted a hardship; monies invested to date in the foundation; that if repairs are made to the subject structure, the structure would have to be brought in compliance with current code; specifics and timeframes regarding demolition; the cost of demolition; and that the Appellant has the option to demolish the subject structure or remove it to a site outside the city limits.

**Council Member Smith made a motion to approve the resolution, seconded by Mayor McComb. This Resolution was passed and approved with the following vote:**

**Aye:** 5 - Mayor McComb, Council Member Barrera, Council Member Guajardo, Council Member Roy and Council Member Smith

**Nay:** 2 - Council Member Garza and Council Member Hernandez

**Absent:** 2 - Council Member Hunter and Council Member Molina

**Abstained:** 0

Enactment No: 031885

**R. RECONVENE COUNCIL MEETING:**

Mayor McComb reconvened the city council meeting at 4:57 p.m.

**S. EXECUTIVE SESSION: (NONE)**

**T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items. A council member enumerated various items he would like to see on a future agenda(s).

Council members discussed the following topics: the process for adding items to a Council agenda; what can/should be communicated to Council by memorandum versus adding an item to the Council agenda; and having City Manager Zanoni make the decision as to whether Council should be updated via a memorandum or by means of adding an item to a future Council agenda.

**U. ADJOURNMENT**

The meeting was adjourned at 5:05 p.m.