



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 20, 2024

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 11:34 a.m.

B. Invocation to be given by Pastor Raul Elizondo with New Life at the Cross.

Pastor Raul Elizondo with New Life at the Cross gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Harleaux Arnold, 6th grader at Incarnate Word Academy.

Harleaux Arnold, sixth grader at Incarnate Word Academy, 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 Zaroni, City Attorney Miles Risley and City Secretary Rebecca Huerta

Present: 9 - Mayor Paulette Guajardo, Council Member Roland Barrera, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Mike Pusley, Council Member Dan Suckley, Council Member Everett Roy, Council Member Jim Klein, and Council Member Sylvia Campos

E. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS: (ITEMS 1 - 2)

1. [24-1363](#) Overview of City Senior Center Fitness Program, Betty Guerrero, Volunteer Fitness Coordinator

City Manager Peter Zaroni introduced Volunteer Fitness Coordinator Betty Guerrero. Ms. Guerrero has been volunteering for 16 years at the City Senior Center.

2. [24-1333](#) Texas Municipal League (TML) Municipal Policy Summit Recap, Presented Ryan Skrobarczyk, Director of Intergovernmental Relations

Director of Intergovernmental Relations Ryan Skrobarczyk presented information on the following topics: TML Municipal policy development process; 2025 Texas legislative

landscape; general TML positions recommended; and TML Municipal policy development.

Council Members and Director Skrobarczyk discussed the following topics: federal and state legislative agendas will be presented to Council in the Fall; the importance of receiving updates regarding property tax relief and emergency management; and opportunities for local government advocates in Austin.

F. PUBLIC COMMENT

Mayor Guajardo opened public comment.

John Weber, 609 Naples St., presented information about the Corpus Christi Bay model-Inner Harbor and La Quinta.

Joe Benavides, 410 Atlantic St., spoke about the Instituto de Cultura Hispanica de Corpus Christi Museum.

Susie Luna Saldana, 4710 Hakel Dr., expressed concern regarding clarification of facts for a leadership role.

Joshua De Leon, 5914 Colorado Dr., spoke about expanding the City's smoking prohibition ordinance.

Shawn Flanagan, 4218 Herndon St., recommended the City ask for volunteer lifeguards for the Bill Witt swimming pool due to proposed budget cuts.

Rachel Caballero, 522 Hancock Ave., spoke in opposition to Item 6 and desalination.

Henry Williams, 2422 Summers St. and Marilena Garza, 702 Furman Ave., expressed concern about the proposed budget cuts to reduce the homeless program positions.

Sara Cortez, 1417 Horne Rd. and Jesusa Garcia, 1638 Sycamore Place, stated they would like the City to continue overseeing the Senior Center at Greenwood and not run by another entity.

Chloe Torres, 3302 Casa Bonita Dr., expressed concern about the format of the community input sessions and about proposed budget cuts to reduce the homeless program positions.

Catherine Barnes, 520 S. Chapparral St., spoke in opposition to Item 6.

Daniel Pena, 2813 Hulbirt St., expressed concern about storm water fees and property liens.

G. BRIEFINGS: (ITEM 3)

3. [24-1367](#) Council Update from Port Commissioner Appointees

Port of Corpus Christi Commissioners David Engel and Gabe Guerra presented information on the following topics: Port update August 2024-overall Port focus for 2024 and beyond; \$65 billion capital investments (\$12 billion foreign direct investments); Corpus Christi ship channel improvement project status; Port of Corpus Christi engineering department projects; a key U.S. strategic military seaport-Al Speight Yard-military use; Al Speight Yard rail and drainage modifications; security command and control center remodel and improvements; Ortiz Center interior improvements; and desalination permit process overview and status.

Council Members, Commissioners Engel, Guerra, and Chief Executive Officer Kent Britton discussed the following topics: the Port is working with potential clients to bring in more economic development; the Port is reinvesting money back into infrastructure; the Port's intention is to obtain a permit so the City can own and operate a desalination plant; a request to continue pursuing permits for Harbor Island; the Port is working on the permitting process for putting the discharge in the Gulf; the Port's economic impact to the community; a concern about the health threat to Dona Park neighborhood near industry; and the cost difference between fossil fuels and hydrogen.

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

I. **EXPLANATION OF COUNCIL ACTION:**

J. **CONSENT AGENDA: (ITEMS 4 - 19)**

Approval of the Consent Agenda

Mayor Guajardo referred to the Consent Agenda. Items 6, 11, 12, 13, 14, 15, and 16 were pulled for individual consideration. Item 9 was withdrawn.

Council Member Klein moved to approve the consent agenda with the exception of Items 6, 11, 12, 13, 14, 15, and 16, seconded by Council Member Pusley. The motion carried by the following vote:

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy, Council Member Klein and Council Member Campos

Abstained: 0

4. [24-1390](#) Approval of the August 13, 2024 Regular Meeting Minutes

The Minutes were approved on the consent agenda.

Consent - Second Reading Ordinances

5. [24-1287](#) Ordinance to amend Ordinance 033281 as required by Texas Commission on Environmental Quality regulations by amending Section 55-141(d)(3) of the City Code to update the list of pollutants for which limits may be established in an industrial discharge wastewater permit utilizing the Broadway Wastewater Treatment Facility and the Oso Water Reclamation Plant, providing for a penalty not to exceed \$2,000 and publication.

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

Enactment No: 033435

6. [24-1230](#) Ordinance amending Section 2-330 of the Code of Ordinances of the City of Corpus Christi, Texas to provide for outside representation of City Officials for alleged violations before the Ethics Commission.

Mayor Guajardo referred to Item 6.

Council Members and City Attorney Miles Risley discussed the following topics: a recommendation to cap legal expenses at \$5,000; a concern about a conflict of interest if the City Attorney refers outside legal counsel to city officials; and all city officials may hire their own attorney to represent them.

Mayor Guajardo opened public comment.

John Weber, 609 Naples St., recommended an amendment to the ordinance.

Pat Craig, 5925 Tapestry Dr., spoke in opposition to the ordinance.

Mayor Guajardo closed public comment.

Council Member Klein moved to amend the ordinance to cap legal expenses at \$1,000, seconded by Council Member Campos.

Council Member Pusley moved to amend Council Member Klein's amendment by capping legal expenses at \$5,000, allowing City Attorney to pre-review cases, and allowing city officials to hire their own attorneys (see attached ordinance), seconded by Council Member Hunter and passed with the following vote: Council Members Barrera, Hernandez, Hunter, Pusley, Roy and Suckley, voting, "yes"; and Mayor Guajardo and Council Members Campos and Klein voting, "no".

Council Member Pusley moved to approve the ordinance as amended, seconded by Council Member Barrera. This Ordinance was passed on second reading as amended and approved with the following vote:

Aye: 6 - Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley and Council Member Roy

Nay: 3 - Mayor Guajardo, Council Member Klein and Council Member Campos

Abstained: 0

Enactment No: 033436

7. [24-1221](#) Ordinance authorizing acceptance and amendments of Texas Beach Watch (TBW) Program Grant for \$140,000.00 from the Texas General Land Office (GLO) to provide beach water sampling in Nueces, Aransas, and San Patricio County under the Texas Beach Watch Program for the period of September 1, 2024, through August 31, 2025; and authorizing one existing position to be funded by this grant and appropriating \$140,000.00 in the Health Grant Fund.

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

Enactment No: 033437

8. [24-1324](#) Ordinance terminating Tax Increment Reinvestment Zone (TIRZ) #5, City of Corpus Christi, Texas; dissolving the tax increment fund for the zone; dissolving the board of directors for the zone; providing an effective date; and appropriating and transferring related funds as necessary.

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

Enactment No: 033438

9. [24-1216](#) Ordinance authorizing an amendment to a Small Business Incentives Agreement between the Corpus Christi B Corporation and Del Mar College, which increases the funding by \$15,000.00 for a total amount not to exceed \$130,000.00 for the 2024 Internship program; appropriating \$15,000 from the unreserved fund balance of the Type B fund; and amending the budget.

This Item was withdrawn.

10. [24-1195](#) Zoning Case No. ZN8186, Toreros Investment VI, LLC. (District 4): Ordinance rezoning a property at or near 3909 Laguna Shores Drive from the "RS-4.5" Single-Family 4.5 District, "CR-1" Resort Commercial District, and "CG-2" General Commercial District to the "CR-1" Resort Commercial District with a Special Permit; providing for a penalty not to exceed \$2,000 and publication. (Applicant originally requested a zoning change to the "CR-1" Resort Commercial District, consents to staff recommendation.) Planning Commission and Staff recommend approval.

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

Enactment No: 033439

11. [24-1241](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$393,888.30 with MPM Development, LP to construct a water arterial transmission grid main related to Starlight Estates Unit 8 located south of Yorktown Boulevard and west of Krypton Drive; and authorizing future transfer and appropriation of Water and Wastewater Trust

Fund revenue up to \$393,888.30 to reimburse the developer in accordance with the agreement. (District 5).

Mayor Guajardo referred to Items 11-16.

Council Members, City Manager Peter Zanoni, and Director of Development Services Al Raymond discussed the following topics: a concern about the trust fund having a negative balance; a recommendation to allow the Capital Improvements Advisory Committee (CIAC) to review trust funds versus impact fees; a desire to vote on impact fees or trust funds prior to October 1, 2024; the purpose of these reimbursement agreements is to get water and wastewater lines to the development that are funded through the utility funds; the developers still contribute to the trust fund; and if the impact fees are approved, they would take effect October 1, 2025.

Council Member Barrera moved to approve Items 11-16, seconded by Council Member Hunter. The ordinances were passed on second reading and approved with the following vote:

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033440

12. [24-1316](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$141,108.94 with MPM Development, LP to construct a water arterial transmission grid main related to Royal Oak South subdivision located south of the Chisolm Trail and Rand Morgan Rd intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$141,108.94 to reimburse the developer in accordance with the agreement. (District 1).

See Item 11.

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033441

13. [24-1317](#) Ordinance authorizing a Wastewater Trunk Line Construction and Reimbursement Agreement up to \$365,028.94 with MPM Development to construct a required wastewater trunk line for the proposed residential development related to Royal Oak South subdivision located south of the

Chisolm Trail and Rand Morgan Rd intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$365,028.94 to reimburse the developer in accordance with the agreement. (District 1).

See Item 11.

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033442

14. [24-1318](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$131,835.50 with MPM Development, LP to construct a water arterial transmission grid main related to King's Landing Unit 9 subdivision located north of the Lady Alexa Dr. and Lady Claudia St. intersection; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$131,835.50 to reimburse the developer in accordance with the agreement. (District 3).

See Item 11.

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033443

15. [24-1242](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$136,870.31 with LSK Development, LLC to construct a water arterial transmission grid main related to Azali Estates Unit 3 located north of Yorktown Boulevard and east of Azali Drive; and authorizing future transfer and appropriation of Water and Wastewater Trust Fund revenue up to \$136,870.31 to reimburse the developer in accordance with the agreement. (District 5).

See Item 11.

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033444

16. [24-1315](#) Ordinance authorizing a Water Arterial Transmission & Grid Main Construction and Reimbursement Agreement up to \$1,245,538.00 with MST, LLC to construct a water arterial transmission grid main related to Kaspian Subdivision Unit I located south of FM 43 and east of CR 43; and appropriating and transferring of future revenue from Water and Wastewater lot and acreage fees and pro-rata fees to the Water Arterial Transmission & Grid Line Trust Fund to reimburse the developer per the agreement (District 5)

See Item 11.

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Pusley, Council Member Suckley, Council Member Roy and Council Member Campos

Nay: 1 - Council Member Klein

Abstained: 0

Enactment No: 033445

Consent - Contracts and Procurement

17. [24-1156](#) Motion authorizing execution of a one-year service agreement, with two one-year options, with Horacio Carrillo III, dba Carrillo's Welding Services "CWS", of Corpus Christi, in an amount not to exceed \$104,100.00, with a potential amount up to \$312,300.00 if options are exercised, for welding and fabrication services for Solid Waste Services, with FY 2024 funding of \$8,675.00 from the General Fund.

This Motion was passed on the consent agenda.

Enactment No: M2024-131

18. [24-1224](#) Motion authorizing execution of a three-year service agreement, with two one-year options, for professional auditing services with Weaver and Tidwell, LLP, of Houston in an amount not to exceed \$794,200.00, with a potential up to \$1,364,513.00 if options are exercised, with funding of \$264,733.33 from the FY2025 General Fund, subject to future budget approval.

This Motion was passed on the consent agenda.

Enactment No: M2024-132

19. [24-1071](#) Motion authorizing amendment No. 4 to the professional services contract with Pape-Dawson Engineers, Inc of San Antonio, Texas, for additional meetings already conducted with the Capital Improvement Advisory Committee (CIAC) and City Staff, in the amount of \$38,000.00 for a total amount not to exceed \$3,981,700.

This Motion was passed on the consent agenda.

Enactment No: M2024-133

K. RECESS FOR LUNCH

Mayor Guajardo recessed the Council meeting for lunch at 2:04 p.m. Executive Session Item 20 was held during the lunch recess. Mayor Guajardo reconvened the meeting at 3:05 p.m.

L. PUBLIC HEARINGS: (NONE)

M. INDIVIDUAL CONSIDERATION ITEMS: (NONE)

N. EXECUTIVE SESSION: (ITEM 20)

Mayor Guajardo referred to Executive Session Item 20. The Council went into Executive Session at 2:04 p.m. The Council returned from Executive Session at 3:05 p.m.

- 20. [24-1364](#) 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 industries, infrastructure, utilities, and property in the City's extraterritorial jurisdiction, services thereto, annexation, Texas Local Gov't Code service plans, industrial district agreements (IDA's), and Chapters 42, 43 and 212 of the Texas Local Government Code § 43.0116, et. seq., rates for utilities, actions for limitation of rates, Texas Water Code §13.043 and associated statutes and regulations, and **Texas Government Code § 551.087** to discuss and deliberate regarding potential financial or other incentive(s) to business prospects(s) that the governmental body seeks to have locate, stay, or expand in or near the territory of the City and with which the City will be conducting economic development negotiations, authorizing preparation of service plans for areas to be considered for annexation, and authorizing professional services agreements and amendments thereto with attorneys, engineers, and other consultants involved in the aforementioned actions**

This E-Session Item was discussed in executive session.

O. ADJOURNMENT

There being no further business, Mayor Guajardo adjourned this meeting at 4:04 p.m.

Ordinance amending Section 2-330 of the Code of Ordinances of the City of Corpus Christi, Texas to provide for outside representation of City Officials for alleged violations before the Ethics Commission.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS, THAT:

Section 1. The requirement for the Ethics Commission review of City Council changes to the Ethics Code under § 2-326(a)(1) is hereby waived and Subsection 2-330 of the City Code is amended to read as follows:

Sec. 2-330. - Complaints.

(a) A sworn complaint alleging violation of the code of ethics shall specify the provisions of the Rules of Conduct (section 2-311) alleged to have been violated and facts alleged to constitute the violation. In lieu of a complaint sworn to under oath, the complainant may subscribe to the complaint using an unsworn declaration prepared in compliance with the Texas Unsworn Declaration Act, V.T.C.A., Civil Practice and Remedies Code ch. 132, as amended.

(b) Upon the valid complaint of any one {1} person filed with the city secretary's office, the commission shall consider possible violations of the code of ethics by city officials and board members and former city officials and board members other than members of this commission. In addition, the commission shall consider such possible violations when referred to it as a complaint by majority vote of all council members holding office and qualified to vote thereon. The council may direct the city attorney to draft such referred complaint, which shall be reviewed as other complaints hereunder. The council members voting for the complaint shall sign the complaint.

(c) A complaint alleging a violation by a city official or board member must be filed with the city secretary within six {6} months from the date the complainants complainant(s) knew or should have known of the action alleged as a violation, and not afterward.

(d) {1} The city secretary, after receiving a complaint submitted in accordance with subsection (a) and (c) above, shall, within three {3} working-business days, acknowledge receipt to the complainant and provide a copy to the city attorney, the commission, and the person city official or board member complained against ("the respondent").

(e) (1) The city attorney shall conduct a preliminary review of the complaint within 7 business days after receipt and issue determination whether the complaint (i) is sufficient as to form and (ii) alleges sufficient facts which, if true, would constitute a prima facie violation of the Rules of Conduct. The city attorney shall provide the commission, the city secretary, the complainant and the respondent with written notice of such determination.

(2) The complaint is dismissed upon determination that the complaint failed to comply with (i) or (ii) above, subject to complainant's right to appeal such dismissal to the commission within 10 business days of dismissal. This appeal must be in writing, sworn to in compliance with subsection (a) above, and state the grounds for the appeal. The complainant shall provide the appeal to the city secretary who will then forward a copy to the commission, the city attorney and the respondent within three business days of receipt.

(3) The respondent shall have 10 business days to submit a written response to the commission after a preliminary determination of the city attorney that the complaint complies with (i) and (ii) above, or after proper appeal is forwarded to the commission in compliance with subsection (e)(2).

(4) Within 30 business days after commission's receipt of (a) the determination of the city attorney that the complaint complies with (i) and (ii) above or (b) an appeal by the complainant in compliance with subsection (e)(2), the commission shall determine whether to schedule a hearing or take other action concerning the complaint. Such determination shall be made during a meeting of the commission by majority vote of all commissioners present.

~~(2) — The person complained against shall have ten (10) calendar days, from receipt of the complaint, to submit a written response to the complaint to the city secretary.~~

~~(3) — The commission shall, not earlier than the time allotted in subsection (d)(2) and not later than thirty (30) calendar days after receipt of a complaint by the city secretary, notify in writing the person who made the complaint and the person complained against whether it intends to schedule a hearing or take other action concerning the complaint.~~

~~(4) —~~ ~~(5)~~ The complainant shall have one ~~(1)~~ opportunity within ~~fifteen (15) calendar~~ 10 business days of any denial of their original complaint by the commission to amend their complaint and refile the same with the commission.

~~(e) (f)~~ If the commission determines such party's complaint or defense was groundless, legal fees incurred by the complainants, the commission, and the party complained against, in an amount determined reasonable by the commission may be awarded against the unsuccessful party. "Groundless" means: (1) without basis or fact; or (2) not warranted by law or reasonably arguable interpretation thereof. The complainants shall not be liable for such fees if the commission has determined grounds exist for a hearing. The city will pay reasonable fees for legal representation of the respondent through conclusion of a commission hearing in an amount not to exceed \$5,000, subject to city's right to repayment through salary and/or stipend deductions of the respondent in the event commission finds a violation has occurred.

Section 2. All provisions of the ordinances of the City of Corpus Christi in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other

provisions of the ordinances of the City of Corpus Christi not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 3. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

Section 4. This ordinance shall become effective October 1, 2024. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

Introduced and voted on the _____ day of _____, 2024.

PASSED and APPROVED on the _____ day of _____, 2024.

Paulette M. Guajardo, Mayor

Rebecca L. Huerta, City Secretary