



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 17, 2019

11:30 AM

Council Chambers

Addendums may be added on Friday.

Public Notice - - THE USE OF CELLULAR PHONES AND SOUND ACTIVATED PAGERS ARE PROHIBITED IN THE CITY COUNCIL CHAMBERS DURING MEETINGS OF THE CITY COUNCIL.

MEMBERS OF THE AUDIENCE WILL BE PROVIDED AN OPPORTUNITY TO ADDRESS THE COUNCIL AT APPROXIMATELY 11:30 A.M. CITIZEN COMMENTS WILL BE LIMITED TO THREE MINUTES. Please speak into the microphone located at the podium and state your name and address. 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 to the City Council MUST be submitted a minimum of 24 hours prior to the meeting. Please contact the Communication department at 361-826-3211 to coordinate.

- 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 Reverend Bruce Wilson, Chaplain, Corpus Christi Metro Ministries.**

Reverend Bruce Wilson gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Rosa Medina, Interim Director of Human Resources.**

Ms. Rosa Medina led the Pledge of Allegiance to the flag of the United States and the Texas Flag.

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

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

Charter Officers:

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

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

F. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 11:30 A.M. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. 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. All items on this agenda are considered public hearings.

Mayor McComb deviated from the agenda and 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.

C. J. Johnson, 509 S. Carancahua, spoke regarding mental health issues related to shootings. Brian Watson, 5813 Hugo Dr., spoke regarding unfunded retiree liabilities. Angela Leach, 5014 Lethaby Dr., representing Accessible Housing Resources, Inc. and Coastal Bend Neighborhood Empowerment spoke in opposition to Item 29, criminalizing homelessness. Sylvia Campos, 4410 Fir, spoke in opposition to Item 29, criminalizing homelessness and the proximity of police department personnel housed in La Retama Central Library to Blucher Park facilitating police monitoring of Blucher Park. Julie Rogers, 710 Furman Ave., thanked Council for the FY2020 proposed budget and the related public input sessions and in opposition to Item 29, criminalizing homelessness. Susie Luna Saldana, 4710 Hakel, thanked Council for the FY2020 proposed budget; complimented the City on its Animal Care Services facility; and commented on the Corpus Christi Police Department's handling of a recent incident involving a pipe-wielding man. Eric Holguin, 1514 Ennis Joslin, spoke in opposition to Item 29, criminalizing homelessness and in opposition to closing the City's Equal Employment Opportunity Commission (EEOC) office. Frank Field, 845 McIver, requested additional information on Item 14, the exchange of land between the City of Corpus Christi and the United States of America. Mark Gurgevich, 4802 Everhart Rd., requested assistance from the City relating to signage needs at Sherrill Park. John LaRue, Chairman of the United Corpus Christi Chamber of Commerce, thanked the City for its participation in the recent Coastal Bend to Washington, D.C. event and in support of Item 14, the exchange of land between the City of Corpus Christi and the United States of America. Willie Vaden, 2100 6th Street, Ingleside, Texas, spoke regarding the ability of Very Large Crude Carriers (VLCC) to navigate area waters and discussing, in public, the Carlisle Group and Port Commissioners in relation to Executive Session Item 32. Katie Galan, 4918 Anthony, Executive Director of the Beautify Corpus Christi Association, spoke in support of Item 29 regarding Blucher Park. Love Sanchez, 6130 Wooldridge

Rd., read a message from For The Greater Good relating to the negative impact the proposed desalination plants will have on nature-based tourism in the area and its associated economic impact; and an announcement that research is being conducted on the impact of political contributions made by Port of Corpus Christi Commissioners to certain council members. Margareta Fratila, 3606 Tripoli Dr., spoke regarding the mayor running for re-election; and last weekend's Conquer the Coast and related participation by the police department. Karen Smith, 4301 Spring Creek Dr., President of the Audubon Outdoor Club, spoke in support of Item 29 relating to Blucher Park. Errol Summerlin, Portland, Texas, provided history on the Human Relations Commission and the City's Human Relations Division handling EEOC cases; and in opposition budget to cuts in the Human Relations Division.

E. Proclamations / Commendations

1. Proclamation declaring September 8, 2019, "International Literacy Day" and September 2019, "National Literacy Month".
Proclamation declaring September 25, 2019, "Leukemia Awareness "#BeLewish" Day".
Proclamation declaring September 17-23, 2019, "United States Constitution Week".
Proclamation declaring September 2019, "Hunger Action Month".
Proclamation declaring September 2019, "Life Insurance Awareness Month".
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

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

Melody Cooper, Chairman of the Sister City Committee, presented Mayor McComb with gifts from and provided a report on Sister City Committee members' recent trip to Agen, France.

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

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

a. OTHER

1) That the adoption of the City's FY2020 proposed budget is on today's city council agenda, including an enumeration of various related goals and projects. 2) An update on the Ad Hoc Charter Review Committee; the review of City Boards, Committees and Commissions; changes to the City's agreement with the Corpus Christi Convention and Visitors' Bureau; progress on two desalination plants; breaking out the stormwater portion in utility bills; moving utility billing from the Finance Department to the Water Department; North Beach related issues; and the creation of a City homelessness office that will also address affordable housing. 3) Addressing homelessness in relation to Item 29 regarding improvements to Blucher Park and prohibiting the feeding of and charitable giving to homeless individuals on the premises of City Hall. 4)

City Manager Zanoni introduced the new Director of Development Services, Al Raymond.

H. MINUTES:

2. Regular Meeting of August 27, 2019 and FY 2020 Budget Workshop Sessions of August 22 and 29, 2019.

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

26. Second Reading Ordinance approving Parks and Recreation Fee Schedule effective October 1, 2019.

Enactment No: 031876

3. Corpus Christi Commission on Children & Youth (1 vacancy)
Flood Hazard Mitigation Information Committee (5 Vacancies)

Mayor McComb referred to Item 3.

**Corpus Christi Commission on Children and Youth
Council Member Hernandez made a motion to appoint Laurie J. Turner (Education), seconded by Council Member Smith and passed unanimously (Council Member Barrera - absent).**

**Flood Hazard Mitigation Information Committee
Council Member Smith made a motion to appoint Tracey Cantu (Community's Public Information Office) and Yvette Dodd (Community's Floodplain Management Office), seconded by Council Member Hunter and passed unanimously.**

Council Member Smith made a motion to appoint Karlton Williams (Insurance Industry), seconded by Council Member Garza and passed unanimously.

Council Member Smith made a motion to appoint Mark Silva (Regular Member) and Sheila L. Downs (Regular Member), seconded by Council Member Barrera and passed unanimously.

City Secretary Rebecca L. Huerta stated that the ordinance creating the Flood Hazard Mitigation Information Committee did not specify the terms of service and staff is recommending that all members serve three-year terms ending September 30, 2022.

Council Member Molina made a motion that all members of the Flood Hazard Mitigation Information Committee serve three-year terms ending September 30, 2022, seconded by Council Member Roy.

Council members, City Secretary Huerta and Floodplain Manager Yvette Dodd discussed the following topics: if a term limit needs to be addressed; that all members' terms would end September 30; staggering the end of committee

members' terms so that all members' terms do not expire at the same time; which members terms should be staggered; and the City Secretary's Office administratively determining the staggering of committee members' terms.

Council Member Molina revised his motion to state that all members of the Flood Hazard Mitigation Information Committee serve staggered three-year terms, with the term of the Insurance Industry representative and one City staff member being coterminous, seconded by Council Member Roy and passed unanimously.

J. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 4 - 19)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Staff withdrew Items 5, 6 and 9. A council member requested that Items 11, 15, 16 and 17 be pulled for individual consideration. There were no comments from the public.

A council member, City Manager Peter Zaroni and Assistant City Manager Mark Van Vleck discussed the following topics related to Item 12: that the two studies are not duplicative, instead the two studies are mutually exclusive; and the differences between the various alternatives.

Mayor McComb referred to Item 14. Director of Intergovernmental Affairs Tammy Embrey presented information on the following topics related to Item 14: that the purpose of the item is for the City to exchange an approximately 40-acre tract of land for an approximately 44-acre tract of land, known as Peary Place, owned by the United States of America, to ensure mission readiness and sustainment of flight training in Corpus Christi; the economic impact of the military's presence in the Coastal Bend and the State of Texas; the history of this exchange effort; the management of land around air training fields; sources of funding for this transaction; related legislation passed facilitating this transaction; pending items; that the final transaction will be brought to Council for approval; and recognition of key stakeholders.

Council Member Garza made a motion to approve the Consent Agenda, seconded by Council Member Barrera. The consent agenda items were passed and approved by one vote as follows:

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

- 4.** Zoning Case No. 0719-05, Mostaghasi Investment Trust (District 1): Ordinance rezoning property at or near Northwest Boulevard & County Road 69 from the "RS-6" Single-Family 6 District to the "CN-2" Neighborhood Commercial District. Planning Commission and Staff recommend Approval.

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

Enactment No: 031861

5. 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)

This Item was withdrawn.

Enactment No: 031882

6. 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 Item was withdrawn.

Enactment No: 031883

7. Resolution authorizing execution of an Interlocal Cooperation Agreement (ILA) with Texas A&M University - Corpus Christi (TAMUCC) for police and fire support for the Lonestar Unmanned Aerial System (UAS) Center of Excellence & Innovation and NASA's Urban Traffic Management (UTM) flight test event.

This Resolution was passed on the consent agenda.

Enactment No: 031862

8. Motion authorizing Amendment No. 3 to the current Service Agreement with Grace Water Services, LLC for preventative maintenance and upgrades to equipment which removes ammonia from the wastewater effluent discharge as required by the Texas Commission on Environmental Quality (TCEQ) compliance regulations at the Oso Wastewater Treatment Plant, for an amount not to exceed \$446,522.00, increasing the Service Agreement value to \$1,126,208.00, for an additional two-year term effective August 13, 2019, with funding available through the FY 2019-2020 Wastewater Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-145

9. **This item has been pulled from this agenda.**

~~Resolution authorizing execution of the Interlocal Agreement with San Patricio Municipal Water District regarding Professional Services for a Water Supply Study and reimbursing SPMWD 50% of the cost on the executed contract, not to exceed \$24,000 funded from the Water Supply Development Fund.~~

~~This Item was withdrawn.~~

10. Motion awarding a one-year Master Services Agreement (MSA) with two one-year option periods, to Alan Plummer Associates, Inc. for engineering design services to repair and upgrade Lift Stations citywide, for a total amount not to exceed \$700,000.00 over the next three years, effective upon issuance of notice to proceed, with funding available from Wastewater Capital Reserve Funds.

This Motion was passed on the consent agenda.

Enactment No: M2019-146

12. Motion awarding Amendment 1 to a contract with Mott MacDonald, LLC in the amount of \$224,862 for a total restated fee of \$247,362 to provide engineering and design services for assistance with the North Beach Coastal Protection project, effective upon issuance of Notice to Proceed, with funding available in Bond 2018, Proposition A. (Council District 1)

This Motion was passed on the consent agenda.

Enactment No: M2019-148

13. Resolution authorizing an extension of a Reimbursement Agreement for the installation of water arterial transmission and a grid main line with MPM Development, LP for a planned residential development, Royal Creek Estates Unit 7 in Council District 5 in an amount not to exceed \$109,354.20 and an extension of a Developer Participation Agreement for partial construction of Oso Parkway in an amount not to exceed \$207,386.85.

This Resolution was passed on the consent agenda.

Enactment No: 031863

14. Resolution authorizing the City to execute the Land Exchange Agreement with the United States of America in exchange for a 44-acre parcel, known as Peary Place for the amount up to \$500,000. The City worked to pass legislation in the FY 2018 National Defense Authorization Act to complete all actions identified in the agreement allowing the U.S. Navy to provide property to the City in exchange for clear zone areas at Naval Air Station-Corpus Christi (NASCC), Naval Outlying Field Cabaniss (Cabaniss), and Naval Outlying Field Waldron (Waldron).

This Resolution was passed on the consent agenda.

Enactment No: 031864

- 18.** Resolution approving Renewal No. 2 to the Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Service Corps of Retired Executives (SCORE) Chapter 221 to provide a grant up to \$54,000 for their small business assistance program from October 1, 2019 through September 30, 2020.

This Resolution was passed on the consent agenda.

Enactment No: 031868

- 19.** Resolution approving Renewal No. 2 of the Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College to provide grant up to \$99,500.00 for their Procurement Technical Assistance Center to assist small businesses from January 1, 2020 through December 31, 2020.

This Resolution was passed on the consent agenda.

Enactment No: 031869

- 11.** Motion awarding a three-year Master Services Agreement (MSA) to develop the master plan for a centralized wastewater control and monitoring system to allow operation of the City's six Wastewater Treatment Plants and 102 Lift Stations from one location, to Signature Automation, LLC of Addison, Texas, for a total amount not to exceed \$600,000.00, effective upon issuance of notice to proceed, with funding available from the Wastewater Capital Reserve Fund.

Mayor McComb referred to Item 11.

Council members, Director of Water Utilities Kevin Norton, Director of Engineering Services Jeff Edmonds and Assistant City Manager Mark Van Vleck discussed the following topics: the current state of centralization of wastewater functions; savings to be realized by centralization; if the recommended vendor has performed work in Corpus Christi; the importance of the vendor having knowledge about the local area and employing a local workforce.

There were no comments from the public.

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

Aye: 8 - Mayor McComb, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Hunter, Council Member Roy, Council Member Smith and Council Member Barrera

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: M2019-147

- 15.** Resolution approving Renewal No. 2 of the Small Business Incentives Agreement between the Corpus Christi Business and Job Development Corporation and Del Mar College to provide grant up to \$150,000.00 for their internship program to assist small businesses from January 1, 2020 through December 31, 2020.

Mayor McComb referred to Items 15 and 16.

Mike Culbertson, Corpus Christi Economic Development Corporation, presented information related to the history of the small business program.

Council members and Mr. Culbertson discussed the following topics: that the intern program is open to all small businesses; Del Mar College's (DMC) efforts to assist small businesses; DMC focusing on priority positions needed in the area; the types of companies assisted through the program in Item 15; seeking greater involvement with local businesses through the program in Item 15; how to qualify for the program in Item 16; past personal experience with the program in Item 16 in a council member's own business; and the challenge some business owners have managing an intern when the nature of the business is such that the business owner is not physically present in his/her business from 8:00 - 5:00 p.m.each day.

There were no comments from the public.

Council Member Barrera made a motion to approve Items 15 and 16, seconded by Council Member Hernandez. These Resolutions were passed 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

Enactment No: 031865

- 16.** Resolution approving Renewal No. 2 of the Small Business Incentives Agreement between the Corpus Christi Business and Job Development and Texas A&M University - Corpus Christi (TAMU-CC) to provide grant up to \$150,000 for their internship program to assist small businesses from January 1, 2020 through December 31, 2020.

This item was passed by one vote (see Item 15).

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: 031866

- 17.** Resolution approving Renewal No. 2 of the Small Business Incentives

Agreement between the Corpus Christi Business and Job Development Corporation and LiftFund, Inc. to provide grant up to \$150,000 for their loan buy-down program to assist small businesses from October 1, 2019 through September 30, 2020.

Mayor McComb referred to Item 17.

Council members and Mike Culbertson, Corpus Christi Regional Economic Development Corporation, discussed the following topics: an individual council member's past personal experience with the LiftFund in his own business; the City's investment to date in the program; the "success rate" of the program to date, in relation to loans and number of jobs created.

There were no comments from the public.

Council Member Molina made a motion to approve the resolution, seconded by Council Member Guajardo. This Resolution 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: 031867

O. FIRST READING ORDINANCES: (ITEM 29)

- 29.** 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 fines.

Mayor McComb deviated from the agenda, referred to Item 29 and called for comments from the public.

Rolando Garza spoke regarding a one-stop medical shop for homeless individuals; homeless shelters around the City Hall area creating an environment conducive to homeless individuals; and the potential legal ramifications of singling out / targeting a class of individuals for a particular reason. Larry Jordan, Audubon Outdoor Club, spoke in support of the ordinance; the birding and eco-tourism activities that take place in Blucher Park and their related economic impact; the negative effects of homeless individuals in the park on birding; individuals being afraid to go to the park because of the presence of homeless individuals; and that the proposed ordinance targets specific types of behaviors.

Enactment No: 031879

Q. EXECUTIVE SESSION: (ITEM 31)

Mayor McComb deviated from the agenda and referred to Executive Session Item 31. The Council went into executive session at 1:59 p.m. The Council returned from executive session at 2:33 p.m.

- 31. 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 collective bargaining matters in the Agreement with the Corpus Christi Police Officers' Association.**

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 31.

O. FIRST READING ORDINANCES: (ITEM 29)

- 29.** 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 fines.

Mayor McComb deviated from the agenda and referred to Item 29.

Director of Parks and Recreation Jermel Stevenson presented information on the following topics: Blucher Park is a birding park; a bird's eye view of the park; birds that utilize the park; issues related to homeless individuals; ruined undergrowth; the Audobon society; the effect of the ordinance; and a plan.

Council members and Director Stevenson discussed the following topics: deed restrictions related to Blucher Park; the reversion clause in the original deed; expected enforcement efforts if this proposed ordinance is approved, including education of park goers; the consequences, to the park, of not moving forward with the ordinance; efforts that now need to be undertaken to rehabilitate the park due to damage caused thus far; plans for tree and bird identification signage in the park; re-directing homeless individuals from the park to appropriate services; the potential legal ramifications of the City's failure to maintain the park, as set out in the deed; and if this ordinance applies to any other City parks in Corpus Christi.

Mayor McComb called for comments from the public. Mimosa Thomas, 710 Ponder St., asked questions regarding signs to be erected in the park detailing prohibited items. Ms. Thomas also spoke regarding fines versus jail time related to the restrictions in the proposed ordinance; the reasons for homelessness; and the City's culpability regarding homelessness.

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

Aye: 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. BUDGET RELATED ITEMS: (ITEM 20)

- 20.** Second Reading Ordinance adopting the City of Corpus Christi Operating Budget and the Capital Improvement Program Budget for the Fiscal Year 2019-2020 beginning October 1, 2019; authorizing personnel complements; appropriating monies as provided in the Budget.

Mayor McComb referred to Item 20.

Director of the Office of Management and Budget Eddie Houlihan presented information on the following topics: FY2020 proposed budget summary; addresses Council and community priorities; FY2020 total City budget of \$1.1 billion; FY2020 proposed budget General Fund (with transfers); FY2020 General Fund budget of \$271.1 million; FY2020 budgeted positions; civilian employee compensation; FY2020 capital budget of \$327.7 million; next steps; and schedule of adjustments - amendments to the FY2019-2020 proposed budget.

There were no comments from the public.

City Secretary Rebecca L. Huerta announced that a roll call vote was required on this Item.

Council Member Molina 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: 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

Enactment No: 031870

Q. EXECUTIVE SESSION: (ITEM 32)

Mayor McComb deviated from the agenda and referred to Executive Session Item 32. City Attorney Miles Risley read the following statement: The City's Port Commission appointees have been given an opportunity to request a public hearing and have not done so. If any attorneys provided by the Port accompany the City's Port Commission appointees in executive session, their representation is of the Port Commission appointees in their individual capacity. No statement or action by the City Council is intended to request the violation of any contract between the Port and any third party, including, but not limited to, any Rule 11 agreement pursuant to litigation, and City Council is

going into executive session in reliance on written interpretations of Chapter 551 of the Texas Government Code, including but not limited to, Texas Attorney General Letter Opinion LO-94-063.

The Council went into executive session at 3:16 p.m. The Council returned from executive session at 6:14 p.m.

- 32. 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 Port of Corpus Christi Authority and appointment of the Port Commissioners and Texas Government Code § 551.074 (personnel matters) to deliberate the appointment, employment, evaluation, reassignment, or duties of a public officer or employee (including, but not limited to, Port Commissioners)**

This E-Session Item was discussed in executive session.

L. BUDGET RELATED ITEMS: (ITEMS 21 - 26)

- 21.** Ordinance setting a property tax rate of \$0.646264 per \$100 valuation which is effectively a 6.55% increase over the effective tax rate; and declaring an emergency.

Mayor McComb referred to Item 21.

Interim Director of Financial Services Alma Casas stated that the purpose of this Item is set the FY2020 property tax rate of \$0.646264 per \$100 valuation which is effectively a 6.55% increase over the effective tax rate and that this tax rate includes a two-cent increase over last year's rate, to be used for residential streets, as approved by the citizens on November 8, 2016.

There were no comments from the Council or the public.

Mayor McComb made a motion that the property tax rate be increased by the adoption of a tax rate of \$0.646264 per \$100 valuation which is effectively a 6.55% increase in the tax rate and approving the ordinance, seconded by Council Member Garza. This Ordinance was passed on emergency and approved with the following vote:

Aye: 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 1 - Council Member Hunter

Absent: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031871

- 22.** Second Reading Ordinance ratifying the property tax increase reflected

in the FY 2019-2020 Operating Budget that will require raising more revenue from property taxes than in the FY 2018-2019 Operating Budget in amount of \$9,321,332, of which \$4,198,157 represents property tax revenues of \$0.02 per \$100 valuation to be used towards residential street reconstruction.

Mayor McComb referred to Item 22.

There were no comments from the Council or the public.

Council Member Barrera 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: 7 - Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 1 - Council Member Hunter

Absent: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031872

23.

Second Reading Ordinance amending the City Code of Ordinances, Chapter 55, Utilities, revising water rates as of January 1, 2020.

Mayor McComb referred to Item 23.

Assistant City Manager Mark Van Vleck presented information on the following topics: based on feedback from the Council, three different scenarios were modeled; the three scenarios as applied to residential - inside city limits (ICL) customers; ICL - types of users; distribution of residential ICL customers; the three scenarios as applied to residential - outside city limits (OCL) customers; OCL - types of users; ICL versus OCL by revenue; stormwater fee creation timeline; staff's water rate recommendation of Scenario 3.

There were no comments from the public.

A council member stated he would vote no on this item.

Council Member Smith made a motion to amend the ordinance, adopting the changes set out in Scenario 3, as presented, seconded by Council Member Garza.

A council member and Assistant City Manager Van Vlack discussed staff's reluctance to breaking out water and stormwater rates on utility bills and the potential for customer confusion related thereto.

The motion to amend was passed with Mayor McComb and Council Members Molina, Roy, Smith, Barrera, Garza and Guajardo voting "Aye" and Council Members Hernandez and Hunter voting "No".

Council Member Smith made a motion to approve the ordinance as amended,

seconded by Council Member Garza. This Ordinance was passed on second reading as amended and approved with the following vote:

Aye: 6 - Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Molina, Council Member Roy and Council Member Smith

Nay: 3 - Mayor McComb, Council Member Hernandez and Council Member Hunter

Abstained: 0

Enactment No: 031873

- 24.** Second Reading Ordinance amending the City Code of Ordinances, Chapter 55, Utilities, revising residential wastewater billings beginning in March 2020 by establishing residential wastewater winter quarter averaging based upon the average of three complete monthly water utility billings from December 2019 through February 2020, and recalculating the winter quarter average for residential wastewater customers every year thereafter.

Mayor McComb referred to Item 24.

Council members and Assistant City Manager Mark Van Vleck discussed the following topics: that the winter quarter averaging time period is December 1, 2019 through February 28, 2020; related changes in Infor necessary to return to winter quarter averaging; breaking stormwater fee out from water fee on utility bills; and the impact of the change, to winter quarter averaging, on the City's budget.

There were no comments from the public.

Council Member Guajardo 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: 031874

- 25.** Second Reading Ordinance amending the City Code of Ordinances, Chapter 55, regarding 9-1-1 emergency service fees as of January 1, 2020.

Mayor McComb referred to Items 25 and 26.

There were no comments from the Council or the public.

Mayor McComb made a motion to approve Items 25 and 26, seconded by Council Member Smith. These Ordinances were passed on second 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

Enactment No: 031875

26. Second Reading Ordinance approving Parks and Recreation Fee Schedule effective October 1, 2019.

This item was passed by one vote (see Item 25).

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: 031876

M. PUBLIC HEARINGS: (ITEMS 27 - 28)

27. 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.

Mayor McComb referred to Item 27.

Assistant Director of Development Services Nina Nixon-Mendez presented information on the following topics: overview; special permits; side yard requirements; townhomes; accessory buildings; administrative adjustments; and Planning Commission's and staff's recommendation.

Council members and Assistant Director Nixon-Mendez discussed the following topics: zoning changes in the proposed ordinance relating to crematoriums; feedback from and outreach to user groups regarding this ordinance; the ordinance's effect on construction of accessory buildings / barns on large lots; seeking variances; consolidating zoning districts; and that restrictions on the proximity of swimming pools to septic system spray fields is permitted through the Public Health District.

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

Council Member Garza 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 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: 031877

28.

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.

Mayor McComb referred to Item 28.

Assistant Director of Development Services Nina Nixon-Mendez presented information on the following topics: 2019 state legislative action mandating changes to the Unified Development Code; overview; industrialized housing; and landmark designations.

A council member and Assistant Director Nixon-Mendez discussed details relating to industrialized housing; in what zoning districts industrialized housing is allowed; and related height regulations.

Assistant Director Nixon-Mendez presented the following additional information: the Zoning Board of Adjustment appeals process; building materials; and Planning Commission's and staff's recommendation.

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

Council members and Assistant Director Nixon-Mendez discussed that the changes proposed by this ordinance are mandated by the State of Texas.

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

A council member and City Attorney Miles Risley discussed the effect, on the City, of not abiding by state mandated regulations.

This Ordinance was passed on first reading and approved with the following vote:

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

Abstained: 0

Enactment No: 031878

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEM 30)

30. 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.

Mayor McComb referred to Items 30 and 33.

A council member asked for a presentation on Item 33.

Director of Contracts and Procurement Kim Baker stated that the purpose of Item 33 is to adjust revenues and expenditures in the Stores Fund, as required by the City Charter, due to having sold more goods from the City Warehouse than anticipated.

A council member and Director Baker discussed that the City Warehouse's customers are all internal customers, from other city departments; and that the increased sales indicate departments are purchasing more from the City Warehouse and less from outside vendors.

Council Member Hunter made a motion to approve Items 30 and 33, seconded by Council Member Roy. 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

Enactment No: 031880

P. BRIEFINGS: (NONE)

ADDENDUM ITEMS: (ITEM 33)

- 33.** 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 item was passed by one vote (see Item 30).

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: 031881

R. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

S. ADJOURNMENT

The meeting was adjourned at 6:52 p.m.