



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, May 21, 2019

11:30 AM

Council Chambers

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 12:00 P.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 Public Communications 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 Deacon Michael Mantz, Diocese of Corpus Christi.**

Deacon Michael Mantz gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Margaret Morin, Utility Business Office Manager, Finance Department.**

Margaret Morin 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.**

Assistant City Secretary Paul Pierce 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 Assistant City Secretary Paul Pierce.

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

CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:

b. OTHER

Mayor McComb deviated from the agenda, referred to City Manager's Comments and introduced the new city manager, Peter Zanoni.

City Manager Zanoni introduced himself and outlined his vision.

E. Proclamations / Commendations

1. Proclamation declaring May 19-25, 2019, "Emergency Medical Services Week".
Proclamation declaring May 19-25, 2019, "National Public Works Week".
Proclamation declaring May 2019, "Motorcycle Safety and Awareness Month".
Proclamation declaring June 3-9, 2019, "PRIDE Week".
Proclamation declaring June 9-19, 2019, "154th Anniversary of the Juneteenth Celebration, the Spirit of Emancipation Days".
Recognition of Drue Jones, Goodwill Ambassador.
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

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

- J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.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 Public Communications 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. Assistant City Secretary Paul Pierce conducted the public comment period.

Jack Gordy, 4118 Bray Dr., spoke regarding blocked sidewalks. Reinaldo Figueroa, 221 Lola Johnson Rd., spoke in opposition to agenda item 27 relating to rezoning of property at or near 2110 Laguna Shores Road. Larry Ortega, 6765 Wood Iron, spoke regarding contract-related issues related to agenda item 31, custodial services for outlying police buildings. Gloria Scott, 4422 S. Alameda invited City Manager Peter Zanoni to upcoming events held at the Oveal Williams Center, to the Hillcrest neighborhood and to the African-American Museum in Solomon Coles High School. Hunter Sterchi, 237 Lola Johnson spoke in opposition to agenda item 27 relating to rezoning of property at or near 2110 Laguna Shores Road. Bech Bruun, 15 Beachwood, Rockport, Texas, spoke regarding area water planning. Sylvia Tryon Oliver, 2814 Roger Street, spoke regarding diversity planning. Susie Luna Saldana, 4710 Hakel, welcomed new City Manager Peter Zanoni. Margareta Fratila, 3606 Tripoli Dr., welcomed new City Manager Peter Zanoni and spoke regarding water billing issues. Vernon Cordova, 3137 Crest Valley, spoke regarding water billing issues. Robyn Cobb, 7032 Lake View Dr., spoke regarding concerns relating to agenda item 18, Urban Transportation Plan Amendment for the Regional Parkway. John Medina, 4931 Mokry Dr., thanked council members for listening and welcomed new City Manager Peter Zanoni.

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

Mayor McComb deviated from the agenda and referred to City Manager's Comments. City Manager Peter Zanoni reported on the following topics:

OTHER

1) The City's seven pools will open May 25, 2019, hours of operation and locations are available by calling the City at 826-PLAY or online at www.ccparkandrec.com. 2) The Library Summer Reading Program is getting underway.

a. UTILITY BILLING UPDATE

Interim IT Director Peter Collins reported on the following topics: delinquent utility accounts and related grace period ending on June 30, 2019; delinquent notices; payment options; encouraging citizens with delinquent accounts to make contact with the City; and citizen outreach efforts.

Interim Director Collins and council members discussed: anticipated call volume related to delinquent accounts; getting the word out via social media; the number of residential and commercial accounts on payment plans; collection of delinquent accounts; and impending disconnections.

I. EXPLANATION OF COUNCIL ACTION:

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

Council Member Molina made a motion to reconsider Item 26, 19-0482, from the May 14, 2019 City Council agenda, discussion with possible action regarding the process for City Charter Review, seconded by Council Member Guajardo and passed unanimously.

Council members discussed the following topics: the frequency with which the City Charter can be amended; a comprehensive review of the City Charter; the Charter Review Committee weighing in on possible target election dates; and that the City Council should determine the election date.

Council Member Molina made a motion to form a charter review committee to discuss a comprehensive review of the City Charter, with a focus on extending city council terms to four years, city council compensation, and miscellaneous housekeeping items, with a target election date to be determined by City Council, seconded by Council Member Guajardo.

Council members discussed the following topics: previous City Charter reviews; the pros and cons and associated costs of holding a Charter election on various uniform election dates; having the City Council versus a charter review committee reviewing the City Charter; and the applicability, to sitting council members, of voter-approved changes to the City Charter.

Mayor McComb called for comments from the public. Rick Milby, 4412 High Ridge Drive, spoke regarding a past Charter Review Committee's recommendation to increase city council members' compensation.

Council members also discussed obtaining citizen feedback during the charter review process by duplicating the process used to solicit citizen feedback during the recent city manager hiring process.

This motion was passed and approved by the following vote:

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

Nay: 2 - Council Member Hernandez and Council Member Hunter

Abstained: 0

Enactment No: M2019-068

G. MINUTES:

2. Regular Meeting of May 14, 2019.

Mayor McComb deviated from the agenda and referred to approval of the minutes. A motion was made by Council Member Rudy Garza, seconded by Council Member Ben Molina, that the Minutes be passed. The motion carried by a unanimous vote.

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

K. CONSENT AGENDA: (ITEMS 3 - 23)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Staff requested that Item 4 be pulled for individual consideration and that Items 5 and 7 be withdrawn. A member of the public requested that Item 18 be pulled for individual consideration. Council members requested that Items 10 and 20 be pulled for individual consideration.

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

3. Service Agreement for Dispatch and Lot Management System Software for Impound and Rotation Tows

Motion authorizing a five-year service agreement for Dispatch and Lot Management System software for impound and rotation tows with UR International, Inc. of Sugar Land, Texas for a total amount not to exceed \$135,000.

This Motion was passed on the consent agenda.

Enactment No: M2019-069

5. Motion authorizing a two-year service agreement for radio system consulting services for the Police Department with Trott Communications Group, Inc. of Irving, Texas for a total amount not to exceed \$129,010 funded through the Law Enforcement Trust Fund.

This Motion was withdrawn.

6. Supply Agreement for Automotive Parts for the Fire Department

Motion authorizing a three-year supply agreement for automotive parts with Advance Stores Company of Raleigh, North Carolina via U.S. Communities cooperative for an amount not to exceed \$105,000.

This Motion was passed on the consent agenda.

Enactment No: M2019-070

7. Motion awarding a contract to D&SS Construction, Inc. for construction associated with Tennis Center Repairs and Upgrades in the amount of \$558,527.21, removing and replacing three (3) existing tennis courts at the HEB Tennis Center as listed in the base bid and alternate 1 with available funds in the 2012 Park Bond Program.

This Motion was withdrawn.

8. Professional Services Contract Amendment No. 4 for the Central Library Roof Replacement (Bond 2012 and Bond 2018)

Motion authorizing the City Manager, or designee, to execute professional services contract Amendment No. 4 with Solka, Nava, Torno, LLC, of Corpus Christi, Texas, in the amount of \$75,740 for a total restated fee of \$125,030 for Central Library Roof Replacement project.

This Motion was passed on the consent agenda.

Enactment No: M2019-071

9. Amendment No. 1 for the Laguna Madre Wastewater Treatment Plant Rehabilitation Project

Motion to authorize execution of Amendment No. 1 to a contract for professional services with Urban Engineering of Corpus Christi, Texas in the amount of \$392,210 for a total restated fee of \$419,070 for the Laguna Madre Wastewater Treatment Plant Rehabilitation project.

This Motion was passed on the consent agenda.

Enactment No: M2019-072

11. Resolution authorizing an Interlocal Cooperation Agreement for Water Line Improvements

Resolution authorizing an Interlocal Cooperation Agreement with San Patricio Municipal Water District (SPMWD) for the City to accept approximately 3,600 linear feet (LF) of water pipeline constructed by SPMWD, and to pay SPMWD an amount not to exceed \$300,000 for installing two tees, two valves, two utility vaults, and approximately 3,600 linear feet of fiber-optic cable for the City's future water distribution development.

This Resolution was passed on the consent agenda.

Enactment No: 031763

12. Resolution authorizing a Supply Agreement for the purchase of scientific water lab testing reagents and consumables

Resolution authorizing a five-year supply agreement for the purchase of scientific water lab testing reagents and consumables with IDEXX Distribution, Inc. of Westbrook, Maine for an amount not to exceed \$332,411.

This Resolution was passed on the consent agenda.

Enactment No: 031764

13. Supply Agreement for the purchase of liquid chlorine for O.N. Stevens Water Treatment Plant

Motion authorizing a two-year supply agreement for the purchase of liquid chlorine 1-ton cylinders from DPC Industries, Inc. of Houston, Texas for a total amount not to exceed \$102,000.

This Motion was passed on the consent agenda.

Enactment No: M2019-074

14. Resolution authorizing the purchase of trailer mounted manhole rehabilitation equipment

Resolution authorizing the purchase of trailer mounted manhole rehabilitation equipment from Action Products Marketing Corp, of Johnston, Iowa for a total amount not to exceed \$131,160.

This Resolution was passed on the consent agenda.

Enactment No: 031765

15. Service Agreement for Welding Services for Asset Management

Motion authorizing a three-year service agreement for welding services with Carrillo's Welding Services, of Corpus Christi, Texas, for an amount not to exceed \$228,000.

This Motion was passed on the consent agenda.

Enactment No: M2019-075

16. Service Agreement for the Lease Purchase of Articulating Boom Lift for Corpus Christi International Airport (CCIA)

Motion authorizing a three-year service agreement with All Around Access LLC of Naples, Florida for the lease purchase of an articulating boom lift including a three-year extended warranty service for a total amount not to exceed \$99,889.59.

This Motion was passed on the consent agenda.

Enactment No: M2019-076

17. Resolution suspending the date of AEP Texas Inc.'s requested rate change

Resolution of the City of Corpus Christi, Texas suspending the June 5, 2019 effective date of AEP Texas Inc.'s requested rate change to permit time to study the request and to establish reasonable rates; approving cooperation with the cities served by AEP Texas and authorizing

intervention proceedings before the Public Utility Commission; hiring attorneys and consulting services; and requiring reimbursement of cities' rate case expenses.

This Resolution was passed on the consent agenda.

Enactment No: 031766

19. Second Reading Ordinance - Appropriating funds for a Construction Contract for Slough Road (Rodd Field Road to Amethyst Drive) (Type B) (1st Reading 5/14/19)

Ordinance appropriating \$154,430.54 and authorizing execution of a construction contract with Max Underground Construction, LLC of Corpus Christi in the amount of \$5,400,889.65 for base bid plus Additive Alternatives No. 1, 2 and 3 for Slough Road (Rodd Field Road to Amethyst Drive) Improvement Project.

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

Enactment No: 031768

21. Second Reading Ordinance - Partial easement closure for property located at 10329 Creek Bottom Drive (1st Reading 5/14/19)

Ordinance abandoning and vacating a 1-foot wide by approximately 42-feet in length (42 sq. ft.) portion of an existing utility easement out of Lot 22, Block 4, Maple Hills Unit 7, Phase One, located at 10329 Creek Bottom Drive.

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

Enactment No: 031770

22. Second Reading Ordinance - Authorizing Lease Amendment No. 7 to Lease Agreement for Office Space at the Airport for the Transportation Security Administration (TSA) (1st Reading 5/14/19)

Ordinance authorizing Lease Amendment No. 7 to the lease agreement between the City and the U.S. General Services Administration for use of terminal office space at Corpus Christi International Airport by the Transportation Security Administration from March 1, 2019, through February 29, 2024, for minimum annual rent of \$400,345.91; ratifying prior lease amendments; and modifying necessary provisions of the lease.

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

Enactment No: 031771

23. Second Reading Ordinance - Appointing Municipal Court Judges

(1st Reading 5/14/19)

Ordinance appointing Julianna Siracusa Rivera as a full-time Municipal Judge of the Municipal Court of Record in the City of Corpus Christi, Texas; appointing William Gregory "Bill" Bonilla as a part-time judge of the Municipal Court of Record in the City of Corpus Christi; determining salary; providing a term of office; and declaring an effective date.

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

Enactment No: 031772

4. Resolution Authorizing an Interlocal Cooperation Agreement for Radio System Consulting Services for Police Department

Resolution authorizing an interlocal cooperation agreement with the Regional Transportation Authority and Nueces County to provide payment to Trott Communications for radio system consulting services.

Mayor McComb referred to Item 4. Police Management Services Director Pat Eldridge stated that a typographical error was corrected in the second paragraph of the contract. There were no comments from the Council or the public.

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

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

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: 031761

10. Construction Contract for City-wide Wastewater Indefinite Delivery/Indefinite Quantity (IDIQ) Program 2019

Motion to authorize execution of an IDIQ construction contract with PM Construction & Rehab LLC, dba IPR South Central of Pasadena, Texas in the amount of \$10,000,000 per year for a total not to exceed \$30,000,000 in three years for the City-Wide Wastewater IDIQ 2019 project for base bid plus additive alternate No. 1. This is a one (1) year base contract with two (2) one-year renewals to be approved administratively subject to availability of funding and satisfactory contractor performance.

Mayor McComb referred to Item 10. Council Member Hernandez made a motion to amend the motion so that the two (2) one-year renewals are to be

approved by the City Council. There were no comments from the public.

A council member and Executive Director of Water Utilities Dan Grimsbo discussed the following topics: that both Purchasing and Engineering departments have procurement authority; the Council being provided with report on the Indefinite Delivery/Indefinite Quantity (IDIQ) program; the reason for the IDIQ program; the purpose of administratively approving the two (2) one-year renewals; pipe bursting versus pipe cleaning; the Council being provided with a report on the IDIQ program and contractor's performance annually before renewal of the contract; and the contents of the report to be provided to Council.

Council Member Hernandez restated the motion to approve the motion as presented and to include that staff will provide semi-annual reports to the City Council on the progress and expenditures for the Wastewater Indefinite Delivery/Indefinite Quantity Program.

Council members and staff discussed the following additional topics: contract management of IDIQ contracts; delivery orders being completed in-house to save money; and inspections of completed jobs.

Council Member Hernandez restated the motion and amended the motion as follows: Staff will provide semi-annual reports to the City Council on the progress and expenditures for the Wastewater Indefinite Delivery/Indefinite Quantity Program that includes the program's effects on sanitary sewer overflows and infiltration/inflows, seconded by Council Member Garza and passed unanimously.

Council Member Garza made a motion to approve the motion as amended, seconded by Council Member Guajardo. This Motion was passed and approved as amended 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: M2019-073

18.

Second Reading Ordinance - Urban Transportation Plan Amendment for the Regional Parkway (1st Reading 5/14/19)

Ordinance amending the Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by adding the Regional Parkway, located between Park Road 22 and State Highway 286, with a designation of RA3 Primary Rural Arterial.

Mayor McComb referred to Item 18. David Newstead, 609 Grant Place, Conservation Chair for the Coastal Bend Audobon Society, discussed the importance of waterfouling and recreational fishing and the environmental impact of the portion of the project that is to cross the Laguna Madre.

Council members discussed the following topics: deed restrictions for the

property owned by Nueces County, purchased from the Texas General Land Office, that is part of the project; timelines; ownership of properties related to this project; condemnation of properties; securing of rights-of-way; planning for growth on Padre Island; the importance of the Rodd Field Road extension; and that the Corpus Christi Metropolitan Planning Organization is funding the planning of this project with the goal that the resulting highway will be a state highway.

Council Member Smith 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: 031767

20.

Second Reading Ordinance - Authorizing a Professional Services Project contract for the Restoration of SEA District Water Features Project (1st Reading 5/14/19)

Ordinance amending the FY 2019 Capital Improvement Program budget to increase the year one budget for Restoration of SEA District Water Features in the amount of \$300,000; and authorizing execution of professional services contract with LNV, Inc., in the amount of \$364,100 for the Restoration of SEA District Water Features project.

Mayor McComb referred to Item 20.

Council members and the presentation team, consisting of Executive Director of Public Works Valerie Gray, Director of Parks and Recreation Jermel Stevenson and Dan Leyendecker with LNV Engineering, Inc., discussed the following topics: that, legally, the Watergarden constitutes the Seawall; other structures that may constitute the Seawall; flooding in the vault housing pumps due to an engineering design flaw; potential cost-saving alternatives to the item presented; reimbursements by the Federal Emergency Management Agency (FEMA); the history of the Watergarden and previous flooding events; previous efforts to mitigate flooding of the vault; relocating pumps from the below-ground vault to a newly constructed above-ground pump station; that this project is separate from the water feature on Shoreline Drive and the anticipated cost of repairs for each project; a timeline; that this item is to approve only professional engineering services necessary to complete the design that will allow for the Watergarden and the water feature on Shoreline Drive to be returned to working order; the procurement process; council support for repairs; and the cost of repairs.

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

A council member and staff discussed that the Watergarden water feature will not be operational in 2019, during the design and construction phase.

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

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

Nay: 2 - Council Member Garza and Council Member Smith

Abstained: 0

Enactment No: 031769

S. EXECUTIVE SESSION: (ITEM 36)

Mayor McComb deviated from the agenda and referred to Executive Session Item 36. The Council went into executive session at 2:18 p.m. The Council returned from executive session at 3:05 p.m.

- 36. 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 annexation, disannexation, cession agreements for extraterritorial jurisdiction, apportionment of extra-territorial jurisdiction between municipalities, interlocal agreements with water districts and neighboring municipalities, contracts for potential economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities (including, but not limited to proposed Gulf Coast Growth Ventures' chemical manufacturing facility in San Patricio County, Texas, proposed fractionator and related facilities in Nueces County, economic development agreements relating to property currently or formerly owned by Voestelpe, Corpus Christi Liquefaction, LLC, and other entities and existing and proposed industrial facilities in San Patricio County and Nueces County) that are and/or will be consumers of water and/or wastewater services and connections to the Mary Rhodes Pipeline for facilities to supply water thereto, potential legislation currently being considered in the Texas Legislature related to annexation and other issues, potential annexation of up to 326 acres of extraterritorial jurisdiction that be ceded by the City of Gregory and potential service plans and actions related thereto, and pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).

Mayor McComb referred to Item 36 and the following resolution was considered:

Resolution authorizing Amendment No. 1 and Joinder to Chapter 380 Economic Development Agreement between the City of Corpus Christi, Texas and Corpus Christi Liquefaction, LLC, relating to the development of property in the City's extraterritorial jurisdiction.

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

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

Abstained: 0

Enactment No: 031778

M. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 36.

O. REGULAR AGENDA: (ITEMS 32 - 34)

32. One-Reading Ordinance - Creation of Industrial Districts No. 5, 6, and 7 in San Patricio County

Ordinance authorizing the establishment of Industrial Districts No. 5, 6, and 7 within the extraterritorial jurisdiction of the City of Corpus Christi, Texas; and authorizing industrial district agreements with various property owners within the industrial districts in San Patricio County; and declaring an emergency.

Mayor McComb deviated from the agenda and referred to Item 32. Assistant City Manager Keith Selman stated that the purpose of this item is to create Industrial District Nos. 5, 6, and 7 in San Patricio County.

Assistant City Manager Selman stated that a substitute ordinance has been handed out to council members, providing for a 1,000 foot width and slightly reducing the area of Industrial District Number 6. There were no comments from the Council or the public.

Council Member Smith made a motion to approve the substitute ordinance on emergency, seconded by Council Member Guajardo. This Ordinance was passed on emergency as substitute 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: 031775

33. One-Reading Ordinance - La Quinta Corridor Annexation

Ordinance annexing for full purpose up to 1,500 acres of land into the territorial limits of the City of Corpus Christi and extending the boundary limits of said city to include said hereinafter described property within said city limits; adopting a service plan; and declaring an emergency.

Mayor McComb referred to item 33. Assistant City Manager Keith Selman stated that the purpose of this item is to annex the 1,500 acres known as the La Quinta Corridor.

Assistant City Manager Selman stated that one property in the area to be annexed has executed an agricultural agreement and recommended approving the ordinance as presented. There were no comments from the Council or the public.

Council Member Smith made a motion to approve the ordinance on emergency, seconded by Council Member Barrera. This Ordinance was passed on emergency 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: 031776

34. One-Reading Ordinance - Annexation of Up to 5,700 Acres Along the North Side of Corpus Christi Bay

Ordinance annexing for full purpose up to 5,700 acres of land into the territorial limits of the City of Corpus Christi and extending the boundary limits of said city to include said hereinafter described property within said city limits; adopting a service plan; and declaring an emergency.

Mayor McComb referred to Item 34. Assistant City Manager Keith Selman stated that the purpose of this item is to annex up to 5,700 acres along the north side of Corpus Christi Bay.

Assistant City Manager Selman presented a substitute ordinance that contained the following changes: includes metes and bounds of annexed area in Exhibit A; updates map in Exhibit B to match finalized metes and bounds; reduces the area of Industrial District 6; modifies the annexed area to exclude area subject to agreement with Cheniere-related entities.

Andrew Otis, 37 Abbington Avenue, Ardsley, NY representing Corpus Christi Alumina discussed the following topics: the adjacency of Corpus Christi Alumina's (CC Alumina) property to the Cheniere property and its impending sale to Cheniere; and CC Alumina's desire to have its property excluded from this annexation ordinance.

City Attorney Miles Risley discussed the following topics: the recent deadline for entities to return documents; the City's intent to bring back to Council a series of disannexations; and the need to move forward with this annexation.

Mr. Otis discussed annexation and subsequent disannexation and a desire to avoid annexation.

A council member discussed annexation in light of related legislation from the Texas Legislature; and the potential consequences of the Council's failure to act.

Council Member Smith made a motion to approve the substitute ordinance on emergency, seconded by Council Member Garza. This Ordinance was passed on emergency as substitute 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: 031777

S. EXECUTIVE SESSION: (ITEM 36)

Mayor McComb deviated from the agenda and referred to Executive Session Item 36. The Council did not go into executive session.

36.

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 annexation, disannexation, cession agreements for extraterritorial jurisdiction, apportionment of extra-territorial jurisdiction between municipalities, interlocal agreements with water districts and neighboring municipalities, contracts for potential economic development agreement(s) with entities that are considering the construction, expansion, and/or ownership of industrial facilities (including, but not limited to proposed Gulf Coast Growth Ventures' chemical manufacturing facility in San Patricio County, Texas, proposed fractionator and related facilities in Nueces County, economic development agreements relating to property currently or formerly owned by Voestelpine, Corpus Christi Liquefaction, LLC, and other entities and existing and proposed industrial facilities in San Patricio County and Nueces County) that are and/or will be consumers of water and/or wastewater services and connections to the Mary Rhodes Pipeline for facilities to supply water thereto, potential legislation currently being considered in the Texas Legislature related to annexation and other issues, potential annexation of up to 326 acres of extraterritorial jurisdiction that be ceded by the City of Gregory and potential service plans and actions related thereto, and pursuant to **Texas Government Code § 551.087** to discuss confidential commercial or financial information pertaining to the aforesaid business prospect(s) that the City

seeks to have locate, stay or expand in or near the territory of the City and with which the City may conduct economic development negotiations and/or deliberate possible economic development issues concerning said business prospect(s).

Mayor McComb referred to Item 36. Assistant City Manager Keith Selman stated that the City is in negotiations with the City of Gregory, Texas relating to land being annexed by the City adjacent to the City of Gregory, Texas.

A council member discussed discussions and actions taken to date and currently in progress with various municipalities.

The following resolution was considered:

Resolution declaring City's intent to begin annexation of up to 326 acres of land into territorial limits of City of Corpus Christi; directing the City Manager to prepare a service plan for the extension of municipal services to the proposed annexation area.

Council Member Garza made a motion to approve the resolution, seconded by Council Member Molina. 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: 031779

L. FUTURE AGENDA ITEMS: (ITEMS 24 - 26)

Mayor McComb referred to Future Agenda Items. Mayor McComb stated that staff had a presentation on Item 24. A council member requested information on Item 26.

- 24.** Resolution approving the concepts, direction, and general work plan for the sixth year of the Street Preventative Maintenance Program (SPMP) - "2019 SPMP Work Plan (Year - 6)."

This Resolution was recommended to the consent agenda.

- 25.** Motion approving Amendment No. 1 to a contract with J. Schwarz & Associates, Inc. in the amount of \$846,500 for a restated fee not to exceed \$874,250 to provide engineering design and development of Delivery Orders for the 2019 Citywide Street Preventative Maintenance Program (SPMP) with funding available in the Street Operation Budget and Street Capital Funds for sidewalk improvements for the Americans with Disability Act.

This Motion was recommended to the consent agenda.

- 26.** Motion authorizing six two-year service agreements for non-fire backflow

preventer services for commercial accounts with Koetter Fire Protection, Hebert Irrigation, Graf Plumbing, Smart Plumbing, and KimJon Backflow Service, all of Corpus Christi, Texas, and TD Backflow Services of Orange Grove, Texas for an amount not to exceed \$142,800 for each contract; and, one two-year service agreement for fire backflow preventer for commercial accounts with Koetter Fire Protection of Corpus Christi, Texas for an amount not to exceed \$142,800, for a combined total amount not to exceed \$999,600, each with one two-year option for a total potential multi-year amount not to exceed \$1,999,200, funded by the Backflow Prevention Fund.

This Motion was recommended to the consent agenda.

N. PUBLIC HEARINGS: (ITEMS 27 - 29)

27. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 2110 Laguna Shores Road.

Case No. 0319-02 B&A Terra Firma Development, LLC: Request for rezoning a property at or near 2110 Laguna Shores Road from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District.

Planning Commission and Staff Recommendation (April 17, 2019): Denial of the change of zoning from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District.

Applicant's Request (3/4 Vote Required)

Ordinance rezoning property at or near 2110 Laguna Shores Road from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District.

Mayor McComb referred to Item 27. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property to allow for construction of an apartment complex. Director Nixon-Mendez presented the following information: aerial overview; current zoning of the subject property; zoning pattern; publication notification; that the Planning Commission and staff recommend denial of the change of zoning from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District; that the Applicant is requesting a floor amendment to amend the rezoning application to the "RS-6" Single-Family 6 District; and that staff recommends denial of the "RM-2" Multifamily 2 District, and in lieu thereof, approval of the "RS-6" Single-Family 6 District.

Mayor McComb opened the public hearing. Miguel Saldana, 4553 Moonlake Ridge, representing the Applicant, discussed the following topics: that the original rezoning request to "RM-2" Multifamily 2 District was for the purpose of developing an apartment complex; the developer's requirements to address runoff and flooding concerns; use of the area to educate Flour Bluff Independent School District (Flour Bluff ISD) students; endangered species concerns; pond encroachment; traffic concerns; and the Applicant's willingness to accept rezoning of the property to the "RS-6" Single-Family 6 District. Linda

Barganski, 3838 Emu Drive, representing Flour Bluff ISD, discussed the following: Flour Bluff ISD uses the area as its outdoor classroom numerous times each day, including the pond; traffic concerns; and potential contamination of the pond due to runoff from construction debris.

A council member discussed the following: if Flour Bluff ISD has offered to purchase the subject property; the location and ownership of the pond; the number of students a multifamily complex would add to Flour Bluff ISD.

Council members, staff and Mr. Saldana discussed the following topics: the density of "RS-6" Single-Family 6 District zoning; zoning designations considered low density; the Applicant's plan if "RS-6" Single-Family 6 District zoning is approved; use of City wastewater system versus septic systems; use of City wastewater lift station; how long the Applicant has owned the subject property; when the property was rezoned to its current zoning designation; a past failed attempt to change the zoning of the property; the number of dwellings per acre in various zoning designations; the nomenclature the City uses for its various zoning districts; privacy concerns relating to individuals living above the first floor in apartments overlooking adjacent homes; lot sizes in various zoning designations; allowability of septic systems in various zoning designations; and septic system standards.

Rebecca Root, 325 Lola Johnson Rd., discussed: her previous experience with flooding in Houston, Texas and on her property on Lola Johnson Rd.; previous attempts to rezone the subject property; the type/size of properties on Lola Johnson Road; the effect on the neighborhood of building 90-100 homes on the subject property; the makeup of property owners on Lola Johnson Road; ownership of properties adjacent to the subject property; and the character of the current neighborhood. Darson Aelvoet, 281 Lola Johnson Rd., read excerpts from the 1993 Flour Bluff Area Development Plan and discussed: public safety concerns regarding increased foot traffic on Laguna Shores Road; and use of the nearby wastewater lift station. Jerry Hartung, 2101 Laguna Shores Rd., discussed: the Flour Bluff Area Development Plan; adjacency of the property and the pond used by Flour Bluff ISD; potential effects on the Red Head Pond Wilderness Area; Laguna Shores Road improvements; and traffic concerns. Maggie Hartung, 2101 Laguna Shores Rd., discussed: completion of a traffic study prior to rezoning; the potential impact on Red Head Pond; the impact of a single entrance to and exit from the subject property onto Laguna Shores Road; parking along and traffic on Laguna Shores Road; endangered grasses; and asked Council to consider leaving the property zoned "RE" Residential Estate District. Juan Perales, Jr., 4918 Holly Rd., representing J. Perales Engineering, stated that he has been providing engineering and technical support to the Applicant; the process by which the Applicant's request for a change of zoning has moved from "RM-2" Multifamily 2 District to the "RS-6" Single-Family 6 District; use of the City's nearby wastewater lift station versus septic systems; traffic counts for the "RM-2" Multifamily 2 District versus the "RS-6" Single-Family 6 District; requirements to comply with flood zone and freeboard requirements; and impact on the environment and endangered species. Mayor McComb closed the public hearing.

Council members and staff discussed the following topics: history of the subject property; the Flour Bluff Area Development Plan; that the Planning Commission did not consider the "RS-15" zoning designation; acreage requirements to be able to install a septic system; previous rezoning requests

relating to the subject property; "RS-6" zoning being a compromise; the effects of not rezoning and developing the property; potential issues from installation of septic systems; use of city services on the subject property; that some nearby neighborhoods are also currently zoned "RS-6"; a continuation of movement toward larger lots in the Flour Bluff area with high value homes; the number of surrounding property owners in opposition to the multifamily zoning designation; and that the City does not have traffic counts for Laguna Shores Road.

Council Member Smith made a motion to deny the change of zoning from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District.

A council member and staff discussed the following topics: how long the nearby wastewater lift station has been in place and its original cost of construction; if it is currently in use; that the pumps have been removed from the wastewater lift station; availability of pumps; if Flour Bluff ISD is interested in purchasing the subject property; zoning designations compatible with the Flour Bluff Area Development Plan; the density and minimum lot size of various zoning designations; and the consequences of not taking action on the item.

Council Member Barrera seconded the motion. This motion failed and was not approved with the following vote:

Aye: 3 - Council Member Smith, Council Member Barrera, Council Member Guajardo

Nay: 6 - Mayor McComb; Council Member Roy; Council Member Garza; Council Member Hernandez; Council Member Hunter; Council Member Molina

Abstained: 0

Council Member Garza made a motion to deny the change of zoning from the "RE" Residential Estate District to the "RM-2" Multifamily 2 District, and in lieu thereof, approval of the "RS-6" Single-Family 6 District, seconded by Council Member Roy. This ordinance failed by the following vote (3/4 vote required):

Aye: 5 - Mayor McComb, Council Member Garza, Council Member Hernandez, Council Member Hunter and Council Member Roy

Nay: 4 - Council Member Barrera, Council Member Guajardo, Council Member Molina and Council Member Smith

Abstained: 0

28. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 10224 Leopard Street.

Case No. 0319-03 Corpus Christi Storage Solutions, LLC: Request for rezoning a property at or near 10224 Leopard Street from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District.

Planning Commission and Staff Recommendation (April 17, 2019):

Denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit (SP) with conditions.

Ordinance rezoning property at or near 10224 Leopard Street from the "RS-6" Single-Family 6 District to the "RS-6/SP" Single-Family 6 District with a Special Permit (SP) with conditions.

Mayor McComb referred to Item 28. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property to allow for parking and storage of trailers, boats and recreational vehicles as part of an existing mini storage building. Director Nixon-Mendez presented the following information: aerial overview; current zoning of the subject property; zoning pattern; and that the Planning Commission and Staff recommend denial of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-2" General Commercial District, and in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit (SP) with conditions.

Mayor McComb opened the public hearing. A council member asked a question regarding the recommended "RS-6/SP" zoning designation. 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 Guajardo. 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

29. Public Hearing and First Reading Ordinance - Rezoning for a Property located at or near 701 McBride Lane.

Case No. 0419-01 Vernon and Jennifer Carr: Request for rezoning a property at or near 701 McBride Lane from the "CG-2" General Commercial District and the "RS-6" Single-Family District to the "IL" Light Industrial District.

Planning Commission and Staff Recommendation (April 17, 2019):

Denial of the change of zoning from the "CG-2" General Commercial District and the "RS-6" Single-Family 6 District to the "IL" Light Industrial District, in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit (SP) with conditions.

Ordinance rezoning property at or near 701 McBride Lane from the "CG-2" General Commercial District and the "RS-6" Single-Family

District to the "CG-2/SP" General Commercial District with a Special Permit (SP) with conditions.

Mayor McComb referred to Item 29. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property to allow for the construction of a welding shop. Director Nixon-Mendez presented the following information: aerial overview; current zoning of the subject property; zoning pattern; and that the Planning Commission and Staff recommend denial of the change of zoning from the "CG-2" General Commercial District and the "RS-6" Single-Family 6 District to the "IL" Light Industrial District, and in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit (SP) with conditions.

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

Council Member Hunter made a motion to approve the ordinance, seconded by Council Member Garza. 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 Hernandez, Council Member Hunter, Council Member Molina, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Guajardo

Abstained: 0

O. REGULAR AGENDA: (ITEMS 30 - 34)

30. Resolution authorizing grant submission for Automobile Burglary and Theft Prevention Authority

Resolution authorizing submission of grant application for \$418,087 to Automobile Burglary and Theft Prevention Authority (ABTPA) to continue the motor vehicle theft enforcement grant with a City cash match of \$702,757, in-kind match of \$62,046, and program income match of \$3,851 for a total project cost of \$1,186,741.

Mayor McComb referred to Item 30. Police Chief Mike Markle stated that the purpose of this item is authorize the submission of a grant application for \$418,087 from the Burglary and Theft Prevention Authority of Texas, requiring a cash match of \$702,757, in-kind match of \$62,046 and program income match of \$3,851. Police Chief Markle also stated that the resolution needed to be amended to add Section 2 as follows: "In the event of the loss or misuse of these grant funds, the City of Corpus Christi assures that the grant funds will be returned, in full, to the Automobile Burglary Theft Prevention Authority".

Council Member Smith made a motion to amend the resolution to add Section 2 as stated by Chief Markle, seconded by Council Member Barrera and passed unanimously.

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

amended 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: 031773

31.

Resolution for a service agreement for custodial services for outlying police buildings

Resolution authorizing a 12-month service agreement for custodial services for outlying police buildings with Ernestina Luna, dba Unified Service Associates of San Antonio, Texas for an amount not to exceed \$109,395.96, with two 12-month options for a potential total amount not to exceed \$328,187.88.

Mayor McComb referred to Item 31. Police Management Services Director Pat Eldridge stated that the purpose of this item is to authorize a 12-month service agreement for custodial services for outlying police buildings with Unified Service Associates of San Antonio, Texas for an amount not to exceed \$109,395.96 with two 12-month options for a potential total amount not to exceed \$328,187.88.

Director Eldridge stated: this service will be performed at 10 outlying police buildings, not at police headquarters; the service will provide an adequate number of custodians who will work Monday through Sunday; the Contracts and Procurement Department conducted a competitive procurement process; the City received four responsible and one non-responsible bids; and staff recommends award to the lowest responsible responsive bidder, Unified Service Associates.

Council members, Director Eldridge and the presentation team, consisting of Assistant City Attorney Gabriel Rodriguez, Director of Contracts and Procurement Kim Baker and Interim Assistant City Manager Mike Markle, discussed the following topics: that this is the service an individual referenced during today's Public Comment period; if the speaker's comments/concerns should be addressed before this item is approved; the need to award the contract to ensure there is continued service; the difference between contract termination and not exercising optional renewals; and that the City has the sole discretion as to whether the optional renewal is exercised.

Council Member Molina made a motion to approve the resolution, seconded by Council Member Roy. 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: 031774

P. FIRST READING ORDINANCES: (NONE)

Q. BRIEFINGS: (NONE)

R. LEGISLATIVE UPDATE:

None.

S. EXECUTIVE SESSION: (ITEM 36)

Mayor McComb referred to Executive Session Item 35. The Council went into executive session at 5:34 p.m. The Council returned from executive session at 6:07 p.m.

- 35. 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(s) with the Corpus Christi Police Officers' Association and the Corpus Christi Professional Firefighters' Association.**

This E-Session Item was discussed in executive session.

T. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Future Agenda Items. The following items were identified: a presentation on the strategy, moving forward, to increase air service at Corpus Christi International Airport; and a report on the extension of Rodd Field Road, moving it up as a priority for the Corpus Christi Metropolitan Planning Organization.

U. ADJOURNMENT

The meeting was adjourned at 6:10 p.m.