



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, July 23, 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 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.**
- B. Invocation to be given by Pastor David Kelly, Trinity Worship.**

Mayor McComb gave the invocation.

- C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Kristy Glick, Management Assistant, Development Services.**

Ms. Kristy Glick 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

E. Proclamations / Commendations

1. Proclamation declaring July 2019, "Watch Your Car Month".
Proclamation declaring July 21-27, 2019, "Feria De Las Flores Week" and July 27, 2019, "Feria De Las Flores Day".
Commendation for Captain Philip M. Brock, United States Navy.
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

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

- 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 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. City Secretary Rebecca L. Huerta conducted the public comment period.

Alyssa Mejia, 41 Camden Place, spoke about her experience with the City in reporting a dog bite incident and the need for the City to improve on how reporting is handled through the City app, City Website, Call Center, Hotline, and Non-emergency department. Margareta Fratila, 3606 Tripoli Dr., spoke about the lack of sidewalks on the Island and asked for assistance in finding a solution since it affects families and the disabled. Ms. Fratila praised Development Services and Code Enforcement for assisting her to research laws related to the disabled. Mike Carrell, 4966 Cherry Hills, thanked the City for working with Frost Bank, and spoke in support of item 14, the closure of Broadway Court. Robert Algeo, 15629 Three Fathoms Bank Dr., asked for recognition of two lifeguards who saved a man from drowning by Bob Hall Pier, Joshua Salazar and Christopher Veit. Mr. Algeo also spoke about House Bill 1548 regarding utility vehicles (UTVs) and asked Council to consider rewriting the City Code of Ordinances regarding the operation of golf carts and to include UTVs.

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

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

a. OTHER

1) City Manager Zanoni informed the public of upcoming calendar events involving the FY2020 budget, which would include four workshop sessions, five community meetings (one in each council district), and one public hearing to discuss the budget. In addition, he stated, there would be two public hearings to discuss the City's property tax rates. 2) Follow-up on business and community outreach plan for communicating with the public and businesses regarding the Everhart Road project through weekly emails and access to the City's website. 3) Operation Safe Return Annual Event hosted by the Police Department, partnership with KIII TV, and the addition of benefits provided to the community for families with children returning to school.

G. MINUTES: (NONE)**H. BOARD & COMMITTEE APPOINTMENTS: (NONE)****I. EXPLANATION OF COUNCIL ACTION:****K. CONSENT AGENDA: (ITEMS 2 - 13)****Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. A council member requested that Item 2 be pulled for individual consideration. There were no comments from the public.

A motion was made by Council Member Smith, seconded by Council Member Garza, to approve Items 3-13 on the Consent Agenda. These 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.** Ordinance amending the Urban Transportation Plan map of MobilityCC, a transportation element of the City's Comprehensive Plan, for streets proposed in the London area between SH 286 and FM 763 and between the Oso Creek and FM 43; and amending MobilityCC by adding a HikeBikeCC map for the West Oso Creek Wilderness Trail.

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

Enactment No: 031815

4. Ordinance disannexing approximately 662.51 acres located along Texas State Highway 361 and areas south of State Highway 361 from the City of Corpus Christi, Texas; adjusting the City boundaries accordingly and affirming annexations and boundaries; providing for severance, publication, and an effective date.

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

Enactment No: 031816

5. Ordinance authorizing the establishment of Industrial District No. 8 within the Extraterritorial Jurisdiction of the City of Corpus Christi, Texas; and authorizing Industrial District Agreement with property owners within the Industrial District.

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

Enactment No: 031817

6. Ordinance approving the amendment to the Tax Increment Reinvestment Zone #2 Amended Project & Financing Plans approved by the Board of Directors of Reinvestment Zone Number Two, Corpus Christi, Texas, on June 10, 2019.

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

Enactment No: 031818

7. Ordinance authorizing an agreement with Nueces County Victims' Memorial Garden for donation and acceptance of Memorial Garden to be placed at Cole Park.

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

Enactment No: 031819

8. Motion awarding a contract to Mako Contracting, LLC in the amount of \$603,463.91 for construction associated with Tennis Center Repairs and Upgrades, including removing and replacing three (3) existing tennis courts at the HEB Tennis Center funded by the 2012 Park Bond Program.

This Motion was passed on the consent agenda.

Enactment No: M2019-108

9. Motion authorizing the lease purchase of heavy equipment consisting of two mini excavators and three backhoes for excavations during installation of gas taps and service lines by Gas Operations from Doggett Heavy Machinery of Corpus Christi, Texas, for a total amount not to exceed \$542,760.32 funded through the Gas Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-109

10. Motion authorizing a two-year supply agreement for gas meters, that will be used for new services and replacement of models no longer supported, with Wilnat, Inc., dba Koons Gas Measurement of Tulsa, Oklahoma for the total amount not to exceed \$974,035.00, with the first year funded through the Gas Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-110

11. Motion authorizing the purchase of two replacement crew trucks from Silsbee Ford of Silsbee, Texas, for a total amount not to exceed \$106,861.11 funded through the Gas Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-111

12. Motion authorizing a one-year service agreement for rental of nine pickup trucks (half-ton), plus contingency vehicles to be used on a daily or weekly basis when needed, with United Rentals, Inc. of Corpus Christi, Texas, for an amount not to exceed \$113,361.10, with one additional one-year option for a total potential multi-year amount not to exceed \$226,722.20, with the first-year funding through the Water, Wastewater, and Gas Funds. The trucks will be used by Gas Department and Water Utilities Department to meet daily operational requirements while production and delivery of newly purchased replacement vehicles transpires.

This Motion was passed on the consent agenda.

Enactment No: M2019-112

13. Resolution authorizing an agreement with Corpus Christi Alumina, LLC under Chapter 212 of the Texas Local Government Code, relating to the development of property in the City's extraterritorial jurisdiction.

This Resolution was passed on the consent agenda.

Enactment No: 031820

2. Ordinance adopting the fiscal year (FY) 2019-2020 Consolidated Annual Action Plan (CAAP) for the Community Development Block Grant (CDBG) budget in the amount of \$2,650,562.00, the Emergency Solutions Grant (ESG) budget in the amount of \$225,067.00, and the HOME Investment Partnerships (HOME) budget in the amount of \$1,055,648.00 for a total of \$3,931,277.00 of entitlement funding from the United States Department of Housing and Urban Development (HUD) and authorizing the City Manager or designee to execute all documents

necessary to submit the CAAP, authorizing a staff complement of 27 positions; accept and appropriate funding for the approved CAAP projects and further execute funding agreements, amendments or other documents necessary to implement the FY2019-2020 CAAP with organizations for approved projects.

Mayor McComb referred to Item 2.

A council member and City Manager Peter Zanoni discussed the following topics: the dwindling of funding for affordable housing programs; how to backfill the funding; work plan to dedicate staff to research and focus on the financial drain; and the population being a big driver on funds distributed nationally.

Council Member Garza made a motion to approve the ordinance, seconded by Council Member Barrera. This Ordinance was passed on second reading and approved by 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: 031814

M. PUBLIC HEARINGS: (ITEM 14)

- 14.** Ordinance closing, abandoning and vacating a 12,632 square foot portion of public street, Broadway Court lying between Water Street and Shoreline Boulevard, conditioned upon payment of \$240,000.00 for fair market value of the improved street.

Mayor McComb deviated from the agenda and referred to Item 14.

Director of Development Services Nina Nixon-Mendez stated that the purpose of this ordinance is to close, abandon, and vacate a 12,632 square foot portion of a 60-foot-wide public street adjoining Block 4, South Water Beach Addition, as recorded in Volume 21, Page 50, Deed and Map Records, Nueces County Texas and Lot 6, Block 5, South Water Beach Addition, as recorded in Volume 68, Pages 959-960, Deed and Map Records of Nueces County, Texas, and requiring petitioners, Frost Bank, to comply with specified conditions.

Director Nixon-Mendez presented information on the following topics: vicinity map of proposed street closure; aerial overview; staff recommendation to approve; before and after improvements of Broadway Court.

Mayor McComb opened the public hearing.

John Holmgreen, 520 S. Chaparral, thanked the City for the development of The Water's Edge park, but commented on the negative effect this closure would have on parking spaces for people who currently visit The Water's Edge

park, asked that other parking accommodations be made for the public's use during this construction project, and for the council to consider the effect the construction project may have on traffic at that intersection before granting the request.

Council members and Director Nixon-Mendez discussed the following topics: future parking issues when private vacant lots disappear; number of parking spaces eliminated; loss of revenue from downtown parking; road already closed for construction over a year; available parking areas for The Water's Edge park; and creating a parking improvement fund to entice owners of vacant parking lots to make improvements, thus, alleviating parking issues.

City Manager Peter Zanoni commented that Frost Bank is amenable to working with the City in allowing the public to use their parking spaces after business hours and on weekends.

Mike Carrell, Frost Bank, commented on Frost Bank's intention to landscape the area and make it available for the public's use after business hours and weekends, except for the shaded parking spaces, which would ultimately be rented out.

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: 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

R. BRIEFINGS: (ITEM 21)

- 21.** The 2020 Census helps to determine everything from the eligibility for federal funding to elected representation. The Complete Count Committee and Nueces Together (non-profit) are working together to ensure robust participation in the 2020 Census. Judge Canales will address Council regarding participation in their effort.

Mayor McComb deviated from the agenda and referred to Item No. 21.

Nueces County Judge Barbara Canales, Chair of the Complete Count Committee, stated that the purpose of this item was to inform the Council of the nonprofit group Nueces Together, which has been formed to work with the Complete Count Committee, to develop marketing and outreach programs to ensure an accurate US Census Count for Nueces County and to officially request participation from the City of Corpus Christi in the Nueces Together effort to ensure robust participation in the 2020 Census.

Judge Canales presented information on the following topics: why the census is critical; how census counts determine dollars; the census determines state representation; the census equals economic opportunity; promoting census 2020 takes funding; the U.S. Census Bureau's online services versus field workers; the U.S. Bureau recommendation of Complete Count Committees; hard to count populations; Nueces Together Outreach Plan; Nueces Together's limited access to data; and action plan timeline.

Council members and Judge Canales discussed the following topics: the committee's financial goals; goals for counting everyone; reaching the homelessness population; plans for advertising; unified community effort through employers/employees; and how the census affects relationship with the State.

T. EXECUTIVE SESSION: (ITEM 22)

Mayor McComb deviated from the agenda and referred to Executive Session Item 22. The Council went into executive session at 1:40 p.m. The Council returned from executive session at 2:20 p.m.

- 22. 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 and potential litigation with the U.S. Environmental Protection Agency, Texas Commission on Environmental Quality, Texas Attorney General, and/or U.S. Department of Justice concerning the City's sanitary sewer system and/or water system, dissolved oxygen standards in Oso Bay, sanitary sewer overflows, and other regulatory matters related to the City's wastewater treatment plants.

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 22.

N. RECESS TO CORPORATION MEETING: (ITEM 15)

- 15. Meeting of the North Padre Island Development Corporation**

Mayor McComb recessed the regular Council meeting at 2:23 p.m. to hold a Meeting of the North Padre Island Development Corporation.

O. RECONVENE THE COUNCIL MEETING:

Mayor McComb reconvened the regular Council meeting at 2:30 p.m.

P. REGULAR AGENDA: (ITEMS 16 - 17)

- 16. Motion awarding a contract to CGC General Contractors, Inc. of San**

Antonio, Texas for construction of a covered pavilion associated with the Packery Channel Pavilion Boat Launch project in the amount of \$218,387.70 for the base bid with funding available from the Tax Increment Reinvestment Zone #2.

Director of Engineering Services Jeff Edmonds stated that the purpose of this item is to authorize award of a construction contract to CGC General Contractors, Inc. of San Antonio, Texas, in the amount of \$218,387.70 for the base bid only for a new covered pavilion adjacent to the Packery Channel Boat Launch.

Council members, Director Edmonds, Director of Parks and Recreation Jermel Stevenson, and Assistant City Manager Keith Selman discussed the following topics: high cost of project with no amenities; reasons for high cost such as usage of windstorm resistant material; liability; event usage of pavilion by public; comparison to West Guth pavilion; process of bidding and number of bidders obtained; other kinds of appealing material; price per square foot; why not designed in-house; history of pavilion (six-pack project); and the Island Strategic Action Committee's (ISAC) recommendation.

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

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

Nay: 2 - Mayor McComb and Council Member Hernandez

Abstained: 0

Enactment No: M2019-113

17. Resolution amending Financial Budgetary Policies adopted by Resolution 031547 and providing financial policy direction on preparation of the annual budgets.

Director of Management and Budget Eddie Houlihan stated that the purpose of this item is to amend the Financial Budgetary Policies adopted by Resolution 031547 and provide financial policy direction on preparation of the annual budget.

Director Houlihan reviewed each section of the proposed amendments to Resolution 031547.

Council Members, Director Houlihan, and Interim Assistant City Manager Constance Sanchez discussed the following topics: the funding level from general fund for residential street reconstruction; the removal of provisions in Section 8 relating to transferring general fund revenue in fiscal years 2021, 2022 and 2023; the section regarding the voter approved \$0.06 (2 cents + 2 cents + 2 cents charter amendment) from property tax for residential street reconstruction was added; voters' understanding and approval of the 2 cents + 2 cents + 2 cents charter amendment for residential street reconstruction; staff's recommendation to remove the language regarding the 1/3, 2/3 and 1%

general fund transfer because that language had been added in 2015, prior to the 2 cents + 2 cents + 2 cents charter amendment for residential street reconstruction; whether voters intended to have the general fund transfer replaced, or augmented with the 2 cent + 2 cent + 2 cent charter amendment; and the proposed amendments not affecting the current fiscal year, but implemented during the fiscal years 2021, 2022, and 2023.

Council Member Guajardo made a motion to amend Resolution 031547 to restore numbers 3 - 5 under Section 8, seconded by Council Member Barrera. The Motion to amend was passed and approved with the following vote: Mayor McComb, Council Member Barrera, Council Member Garza, Council Member Guajardo, Council Member Hernandez, Council Member Molina, Council Member Roy and Council Member Smith voting "Aye" (Council Member Hunter - absent).

Director Houlihan continued the review of the remaining sections of the proposed amendments to Resolution 031547.

Council Members, Director Houlihan, and Interim Assistant City Manager Sanchez discussed the following topics: transparency of transfers; continuing to transfer within departments; and recommending the amendments be reviewed by a financial advisor.

Council Member Hernandez made a motion to approve the resolution as amended, seconded by Council Member Roy. This Resolution was passed and approved as amended 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: 031821

Q. FIRST READING ORDINANCES: (ITEMS 18 -20)

Mayor McComb referred to First Reading Ordinances, Items 18 - 20.

Director of Aviation Fred Segundo stated that the purpose of Item 18 is to accept and appropriate \$289,765.00 from the Federal Aviation Administration Grant, authorizing reimbursement of expenses for additional fencing and security cameras. He stated that the Airport Board has reviewed the agenda and is unanimously recommending approval of the item.

There were no comments from the public.

Council Member Guajardo made a motion to approve Items 18 - 20, seconded by Council Member Garza. These ordinances were passed on first reading and approved with one vote.

- 18.** Ordinance accepting and appropriating \$289,765.00 from the Federal Aviation Administration Grant and authorizing reimbursement of

expenses for additional fencing, security cameras, and server upgrades/replacements within the airport terminal building as part of the Perimeter Fencing Project and amending the FY 2018-2019 Capital Budget.

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

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

Absent: 1 - Council Member Hunter

Abstained: 0

19.

Ordinance authorizing lease agreement with SMG to allow use of streets bounded by Fitzgerald Street, N. Water Street, Resaca Street and Shoreline Blvd. and including portions of Bayfront Park located along Shoreline Blvd. between Resaca Street and Fitzgerald Street for the 2019 Coastal Bender event and related activities to be held on August 1 - 4, 2019, which requires SMG to pay all permit fees required for the event, estimated at \$1,000.00.

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

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

Absent: 1 - Council Member Hunter

Abstained: 0

20.

Ordinance appropriating \$208,138.33 from the Fleet Fund Future Replacement balance; amending the FY2018-2019 operating budget adopted by Ordinance 031548 to increase expenditures; and approving the purchase of seven trucks from Silsbee Ford of Silsbee, Texas, via GoodBuy Purchasing Cooperative for a total amount not to exceed \$208,138.33.

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

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

Absent: 1 - Council Member Hunter

Abstained: 0

U. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Future Agenda Items. Council members asked for the following items to be placed on a future agenda: ways to contribute additional funding to the Nueces Together program, action plan from each council district to assist in the Nueces Together program, and the use of the City's TV studio to advertise the program.

V. ADJOURNMENT

The meeting was adjourned at 3:59 p.m.