



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, August 20, 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 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 11:31 a.m.

B. Invocation to be given by Pastor Rob Bailey, Southside Community Church.

Pastor Rob Bailey gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Tammy Kelch Embrey, Director of Intergovernmental Relations.

Tammy Kelch Embrey 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 August 26, 2019, "99th Anniversary of Women's Equality Day".
Commendation for National Little League Majors Division, Corpus Christi.
Commendation for Lucas Tinajero, USA Baseball 12U National Team.
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

Mayor McComb presented the proclamation, the commendations and conducted the swearing-in ceremony.

F. 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) A memo to Mayor, Council and 40 stakeholders regarding the changes in the Development Services Department including the appointment of Al Raymond as Director of Development Services, effective September 16, 2019, and Michael Dice as Assistant Director of Development Services, effective August 26, 2019. City Manager Zaroni thanked Nina Nixon-Mendez for her leadership as Director of Development Services and stated that she will continue with the Development Services Department's leadership team. 2) The 78415 Community Youth Development Program's (CYD), Back to School Bash will take place on Saturday, August 24 from 9:00 a.m - 3:00 p.m. at the Corpus Christi Gym, 3202 Cabiness Parkway. 3) Reduced rate immunization will be offered during the City/County Public Health District's annual back to school vaccine clinic on Saturday, August 24 from 9:00 a.m. - 1:00 p.m., at 1702 Horne Rd. 4) Ray High School Texan's Roundup Tailgate public event at Ray High School, Wednesday, August 21 from 4:00 p.m. - 8:00 p.m. 5) City Manager Zaroni reminded the public to be mindful of school zones and speed limits and informed the Council and the public about a traffic safety project called Vision Zero that aims to achieve a highway system with no fatalities or serious injuries involving road traffic, and that Council Member Molina and the City have accepted the leadership challenge to achieve the goal of eliminating traffic-related deaths and pedestrian injuries. 6) The budget related sessions with the public have been a success, receiving positive feedback from the community, staff and Council, with the final meeting to take place on Thursday, August 22 at the Dr. Clotilde P. Garcia Library (District 5).

G. MINUTES:

2. Regular Meeting of August 13, 2019 and Workshop Session of August 8, 2019.

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

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

I. **EXPLANATION OF COUNCIL ACTION:**

- 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 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.

Errol Summerlin, Portland, TX, a member of and on behalf of Coastal Alliance to Protect our Environment (CAPE), spoke about projects underway requiring massive amounts of water, and projects being pursued by the Corpus Christi Regional Economic Development Corporation (EDC), referred to Item 6 on the agenda, and asked the Council to carefully consider the devastating impact that massive industrialization in the Coastal Bend will have on the ecosystem and the quality of life. C.J. Johnson, 509 S. Carancahua #25, spoke about the importance of mental illness awareness in relation to shootings and domestic violence and the need for assistance and cooperation from facilities that treat mental illness. Jack Gordy, 4118 Bray Dr., spoke about the continued problem of tree limbs blocking the City's sidewalks, and was asked to provide a list of those locations to the City Manager. Wendy Herman, Coastal Bend Home Builders Association, 5325 Yorktown, spoke in favor of the new grocery store development on the Island, and about Development Services' antiquated master plan, that the twenty-four (24) inch wastewater trunk line to service the grocery store was not a requirement, asked Council to consider the best and most equitable use of these limited funds and not what the master plan required, that there is no mechanism in place for stakeholders to be notified when there is an application for these trust funds, and stated that the stakeholders, developers, and those who put money into the trust account are willing to work with the new Director and Assistant Director of Development Services to rewrite the rules for the use of the trust funds. Ernie Salinas, 6066

S. Alameda St., spoke regarding the changes made to Carson St. and Alameda St. and said the City did not follow proper procedure regarding notification to residents. Margaret Fratila, 3606 Tripoli Dr., spoke about the potential danger to pedestrians who continue to walk in the turning lanes on the Island, the need for sidewalks on the Island, recognized Gene Delauro of Development Services as a small business advocate, and asked the Council to look into the safety requirements with which building owners must comply before leasing their properties to small business owners.

K. CONSENT AGENDA: (ITEMS 3 - 15)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 5, 8 and 13 be pulled for individual consideration. There were no comments from the public.

A motion was made by Council Member Smith to approve the Consent Agenda, seconded by Council Member Molina. The motion carried by the following vote:

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

Abstained: 0

- 3.** Ordinance appropriating \$42,402.94 from damage claims into General Fund to purchase a replacement Prisoner Transport Vehicle, replacement ATV and other police equipment; and changing Operating Budget by increasing revenue and expenditures in the General Fund by \$42,402.94.

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

Enactment No: 031837

- 4.** Ordinance authorizing an amendment of \$10,916.00 to the Women, Infant and Children's Nutrition Program (WIC) grant contract for a total contract amount of \$868,850.00 for the period of October 1, 2018, through September 30, 2019, and authorizing a contract amendment of \$868,850.00 for the period of October 1, 2019, through September 30, 2020, from the Health and Human Services Commission, and authorizing a staff complement of 21 positions.

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

Enactment No: 031838

- 6.** Ordinance authorizing the City Manager to execute the Second Amendment to the Raw Water Supply Contract with the San Patricio

Municipal Water District (SPMWD) to provide an additional 5,600 acre-feet of raw water per calendar year for SPMWD to provide to its designated customer developing in San Patricio County; increasing the SPMWD Raw Water Supply Contract from 41,200 acre-feet to a total of 46,800 acre-feet per calendar year.

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

Enactment No: 031840

7. Ordinance authorizing a four-month service agreement for the purchase of hardware, software, licensing, and professional services from Area Electronics Systems, Inc. dba DataON Storage for \$782,734.00 for the datacenter remediation; appropriating \$782,734.00 from the unreserved fund balance in the Liability and Employee Benefits - General Liability Fund; transferring to the IT Fund; and amending the FY 2018-2019 Operating Budget adopted by Ordinance No. 031548 funded through the Liability and Employee Benefits - General Liability Fund.

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

Enactment No: 031841

9. Resolution rejecting the apparent low bid of Abel's Paving & Construction as non-responsive and authorizing the City Manager to award an Indefinite Delivery/Indefinite Quantity (IDIQ) construction contract to CPC Interests, LLC d/b/a Clark Pipeline Services, LLP as the lowest responsive bidder, in an amount not to exceed \$1,800,000.00 for the Water Line Replacement IDIQ Program for one year with two (2) optional one-year administrative renewals for a total contract price of \$5,400,000.00 with current funding available from the Water Capital Improvement Program. This contract begins upon the issuance of Notice to Proceed.

This Resolution was passed on the consent agenda.

Enactment No: 031842

10. Motion awarding a contract to Freese Nichols, Inc. in the amount of \$92,762 for the 2018 Highway Safety Improvement Program (HSIP) to design five new and eleven upgraded traffic signals at four locations funded by the Texas Department of Transportation (TxDOT) and Street Bond 2016. (Council Districts 2 and 3)

This Motion was passed on the consent agenda.

Enactment No: M2019-133

11. Resolution authorizing amendment No. 1 to enCodePlus Software License service agreement for a five-year extension with enCodePlus, LLC of Sugar Land, Texas, to host the content of the Unified

Development Code for a not to exceed total amount of \$44,400.00 and a revised service agreement value not to exceed \$93,600.00; amendment effective October 1, 2019, with first-year funding of \$8,880.00 through the Development Services Fund.

This Resolution was passed on the consent agenda.

Enactment No: 031843

12. Motion awarding a contract to Freese and Nichols, Inc. in the amount of \$225,000 for the Flour Bluff and Padre/Mustang Island Area Development Plans update funded by the General Fund. (Council District 4)

This Motion was passed on the consent agenda.

Enactment No: M2019-134

14. Resolution authorizing a five-year supply agreement with Corpus Christi Freightliner, Inc. of Corpus Christi, Texas, for the purchase of parts needed to conduct repairs for Freightliner, Western Star and Sterling equipment. Freightliner includes refuse trucks, brush trucks, self-loading brush trucks and dump trucks. Western Star includes tractors for refuse handling tractor/trailers. Sterling includes vacuum trucks. The total amount for these parts is a not to exceed \$1,238,000.00, effective upon issuance of notice to proceed, with first-year funding of \$20,633.30 through the Fleet Maintenance Service Fund.

This Resolution was passed on the consent agenda.

Enactment No: 031845

15. Resolution authorizing a five-year service agreement with Corpus Christi Freightliner, Inc. of Corpus Christi, Texas, for repairs at vendor facilities of Freightliner, Western Star and Sterling equipment. Freightliner includes refuse trucks, brush trucks, self-loading brush trucks and dump trucks. Western Star includes tractors for refuse handling tractor/trailers. Sterling includes vacuum trucks. The service agreement is to be effective October 1, 2019 for a total amount not to exceed \$3,686,600.00, with first-year funding in the amount of \$737,320.00 through the Fleet Maintenance Service Fund.

This Resolution was passed on the consent agenda.

Enactment No: 031846

8. Motion approving Amendment No. 6 to a Contract with HDR Engineering, Inc., in the amount of \$121,600 for a total restated fee of \$842,934 to provide for the development and submission of a permit application to the Texas Commission on Environmental Quality (TCEQ)

for the Corpus Christi Aquifer Storage Recovery Feasibility Study with funding available in the Raw Water Supply Development Charge Fund. This amendment will only develop the necessary requirements to submit an administratively completed permit application that once approved, can lead to drilling of an Aquifer Storage and Recovery (ASR) test well.

Mayor McComb referred to Item 8.

City Manager Peter Zanoni announced that this item was being withdrawn.

- 5.** Ordinance authorizing a Wastewater Trunk Main Line Extension Construction and Reimbursement Agreement with Yasin Investment LLC to extend a line south of Whitecap Boulevard along Palmira Avenue for a commercial development for which the anchor store is IGA; appropriating \$899,786.39 from the Wastewater Trunk System Trust Fund to reimburse developer. (District 4)

Mayor McComb referred to Item 5.

Council Members, City Manager Peter Zanoni, Director of Development Services Nina Nixon-Mendez, and Development Services Engineer IV, Gabriel Hinojosa discussed the following topics: that the applicant followed the rules of the established trust fund and is entitled to reimbursement; the applicant was offered an alternate route but chose to move forward with the master plan; that the 24 inch wastewater trunk main line will service the IGA grocery store and future developments; that a 10 inch line is not sufficient based on studies; the reason for the difference in the size of the wastewater trunk main line in the London area versus on the Island; that the current master plan was adopted in 2006; careful review of project requirements since the master plan has not been updated since 2006; future separation of trust funds for commercial and residential projects; imposing impact fees; and best practice analysis.

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

Absent: 1 - Council Member Hernandez

Abstained: 0

Enactment No: 031839

- 13.** Resolution of the City of Corpus Christi, Texas finding that AEP Texas Inc.'s (AEP) requested electric transmission and distribution rates and charges within the city should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by AEP; requiring reimbursement of rate case expenses; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to AEP.

Mayor McComb referred to Item 13.

A council member and City Attorney Miles K. Risley discussed that the purpose of Item 13 was not to deny AEP, Texas, Inc. (AEP) reimbursement of its proper rate case expenses, but instead requiring AEP to justify the rate case expenses it is requesting to the Public Utility Commission (PUC).

Council Member Hernandez made a motion to approve the resolution, seconded by Council Member Garza. 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: 031844

M. PUBLIC HEARINGS: (ITEMS 16 - 17)

- 16.** Zoning Case No: 0619-02 Texas State Roofing Company, LLC (District 2). Ordinance rezoning property at or near 916 South Alameda from the "CG-2" General Commercial District to the CG-2/SP" General Commercial District with a Special Permit. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 16. Director of Development Services Nina Nixon-Mendez stated that the purpose of this ordinance is to allow for the installation of a monopole Cell Tower.

Director Nixon-Mendez presented information on the following topics: aerial overview; subject property at 916 S. Alameda St.; zoning pattern; Planning Commission and staff recommendation; public notification; set back requirement; cell tower; utilities; and site plan.

Mayor McComb opened the public hearing. Jessica Knoll, 1362 Laura St., Wrightwood, CA, representing the applicant, a small cell tower company that focuses on lower income cell carriers, spoke in favor of the location for the small cell tower. There were no comments from the Council.

Mayor McComb closed the public hearing.

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

- 17.** Zoning Case No. 0519-03 Sergio and Magali Martinez (District 1)
Ordinance rezoning property at or near 2934 Highland Avenue from the

“CN-1” Neighborhood Commercial District to the “RS-6” Single-Family 6 District. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 17. Director of Development Services Nina Nixon-Mendez stated that the purpose of this ordinance is to allow for the construction of a Single-Family Home.

Director Nixon-Mendez presented information on the following topics: aerial overview; subject property at 2934 Highland Avenue; zoning pattern; and Planning Commission and staff recommendation.

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

Council Member Garza 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

P. BRIEFINGS: (ITEM 23)

23. Corpus Christi Regional Economic Development Corporation (CCREDC) Quarterly Update to City Council (Q2 2019).

Mayor McComb deviated from the agenda and referred to Item No. 23.

President/CEO of the Corpus Christi Regional Economic Development Corporation (EDC) Iain Vasey, stated that the purpose of this item was to update the Council on the EDC's activities and the status of the local economy.

Mr. Vasey presented information on the following topics: the mission statement of the EDC; employment by sector; project activity report; business attraction and recruitment; business retention and expansion; what the EDC is working on; Corpus Christi's housing affordability measures; and Corpus Christi's cumulative impact.

Council members and Mr. Vasey discussed the following topics: future developments for Corpus Christi's downtown area and the Island; future developments requiring large amounts of water usage; efforts to attract healthcare providers/facilities to offer their services in Corpus Christi; the most recent unemployment rate; what is being done regarding affordable housing; and recommending the EDC consider contacting the Naval Air Station to determine if they would consider offering training on small scale helicopters or diesel mechanics similar to training provided by Del Mar College and Texas A&M University to assist the local workforce.

N. REGULAR AGENDA: (NONE)

O. FIRST READING ORDINANCES: (ITEMS 18 - 22)

Mayor McComb referred to First Reading Ordinances. There were no comments from the public. A council member pulled Items 20-23 for discussion.

Council Members, Chief Financial Officer Constance Sanchez and Bond Counsel discussed the following topics: how much the taxpayers will save from refunding bonds and issuing a news release when approved on second reading; borrowing money from operating cash flow to replenish operating funds; reasons for doing reimbursement resolutions before issuing bonds; whether tax laws allow municipalities to reimburse themselves from the general fund after issuance of bonds; how executing reimbursement resolutions benefit the city; whether private companies do the same; and the need to follow a normal process in the future.

Council Member Garza made a motion to approve Items 18-22, seconded by Council Member Molina. The ordinances were passed on first reading and approved with one vote.

- 18.** Ordinance authorizing acceptance of \$171,000 grant from Texas Department of Transportation for the 2020 Comprehensive Selective Traffic Enforcement Project to increase traffic enforcement with a City match of \$49,553.37 from the FY 2020 General Fund.

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

- 19.** Ordinance authorizing the purchase of 180 Police vehicle video recording systems and a five-year service agreement for installation and maintenance from Turn-Key Mobile, Inc. of Jefferson City, Missouri, via Texas Department of Information Resources Cooperative for a total amount not to exceed \$1,541,113.15; appropriating \$1,541,113.15 from the unreserved fund balance of the Liability and Employee Benefits - General Liability Fund; transferring to the IT Fund; and amending the FY 2018-2019 operating budget adopted by Ordinance No. 031548; funded through the Liability and Employee Benefits - General Liability Fund.

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

- 20.** Ordinance authorizing the issuance of "City of Corpus Christi, Texas

Utility System Junior Lien Revenue Improvement and Refunding Bonds, Series 2019" for Water and Wastewater Utility improvements in an amount not to exceed \$113,000,000 and authorizing other matters incident and related thereto.

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

21. Ordinance authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Series 2019" related to Parks and Recreation improvements in an amount not to exceed \$9,000,000 and authorizing other matters incident and related thereto.

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

22. Ordinance authorizing the issuance of "City of Corpus Christi, Texas General Improvement Refunding Bonds, Taxable Series 2019" related to Airport improvements in an amount not to exceed \$4,000,000 and authorizing other matters incident and related thereto.

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

Q. EXECUTIVE SESSION: (ITEM 24)

Mayor McComb referred to Executive Session Item 24. The Council went into executive session at 1:22 p.m. The Council returned from executive session at 2:24 p.m.

24. **Executive Session pursuant to Section 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 potential acquisition of real property rights for facilities related to water treatment plant equipment, pipelines, pumps, discharge points, and intake facilities, and areas adjacent thereto and pursuant to Texas Government Code §**

551.072 to discuss and deliberate the purchase and/or value of real property rights for facilities related to water treatment plant equipment, pipelines, pumps, discharge points, and intake facilities, and areas adjacent thereto when deliberation in open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

This E-Session Item was discussed in executive session.

L. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 24.

R. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Future Agenda Items. The following items were identified: a presentation from the Utility Billing Office (UBO) on why customers are still receiving high utility bills; clarification on the procedures for fines related to early brush set out, whether fine will be imposed on the customer's solid waste bill or the customer will be issued a citation to appear in court; and resolving the issue of fines imposed on building owners when trash around their building is being generated by the public.

S. ADJOURNMENT

The meeting was adjourned at 2:31 p.m.