



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, April 16, 2019

10:00 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 12:30 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 10:00 a.m.

B. Invocation to be given by Pastor Claude Axel, Mount Pilgrim Baptist Church.

Mayor McComb gave the invocation.

C. Pledge of Allegiance to the Flag of the United States to be led by Annette Rodriguez, Director of Public Health.

Director of Public Health Annette Rodriguez led the Pledge of Allegiance.

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:

Assistant City Manager Mark Van Vleck, City Attorney Miles K. Risely, 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. PUBLIC INTERVIEWS FOR THE CITY MANAGER POSITION

Mayor McComb referred to Item E. Mayor McComb stated that the purpose of this item is to conduct public interviews for the City Manager position. Mayor McComb stated that each candidate will have 20 minutes to respond to questions prepared by City Council. City Secretary Rebecca L. Huerta conducted the public interview process.

The finalists appeared in the following order: Harry E. Black, Lee. R. Feldman, Peter Zanoni, and Samuel "Keith" Selman. City Secretary Huerta explained the public interview process to each finalist. Finalists were given 20 minutes to provide an opening statement, respond to questions, and make closing comments. The finalists provided responses to the following questions:

- 1) Provide examples of implementing and/or adapting "best practices" from other public or private sector organizations within your organization. What were the results?
- 2) Which of your accomplishments is the strongest evidence that you are results-oriented and focused on achieving improved performance?
- 3) This job requires competency and character. How do we know that we can trust you?

Mayor McComb concluded the interview process and stated that the City Council would go into executive session later in the meeting to discuss the City Manager position.

J. EXPLANATION OF COUNCIL ACTION:

Mayor McComb deviated from the agenda and referred to J. Explanation of Council Action. Mayor McComb made a motion to reconsider Item 21 from the April 9, 2019 meeting, Second Reading Ordinance authorizing execution of an Interlocal Agreement between City of Corpus Christi and Port of Corpus Christi Authority for a permitting program; and waiving building permit requirements for Port of Corpus Christi Authority property, seconded by Council Member Smith.

Council members discussed the following topics: reasons for reconsidering the item; the long-term implications of waiving building permit requirements for Port of Corpus Christi (Port) property; and that the City has not waived similar requirements for other governmental entities.

The motion to reconsider was passed and approved as follows: Mayor McComb, Council Members Barrera, Garza, Guajardo, Hunter, Molina, Roy and Smith voting "Aye"; Hernandez voting "No".

Director of Development Services Nina Nixon-Mendez and council members discussed the following: tabling the item to a future meeting; that tabling the item may cause delays in the construction of the Port's office building; that initial discussions with the Port were regarding an exemption from platting;

that the City Charter prohibits issuing a building permit on unplatted property; other agreements between cities and their ports; that there is a mutual agreement between the City of San Antonio and their Port related to permitting and platting; that a political jurisdiction with ad valorem tax exemption would receive a 50% discount on building permit fees and, if the project was estimated at \$20 million, the estimated revenue would be approximately \$112,000 including platting and permit fees; anticipated large projects; that the Port is having a groundbreaking on their project today; fairness to other governmental entities; that the Port is required to meet City Code requirements; if other governmental entities have requested to waive building requirements; the cost of platting fees versus permitting fees; concern with setting a precedent for waiving building fees and with the loss of revenue; that school districts are required to follow the City's platting process as part of their bonding requirements; and that this project was already delayed when the City Council voted to table the item to address properties located in the Hillcrest area.

Mayor McComb made a motion to table the second reading of this item until April 23, 2019. The motion failed for lack of a second.

Council Member Hernandez made a motion to approve the ordinance as presented, seconded by Council Member Molina. Council members discussed: if the Port is open to discussions regarding this issue; concern with setting a precedent for waiving building permit requirements; and loss of revenue.

Council Member Hunter made a motion to amend the ordinance to make whole on permitting fees without delaying the project, seconded by Council Member Garza.

The motion to amend was passed and approved with the following vote: Council Members Barrera, Garza, Guajardo, Hernandez, Hunter, Molina, and Roy voting "Aye"; Mayor McComb and Council Member Smith voting "No".

Council Member Hernandez made a motion to approve the ordinance as amended, seconded by Council Member Hunter. This Ordinance was passed on second reading as amended and approved with the following vote: Council Members Barrera, Garza, Guajardo, Hernandez, Hunter, Molina, Roy, and Smith voting "Aye"; Mayor McComb voting "No".

Enactment No: 031736

F. Proclamations / Commendations

1. Proclamation declaring April 25 - May 12, 2019, "The 82nd Buccaneer Days Celebration".
Presentation from CITGO.

Mayor McComb presented the proclamation. CITGO presented a check in the amount of \$175,000 to the Corpus Christi Fire Department.

H. MINUTES:

3. Regular Meeting of April 9, 2019.

Mayor McComb deviated from the agenda and referred to approval of the minutes. Council Member Garza made a motion to approve the minutes, seconded by Council Member Smith and passed unanimously.

I. BOARD & COMMITTEE APPOINTMENTS: (NONE)

L. CONSENT AGENDA: (ITEMS 4 - 11)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. A council member requested that Item 6 be pulled for individual consideration. There were no comments from the public.

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

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

Abstained: 0

4. Emergency Medical and Police Priority Dispatch Call Center System Software

Resolution authorizing a six-year service agreement for the purchase of emergency medical and police priority dispatch call center system software from Priority Dispatch Corp., of Salt Lake City, Utah for a total amount not to exceed \$396,260.

This Resolution was passed on the consent agenda.

Enactment No: 031737

5. Eventide Recorder Maintenance for MetroCom

Resolution authorizing a five-year maintenance agreement for Eventide Recorder Maintenance with DigitalMarkets, Inc., dba Vista Com of Houston, Texas for a total amount not to exceed \$49,901.

This Resolution was passed on the consent agenda.

Enactment No: 031738

7. Light Vehicle Repair & Services for the Corpus Christi Fire Department

Motion authorizing a one-year service agreement for light vehicle repair & services for the Corpus Christi Fire Department with Sylvia Ann Barton,

dba Leroy and Richards Automotive of Corpus Christi, Texas for an amount not to exceed \$70,785.90 with two one-year options for a total potential multi-year amount of \$212,357.70.

This Motion was passed on the consent agenda.

Enactment No: M2019-059

8. Professional Services Contract for O.N. Stevens Water Treatment Plant (ONSWTP) Clearwell No.3 (Capital Improvement Program)

Motion to authorize execution of a professional services contract with LNV, Inc. of Corpus Christi, Texas in the amount of \$1,803,753 for design of O.N. Stevens Water Treatment Plant Clearwell No. 3.

This Motion was passed on the consent agenda.

Enactment No: M2019-060

9. Second Reading Ordinance - Rezoning for a Property located at or near 5813 and 6001 Old Brownsville Road (1st Reading 4/9/19)

Case No. 0319-01 Greer Evans and Halaj Trust: Request for rezoning property at or near 5813 and 6001 Old Brownsville Road from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IL" Light Industrial District.

Planning Commission and Staff Recommendation (March 6, 2019):

Tract 1: Denial of the change of zoning from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IL" Light Industrial District, in lieu thereof, approval of the "IC" Industrial Compatible District.

Tract 2: Approval of the change of zoning from the "RS-6" Single-Family District to the "IL" Light Industrial District.

Ordinance rezoning property at or near 5813 and 6001 Old Brownsville Road from the "FR" Farm Rural District and the "RS-6" Single-Family District to the "IC" Industrial Compatible District on Tract 1 and from the "RS-6" Single-Family District to the "IL" Light Industrial District on Tract 2.

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

Enactment No: 031739

10. Second Reading Ordinance - Amending City Code to revise regulatory standards related to freeboard, limit of moderate-wave action, and non-conversion agreement (1st Reading 4/9/19)

Ordinance amending the Code of Ordinances, Chapter 14, Article V, Flood Hazard Prevention adopting higher standards, and providing for penalties'.

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

Enactment No: 031740

**11. Second Reading Ordinance - Urban Transportation Plan
Amendment for Oso Parkway and Brezina Road (1st Reading
4/9/19)**

Ordinance amending Urban Transportation Plan map of Mobility CC, a transportation element of the Comprehensive Plan of the City of Corpus Christi, by removing a segment of Oso Parkway and Brezina Road.

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

Enactment No: 031741

6. Plumbing Services for the Corpus Christi Fire Department

Motion authorizing a one-year service agreement for plumbing services with Smart Plumbing Inc., of Corpus Christi, Texas for an amount not to exceed \$48,367.50 with two one-year options for a total potential multi-year amount of \$145,102.50.

Mayor McComb referred to Item 6. In response to a council member, Director of Asset Management Jim Davis stated that the agreement is to provide after-hours emergency plumbing services for the Corpus Christi Fire Department. There were no comments from the public.

Council Member Garza made a motion to approve the motion, seconded by Council Member Hunter. This Motion 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 Hunter, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: M2019-058

M. FUTURE AGENDA ITEMS: (ITEMS 12 - 13)

Mayor McComb referred to Future Agenda Items. Interim City Manager Keith Selman did not have any planned presentations. A council member requested information on Item 12.

12. Payment for Cleaning of Sanitary Sewer Mains in the Downtown Area

Motion authorizing the City Manager, or designee, to ratify payment to Ace Pipe Cleaning, Inc., in the amount of \$194,768.75 for the cleaning of 8,044.9 linear feet of sanitary sewer mains in the downtown area (Broadway Basin).

This Motion was recommended to the consent agenda.

13. Service Agreement for Information Technology Consulting Services

Motion authorizing a professional service agreement for IT consulting services with Peter Collins of Corpus Christi, Texas for a not to exceed value of \$160,000.

This Motion was recommended to the consent agenda.

N. FUTURE CORPORATION MEETING: (ITEM 14)

14. Special Meeting of the North Padre Island Development Corporation

This Corporation Meeting was recommended to be held.

G. SPECIAL RECOGNITION:

2. Resolution in recognition of David G. Noyola, honoring his many years of service to Corpus Christi.

Mayor McComb deviated from the agenda and referred to Item 2. Council Member Paulette Guajardo stated that the purpose of this item is to recognize David Noyola, who recently passed away on February 7, 2019, for his service to Corpus Christi. Mayor McComb read the resolution. Danny Noyola thanked the City Council on behalf of the Noyola family for recognizing David Noyola's commitment to the people of the westside, West Oso and Molina areas. There were no comments from the public.

Council Member Barrera made a motion to approve the resolution, seconded by Council Member Hunter. 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: 031742

P. PUBLIC HEARINGS: (ITEMS 15 - 16)

15. Public Hearing and First Reading Ordinance - Amending the Wastewater Collection System Master Plan by relocating lift station 13 to the as-built location

Ordinance amending the Wastewater Collection System Master Plan, an element of the Comprehensive Plan of the City of Corpus Christi, Texas, by relocating Lift Station 13 to the as-built location and adjusting alignment/size of the collection lines as identified in the Wastewater Collection System Master Plan, Oso W.R.P. Service Area, Area 1, as identified in the Master Sanitary Sewer Plan for the Southern Portion of Corpus Christi, Texas 1983; amending related elements of the City's Comprehensive Plan; providing for severance; and providing for publication.

Mayor McComb referred to Item 15. Major Projects Engineer Gabriel Hinojosa stated that the purpose of this item is to amend the Wastewater Collection System Master Plan, Oso Wastewater Treatment Center Service Area 30, Area 1, Azali Estates. Mr. Hinojosa presented the following information: an aerial overview; master plan overview of development; master plan detail; and the proposed amendment for Azali Estates. Mr. Hinojosa stated that Planning Commission and staff are in favor of the amendment.

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

Mayor McComb asked questions regarding steps to reduce odor from the lift station.

Council Member Smith 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: 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

16. Public Hearing for the Annexation of 161.56 acres in the London Area

Public hearing on a proposed annexation of land generally located on both sides of County Road 33 and to the north of FM 43.

Mayor McComb referred to Item 16. Senior City Planner Keren Costanzo stated that the purpose of this item is to hold the first public hearing as part of the petition requesting annexation by area landowners of approximately 161.56 acres in the London Area. Ms. Costanzo presented the following information: background on the annexation process; that no decision about the annexation is being made today; that staff provided a service plan and results of the fiscal impacts analysis; aerial overview of the annexation tract; the planned development; the fiscal impact analysis; infrastructure/utility improvements to

County Road 33; projected increase in street revenues; and an annexation schedule.

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

Council members and staff discussed the following topics: the portion of County Road 33 from FM 43 to the north end of the proposed subdivision; how to justify the city paying for County Road 33; the portion of County Road 33 that is being annexed; that the fiscal impact analysis was based on the median price per homes versus the price point of the home; that the minimum sales price for homes in the subdivision is anticipated to be \$300,000; and a policy regarding utility districts and/or public improvement districts to address projects in the City's extraterritorial jurisdiction.

Mayor McComb closed the public hearing.

- K. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:30 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. City Secretary Rebecca L. Huerta conducted the public comment period. Armando "Wind Stalker" Cavazos, 362 Shawnee; Love Sanchez, 6130 Wooldridge; and Zak Kustznisk, 1617 Lipan, requested that the City Council remove the Christopher Columbus statute and spoke in support of replacing Columbus Day with Indigenous Peoples Day. Huxley Smith, 1913 Thames, expressed his opinion that City employees and representatives correctly state the name of the City as Corpus Christi. Guadalupe Duran, 1341 Annapolis, spoke regarding her insurance company not paying for damage caused by Hurricane Harvey. Dave Resendez, 8702 King Ranch, spoke in defense of his towing company related to comments made during public comment at the April 9, 2019 Council meeting regarding testing of the Police Department's autowrecker service dispatch system and an alleged conflict of interest involving his employee Mike Staff. Joshua Garza, 2414 Capitan, requested that the City of Corpus Christi be designated as a sanctuary city for the unborn. Garrett Dorsey, 2037 Sunnycrest, spoke regarding Agenda Item 10, amending City Code to revise regulatory standards related to freeboard, limit of moderate-wave action, and non-conversion agreement. David Chris Castillo, 1800 Shely, requested that emailed utility statements include the monthly charge and spoke regarding citizens being charged for solid waste services,

whether it is used or not. Daniel Pena, 2813 Hulbirt, spoke in opposition to Agenda Item 20, rezoning property located at or near 1401 North Alameda Street. John Medina, 4931 Mokry, spoke in support of City Manager candidate Peter Zaroni. Gloria Scott, 4422 S. Alameda, spoke regarding the Hillcrest Church of Christ.

Q. REGULAR AGENDA: (NONE)

R. FIRST READING ORDINANCES: (ITEM 17)

17. First Reading Ordinance - Dedicating Wetland Preserve for Harbor Bridge Replacement Project (HBRP)

Ordinance declaring and dedicating 16.744 acres of land located on North Beach as a wetland preserve; authorizing execution of the deed restriction and actions necessary to maintain the protected property as a wetland preserve subject to the conditions of U.S. Army Corps of Engineers Permit and Final Mitigation Plan for the US 181 Harbor Bridge Replacement Project filed by Flatiron-Dragados, LLC.

Mayor McComb referred to Item 17. Executive Director of Public Works Valerie Gray stated that the purpose of this item is to dedicate two City-owned tracts of land totaling 16.744 acres located on North Beach to be used as a wetland preserve and to establish deed restrictions to ensure that the property is retained and maintained as wetlands in perpetuity. Ms. Gray presented the following information: a project location map; a vicinity map; that this dedication is in association with the Texas Department of Transportation's Harbor Bridge replacement project; and the wetland mitigation plan. Interim Assistant Director of Street Operations Sarah Munoz and Dr. Lon Grassman, Environmental Compliance Manager for the Harbor Bridge Project, responded to questions. There were no comments from the public.

Council members spoke regarding the following topics: if this tract will impede the process of addressing the drainage issues on North Beach; that the wetland area is beyond the scope of the drainage area; that the area is currently wetlands; the inability to reverse dedicating the wetland area should it impact drainage improvements on North Beach; that the City committed to the use of the City-owned wetlands on North Beach in 2014; time constraints to approve this action; that the permit has already been submitted to the U.S. Army Corps of Engineers; when the permit expires; the timeline for mitigation; wetland creation in Section 2; if expanding the wetland would affect drainage issues on North Beach; if the permit can be amended in the future; circular flow through the wetlands; the project's scope; and informing the North Beach community of the mitigation plan.

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

Nay: 1 - Council Member Roy

Abstained: 0

U. EXECUTIVE SESSION: (ITEM 25)

Mayor McComb deviated from the agenda and referred to Executive Session Item 25. The council went into executive session at 1:26 p.m. The Council returned from executive session at 2:30 p.m.

- 25. Executive session pursuant to Texas Government Code § 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager.**

Mayor McComb referred to Item 25 and stated that the City Council has asked the consultant, Slavin Management Consultants, to gather additional information.

O. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 25.

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

- 18. First Reading Ordinance - Accepting and appropriating State Grant for Law Enforcement Officer Standards and Education account for training and equipment**

Ordinance accepting \$26,109.20 from State of Texas - Law Enforcement Officer Standards and Education Account; and appropriating \$26,109.20 in Police Grants Fund.

Mayor McComb referred to Item 18. Police Management Services Director Pat Eldridge stated that the purpose of this item is to accept and appropriate \$26,109.20 from the State of Texas - Law Enforcement Officer Standards and Education Account. There were no comments from the public.

A council member requested an accounting of grants for each department.

Council Member Hunter made a motion to approve the ordinance, seconded by Council Member Smith. 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. First Reading Ordinance - Cession agreement to cede**

extraterritorial jurisdiction of certain areas to the City of Portland

Ordinance providing for the cession by the City of Corpus Christi to the City of Portland of all annexation rights and police powers over and in certain tracts of land, by mutual agreement; and providing for publication.

Mayor McComb referred to Item 19. Senior City Planner Annika Yankee stated that the purpose of this item is to enter into a cession agreement with the City of Portland that will give the City of Portland the legal ability to annex certain tracts of land that are currently in the City of Corpus Christi's extraterritorial jurisdiction (ETJ). Ms. Yankee presented the following information: the proposed areas of concurrent ETJ; areas to cede exclusive ETJ to Portland; the area limited to the City of Portland's rolling ETJ; consideration for cession; and that if the City of Portland does not annex the ceded ETJ within 15 years, the land will revert to the City of Corpus Christi. There were no comments from the Council or the public.

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

First Reading Ordinance - Rezoning for a Property located at or near 1401 North Alameda Street (Tabled 3/26/19)

Case No. 0219-02 HCS 311, LLC: Request for rezoning a property at or near 1401 North Alameda Street from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District.

Planning Commission and Staff Recommendation (February 20, 2019):
Denial of the change of zoning from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District

Applicants Request (3/4 Vote Required)

Ordinance rezoning property at or near 1401 North Alameda Street from the "RM-1" Multifamily 1 District to the "IL" Light Industrial District.

Mayor McComb referred to Item 20. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone the subject property to allow for the construction of a laydown yard. City Council tabled this item at the March 26, 2019 meeting and requested that staff meet with the applicant and neighborhood stakeholders to consider a special permit. Staff met with both parties on April 4, 2019 and prepared special permit conditions with the input of both parties. Ms. Nixon-Mendez stated that the neighborhood stakeholders are still opposed to the zoning change and the applicant is not 100% in agreement with the special permit conditions. Ms. Nixon-Mendez outlined the special permit conditions. Ms. Nixon-Mendez stated that the

Planning Commission recommended denial of the zoning change and staff is recommended denial of the special permit.

Council members discussed the following topics: that City Council directed staff to prepare special permit conditions and the reasons staff is recommending denial of the rezoning.

Mayor McComb called for comments from the public. Iain Vasey, Corpus Christi Regional Economic Development Corporation, spoke in favor of the zoning change. Barry Wolfson, 5114 Balcones Woods Drive, Austin, Texas; Nancy Foley, St. Paul United Methodist Church, 4309 Woodland Creek Drive; Henry Williams, 2422 Sumner; Emil Steve Bolden I, 3610 Palo Verde; Esther Moore; Eddie Jackson Mathis, 4721 Angela; Maury Wolfson, 3535 Santa Fe; Adam Carrington, 2949 Riverbend Court; Errol Summerlin, Citizens Alliance for Fairness and Progress; and Gloria Scott, 4422 S. Alameda, spoke in opposition to the zoning change. Chris Cam, President of Texile, spoke in support of the zoning change and stated that the company plans to invest in Corpus Christi, create new jobs, and will work to be good neighbors with the community. George Clower, P.O. Box 2525, spoke regarding the special permit conditions and requested that the conditions be amended to include: not being limited to only steel pipe, instead to steel pipe and non-hazardous bulk items and to change the time limit from three years from the date of approval to five years from the issuance of a certificate of occupancy.

Council members spoke regarding the following topics: that the laydown yard is not related to the Harbor Bridge Relocation project; the number of members in the audience that live in the Washington Coles/Hillcrest area; the Downtown Area Development Plan; when the City enters into plans without addressing the means to put the plan into action; the special permit conditions; the number of vacant lots in the area; that housing in the area would require maximum investment to provide standard housing; the property's close proximity to the Port of Corpus Christi and industry; that it is unlikely that the area will become a dense residential area; the impact the business could have on the neighborhood; how the areas are financed or not financed; a council member requested that the Planning Department review the area development plans to determine if they are realistic with respect to investment and federal program opportunities; that the business would be a good neighbor to the community; if there have been developers that have expressed interest in the area; and discussions related to an opportunity zone program.

Council Member Barrera made a motion to approve rezoning to the "RM-1/SP" Multifamily 1 District with a Special Permit. The motion failed for lack of second.

Council Member Molina made a motion supporting Planning Commission and staff's recommendation to deny the zoning request, seconded by Council Member Guajardo. This Motion passed with the following vote:

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

Nay: 1 - Council Member Barrera

Abstained: 0

21. First Reading Ordinance - Approving amendment to TIRZ #2 Project and Financing Plan

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, regarding the approval of funds up to \$4,000,000 for the Park Road 22 Bridge Project.

Mayor McComb referred to Item 21. Business Liaison Arlene Medrano stated that the purpose of this item is to amend the Tax Increment Reinvestment Zone # 2 (TIRZ # 2) Project and Financing Plan by removing the deadline of February 29, 2019 related to the release of funds for Park Road 22 Bridge. Ms. Medrano stated that the TIRZ #2 Board asked questions regarding the language that "funds are to be held contingent on the completion of the canals" and Item 22 is a first reading ordinance of Park Road 22, approving a developer agreement which states that the construction contract for Park Road 22 Bridge will be awarded after the third-party canal is completed.

In response to a council member, Ms. Medrano confirmed that the construction of the Park Road 22 Bridge will not start until the canal is complete and no additional money is being added to the project.

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

Absent: 2 - Council Member Hunter and Council Member Molina

Abstained: 0

22. First Reading Ordinance - Approving a Developer Agreement for Park Road 22 Bridge

Ordinance appropriating \$4,000,000 from the TIRZ #2 fund for construction of the Park Road 22 Bridge; and approving a developer agreement with Diamond Beach Holdings, LLC and Padre Island Holdings, LLC, which certifies the availability of \$11,696,319.50 for the construction of the Park Road 22 Bridge and requires the award of the construction contract for the bridge after the third-party canal is completed.

Mayor McComb referred to Item 22. Assistant City Manager Mark Van Vleck stated that the purpose of this item is to approve a developer agreement with Diamond Beach Holdings, LLC and Padre Island Holdings, LLC for development of the third-party canal for the Park Road 22 Bridge. The agreement ensures the following: that the City has the funding available and

will go out for a re-bid on the Park Road 22 Bridge before the developer begins construction of the canal; once it is confirmed that there is sufficient funding, the developer will build the canal to connect to the bridge; that when the canal is substantially complete, the City will award the contract for the bridge; and once the bridge is complete, the City will notify the developer to complete the water connection by removing the coffer dams.

Council members and staff discussed the following topics: that the definition of "substantially complete" includes the canal and bulkhead; the original cost of the Park Road 22 Bridge in Bond 2004; that general obligations street bonds from 2005 and 2008 will be used to fund the bridge project; that the cost of the bridge does not include a lift station and what that cost would be; the total amount of the bridge project; that the original plan did not include building a culvert; that the funding has been allocated by previous council action for this project; that the project originally included culverts under the road; that all the funding is in place for the bridge; that the City Council will award funding for the bridge once the canal and bulkhead are complete; and that if the bid for the bridge exceeds \$11 million, staff will bring back to City Council.

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

Absent: 2 - Council Member Hunter and Council Member Roy

Abstained: 0

S. BRIEFINGS: (NONE)

T. LEGISLATIVE UPDATE:

None.

U. EXECUTIVE SESSION: (ITEMS 23 - 24)

Mayor McComb referred to Executive Session Items 23 and 24. The Council went into executive session at 3:59 p.m. The Council returned from executive session at 5:26 p.m. Council Member Garza abstained on Item 23.

- 23. 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 contractual obligations pursuant to the lease of property to SQH Sports & Entertainment, Inc. near the intersection of State Highway 286 and Weber Road and areas adjacent thereto and pursuant to Texas Government Code § 551.072 to discuss and deliberate the lease and value of the aforementioned real property owned by the City 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.

24.

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, 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).

This E-Session Item was discussed in executive session.

V. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

None.

W. ADJOURNMENT

The meeting was adjourned at 5:27 p.m.