



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, June 25, 2019

11:30 AM

Council Chambers

Addendums will 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.

Mayor McComb called the meeting to order at 11:32 a.m.

B. Invocation to be given by Pastor Rick Barrera, Believe Church.

Pastor Rick Barrera gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Leticia Kanmore, Community Development Administrator, Housing and Community Development.

Leticia Kanmore 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 Zaroni, 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 4, 2019, "Mayor's 4th of July Big Bang Celebration".
Recognition of "Mayor's July 4th Big Bang Celebration" Essay Contest Winners.
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

Mayor McComb presented the proclamation and conducted the recognition and swearing-in ceremonies.

J. PUBLIC COMMENT FROM THE AUDIENCE ON MATTERS NOT SCHEDULED ON THE AGENDA WILL BE HEARD AT APPROXIMATELY 12:00 P.M. A recording is made of the meeting; therefore, please speak into the microphone located at the podium and state your name and address. If you choose to speak during this public comment period regarding an item on the agenda, you may do so. You will not be allowed to speak again, however, when the Council is considering the item. Citizen comments are limited to three minutes. If you have a petition or other information pertaining to your subject, please present it to the City Secretary. Any electronic media (e.g. CD, DVD, flash drive) that the Public would like to use while they speak MUST be submitted a minimum of 24 hours prior to the Meeting. Please contact the Public Communications department at 361-826-3211 to coordinate. All items on this agenda are considered public hearings.

Mayor McComb deviated from the agenda and referred to Public Comment. City Attorney Miles K. Risley read the Rules of Decorum for the Council Chambers. City Secretary Rebecca L. Huerta conducted the public comment period.

Doreen Kinkel, 15405 Grass Cay Court, spoke regarding short-term rentals and related taxes. Gloria Scott, 4422 S. Alameda St., thanked the Council for its recognition of Gloria Dean Randall Scott Day in Corpus Christi and for the Council's recognition of the Juneteenth celebration. Diane La Rue, 426 Cape Lookout, representing the United Corpus Christi Chamber of Commerce Foundation, spoke in support of the Mi Casa-Su-Casa initiative and the Mano-a-Mano Scholarship Foundation. Ken Baker, 7421 Idle Hour Dr., spoke regarding regulations related to setbacks from a home's foundation to the property line. Susie Luna Saldana, 4710 Hakel, thanked the Council for looking into damaged sidewalks and for adding the pledge to the Texas flag to council meetings. Ryan Moore, 1718 Kern Dr., President of the Corpus Christi Real Estate Investors' Association, and Tray Bates, 430 Cape Hatteras, on behalf of the Corpus Christi Association of Realtors, spoke in support of short-term rentals in Corpus Christi and related taxes. John Medina, 4931

Mokry Dr., spoke regarding the seating arrangement for council members during council meetings and requested that drainage issues on Mokry Drive be corrected.

BRIEFINGS: (ITEM 22)

22. 2019 Second Quarter Update on the Harbor Bridge Replacement Project.

Mayor McComb deviated from the agenda and referred to Item 22. Flatiron Dragados' Deputy Project Manager John Palmer presented information on the following topics: project sections; north and south approaches; north and south cable stayed bridge footings; Staples Street, Port Avenue, and Nueces Bay Boulevard bridge reconstructions; Stillman Avenue pedestrian bridge reconstruction; IH 37 and North Beach traffic switches; Robstown pre-cast yard; information on the project's website; and that a "sidewalk talk" event will take place on Saturday, August 31, 2019 at 10:00 a.m. in the Whataburger Field parking lot.

In response to a council member's question, Mr. Palmer stated that a revised completion date has yet to be determined with the Texas Department of Transportation.

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:

b. OTHER

1) A Read-and-Rollover event will take place on Wednesday, June 26, 2019 at the Garcia Library at 5930 Brockhampton, in conjunction with the Gulf Coast Humane Society's Adoption Event. 2) City Hall in the Mall will take place at La Palmera Mall on Saturday, June 29, 2019 from 11:00 a.m. - 5:00 p.m. 3) Most City offices will be closed for the July 4th holiday. 4) On Monday, July 8, 2019 the Water Utilities Department will hold its annual water quality report public meeting at 6:00 p.m. at 2726 Holly Road. The report is available at www.corpuschristiwater.com.

A council member recognized city staff for the City's superior water rating.

a. UTILITY BILLING UPDATE

Interim IT Director Peter Collins reported on the following topics related to delinquent utility accounts: phone communication outreach for residential and commercial accounts; that disconnections will start soon; community agencies outreach; and a request that delinquent account holders please contact the City at 361-826-2489, option 3, to make payment arrangements.

Council members and Interim Director Collins discussed the following topics: how utility disconnections will be managed; that disconnections will take place methodically, across billing cycles; preparations at City Hall for a large volume of customers; payment plans; disputing utility bills; that delinquent utility customers may call, come in to City Hall, leave a voice mail message that

utility billing office staff will return, or contact the city via e-mail to make payment arrangements for their delinquent accounts; that after this week, penalties will begin to be assessed on delinquent utility accounts; the online payment process; that utility payments can also be made at area HEB and Western Union locations; if any organizations are exempt from being disconnected and that those organizations are not included in the numbers presented to Council today; and the total dollar amount of delinquent commercial accounts.

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)

I. EXPLANATION OF COUNCIL ACTION:

K. CONSENT AGENDA: (ITEMS 2 - 17)

Approval of the Consent Agenda

Mayor McComb referred to the Consent Agenda. Council members requested that Items 6, 10, 11, 13 and 17 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 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

- 2.** Ordinance amending Ordinance No. 031751 to comply with grant requirements of the FY2018 Department of Homeland Security Grant Program by adding sections which assure in the event of loss or misuse that the funds will be returned in full by the City of Corpus Christi and authorizing the City Manager to apply for, accept, reject, alter or terminate the grant.

Enactment No: 031794

- 3.** Ordinance authorizing the acceptance of a grant from Maddie's Fund in the amount of \$5,000.00 to develop a pilot program to determine the feasibility for implementation of an Animal Care Foster Program; and appropriating the grant amount in the Police Grants Fund.

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

Enactment No: 031795

- 4.** Ordinance authorizing the acceptance and appropriation of a grant contract for the Regional Local Services System/Local Public Health

System (RLSS/LPHS) grant in the amount of \$328,736.00 from the Texas Department of State Health Services in the Health Grants for the contract period September 1, 2019 through August 31, 2021, to provide essential public health services.

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

Enactment No: 031796

5. Ordinance amending Ordinance No. 029958 by expanding the boundary of the City's Industrial District No. 2 to add approximately 213 acres to the current approximately 4,157 acres, with new acreage generally located between Callicoate Road and Rand Morgan Road and between State Highway 44 and the City Limit Boundary near Mallard Drive, which includes an existing industrial district facility.

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

Enactment No: 031797

7. Ordinance granting an easement and a temporary construction easement to Southwestern Bell Telephone, LP (SWB) across Ben Garza Park for SWB's existing facilities so that SWB can update its fiber cable system as part of the Harbor Bridge Project.

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

Enactment No: 031799

8. Ordinance approving the sale of 0.161 acres at 5205 Edinburg Circle for the highest cash offer received by real estate broker of \$22,000.00 to B.B.M.M. Homes, Inc., a Texas Corporation.

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

Enactment No: 031800

9. Ordinance approving the sale of 0.1431 acres at 7101 Edgebrook Drive for the highest cash offer received by real estate broker of \$20,000.00 to Rebecca Christine Brandauer.

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

Enactment No: 031801

12. Resolution approving FY 2019-2020 grant application for the Beach Cleaning and Maintenance Assistance Program from the Texas General Land Office for an estimated amount of \$60,000 to provide beach cleaning and maintenance on North Padre Island and Mustang Island.

This Resolution was passed on the consent agenda.

Enactment No: 031804

14. Resolution authorizing a four-year service agreement renewal for InfoCare software with Innovyze Inc. of Houston, Texas, which is used to optimize the water distribution and wastewater collection systems through computerized modeling, for a total amount not to exceed \$73,636.21, with first-year funding through the Water Fund.

This Resolution was passed on the consent agenda.

Enactment No: 031805

15. Motion authorizing a three-year service agreement with Infor (US) Inc. of Alpharetta, Georgia for Infor Expense Management subscription license and services for a total amount not to exceed \$228,846.60, with the first-year funded through Info Tech Fund.

This Motion was passed on the consent agenda.

Enactment No: M2019-097

16. Resolution authorizing a three-month Service Agreement for the purchase and installation of 14 Harris radio dispatch consoles from Dailey-Wells Communications, of San Antonio, Texas to replace consoles that have reached the end of their service life for a total amount not to exceed \$585,999.56 funded through the Information Technology (IT) Fund.

This Resolution was passed on the consent agenda.

Enactment No: 031806

6. Ordinance amending Corpus Christi Code of Ordinances Section 49-12 to require applicant(s) to provide a current fair market value appraisal for the closure of improved streets, alleys, or rights-of-way, to remove payment exemption for improved alleys, and to update outdated terms or language.

Mayor McComb referred to Item 6. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to amend Section 49-12 of the Code of Ordinances, regarding fair market value appraisals for the closure of improved streets and alleys; on June 18, 2019 Council approved the first reading of the ordinance and requested that staff amend the ordinance for second reading; the ordinance had required a current fair market value appraisal, at the applicant's expense, for improved streets and alleys, not for unimproved alleys and streets since no fair market value payment would be required; using the County Appraisal District's values for the fair market value determination, up to \$20,000; that staff has reviewed the fair market value payments for improved streets since 2016 and other municipalities' procedures; and that staff is recommending a cap of \$5,000, above which the applicant will be required to provide a current appraisal and that if County Appraisal District determines that the value of the property is \$5,000 or less, no appraisal from the applicant will be required and staff will use the County Appraisal District's value; staff also clarified that improved streets, alleys and rights-of-way are defined as being improved with asphalt or concrete.

Council members and Director Nixon-Mendez discussed the following topics: concern about the staff-recommended \$5,000 cap; if fair market valuation is required if the City initiates the closure; the particulars of previous closures, initiated and not initiated by the City; the number of improved versus not improved street closure requests; and a \$20,000 cap.

Council Member Garza made a motion to amend the ordinance by increasing the average valuation for the area to be vacated to, "exceed twenty thousand dollars", seconded by Council Member Hernandez. The motion to amend was approved with Council Members Garza, Hernandez, Hunter, Molina, Roy, Smith, and Barrera voting Aye and Mayor McComb voting No (Council Member Guajardo - absent).

Council Member Garza 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:

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

Absent: 1 - Council Member Guajardo

Abstained: 0

Enactment No: 031798

10.

Ordinance exempting The Coves at Lago Vista Unit 3C, located south of South Oso Parkway and east of King Ranch Drive, from the payment of the wastewater lot/acreage fees under section 8.5.2.G.1 of the Unified Development Code; and declaring an emergency for a one-reading action.

Mayor McComb referred to Item 10.

Council members and Director Nixon-Mendez discussed the following topics: that Items 10 and 11 are both declaring an emergency for a one-reading action so as not to delay, and thereby, potentially negatively impact the developments.

With respect to Item 10, council members and Director Nixon-Mendez discussed the following topics: master planning for the subject area; and the likelihood of having public utilities in the subject area.

With respect to Item 11, council members and Director Nixon-Mendez discussed the following topics: why septic systems are used in this area; that the required extension to connect to public sewer of approximately 3,800 feet was deemed not reasonable by the Planning Commission; that the Planning Commission made a recommendation to waive the fee; that dense development in areas near military installations is not desirable; and that the property owner intends to construct one home on the property.

With respect to Item 10, council members and Director Nixon-Mendez discussed the following topics: the number of acres developed on the south side of Oso Creek, in the buffer area, with no City sewer service; large versus

dense lot development; not wanting to continue installation of septic systems in the area; and revisiting the policy regarding installation of septic systems/requiring connection to City services.

Council Member Smith made a motion to approve the ordinances 10 and 11, seconded by Council Member Barrera. This Ordinance was passed on second reading and approved with the following vote:

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

Nay: 2 - Council Member Guajardo and Council Member Hernandez

Abstained: 0

Enactment No: 031802

- 11.** Ordinance exempting Ybarra Terrace Lot 1 located north of Weber Road and east of Oso Creek, from the payment of the wastewater lot or acreage fee under section 8.5.2.G.1 of the Unified Development Code; and declaring an emergency for a one-reading action.

The discussion regarding this Item occurred in Item 10.

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

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

Nay: 2 - Council Member Guajardo and Council Member Hernandez

Abstained: 0

Enactment No: 031803

- 13.** Motion authorizing the purchase of four heavy replacement trucks, which include one Roll-off truck and three Dump trucks to be utilized by Utilities Department, from Grande Truck Center of San Antonio, Texas, via BuyBoard Cooperative for a total amount not to exceed \$708,975.00 funded through the Wastewater Fund.

Mayor McComb referred to Item 13.

Council members and Director of Water Utilities Kevin Norton discussed the following topics: that the vehicles being replaced are auctioned off; how the life of vehicles is determined; that excessive hours or miles are also taken into consideration; including more details about the replacement vehicles and the vehicles being replaced.

Council Member Guajardo made a motion to approve the motion, seconded by Council Member Garza. This Motion 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: M2019-096

- 17.** Resolution amending City Council Policy No. 14 regarding board, commission, and committee appointment procedures to require applications to be submitted no later than 14 days prior to the appointment date.

Mayor McComb referred to Item 17.

Council members and City Secretary Rebecca L. Huerta discussed the following topics: the reason for the recommended amendment; if the recommended change to the deadline would discourage applicants; outreach to the community regarding board vacancies; the status of the current comprehensive review of City boards, commissions and committees; and that if this change negatively impacts board appointments, this policy may need to be revisited.

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

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

Abstained: 0

Enactment No: 031807

Mayor McComb requested a list of properties that are delinquent on property taxes, properties on which abatements are owed and an update regarding their status. City Attorney Miles K. Risley stated that properties on which delinquent taxes are owed are listed on a website by the law firm handling such properties for the city. Council members discussed the following topics: code enforcement violations and associated abatements versus delinquent property taxes; establishing a "tipping point" dollar value, beyond which action is taken; and a request that the legal process by which such properties are dispositioned be accelerated.

M. PUBLIC HEARINGS (ITEMS 18 - 21)

- 18.** Zoning Case No. 0519-01 Luxury Spec Homes (Council District 1): Ordinance rezoning property at or near 3802 Callicoate Road from the "FR" Farm Rural District to the "RS-4.5" Single-Family 4.5 District. Planning Commission and Staff recommend Approval.

Mayor McComb deviated from the agenda and referred to Item 18. Director of Development Services Nina Nixon-Mendez stated that the purpose of this item is to rezone a property from Farm Rural District to Single-Family District to allow for the construction of single-family homes.

Director Nixon-Mendez presented information on the following topics: aerial overview; details of the subject property; zoning pattern; and the Planning Commission's and Staff's recommendation to approve the "RS-4.5" Single-Family 4.5 District.

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

A council member and Director Nixon-Mendez discussed when City utilities were installed in the subject area in relation to development of the area.

Mayor McComb closed the public hearing.

Council Member Hunter 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

19.

Zoning Case No. 0519-02 Rick's Homes, LLC. (Council District 1): Ordinance rezoning property at or near 3030 McKinzie Road from the "RS-6" Single-Family 6 District to the "CN-1" Neighborhood Commercial District (Tract 1) and "RS-4.5" Single-Family 4.5 District (Tract 2). Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 19. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property from a Single-Family District to a Neighborhood Commercial District and a denser Single-Family District for the purpose of allowing for the construction of a commercial property and single-family homes.

Director Nixon-Mendez presented information on the following topics: aerial overview; details of the subject property; zoning pattern; and the Planning Commission's and Staff's recommendation to approve the "CN-1" Neighborhood Commercial District (Tract 1) and the "RS-4.5" Single-Family 4.5 District (Tract 2).

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

Council members and Director Nixon-Mendez discussed if there would be any impact on the public library located in the neighborhood where the subject property is located.

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

Mayor McComb closed the public hearing.

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.

Zoning Case No. 0319-04 Advanced Housing Alternatives Corporation (Council District 1): Ordinance rezoning a property at or near 509 South Carancahua Street from the "ON" Neighborhood Office District and the "RM-1" Multifamily 1 District to the "CR-2" Resort Commercial District. Planning Commission and Staff recommended Denial of the requested zoning change and Approval of zoning change to "ON/SP" Neighborhood Office District with a Special Permit.

Mayor McComb referred to Item 20. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property from a Neighborhood Office District and a Multi-Family District to a Resort Commercial District for the purpose of allowing for the construction of a senior living development consisting of 35 units.

Director Nixon-Mendez presented information on the following topics: aerial overview; details of the subject property; zoning pattern; the Planning Commission's and Staff's recommendation to deny the "CR-2" Resort Commercial District, and, in lieu thereof, approve the "ON/SP" Neighborhood Office District with a Special Permit (SP); and that the Applicant is in agreement with this recommendation.

Council members and Director Nixon-Mendez discussed the number of votes necessary to overrule or approve the Planning Commission's and Staff's recommendation.

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

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

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

Abstained: 0

21.

Zoning Case No. 0519-04 Blairtown Energy Center, LLC. (Council District 3): Ordinance rezoning property at or near 2502 and 2506 Johanna Street from the "ON" Neighborhood Office District to the "CG-2" General Commercial District. Planning Commission and Staff

recommend Denial of the requested change and approval of the zoning change to the "ON/SP" Neighborhood Office District with a Special Permit.

Mayor McComb referred to Item 21. Director of Development Services Nina Nixon-Mendez stated that the purpose of this Item is to rezone the property from a Neighborhood Office District to the General Commercial District for the purpose of allowing for the construction of an auto repair facility.

Director Nixon-Mendez presented information on the following topics: aerial overview; details of the subject property; zoning pattern; the Planning Commission's and Staff's recommendation to deny the "CG-2" General Commercial District, and, in lieu thereof, approve the "ON/SP" Neighborhood Office District with a Special Permit (SP).

Mayor McComb opened the public hearing. Mayor McComb announced that Council Member Molina was abstaining.

Council members and Director Nixon-Mendez discussed the following topics: why not rezone the subject property to "CG-2" General Commercial District; the Planning Commission's reasoning for recommending a special permit; if the special permit conveys with the property if the property is sold; the duration of the special permit; the conditions of the special permit; what nearby properties are zoned; commending the Development Services Department for its sensitivity to neighbors' concerns regarding the subject property; what happens upon expiration of the special permit; and the base zoning of the property.

Miguel Saldana, representing Blairtown Energy Center, LLC, discussed the General Commercial District zoning designation versus "ON/SP" Neighborhood Office District with a special permit in relation to the zoning of surrounding properties. Mr. Saldana stated that the Applicant is willing to accept the special permit, albeit reluctantly.

Mayor McComb closed the public hearing.

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

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

Abstained: 1 - Council Member Molina

Q. EXECUTIVE SESSION: (ITEMS 25 - 26)

Mayor McComb deviated from the agenda and referred to Executive Session Items 25 and 26. The Council went into executive session at 1:58 p.m. The Council returned from executive session at 3:00 p.m.

- 25. Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning litigation including, but not limited to, the**

cases of *City of Ingleside v. City of Corpus Christi*, including potential consideration of settlement offers and/or fees for attorneys, engineers, and other expert witnesses assisting in defense of action(s) and updates on litigation in other cases.

Mayor McComb referred to Item 25 and the following motion was considered:

Motion to authorize the City Manager or his designees to execute an amendment to the Professional Services Agreement with Chaves Obregon & Perales LLP to provide for up to \$25,000 additional funds for representation in the lawsuit of *City of Ingleside v. City of Corpus Christi*, including appeals of any rulings therein.

Council Member Guajardo made a motion to approve the motion, seconded by Council Member Barrera. 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 Molina, Council Member Roy and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: M2019-098

26. **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning legal issues related to the City's contracts related to waste management, handling, and disposal and state and federal regulations related to landfill management, disposal of solid waste, and/or recycling, including but not limited to, the City's contracts with Republic Services, Cefe Landfill Tx, LP, BFI Waste Services of North America, Inc. and BFI Waste Systems of Texas, LP. and related entities, and provisions related to mediation, arbitration, and termination of agreements for the aforementioned functions.

This E-Session Item was discussed in executive session.

L. **RECESS FOR LUNCH**

The recess for lunch was held during Executive Session Items 25 and 26.

N. **REGULAR AGENDA: (NONE)**

O. **FIRST READING ORDINANCES: (NONE)**

P. **BRIEFINGS: (ITEMS 22 - 24)**

- 23.** Short Term Rentals are rentals of overnight accommodation of less than 30 consecutive days and are subject to state and local hotel occupancy tax (HOT).

Mayor McComb referred to Item 23. Assistant City Manager Keith Selman presented information on the following topics: that the Texas Legislature did not preempt the City of Corpus Christi regarding short-term rentals (STR); a timeline to create an ordinance; that illegal activities cannot be taxed; regulating STR; the the State of Texas has an agreement with Airbnb to pay the State Hotel Occupancy Tax (SHOT); the amount of Hotel Occupancy Tax (HOT) that could have been collected since the State of Texas began collecting SHOT from Airbnb in 2017; that equity is needed among hotels, which collect SHOT and HOT, other STR providers that are currently not required to collect HOT; and that City staff will be looking at the zoning designations in which STR will be allowed and the licensing and permitting side as well.

Council members, Assistant City Manager Selman, Chief Executive Officer of the Corpus Christi Convention and Visitors Bureau Paulette Kluge and General Counsel for the Texas Hotel and Lodging Association Justin Bragiel discussed the following topics: taxes to be collected; quality of life issues in relation to where STR are allowed in the city; the legality of STR currently operating in the city; prohibiting STR in single-family residences; allowing STR in multi-family residences; the definition of STR; equitable tax collections; policing of STR; fining people for operating STR in the city; designating in which zoning districts STR will be allowed; the use of special permits to impose restrictions/conditions; other communities' best practices; if STR are required, by city ordinance, to pay HOT; the need to define STR in the city's ordinance in order to collect HOT; if STR that are paying SHOT, operating illegally if they are not paying HOT; the state statute relating to HOT; voluntary collection agreements used by STR companies; the registration process for STR; STR in relation to private property rights; the growth of STR in Corpus Christi; a holistic approach to addressing STR; health and safety concerns related to STR being located in single-family neighborhoods; the timetable for addressing STR; that HOT should be collected by STR in Corpus Christi; the Corpus Christi STR Taskforce's November 2018 recommendation to Council to pursue the creation of an ordinance addressing STR in the city; the need to address this issue quickly; the legalities of taxing STR under state statute versus in which zoning classifications within the city STR are allowed to operate; and that protecting neighborhoods is important.

- 24.** Unified Development Code Evaluation including the recommendations for the amendments and providing next steps in a multi-phased program to amend the Unified Development Code.

Mayor McComb referred to Item 24. Director of Development Services Nina Nixon-Mendez presented the following information: background relating to the Trust Fund Audit Report presented to City Council by the City Auditor in which it was recommended that the City increase the clarity of the Unified Development Code (UDC) by revising/replacing it to include language that is easily readable, understandable and interpretable; that the City's current UDC was adopted in 2011; background on the development of the current UDC; that Kendig Keast Collaborative (KKC) was hired in September of 2018 to evaluate the UDC; the City's development process goals; that KKC's report reflects input from six city boards and commissions and fifteen industry and community

groups, members of the general public and staff representing several city departments; and a history of the Development Services Department's use of enCodePlus software and its functionality.

Chief Executive Officer of KKC Bret Keast presented information on the following topics: an overview; background, including known issues from the Request for Proposal and public engagement; evaluation structure; summary of recommendations; and next steps.

Council members and Mr. Keast discussed the following topics: that the City's sign ordinance must be content neutral per a recent U.S. Supreme Court ruling; reducing the number of and consolidating zoning districts; and the overall pattern of development in the city.

Director Nixon-Mendez presented information on next steps relating to minor and major amendment timelines; related staffing; outreach; and drafting of amendments.

Council members and Director Nixon-Mendez discussed the following topics: City Charter considerations; syncing regulations in the Code of Ordinances and UDC; imposing a tax on septic system users following a grace period during which they would be required to connect to city wastewater services; limitations on the imposition of taxes by the Texas Constitution; extending the enCodePlus software license; the best way to address changes to the City's Code of Ordinances and UDC; costs associated with inefficiencies in the current UDC and existing ordinances; streamlining internal processes; the time necessary to effect the needed changes; the difficulty for developers of doing business with the City due to the current UDC and ordinances; the urgency of this item; the scope of the UDC/City Ordinance review; the cost of hiring KKC to perform the work; that Council needs timely and accurate information; addressing what is creating the greatest difficulty for developers; and a timeline to effect the requisite changes to the UDC and Code of Ordinances.

Q. EXECUTIVE SESSION: (ITEMS 25 - 27)

Mayor McComb referred to Executive Session Items 27. The Council went into executive session at 4:32 p.m. The Council returned from executive session at 5:02 p.m.

- 27. 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, industrial district agreements, agreements pursuant to Texas Local Gov't Code Chapter 212, 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 the proposed Gulf Coast Growth Ventures' chemical manufacturing facility in San Patricio County), economic development agreements relating to property currently or formerly owned by

Voestalpine, Chemours, Occidental Petroleum, Corpus Christi (CC) Alumina, Corpus Christi Liquefaction, LLC, and other entities, existing and proposed industrial facilities in San Patricio County and Nueces County that are and/or will be consumers of water, wastewater, and other services, connections to the Mary Rhodes Pipeline for facilities to supply water to entities in San Patricio County, legislation recently approved by 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.

R. IDENTIFY COUNCIL FUTURE AGENDA ITEMS

Mayor McComb referred to Identify Council Future Agenda Items. The following items were identified: beach cleanup and maintenance; and the review of the City Charter.

S. ADJOURNMENT

The meeting was adjourned at 5:03 p.m.