



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, June 9, 2020

11:30 AM

Council Chambers

Addendums may be added on Friday.

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 Mayor Joe McComb.

Mayor McComb gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag.

Mayor McComb 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.

Note: Council Members Roland Barrera and Paulette Guajardo participated by video conference. Council Member Michael Hunter participated telephonically.

Present: 8 - 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 Everett Roy, and Council Member Greg Smith

Absent: 1 - Council Member Ben Molina

- E. PUBLIC COMMENT - AUDIENCE AND PRESENTER SOCIAL DISTANCING AND PUBLIC TESTIMONY AND PUBLIC HEARING INPUT AT PUBLIC MEETINGS OF THE CITY COUNCIL.** To reduce the chance of COVID-19 transmission, public meetings will be held in a manner intended to separate, to the maximum practical extent, audience and presenters from personal contact with members of Community, City Staff, and City Council. This meeting will be broadcast at cctexas.com/services/council-meeting-agendas-minutes-video. Public testimony and public hearing input for Public Comment and all items on the agenda at public meetings of the City Council should be provided in written format and presented to the City Secretary and/or designee no later than five minutes after the start of each meeting of the City Council. Testimony and/or public input shall be in accordance with the City Secretary's instructions, which shall be posted on the City Secretary's door and on the City website, and allow for electronic submission. The written public testimony shall be provided to members of City Council prior to voting on measures for that meeting. Written testimony shall be limited in accordance with the City Secretary requirements and shall be placed into the record of each meeting. This testimony shall serve as the required public testimony pursuant to Texas Government Code 551.007 and shall constitute a public hearing for purposes of any public hearing requirement under law. The meeting may be held telephonically or via videoconference. The public may participate remotely by following the instructions of the City Secretary at cctexas.com/departments/city-secretary.

Mayor McComb referred to comments from the public.

The following people submitted public comments which are attached to the minutes:

Jeanette Roper, 7106 Windwillow Ct.; Thomas L. Stutzman; Jose Olivares, 715 S. Upper Broadway; Monico Sandoval, 4930 River Lane; Zach Crites; Juliana Pratt; Jamie Reyes; Juan and Emily Gonzales; Juan Gonzales; and Minh Nguyen.

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:

1) Safe Fun-Fit update. 2) Summer jobs available for lifeguards and the importance of lifeguards. 3) Time and location of splash pads and swimming pools. 4) Winter quarter averaging update. 5) Budget updates which include solid waste impact, hotel occupancy tax, financial policies and North Beach restrooms.

Council Members and City Manager Peter Zaroni discussed the following topics: the renovation of the North Beach restrooms.

a. GOVERNMENT ACTIONS RELATED TO CORONA VIRUS

b. OTHER

Emergency Management Coordinator Billy Delgado presented information on the following topics: Emergency Operation Center; Emergency Management Cycle; Emergency Management in Texas; Incident Command Organization Chart; Government Code 418 Texas Disaster Act; Evacuation Decision City Emergency Teams; Agencies Involved in Past Disasters; Planning and Drills; Planning Process; Communication with local, state and federal agencies; Communication with Public; Phased and Assisted Evacuation; Evacuation zones; Phased Hurricane Reentry; Proactive Approach for Disaster; and Emergency Information.

G. MINUTES:**1. Regular Meetings of May 12, 2020 and May 19, 2020**

A motion was made by Council Member Garza, seconded by Council Member Roy that the Minutes be approved. The motion carried by a unanimous 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

H. BOARD & COMMITTEE APPOINTMENTS: (NONE)**I. EXPLANATION OF COUNCIL ACTION:****J. CONSENT AGENDA: (ITEMS 2 - 20)****Approval of the Consent Agenda**

Mayor McComb referred to the Consent Agenda. Council members requested that Items 4, 12, 13 and 17 be pulled for individual consideration.

There were no comments from the Council; or written testimony from the public.

A motion was made by Council Member Roy seconded by Council Member Garza to approve the Consent Agenda with the exception of Items 4, 12, 13 and 17. The motion carried by 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

2. One-Reading Ordinance authorizing the acceptance of a grant from the Department of Justice for the FY 2020 Coronavirus Emergency Supplemental Funding Program in an amount of \$521,426.00 to fund overtime, equipment, and supplies related to the public safety response to Coronavirus for the Police and Fire Departments; and appropriating \$260,731.00 in the Police Grants Fund and \$260,695.00 in the Fire Grants Fund.

This Ordinance was passed on emergency on the consent agenda.

Enactment No: 032121

3. One-Reading Ordinance authorizing the acceptance of a grant in an amount of \$121,850.26 from the Public Health and Social Services Emergency Fund to respond to coronavirus; and appropriating \$121,850.26 into Fire Grant Fund.

This Ordinance was passed on emergency on the consent agenda.

Enactment No: 032122

4. One-Reading Ordinance approving an agreement between the City of Corpus Christi and the Corpus Christi Business and Job Development Corporation in an amount not to exceed \$500,000 for Type A funding of arterial and collector streets within the City; approving a Chapter 380 agreement in an amount not to exceed \$500,000 with Lift Fund, Inc. for a small business recovery program; appropriating \$500,000 from the unreserved fund balance of the Business and Job Development Fund for use on the arterial and collector street improvements; amending the operating and capital budget.

Mayor McComb referred to Item 4.

A Council Member and Chief Financial Officer Constance Sanchez discussed the following topics: there is a general fund for economic development and loans are paid back to the City, the City will then reimburse the Type A Corporation for the amount of the re-paid loans in three years.

Council Member Hernandez made a motion to approve the ordinance, seconded by Council Member Garza. This Ordinance was passed on emergency 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: 032123

Consent - Second Reading Ordinances

5. Zoning Case No. 0320-02, Juan Romero (District 5). Ordinance rezoning property at or near 7614 Slough Road from the “FR” Farm Rural District to the “RS-6” Single-Family 6 District. Planning Commission and Staff recommend Approval.

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

Enactment No: 032124
6. Zoning Case No. 0320-03, Mostaghasi Investment Trust (District 1). Ordinance rezoning property at or near 14206 Leos Court from the “CN-1” Neighborhood Commercial District to the “RS-6” Single-Family 6 District. Planning Commission and Staff recommend Approval.

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

Enactment No: 032125
7. Ordinance authorizing the transfer of \$590,000.00 from the Sanitary Sewer Collection Line Trust Fund, \$310,000.00 from the Water Distribution Main Trust Fund and \$375,000.00 from the Water Arterial Transmission and Grid Main Trust Fund to the Sanitary Sewer Trunk Main Trust Fund to meet the funding obligation for a Wastewater Force Main and Lift Station Construction and Reimbursement Agreement with Tamez Development approved by Council on February 18, 2020.

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

Enactment No: 032126
8. Ordinance abandoning and vacating a utility easement (5,469 square feet), with dimensions of 10-foot wide for approximately 108-feet and a 20-foot wide for approximately 220-feet, out of Block B-2E, in Cullen Place, located at 542 Airline Road for the construction of a new carwash business on the property. (District 4)

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

Enactment No: 032127
9. Ordinance authorizing the resale of 30 properties for \$253,545.00 which were foreclosed upon for failure to pay ad valorem taxes, of which the City shall receive \$29,268.51 plus \$55,116.93 for partial payment of City paving and demolition liens.

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

Enactment No: 032128

10. Ordinance adding Corpus Christi Bay, Nueces Bay, and recently annexed territory to City Council Districts; and providing for an effective date.

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

Enactment No: 032129

11. Ordinance appropriating \$3,550,000 from the Public Works reserves fund balance to the Public Works General Fund Operating Budget; amending the FY 2020 Public Works Arterial and Collector Street Preventative Maintenance Program (SPMP) Budget from \$3,440,000 to \$6,990,000 and approving the general work plan for FY 2020 for a total amended budget of \$6,990,000; with funding available from the FY 2020 Street, Stormwater, Water and Wastewater Funds.

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

Enactment No: 032130

Consent - Contracts and Procurement

12. Motion authorizing a one-year service agreement, with two additional one-year option periods with Unified Service Associates in an amount not to exceed \$93,143.76 and a three year total not to exceed \$279,431.29, for custodial services within the Police Department, with FY 2020 in the amount of \$31,047.92 available in the General Fund.

Mayor McComb referred to Item 12.

A Council Member, Police Management Services Director Pat Eldridge and Chief of Police Mike Markle discussed the following topics: a Council Member's concern regarding cleaning services for the gym and police officers' safety.

Council Member Guajardo made a motion to approve the motion, seconded by Council Member Barrera. The 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: M2020-097

13. Motion authorizing supply agreements with four vendors for a two-year period with each vendor, with one additional one-year option period to provide veterinary medicines and supplies with the following vendors: Miller Veterinary Supply in an amount not to exceed \$99,828.45 for

surgery supplies; Butler Animal Health Holding Company, LLC in an amount not to exceed \$33,954.25 for anesthetics; Elanco US, Inc. in an amount not to exceed \$122,921.00 for vaccinations; and, Midwest Veterinary Supply, Inc. in an amount not to exceed \$112,923.92 for medical supplies, with FY 2020 funding in an amount of \$46,203.45 available in the General Fund.

Mayor McComb referred to Item 13.

A Council Member and Animal Care Program Services Manager Joel Skidmore discussed the following topics: a Council Member's concern regarding how to authorize the purchasing of supplies; and that the contract amount is over what was previously used for the vaccines.

Council Member Guajardo made a motion to approve the motion, seconded by Council Member Barrera. The 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: M2020-098

- 14.** Motion authorizing a three-year service agreement with Ranger Fire Inc. in an amount not to exceed \$180,750.00 for Fire Sprinkler Inspection, Testing and Maintenance Services at 11 City owned facilities, effective upon issuance of notice to proceed, with FY 2020 funding in the amount of \$20,083.33 available through the Facilities Fund.

This Motion was passed on the consent agenda.

Enactment No: M2020-099

- 15.** Motion authorizing a three-year license agreement with Great South Texas Corp dba Computer Solutions for the amount of \$162,849.00 for the purchase of Cisco Cloud Email Security (CES) subscription license, effective upon issuance of a notice to proceed, with FY 2020 funding in the amount of \$162,849.00 available through the Information Technology fund.

This Motion was passed on the consent agenda.

Enactment No: M2020-100

Consent - Capital Projects

- 16.** Motion awarding a construction contract to Mako Contracting, LLC, for reconstruction of Lipps Boulevard from Yorktown Boulevard to Sun Wood

Drive, located in Council District 5, with new asphalt pavement and minor utility improvements in the amount of \$2,023,240.09, with funding available from the Street Bond 2018 Program, and FY2020 Storm Water, Wastewater, Water and Gas Funds.

This Motion was passed on the consent agenda.

Enactment No: M2020-101

17.

Resolution authorizing four construction contracts totaling \$13,718,317.62 for the Residential Street Rebuild Program as follows: for street reconstruction with Rovam Texas LLC in an amount of \$4,540,292.03, for street rehabilitation with JE Construction Service in an amount of \$3,081,597.49, Haas-Anderson Construction Ltd. in an amount of \$3,131,483.15, and Haas-Anderson Construction Ltd. in an amount of \$2,964,944.95, located City-wide, with funding available from the Street Bond 2018 Program and FY2020 Storm Water, Wastewater, Water and Gas Funds.

Mayor McComb referred to Item 17.

Council Members, Director of Engineering Services Jeff Edmonds, Assistant City Attorney Janet Whitehead and Capital Improvement Program Manager Kamil Taras discussed the following topics: there were no bids received on Base Bid C; staff recommends awarding Base Bid C to JE Construction Services, LLC because 1) they submitted a competitive bid on Base Bid E and 2) the necessity of preserving the public health and safety of residents; all streets are considered health and safety concerns in dealing with public safety vehicles; the law is for all contracts over \$50,000 to be bid unless there is an exception which is to preserve or protect public safety and health; a Council Member was in favor of the resolution with the exception of Base Bid C; JE Construction agreed to postpone the work and hold the pricing until January 2021; there is a benefit to giving JE Construction the bid, as well as avoiding a lawsuit; there will be new bids on some of the residential streets; a Council Member commended City Manager Zanoni for good management on this project; where does the funding come from if there are change orders and if it's not part of the contract; and Council Members have not been provided with change orders in the last year.

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

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

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 032131

General Consent Items

18. Resolution authorizing the submission of a grant application in an amount of \$410,973.00 to the Automobile Burglary and Theft Prevention Authority to continue the Motor Vehicle Theft Unit activities in the Police Department with a City cash match of \$746,168.00 to fund three sworn officers and two civilians, an in-kind match of \$63,727.00 and a program income match of \$2,161.00 for a total budget of \$1,223,029.00.

This Resolution was passed on the consent agenda.

Enactment No: 032132

19. Resolution approving FY 2020-2021 grant application for the Beach Cleaning and Maintenance Assistance Program from the Texas General Land Office for an estimated amount of \$70,000 to provide beach cleaning and maintenance on North Padre Island and Mustang Island.

This Resolution was passed on the consent agenda.

Enactment No: 032133

20. Resolution approving participation in the Nueces County Community Action Agency programs to provide utility assistance to eligible City utility customers.

This Resolution was passed on the consent agenda.

Enactment No: 032134

K. RECESS FOR LUNCH

The recess for lunch was held during Executive Session Item 28.

L. PUBLIC HEARINGS: (ITEMS 21 - 23)

21. Zoning Case No. 0420-01, Mostaghasi Enterprises, Inc. (District 5). Ordinance rezoning property at or near 8102 Yorktown Boulevard from the "FR" Farm Rural District to the "RS-6" Single-Family 6 District and "CG-2" General Commercial District. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 21.

Assistant Director of Development Services Mike Dice presented information on the following topics: the purpose of this item is to allow for the construction of single family homes and commercial properties along Yorktown Road; aerial overview; zoning pattern; and Planning Commission's and staff's recommendation.

Council Members and Mr. Dice discussed the following topics: if the zoning is at two feet above base flood elevation, then homeowners will save money; a Council Member's concern of the condition of Yorktown Road between Flour

Bluff and Rodd Field Road; a Council Member's desire to extend Rodd Field Road to Oso Parkway; and a Council Member's concern about how narrow Yorktown Road is.

Mayor McComb opened the public hearing. There was no written testimony from the public. Mayor McComb closed the public hearing.

Council Member Hernandez 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

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 032136

- 22.** Zoning Case No. 0420-02, Branch Towers III. LLC. (District 3). Ordinance rezoning property at or near 4701 Ayers Street from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit. Planning Commission and Staff recommend Approval.

Mayor McComb referred to Item 22.

Assistant Director of Development Services Mike Dice presented information on the following topics: the purpose of this item is to allow for the construction of a 120 foot telecommunications tower; aerial overview; zoning pattern; and Planning Commission's and staff's recommendation.

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

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: 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: 032137

- 23.** Ordinance closing, abandoning and vacating an unimproved 1.8-acre portion of Starry Road out of Flour Bluff and Encinal Farm and Garden Tracts for development of a new subdivision. (District 5)

Mayor McComb referred to Item 23.

Assistant Director of Development Services Mike Dice presented information on the following topics: the purpose of this item is to abandon and vacate a 20-foot wide unapproved street; vicinity map; aerial overview; and staff's recommendation.

Council Members, Mr. Dice and City Attorney Miles Risley discussed the following topics: there is no compensation for undeveloped property; and if there will be any issues for public safety vehicles by removing this road.

Mayor McComb opened the public hearing. There was no written testimony from the public. Mayor McComb closed the public hearing.

Council Member Guajardo 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 Roy and Council Member Smith

Absent: 1 - Council Member Molina

Abstained: 0

Enactment No: 032138

M. REGULAR AGENDA:

N. FIRST READING ORDINANCES: (ITEMS 24 - 27)

- 24.** Ordinance accepting a grant in the amount of \$228,129.00 from the State of Texas Governor's Homeland Security Grants Division for Operation Stonegarden for border security; and appropriating \$228,129.00 in the Police Grants Fund.

Mayor McComb referred to Items 24-27.

In relation to Item 27, Council Members and City Manager Peter Zaroni discussed the following topics: the importance of lifeguards and keeping the beaches safe.

There was no written testimony from the public.

Council Member Smith made a motion to approve Items 24-27, seconded by Council Member Garza. These Ordinances were passed on first reading and approved by one 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: 032139

25. Ordinance authorizing the acceptance of a grant from the Office of the Attorney General-Office of Juvenile Justice and Delinquency Prevention for the Internet Crimes Against Children (ICAC) Task Force program, in the amount of \$10,000.00 to purchase equipment and supplies for the ICAC program within the Police Department; and appropriating the \$10,000.00 in the Police Grants Fund.

This Ordinance was passed on first reading and approved by one vote (see Item 24).

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: 032140

26. Ordinance authorizing acceptance of \$15,000 grant from the Coastal Bend Regional Advisory Council for the City's WebEOC operations; and appropriating \$15,000 into Fire Grant Fund.

This Ordinance was passed on first reading and approved by one vote (see Item 24).

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: 032141

27. Ordinance authorizing the Interlocal Agreement with Nueces County for City Lifeguard Services. The City will provide 4 lifeguards at the public beach within Nueces County Padre Balli Park from 3 lifeguard stands dispersed between Access Roads 5 and 6 for the period of May 22 through September 7, 2020. Nueces County will reimburse the City for the costs of lifeguard services, equipment and supplies at a cost of \$40,700 to be appropriated into the General Fund.

This Ordinance was passed on first reading and approved by one vote (see Item 24).

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: 032142

O. **BRIEFINGS:**

P. **EXECUTIVE SESSION: (ITEM 28)**

28. **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 sales taxes remitted by Comptroller, refund required pursuant to audit of sales tax payments, legal remedies, rights, and applicable laws, and potential litigation related thereto.**

Mayor McComb referred to Executive Session Item 28. The Council went into executive session at 1:24 p.m. The Council returned from executive session at 2:02 p.m.

Q. **IDENTIFY COUNCIL FUTURE AGENDA ITEMS**

Mayor McComb referred to Identify Council Future Agenda Items.

Council Members and City Manager Peter Zanoni discussed the following topics: a Council Member's request to get an update on the water towers; a Council Member's request to have a change order report provided on a quarterly basis; and a Council Member's request for a two-foot floor board report.

R. **ADJOURNMENT**

The meeting was adjourned at 2:09 p.m.