



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

City Council

Tuesday, September 21, 2021

11:30 AM

Council Chambers

Addendums may be added on Friday.

A. Mayor Paulette M. Guajardo to call the meeting to order.

Mayor Guajardo called the meeting to order at 11:35 a.m.

B. Invocation to be given by Mayor Paulette Guajardo.

Jude Guajardo gave the invocation.

C. Pledge of Allegiance to the Flag of the United States and to the Texas Flag to be led by Patrick Colunga, Richard King High School Student.

Patrick Colunga, Richard King High School student, led the Pledge of Allegiance to the Flag of the United States and to 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 Member Smith joined at 12:05 p.m. Council Member Hunter joined at 12:30 p.m. and participated by video conference.

Present: 9 - Mayor Paulette M. Guajardo, Council Member Roland Barrera, Council Member Gil Hernandez, Council Member Michael Hunter, Council Member Billy A. Lerma, Council Member John Martinez, Council Member Ben Molina, Council Member Mike Pusley, and Council Member Greg Smith

E. Proclamations / Commendations

1. [21-1255](#) Proclamation declaring October 2, 2021 as "Coastal Bend Heart Walk Day".
Proclamation declaring October 5, 2021 as "National Night Out Day".
Proclamation declaring September 15, 2021 - October 15, 2021 as "National Hispanic Heritage Month".
Swearing-In Ceremony for Newly Appointed Board, Commission, Committee and Corporation Members.

The Proclamations and Swearing-In Ceremony were presented.

F. PUBLIC COMMENT:

Mayor Guajardo opened the public comment period.

Melissa Zamora, 3917 Brawner Parkway, spoke in opposition to the desalination plant funding in the proposed Capital Improvement Program (CIP) budget that Council passed.

Bill Green, Texas A&M Forest Service, South Texas Regional Forester and John Wood, 1122 Sea Lane spoke in support of Item 18.

Larry White, 5506 Sarazen Dr., spoke in support of the desalination plant.

James Klein, 3501 Monterrey St., spoke regarding an event being held on September 26, 2021 called the Electric Vehicle Rally.

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

Mayor Guajardo referred to City Manager's comments.

a. Infrastructure Management Plan (IMP) Quarterly Update (May through June)

City Manager Peter Zanoni gave a quarterly report on the FY 2021 streets projects.

b. Education to Employment Partners Program Overview by Jeffrey West, Director of Programs and Operations

Director of Programs and Operations for Education to Employment Partners Jeffrey West stated that the Education to Employment Partners Program, formerly known as Citizens for Education Excellence, is a program that allows Senior high school students an opportunity to work from 2 p.m. to 5 p.m., gaining valuable work experience. Coastal Compass Education and Career Resource Center is a one-stop education and workforce destination in the country.

c. Oso Bay Wetlands Preserve StoryWalk Trail Overview by Sara Jose, Oso Bay Wetlands Preserve Manager

Oso Bay Wetlands Preserve Manager Sara Jose stated that the mission within the Parks Department is to enhance the community's understanding for the need to preserve our natural resources and presented information on the following topics: programs-education, recreation and access; and 2021 Heart Your Park.

H. BOARD & COMMITTEE APPOINTMENTS:

- 2. [21-1300](#) Corpus Christi B Corporation (3 vacancies)
Corpus Christi Business and Job Development Corporation (3 vacancies)**

Mayor Guajardo referred to Item 2. After considering the legal opinion, tabled from the

09/14/21 motion, the following board appointments were made:

Corpus Christi B Corporation and Corpus Christi Business and Job Development Corporation:

Scott Harris (Reappointed)

John Valls (Reappointed)

Alan Wilson (Reappointed)

I. EXPLANATION OF COUNCIL ACTION:

J. CONSENT AGENDA: (ITEMS 3 - 13)

Approval of the Consent Agenda

Mayor Guajardo referred to the Consent Agenda. Council Members requested that Items 5, 7, 8, 11, 12 and 13 be pulled for individual consideration.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

3. [21-1293](#) Approval of the September 14, 2021 Regular Meeting Minutes.

The Minutes were approved on the consent agenda.

4. [21-1198](#) One-Reading Ordinance appropriating \$293,171 in additional funding from the Texas Department of State Health Services grant contract for Public Health Crisis Response Cooperative Agreement to perform monitoring and possible mitigation activities to address Coronavirus for the contract period through March 15, 2022.

This Ordinance was passed on emergency on the consent agenda.

Enactment No: 032559

Consent - Second Reading Ordinances

5. [21-1211](#) Ordinance authorizing acceptance of grant funds in an amount of \$182,000.00 from the Texas Department of Transportation for the 2022 Comprehensive Selective Traffic Enforcement Project for overtime for police officers to increase traffic enforcement in the city limits with a City match of \$57,234.24 in fringe benefits and fuel expenses with funds available from the FY 2022 General Fund; and appropriating \$182,000.00 in the Police Grants Fund.

Mayor Guajardo referred to Item 5.

Council Members, Police Chief Mike Markle and City Manager Peter Zanoni discussed the following topics: the goal for Vision Zero is zero deaths on the roadways, sidewalks and waterways; and Council Members' request for traffic support from Corn Products Road to Calallen.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032560

Consent - Procurement

6. [21-1210](#) Resolution authorizing a two-year service agreement extension to provide investment advisor services with Meeder Public Funds, Inc., in an amount not to exceed \$60,000.00 for the first of two option periods, effective September 4, 2021, with first year funding available in the FY 2021-2022 Budget through the General Fund.

This Item was postponed until October 12, 2021.

7. [21-1199](#) Motion authorizing a three-year supply agreement with two additional one-year period options with G.P. Transport, Inc., of Gregory, Texas, for Sandy Loam Soil for the Public Works Storm Water Operations for an estimated amount of \$165,000.00 for the first three years and an estimated amount of \$58,000.00 for each one-year option, for a total estimated five-year amount not to exceed \$281,000.00, with funding requested in the FY 2022 proposed budget in an amount not to exceed \$55,000.00 available through the Storm Water Fund.

Mayor Guajardo referred to Item 7.

A Council Member and Interim Director of Public Works Rolando Mata discussed the following topics: this supply agreement locks in the prices for the next five years.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: M2021-182

8. [21-1079](#) Motion authorizing a one-month service agreement with Reiter ABC & Ass., Inc. of Corpus Christi, Texas in an amount not to exceed \$77,675.00 for performing improvements along right of ways in North Beach with FY 2021 funding available through the General Fund.

Mayor Guajardo referred to Item 8.

Council Members, Interim Director of Parks and Recreation Dante Gonzalez, City Manager Peter Zanon and Assistant City Manager Neiman Young discussed the following topics: Council Members' concern that decomposed granite would not weather well in the North Beach area because of flooding; and a Council Member's request to consider using river rock or similar material heavier than decomposed granite.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: M2021-183

General Consent Items

9. [21-1030](#) Motion authorizing an amendment to the Service Agreement with BlueCross BlueShield of Texas, a Division of Health Care Service Corporation, to add stop loss coverage for the City's self-funded employee health benefits from October 1, 2021 to September 30, 2022 with funding in the FY 2022 Operating Budget in an estimated amount of \$3,252,100.00 through the Fire, Police and Citicare Employee Health Funds.

This Motion was passed on the consent agenda.

Enactment No: M2021-184

10. [21-1214](#) Resolution amending the City Council Policy 29 - Charitable Care Policy for City Emergency Medical Services specifying guidelines for waiving Emergency Medical Services charges to increase the income requirements for patients eligible to participate in Government Healthcare Programs from at or below 200% to at or below 400% the Family Poverty Line.

This Resolution was passed on the consent agenda.

Enactment No: 032561

11. [21-0872](#) Resolution authorizing a three-year agreement with Coastal Bend Air Quality Partnership for Ozone Program to address issues related to air quality in an

amount of \$25,000 annually.

Mayor Guajardo referred to Item 11.

Interim Director of the Coastal Bend Air Quality Partnership Gretchen Arnold presented information on the following topics: Coastal Bend Air Quality Partnership; Corpus Christi urban airshed; impacts to air quality; partnership accomplishments; airshed ozone trending; economic impact; critical action economic impacts of non-attainment; challenges and critical response; critical response-next steps; transition team; transition team accomplishments; average annual operating budget; current financial commitments; and transition goals.

Council Members, Director Arnold and Program Manager of the Pollution Prevention Partnership at Texas A&M Corpus Christi University Trent Thigpen discussed the following topics: a Council Member recommends that the City look into the auto check program and the fleet testing program to ensure that all vehicles are in compliance with the Environmental Protection Agency (EPA) standards.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032562

12. [21-1215](#) Motion approving a five-year Business Incentive Agreement between the Corpus Christi B Corporation and Texas A&M University - Corpus Christi (TAMU-CC) in the amount of \$4,000,000 for the Lone Star Unmanned Aircraft System Center downtown, effective upon signature of the City Manager or designee.

Mayor Guajardo referred to Item 12.

Council Members, President and CEO with the Corpus Christi Regional Economic Development Corporation Iain Vasey and President of Texas A&M Corpus Christi University Dr. Kelly Miller discussed the following topics: the timeline for completion is within the next three years; and certification is required through the Federal Aviation Administration (FAA) to become a drone pilot.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: M2021-185

13. [21-1256](#) Resolution authorizing outside city limits water contract with J and N Hill Country Investments, LLC, to provide public water to its property located outside the city limits described as Hale Horse Ranch, Block 1, Lot 1, also commonly known by its street address as 1851 Co. Rd. 32, located nearest City Council District 3, under Corpus Christi Code Section 55-113.

Mayor Guajardo referred to Item 13.

Council Members and City Attorney Miles Risley discussed the following topics: a Council Member's request to have these contracts authorized administratively rather than brought to Council.

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

Aye: 9 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

Enactment No: 032563

K. RECESS FOR LUNCH

Mayor Guajardo recessed the Council meeting for lunch at 1:56 p.m. Executive Session Item 25 was held during the lunch recess. Mayor Guajardo reconvened the meeting at 2:45 p.m.

M. INDIVIDUAL CONSIDERATION ITEMS: (ITEM 17)

17. [21-1274](#) Motion approving the format and terms of the proposed petition, cover sheet, and Service Plan for a proposed Corpus Christi Tourism Public Improvement District.

Mayor Guajardo deviated from the agenda and referred to Item 17.

Council Members, CEO and President of Visit Corpus Christi Brett Oetting, President and CEO of the Texas Hotel & Lodging Association Scott Joslove and City Manager Peter Zaroni discussed the following topics: the Tourism Public Improvement District (TPID) will allow sales and marketing for tourism promotion; a non-profit corporation will be created, and that corporation will have a Board of Directors that will consist of hoteliers and will work under a contract with the City and the CVB; and the board will have approximately 10 members.

Mayor Guajardo opened the public comment.

There were no comments from the public.

Mayor Guajardo closed the public comment.

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

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

Enactment No: M2021-186

L. PUBLIC HEARINGS: (ITEMS 14 - 16)

14. [21-1178](#) Zoning Case No. 0821-01, Jeffery C. Lundquist: (District 4) Ordinance rezoning a property at or near 4121 Waldron Road from the "FR" Farm Rural District to the "RE" Estate Residential District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 14.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; air installation compatibility use zone; and planning commission and staff recommend approval.

Mayor Guajardo opened the public hearing.

There were no comments from the Council or the public.

Mayor Guajardo closed the public hearing.

Council Member Smith 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 Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

15. [21-1179](#) Zoning Case No. 0821-03, Sima and Steve, Inc.: (District 2) Ordinance rezoning

property at or near 3413 South Staples Street from the "ON" Neighborhood Office District to the "CN-1" Neighborhood Commercial District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 15.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; and planning commission and staff recommend approval.

A Council Member and Director Raymond discussed the following topics: the purpose of this item is for the allowance of commercial uses in tenant spaces.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

Council Member Molina 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: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

16. [21-1189](#) Zoning Case No. 0821-02, Dominga Flores: (District 1) Ordinance rezoning property at or near 3617 Violet Road from the "FR" Farm Rural District to the "RS-22" Single-Family 22 District. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 16.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; zoning pattern and adjacent development; public notification; and planning commission and staff recommend approval.

A Council Member and Director Raymond discussed the following topics: the purpose of this item is to bring the property into compliance so the owner can sell it.

Mayor Guajardo opened the public hearing.

There were no comments from the public.

Mayor Guajardo closed the public hearing.

Council Member Lerma 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: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

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

18. [21-1222](#) Ordinance amending the Unified Development Code to establish tree requirements in residential street yards for new construction within the City and its extraterritorial jurisdiction, reducing impermeable surface allowed in residential street yards, increasing open space requirements for residential street yards, modifying landscaping requirements for residential districts; modifying alternative compliance for landscaping; and providing for penalty. (Planning Commission and Staff recommend Approval)

Mayor Guajardo referred to Item 18.

Director of Development Services Al Raymond presented information on the following topics: facts about Corpus Christi; why now?; positive contributions; tree survey; existing development; new development; street yard planting requirements; implementation plan; tree types; site plan; existing development; maintenance and enforcement; and planning commission and staff recommend approval.

Council Members and Director Raymond discussed the following topics: a Council Member's concern of not having ADA accessibility of the new development in District 5; a one-inch tree caliper costs about \$150; and some developers do not plant trees at new homes, so homeowners are planting their own trees.

Mayor Guajardo opened the public comment.

There were no public comments.

Mayor Guajardo closed the public comment.

Council Member Smith made a motion to approve the ordinance, seconded by Council Member Lerma and passed unanimously.

Council Member Martinez made a motion to amend the ordinance to remove the following paragraph from Article 7B: Properties with existing development that has been

in place since or before October 1, 2021 and do not meet the minimum landscape requirements of this Section shall be considered nonconforming. Nonconforming landscape may continue until such time a building permit is issued for any of the following, seconded by Council Member Pusley and passed unanimously.

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

Aye: 8 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Absent: 1 - Council Member Hunter

Abstained: 0

19. [21-1257](#) Ordinance authorizing a second amendment to the Wastewater Lift Station Construction and Reimbursement Agreement with Peterson Properties, Ltd. to construct the Wastewater Lift Station for the Greenwood Service Area 5 and according to the Wastewater Master Plan approved on July 6, 2020 and located at the intersection of Westpoint Rd. and S. Padre Island Drive (Highway 358 FWY); and appropriating \$33,921.16 from the Wastewater Trunk System Trust Fund to reimburse developer. (District 3)

Mayor Guajardo referred to Item 19.

Director of Development Services Al Raymond presented information on the following topics: aerial overview; parcel vicinity map; lift station location; and trust fund balance as of July 31, 2021.

Mayor Guajardo opened the public comment.

There were no comments from the Council or the public.

Mayor Guajardo closed the public comment.

Council Member Barrera 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 Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Hunter, Council Member Lerma, Council Member Martinez, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 0

20. [21-1221](#) Ordinance amending Chapter 21 of the Corpus Christi Code by adding compliance provisions pertaining to recyclables, use of recycling carts, and establishing a special collection fee for servicing contaminated carts.

Mayor Guajardo referred to Item 20.

Director of Solid Waste David Lehfeldt presented information on the following topics: historical contamination; what is contamination; what items are considered contamination; cost of contamination; recycle clean; Way Forward; and staff recommends approval.

Council Members and Director Lehfeldt discussed the following topics: the top items that are recycled in our City are cardboard and paper; and a Council Member's suggestion to remove the recycle carts from households who are putting trash, landscape clippings, or other non-recyclable items in their cart.

Mayor Pro Tem Lerma opened the public comment.

There were no public comments.

Mayor Pro Tem Lerma closed the public comment.

Council Member Smith 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: 6 - Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Martinez, Council Member Molina and Council Member Smith
Nay: 1 - Council Member Pusley
Absent: 2 - Mayor Guajardo and Council Member Hunter
Abstained: 0

O. BRIEFINGS: (ITEM 21)

21. [21-1288](#) Water Utilities staff will provide a seawater desalination briefing to Mayor and City Council members. This briefing will answer any questions and deliver beneficial information following staff's previous workshop from July 2021.

Mayor Guajardo referred to Item 21.

Chief Operations Officer Mike Murphy, Water Resource Manager Esteban Ramos, Environmental Engineer Maria Corona, Director of Operations Kevin Norton and Strategic Communications Manager Amber Oetting presented information on the following topics: a history of Corpus Christi water; credibility and expertise; what would it take; San Patricio Municipal water District pipeline; environmental discharge study; comparing production cost; what is seawater desalination; and staff's recommendation.

Council Members, Chief Operations Officer Murphy, Strategic Communications Manager Oetting, Water Resource Manager Ramos, Environmental Engineer Corona, Director of Operations Norton, San Patricio Water District General Manager Brian Williams, Assistant Director of Water Quality and Treatment Gabriel Ramirez, Professional Engineer with Freese and Nichols Jason Cocklin, and Assistant Director of Wastewater Daniel Deng discussed the following topics: the maximum production at the Inner Harbor site is 30 Million Gallons Per Day (MGD); whether or not the pipeline that was constructed from the O.N. Stevens plant to the Exxon plant can be used to transport water back and forth; the O.N. Stevens plant is currently pumping about 75 MGD; a Council Member's request for more information on the water exchange; CC Polymers desalination plant currently only creates raw water; the permit for discharge has to account for high salinities in the Bay; the City must decide that a procurement method brings the best value and those decisions include ownership, financing, design, construction, operations and maintenance; a Council Member's request for more information from other sources before making a decision; cost is the key element when it comes to a desalination plant; a Council Member's request to change the projections based on 5,000 gallons per month for residential customers to 1,000 gallons per month; a 30 MGD plant would create about four truckloads of sludge a day; if a 20 MGD plant is built, the estimated rate for all users will go up about \$.35 per year for the next ten years; either the Inner Harbor or La Quinta plant will cover about \$96M in debt services; as of 2014 up until now, the City has spent about \$4.5M towards desalination; and the Request for Qualifications (RFQ) process was completed in 2014 and overseen by Dr. Daniel Deng, Assistant Director of Wastewater.

P. EXECUTIVE SESSION: (ITEMS 22 - 25)

Mayor Guajardo referred to Executive Session Items 21, 23 and 24. The Council went into Executive Session at 5:58 p.m. The Council returned from Executive Session at 7:51 p.m.

22. [21-1282](#) **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 Robert's Rules of Order, firearms, Texas Penal Code §§ 30.06 and 30.07, Texas Government Code § 551.007, AG Op. No. KP-0300, *Ream v. City of Heath*, and related statutes, cases, and other laws regarding public comment, public forums, and the First and Fourteenth Amendments to the U.S. Constitution.**

This E-Session Item was withdrawn.

23. [21-1284](#) **Executive Session pursuant to Texas Government Code § 551.071 and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning construction claims including, but not limited to, the acquisition and negotiation of property rights in the Harbor Del Sol Marina and Texas Government Code § 551.072 to discuss and deliberate the potential lease, sale, and/or value of real property rights in said marina, 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.

24. [21-1283](#) **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning construction claims and litigation including, but not limited to, the case of *City of Corpus Christi v. JS Haren Company* and *Merchants Bonding Company* and legal issues related to the McBride Lift Station and Force Main Improvements Project.

This E-Session Item was discussed in executive session.

25. [21-1285](#) **Executive Session pursuant to Texas Government Code § 551.071** and Texas Disciplinary Rules of Professional Conduct Rule 1.05 to consult with attorneys concerning construction claims and litigation including, but not limited to, the case of *State of Texas and City of Corpus Christi v. Valero Marketing and Supply Company* and *Ergon Asphalt and Emulsions, Inc.*, including potential consideration of a settlement offer in the amount of approximately \$2.6 million and the City's obligation to implement a Backflow Prevention Project.

This E-Session Item was approved after executive session.

The following motion was considered:

Motion to authorize the City Manager to execute all documents necessary to settle the future lawsuit of State of Texas and City of Corpus Christi v. Valero Marketing and Supply Company and Ergon Asphalt and Emulsions, Inc., and all documents necessary to receive and administer approximately \$1.3 million from the two defendants to be used for the reimbursement to the City for its expenditures incurred for a Backflow Prevention Compliance Project intended to reduce the risk to the City's water supply posed by commercial and industrial connections.

Aye: 7 - Mayor Guajardo, Council Member Barrera, Council Member Hernandez, Council Member Lerma, Council Member Molina, Council Member Pusley and Council Member Smith

Abstained: 2 - Council Member Hunter and Council Member Martinez

Enactment No: M2021-187

Q. ADJOURNMENT

There being no further business, Mayor Guajardo adjourned the meeting at 7:51 p.m.